



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

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, *CHAIRMAN*
DANIELLE EVANS, *CLERK*
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN
DREW KANE (ALT.)

Case #: DRA#2020-0016
Site: 175 Beacon Street
Date of Decision: February 5, 2020
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 18, 2020

ZBA DECISION

Applicant Name:	New Cingular Wireless PCS, LLC (AT&T)
Applicant Address:	550 Cochituate Road, Suite 13 & 14, Framingham, MA 01701
Property Owner Name:	Beacon Associates, Inc.
Property Owner Address:	P.O. Box 45014, Somerville, MA 02145
<u>Legal Notice:</u>	New Cingular Wireless PCS, LLC (AT &T) is proposing to modify existing and establish new wireless communications antennas and structures which requires a Special Permit.
<u>Zoning District/Ward:</u>	Urban Residential/Ward 2
<u>Date of Application:</u>	November 26, 2019
<u>Date(s) of Public Hearing:</u>	January 20, 2020; February 5, 2020
<u>Date of Decision:</u>	February 5, 2020
<u>Vote:</u>	6-0

Appeal DRA#2020-0016 was opened before the Zoning Board of Appeals at City Hall in the City Council Chambers on January 20, 2020. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



DESCRIPTION:

New Cingular Wireless PCS, LLC (AT &T) is proposing to modify and expand an existing rooftop wireless communication facility. The proposal is to increase the net number of chimney enclosures for panel antenna by 3 enclosures, and to increase the net number of Remote Radio Units by 6 through a mixture of replacing existing units and adding additional new ones.

FINDINGS FOR SPECIAL PERMIT:

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §15.2.1.e and §10.12.3.e of the SZO. This section of the decision addresses those required findings:

1. **The comprehensive plan and existing policy plans and standards established by the City.**
The proposal to provide wireless communication facilities is consistent with the comprehensive plan and existing policy plans and standards established by the City.
2. **The intent of the zoning district where the property is located.**
Wireless communication facilities are allowed in all zoning districts in the City. This proposal is compatible with the intent of the Urban Residential district to provide areas appropriate for multi-unit residential buildings.
3. **Suitability of nearby, existing sites or the feasibility of alternative technologies.**
The site provides the optimal location for AT&T technologies, particularly since it already houses multiple antennas like the ones proposed.
4. **Height and design of proposed tower or antenna, with particular concern for design solutions that reduce or eliminate visual impact.**
The visibility of antennas will be mitigated through the use of six stealth chimneys that will appear to be part of the structure.
5. **Compatibility with the uses associated with surrounding properties and proximity of the proposed tower or antenna to properties in residential use.**
The building itself is an apartment building. Other, smaller residential structures directly abut this property. The surrounding properties and uses are compatible with the proposed antenna.
6. **Topography, on-site vegetation, and the prominence of the proposed facility.**
No trees, vegetation, or other landscape features would be cut or removed in connection with the installation of the antennas. The visual impact of the antennas will be minimized through the use of stealth chimneys that would appear to be a part of the existing structure. The building is also one of the tallest in the area, so its roof is minimally visible from other properties
7. **Proposed ingress and egress for maintenance.**
The existing ingress and egress for maintenance will continue to be used. Access to the site is at the front entrance, and there is one existing curb cut to access the parking area.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino, Josh Safdie, Anne Brockelman, and Drew Kane. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **6-0** to **APPROVE** the request. In addition, the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)
1	Approval is for the installation of a total of six ballast mounted antenna arrays concealed within stealth chimneys containing six antenna panels and related equipment and for the installation of a total of nine Remote Radio Units and related equipment. This approval is based upon the following:	Building permit	PLNG.



	<p>Pages T1 and C1-C8 stamped by John S. Stevens with a most recent revision date of 8/30/2019.</p> <p>Pages S1-S5 stamped by Joseph R Johnson with a most recent revision date of 8/15/2019.</p>		
	Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.		
2	<i>Compliance with Noise Control Ordinance.</i> Prior to the issuance of a Certificate of Use and Occupancy Permit for the installation of the wireless telecommunications facility, the Applicant shall submit to the Inspectional Services Department, with a copy to the Zoning Board of Appeals, a sound level measurement certified as accurate by a professional acoustician and shall perform such sound level measurements six months after issuance of the certificate of occupancy, with subsequent sound level measurements annually on or before the anniversary date of the original six month measurement 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.	Continued	ISD
3	<i>Compliance with Federal Communications Commission Guidelines for Human Exposure to Electromagnetic Fields.</i> 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 CMR 122.021, 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 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.	Continued	BOH
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.	Continued	ISD
5	The applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.	Building permit	PLNG.
6	The applicant shall identify and inform Planning Staff of any non-operating wireless equipment from any carrier prior to installation.	Building permit	PLNG.
7	Existing stealth chimneys must be replaced at the same time that the new chimneys are installed. All new and replacement chimneys installed must be faux brick.	Final signoff	ISD
8	The Applicant shall contact the Zoning Review Planner at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final signoff	PLNG.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Elaine Severino
Josh Safdie
Anne Brockelman
Drew Kane

Attest, by the Planner:

Charlotte Leis

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. 15.5.3.

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 _____

