



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

*PLANNING DIVISION*

**STAFF**

GEORGE PROAKIS, *PLANNING DIRECTOR*  
LORI MASSA, *SENIOR PLANNER*  
SARAH WHITE, *PRESERVATION PLANNER*  
ETHAN LAY-SLEEPER, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 202015-058

**Date:** January 20, 2016

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 701 Broadway

**Applicant Name:** Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless  
**Applicant Address:** 400 Friberg Parkway, Westboro, MA 01581  
**Property Owner Name:** Ball Square Realty, LLC  
**Property Owner Address:** 47 Marsh Street, Belmont, MA 02478  
**Agent Name:** Daniel D. Klasnick, Esq.  
**Agent Address:** 201 Broadway, Suite 204, Lynnfield, MA 01940  
**Alderman:** Mark Niedergang

Legal Notice: Applicant, Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, represented by its agent, Attorney Daniel D. Klasnick, seeks a Special Permit (SZO §7.11.15.3 and SZO §14) for a telecommunications facility ~~and a Variance (SZO §3.2.2.c Section 6-C) to install a wireless communication structure~~. NB District. Ward 5.

**(It has since been determined that a Variance is not necessary).**

Dates of Public Meeting : January 20, 2016

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**I. PROJECT DESCRIPTION**

1. Subject Property: The property is a c.1920, flat-roofed flat iron style commercial building in Ball Square that rests on a 5,227 square foot lot. The building takes up the entirety of the lot. A rear portion of this building is in Medford.



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**(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722**

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2. Proposal: Construct a faux chimney to house telecommunications antennae, install accessory rooftop equipment (surge arrestors and RRHs) and pipe mount Alpha sector antennas to the wall above the lower roof. The project proposal has been significantly reduced from several faux chimneys to one larger faux chimney and a second smaller chimney housing antennae and associated equipment.
3. Nature of Application: Under SZO §7.11.15.3 and SZO §14 establishment of a wireless communications facility requires a Special Permit.
4. Surrounding Neighborhood: The surrounding neighborhood consists of a variety of housing and low-rise commercial buildings some of which are higher and some of which are lower than the property in question.
5. Impacts of Proposal: There will be few impacts from this proposal. The stealth chimney that will surround the antennas is designed to be as sympathetic as possible to the chimneys that can be present on buildings of this time period and is not inconsistent with other rooftop protrusions in the Ball Square area. It is common to have equipment on the rooftops of commercial buildings, particularly for HVAC and ventilation purposes. Equipment of that nature is often particularly large, very visible and, though they have been used on rooftops for decades, visually intrusive. The Verizon accessory equipment installation would be minimally visible and any visual intrusion would be negligible.

Preservation Staff was asked to perform a Section 106 review on this project because federal licensing, funding or permitting is required (in this case, by the FCC). The Section 106 review assesses the potential for adverse impact on historic assets within the project area if Local Historic District or National Register District properties (or NDR eligible properties) are extent in the area of project impact.

Preservation Staff worked performed a site visit and work with the Applicant's agent to assess the proposal and provide feedback that ultimately resulted in the significant reduction of chimneys to be installed at the site such that Staff could come to the determination of "no adverse impact" in their review. Preservation Staff is satisfied with this final proposal from the Applicant.

6. Green Building Practices: The Applicant did not list any green building practices.
7. Comments:  
*Electrical Inspector*: Has been contacted and will respond once final installation plans are provided to him.  
*Historic Preservation Staff*: See item 5 above.  
*Ward Alderman*: Has been contacted.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & 14):**

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 Staff finds that the information provided by the Applicant conforms to the requirements of SZO §7.11.15.3 and SZO §14 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.”

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

*Review Criteria for Telecommunications Facilities:*

- a) *Height of proposed facility:* ~~The base of the building to the parapet is fifty feet tall and an existing penthouse is 51 feet 5 inches tall. This building is one of the tallest in the surrounding area and there are no buildings in the immediate area that are taller than it.~~ Updated 1/20/2016: The height of the building, to the top of the roof, is approximately 26.3 feet tall. The elevation, to the top of the proposed chimney stack will be approximately 25.9 feet tall, well below the 40' height allowed in the NB district.
- b) *Proximity of facility to residential structures and residential zoning districts:* The property is located in a the NB zone and a mixed commercial and residential district of Ball Square. The Applicants stated that they tried to find another location in the area; however, this was the location that allowed them to provide reliable coverage.
- c) *Nature of uses on adjacent and nearby properties:* The site is located in a mixed commercial and residential area and the design of the stealth chimneys and accessory equipment have been done in such a way as to have minimal visual impact.
- d) *Surrounding topography and prominence of proposed facility:* The building is flat-roofed and is neither the tallest nor lowest in the area.
- e) *Surrounding tree cover and foliage:* The trees located near the site are not anticipated to interfere with the projection required for the antennas.
- 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 not be located more than 10 feet 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. The stealth chimneys comply with these guidelines
- g) *Location of tower, with particular reference to the existence of more suitable locations, as specified in Section 14.3:* The guidelines in Article 14 state that service providers should co-locate and/or locate on facilities owned or managed by the City of Somerville, whenever possible. Verizon was not able to find a location that satisfied these requirements and meet their coverage area requirements.
- h) *Proposed ingress and egress:* Existing rooftop access will be used to reach the equipment.
- i) *Distance from existing facilities:* See accompanying maps and photos.

- 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 needs. There are no other locations in the area that meet the Applicant's proposed coverage requirements as much as this building does.*

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."

Staff finds that the proposal, as conditioned, is consistent with the purposes of the SZO, specifically "to facilitate the adequate provisions of...other public requirements; to...increase the amenities of the municipality" (SZO §1.2), and with the specific purposes of Article 14 as noted below:

- a) *Protect residential areas and land uses from potential adverse impacts of towers and antennas;*
- b) *Encourage the location of telecommunications facilities in non-residential areas (this installation will be in a mixed commercial and residential area).*
- 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 locate 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."

Staff finds the equipment is designed to be compatible with the surrounding area and land uses. As noted in the Project Proposal and Impacts of Proposal sections above.

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 facility will have to comply with the applicable FCC requirements relating to radio frequency emissions and will comply with all applicable requirements of the building code. The equipment will not generate glare, light smoke, vibrations dust or noxious materials. Standard conditions direct compliance with Noise Control Ordinance and FCC Guidelines for Human Exposure to Electromagnetic Fields, and require regular reporting.

**III. RECOMMENDATION**

**Special Permit under SZO §7.11.15.3 and SZO §14**

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the installation of a faux chimney and related telecommunications equipment.	BP/CO	Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 30, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 14, 2015</td> <td>Final plans/photo sims submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 30, 2015	Initial application submitted to the City Clerk's Office	December 14, 2015	Final plans/photo sims submitted to OSPCD
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Any changes to the approved plans that Planning Staff determines are not <i>de minimis</i> must receive SPGA approval.										
2	Faux chimney shall, in color and detail, match any existing brick and mortar on the building as closely as possible.	Final Inspection	Plng.							
3	Any accessory equipment, including façade-mounted equipment shall be colored/painted to match the portion of the building on which it is installed.									
4	<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 Division, 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. 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 and annually	ISD / Plng.							

5	<p>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 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.</p>	Annually	BOH	
6	<p>Setback for Rooftop Installations: All elevator and stairwell penthouses, roof-mounted mechanical equipment (including enclosure, if any) and other similar rooftop installations shall be set back behind a plane inclined at forty-five (45) degrees from the vertical, beginning at the maximum height of the building</p>	Construction/final inspection	ISD	
7	<p>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.</p>	Perpetual	ISD	
8	<p>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.</p>	Final inspection	DPW	
9	<p>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.</p>	During Construction	T&P	

10	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.	
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