



CITY OF SOMERVILLE, MASSACHUSETTS  
ZONING BOARD OF APPEALS  
JOSEPH A. CURTATONE, MAYOR

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DANIELLE FILLIS  
ELAINE SEVERINO (ALT.)

**Case #: ZBA 1998-37-R0208**  
**Site: 15 Weston Avenue**  
**Date of Decision: April 2, 2008**  
**Decision: *Revision Approved with Conditions***  
**Date Filed with City Clerk: April 16, 2008**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Sprint Wireless Broadband Company, LLC, affiliate of Sprint Spectrum
<b>Applicant Address:</b>	9 Crosby Drive, Bedford, MA 01730
<b>Property Owner Name:</b>	Somerville Housing Authority
<b>Property Owner Address:</b>	30 Memorial Road, Somerville, MA 02145
<b>Agent Name:</b>	Ricardo Sousa, Esq.
<b>Agent's Address:</b>	Prince, Lobel, Glovsky & Tye, LLP 100 Cambridge Street, Suite 2200 Boston, MA 02114
<b><u>Legal Notice:</u></b>	Applicant Sprint Wireless Broadband Company, LLC, and Owner Somerville Housing Authority are requesting a revision to the Special Permit # ZBA 1998-37 to modify existing wireless facility.
<b><u>Zoning District/Ward:</u></b>	NB zone/Ward 7
<b><u>Zoning Approval Sought:</u></b>	Revision to Special Permit #1998-37
<b><u>Date of Application:</u></b>	February 19, 2008
<b><u>Date(s) of Public Hearing:</u></b>	3/5, 3/19 & 4/2/08
<b><u>Date of Decision:</u></b>	April 2, 2008
<b><u>Vote:</u></b>	5-0

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Appeal #ZBA 1998-37-R0208 was opened before the Zoning Board of Appeals at Somerville City Hall on March 5, 2008. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

## **DESCRIPTION:**

Applicant Sprint Wireless Broadband Company, LLC, and Owner Somerville Housing Authority are requesting a revision to the Special Permit # ZBA 1998-37 to modify existing wireless facility. RB zone. Ward 7.

The original special permit allowed the application to install nine façade-mounted panel antennas, a 5' x 3' x 6' equipment cabinet and connecting cables.

The Applicant received an approval to revise the Special Permit (1998-37a) to install a second, approximately 5' x 3' x 6', equipment cabinet.

The present application seeks to:

1. Add three WiMAX antennas to the Facility
2. Add six lines of coaxial cable to be routed and concealed inside the existing cable tray
3. Add one GPS antenna
4. Add two cabinets (30"d x 36"w x 75"h and 30"d x 32"w x 71"h) located on the existing equipment platform
5. Add two backhaul dishes to an existing penthouse

The revisions are shown on the plans stamped in to the OSPCD on February 22, 2008. Notices have been mailed to abutters and the case advertised in the newspaper.

The Applicant stated that the "...WiMAX technology will allow Sprint-Nextel subscribers wireless data delivery and reception capabilities at speeds currently seen with DSL and T-1 connectivity. This installation will benefit the City of Somerville residents by offering a wireless option and increased competition to high speed data consumers."

## **FINDINGS FOR SPECIAL PERMIT REVISION:**

The additions are consistent with the original special permit. The three WiMAX antennas would be visible from the street; however, they would not increase the visual obtrusiveness of the existing equipment. The new antennas would be of similar size and appearance as the current antennas. The new lines of coaxial cable would be concealed in the existing cable tray. The equipment cabinets and GPS antenna would be located approximately 26 feet from the sides of the roof in order not to be visible from the surrounding area. The backhaul dishes would be mounted on the existing penthouse in the center of the roof, where they would be minimally visible from the street. The building is 8 stories and the surrounding buildings the antennas are unlikely to affect the surrounding neighborhood of shorter buildings.

## **DECISION:**

Present and sitting were Members Acting Chairperson Susan Fontano, Richard Rosetti, Danielle Fillis, Scott Darling and Elaine Severino. Upon making the above findings, Acting Clerk Richard Rossetti made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted (5-0) to **APPROVE** the request. In addition the conditions attached to the special permit would still apply and are repeated here, modified to reflect the current plans and with additional conditions attached related to compliance with the noise ordinance and Federal Communication Commission Guidelines for human exposure to electromagnetic fields.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1.	Approval is for a wireless communication facility and based on plans 02-18-08 stamped into O.S.P.C.D. on February 22, 2008. Any alterations to these plans must be submitted to the Zoning Board of Appeals for review and approval;	BP/CO	ISD/PLNG	
2.	All stealth vent pipes and equipment cabinets must be painted to match, as closely as possible, the surrounding colors and materials of the building;	BP/CO	ISD/PLNG	
3.	Prior to a request for final sign-off on a building permit, the Applicant must obtain an updated Certificate of Compliance from the Fire Prevention Bureau;	CO	FP	
4.	Any antenna that is not operated continuously for a period of twelve (12) months shall be considered abandoned, and the owner of such antenna shall remove the same within ninety (90) days of notice from the City of Somerville informing the owner of such abandonment.	CONT.	ISD	
5.	Compliance with Noise Control Ordinance. Prior to the issuance of a Certificate of Use and Occupancy Permit for the installation of the wireless telecommunications facility, the Board of Appeals, a sound level measurement certified as accurate by a professional acoustician and shall perform such sound level measurements to document that all of the Applicant's installed equipment complies and continues to comply with the decibel level standards established by the City of Somerville, Noise Control Ordinance. The Applicant shall provide the results of such measurements and certify that the facility complies with the decibel level standards established by the City of Somerville, Noise Control Ordinance, with a copy to the Zoning Board of Appeals.	CO	Police Dept.	
6.	Compliance with Federal Communications Commission Guidelines for Human Exposure to Electromagnetic Fields. To ensure compliance with the standards established by the Federal Communications Commission Office of Engineering and Technology ("FCC") in OET Bulletin 65 as adopted by Massachusetts Department of Public Health under 105 CMR122.021, the Applicant shall perform measurements, within two (2) months of the date that the Applicant's wireless telecommunications facility commences operation and at intervals of twelve (12) months thereafter, to establish that the Applicant's wireless telecommunications facility complies and continues to comply with the FCC guidelines and applicable state regulations for human exposure to radio frequency electromagnetic fields for human exposure to	CO	Health Dept.	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
	radio frequency electromagnetic fields. The Applicant shall provide the results of such measurements with certification of compliance to the City of Somerville Health Department, with a copy to the Zoning Board of Appeals.			
7.	The Applicant is responsible for notifying the Planning Staff at least five (5) working days in advance of a request for a final sign-off on a building permit from the Division of Inspectional Services. Issuance of a building permit shall be contingent upon a satisfactory inspection of site work by the Planning Staff to ensure consistency with the submitted proposal and compliance with all the conditions of this special permit.	CO	PLNG	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairperson*  
Richard Rossetti, *Acting Clerk*  
T.F. Scott Darling, III, Esq.  
Danielle Fillis  
Elaine Severino, (Alt.)

\*\*\* Need all board signatures if registered land (check deed) \*\*\*

Attest, by the Zoning Board of Appeals Administrative Assistant:

\_\_\_\_\_  
Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

### **CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_