



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2015-02
Site: 331-333 Broadway
Date of Decision: May 21, 2015
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 2, 2015

PLANNING BOARD DECISION

Applicant Name:	Sprint Spectrum, c/o Gerry Squires
Applicant Address:	101 Palisades Circle, Stoughton, MA 02072
Property Owner Name:	Anthony K. Paone, Sr., Trustee
Property Owner Address:	A&P Development Trust, 141 Sylvester Avenue, Winchester, MA 01890
Agent Name:	Gerry Squires
Legal Notice:	Applicant, Spring Spectrum, and Owner, A&P Development Trust, seek a special permit to add panel antennas, remote radio heads, and equipment to an existing wireless facility.
Zoning District/Ward:	CCD 55 zone/Ward 4
Date of Application:	March 12, 2015
Date(s) of Public Hearing:	4/16, 5/7 & 5/21/15
Date of Decision:	May 21, 2015
Vote:	4-0

Appeal #PB 2015-02 was opened before the Planning Board at Somerville City Hall on April 16, 2015. 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 hearing of deliberation, the Planning Board took a vote.



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DESCRIPTION:

The proposal is to add three panel antennas and three remote radio heads to the rooftop penthouses that already exist on the building. There will also be a battery cabinet installed in the enclosed courtyard.

FINDINGS FOR SPECIAL PERMIT:

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The Applicant seeks a Special Permit under §7.11.15.3 of the SZO which requires the Applicant to follow guidelines and procedures set forth in Article 14 for the "regulation of wireless telecommunications facilities so as to allow and encourage uses in the City with minimal harm to the public health, safety and general welfare."

The Board finds that minimal harm would be imposed upon the health, safety and welfare of the surrounding neighborhood. Sprint Spectrum is a licensed company that is required to comply with all state and federal regulations.

Review Criteria for Telecommunications Facilities:

- a) *Height of proposed facility:* The building is four stories in height with a partially raised basement, making it one of the tallest in the surrounding area and there are no buildings in the immediate area along Broadway that have more height.
- b) *Proximity of facility to residential structures and residential zoning districts:* The property is located in the Corridor Commercial District (CCD-55) and acts as a buffer to the residential neighborhood north and east of the Princeton Apartments. A large majority of the residential buildings adjacent to this apartment building are three story multi-family structures.
- c) *Nature of uses on adjacent and nearby properties:* The subject property is located within a CCD-55 zone. The surrounding area has a wide variety of uses including residential of all types, commercial, office, and retail. The proposed installation will not generate any objectionable odor, fumes, glare, smoke, or dust nor require additional lighting or signage. Noise from the equipment will be minimal and should not be heard beyond the confines of the property where it will be placed. No increased traffic or hindrance to pedestrian movements will result from the proposed installation either. Furthermore, in connection with its FCC license, Sprint is prohibited from interfering with radio or television transmissions.
- d) *Surrounding topography and prominence of proposed facility:* Winter Hill is a broad hill that extends northwest along Broadway toward Magoun Square. The subject building is the tallest within the immediate area. The height regulation in the Corridor Commercial District (CCD-55) is 55 feet.
- e) *Surrounding tree cover and foliage:* Trees located in the immediate area will be unaffected by the proposed changes to the cellular equipment.



- f) *Design of tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, as specified in Section 14.3:* Guidelines of Article 14 of the SZO state that antennas should be located more than 10 feet from above the roofline, should be located at a minimum of 10 feet from the roof edge and below a forty-five degree plane, beginning at the cornice of the building.

Of the 3 antennas proposed, 1 antenna is located less than 10 feet from a roof edge at 9'-1" from the rear edge of the building; however, this location is consistent with the previous Special Permit granted in 2005 and 2012. The proposed antennas and equipment cabinet are of similar size and appearance to the existing and the antennas will not exceed the height of the penthouse.

- g) *Location of tower, with particular reference to the existence of more suitable locations, as specified in Section 14.3:* The application is in compliance with this review criterion. The Applicant is proposing to add the antennas on an existing wireless telecommunications facility within a commercial corridor district. The height of the building at this site makes it an attractive location for wireless installations. The antennas will remain virtually hidden from view, due to the height of the building, and will not protrude above the roofline of the shelters, so the viewshed of the area will remain the same.
- h) *Proposed ingress and egress:* There is access to the roof through a penthouse. The ingress and egress to the site would not be impacted by the proposal.
- i) *Distance from existing facilities:* This proposal requests to add to an existing wireless facility not establish a new facility within the neighborhood.
- j) *Availability of suitable existing towers, poles, other structures, or alternative technologies, as discussed in Section 14.5.2. Section 14.5.2 states that no new sites for telecommunications facilities shall be permitted unless the Applicant demonstrates that existing sites cannot meet the Applicant's need:* The site where the Applicant is proposing to install the three new antennas is currently operating as a wireless telecommunications facility.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to preserve the historical and architectural resources of the City; and to preserve and increase the amenities of the municipality.

The proposal, as conditioned, is also consistent with those purposes established for the Corridor Commercial Districts (SZO §6.1.22) which are to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. Primary goals for these districts are to encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street; increase commercial investment in high-profile and accessible areas; preserve and complement historic structures; discourage inappropriate auto-oriented and trip-generating uses along transit corridors; and to promote pedestrian and bicycle activity. Staff finds that the replacement of the antennas and associated equipment, as conditioned, will not negatively impact the local commercial, office, or residential uses in the area.

Furthermore, the Board finds that the proposal, as conditioned, is consistent with the purposes set forth in Article 14 of the SZO as conditioned in this report, to:



- a) *Protect residential areas and land uses from potential adverse impacts of towers and antennas;*
- b) *Encourage the location of telecommunication facilities in non-residential areas;*
- c) *Minimize the total number of towers and antennas throughout the community;*
- d) *Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;*
- e) *Encourage users of towers and antennas to located them in areas where the adverse impact on the community is minimal;*
- f) *Encourage users of towers and antennas to configure them in ways that minimize the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;*
- g) *Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;*
- h) *Consider the public health and safety of communications facilities; and*
- i) *Avoid potential damage to adjacent properties from tower and antenna failure through sound engineering and careful siting of structures.*

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

The subject property is located in the CCD 55 zoning district and is predominantly surrounded by other commercial properties. There is a small park located across Langmaid Avenue and several residential properties are located behind the Princeton. The majority of these residential buildings are multi-family and commonly known as triple-deckers. The subject property is the tallest building in the immediate area along Broadway in Winter Hill, which is why the Applicant chose this rooftop location in the past and is currently requesting to update the present equipment.

The Board anticipates few negative impacts from the proposed installation of the updated wireless telecommunications equipment. While the proposed changes will be minimally visible from the ground, the new equipment will not be any more visible than it is currently. The proposed changes to the equipment are of similar size, appearance and height, and, therefore, will not increase the visual impact of the wireless equipment on the property.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

The proposed installation will not generate any glare, light, smoke, dust or vibrations nor will it emit any noxious or hazardous materials or substances. Noise from the equipment will be minimal and should not be heard beyond the confines of the property where it will be placed. The proposed installation will be located on an existing building and therefore no pollution of waterways or ground water will occur. Additionally, the proposed installation will not be tied into any public sewer or private wastewater disposal system.



6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will have no impact on existing affordable housing.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The project will not contribute to the measurable goals of the SomerVision plan but will allow a service provider to continue delivering wireless communications.



DECISION:

Present and sitting were Members Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Gerard Amaral with Kevin Prior and Rebecca Lyn Cooper absent. Upon making the above findings, Gerard Amaral made a motion to approve the request for a Special Permit. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for 3 new panel antennas and remote radio heads and additional equipment. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 12, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 5, 2014</td> <td>Modified plans submitted to OSPCD (Photo Sims: Satellite Photo, Southwest View, West View Existing, West View Proposed, West-Northwest Existing, West-Northwest Proposed, North-Northwest, Northeast, East)</td> </tr> <tr> <td>February 5, 2014</td> <td>Modified plans submitted to OSPCD (Drawing Set: T-1 Title Sheet, C-1 Plot Plan, Z-1 Roof and Equipt Plans, Z-2 Elev & Antenna Plans, Z-3 Equipt Details & Cable Specs, Z-4 Mounting Details)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 12, 2015	Initial application submitted to the City Clerk's Office	March 5, 2014	Modified plans submitted to OSPCD (Photo Sims: Satellite Photo, Southwest View, West View Existing, West View Proposed, West-Northwest Existing, West-Northwest Proposed, North-Northwest, Northeast, East)	February 5, 2014	Modified plans submitted to OSPCD (Drawing Set: T-1 Title Sheet, C-1 Plot Plan, Z-1 Roof and Equipt Plans, Z-2 Elev & Antenna Plans, Z-3 Equipt Details & Cable Specs, Z-4 Mounting Details)
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Any changes to the approved plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												
3	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									



4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Miscellaneous				
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
6	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. Failure to remove may result in a fine or penalty.	CONT.	ISD	
7	The applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.	Signoff	Plng.	
Public Safety				
8	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/ OSE	
9	Existing and proposed antennas and related equipment must be painted, or repainted if necessary, to match, as closely as possible, the surrounding colors and materials of the building;	CO	Plng	
10	The Applicant shall use the existing raceway on the rear of the building and should not place additional wires overhead.	CO	Wiring Insp.	
Final Sign-Off				
11	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

Attest, by the Planning Board:



Joseph Favaloro



Michael A. Capuano, Esq.


Dorothy A. Kelly Gay

Gerard Amaral

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 _____

