



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** PB 2012-11  
**Date:** July 26, 2012  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 331-333 Broadway

**Applicant Name:** Sprint Spectrum, L.P.  
**Applicant Address:** 9 Crosby Drive, Bedford, MA 01730  
**Property Owner Name:** Anthony K. Paone, Trustee  
**Property Owner Address:** 331-335 Broadway, Somerville, MA 02143  
**Agent Name:** Adam Braillard, Prince Lobel Tye LLP  
**Agent Address:** Prince Lobel Tye LLP, 100 Cambridge Street, Boston, MA 02114  
**Alderman:** Tony Lafuente

Legal Notice: Applicant Sprint Spectrum and Owner Anthony K. Paone, seek a Special Permit under SZO §7.11.15.3 and SZO §14 for the installation of wireless communications equipment consisting of the replacement of three existing antennas and related equipment and cables including one GPS antenna and one equipment cabinet. CCD 55 zone. Ward 4.

Zoning District/Ward: CCD 55 zone / Ward 4

Zoning Approval Sought: Special Permit (SZO §7.11.15.3 and SZO §14)

Date of Application: February 6, 2012

Dates of Public Hearing: Planning Board – **August 2, 2012**

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is an 11,778 square foot parcel that contains a mid-rise residential structure that covers 9,161 square feet of the lot. Located in a Corridor Commercial District (CCD-55) in the Winter Hill neighborhood, this masonry structure at the corner of Langmaid Avenue and Broadway is four stories in height with a flat roof and a fully enclosed courtyard. There is moderate space at the rear of the building for parking and a number of street trees that surround the property.



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This ca. 1914 building, the Princeton, is designated historic at the local level, which required the Applicant to submit an application to the Somerville Historic Preservation Commission. The building retains a high degree of historic integrity due to the architectural design and workmanship of the building. The Princeton also retains historic significance due to the time of construction, which occurred during the period when the apartment house became an acceptable solution for more dense housing in urban areas, such as Somerville.

This site received a Special Permit in 2005 to establish a wireless telecommunications facility on the roof of 331-333 Broadway for the current Applicant, Sprint Spectrum.

2. Proposal: The Applicant is proposing to modify the existing wireless communication facility by removing 6 CDMA antennas which are currently mounted on the rooftop of the building. In their place, the Applicant would like to install 3 panel antennas and 6 remote radio heads below the panel antennas. The remote radio heads will be mounted to the penthouse façade below the antennas. Additionally, the Applicant would like to install 1 new equipment cabinet on the existing Sprint equipment platform and replace the existing GPS antenna with a newer model. The proposed antennas and cabinets are of similar size and appearance to the existing and the antennas will not exceed the height of the penthouse.

In addition, three 1¼" hybrid cables, connected to the new remote radio heads, will be routed from an existing cable tray on the roof down the interior right side courtyard façade to the proposed fiber and power distribution box located within the equipment compound. The fiber and power conduits are also proposed to be upgraded at this time, which will also be retained within the equipment compound in the center courtyard.



*331-333 Broadway, Princeton Apartment Building*

3. Nature of Application: Under SZO §7.11.15.3 establishment of a wireless communications facility requires a Special Permit.

Sprint Spectrum initially installed their telecommunication equipment through Special Permit in 2005 (PB 05.66). At this time the Applicant submitted a proposal to establish a wireless telecommunications facility on the rooftop of the subject property. The facility consisted of 6 panel antennas, 4 equipment cabinets, and related equipment and cables. Each penthouse was to receive 2 antennas mounted and

painted to match the penthouse façade and not to exceed the height of the penthouse. The 4 equipment cabinets were installed in the enclosed courtyard and surrounded by a 7 foot tall chain link fence with a sign and number to call for emergencies. All related cables routed up the side of the building were also painted to match the masonry of the building.

4. Surrounding Neighborhood: 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.

5. Impacts of Proposal: Staff 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.



*331-333 Broadway: View from Langmaid Avenue to illustrate minimal visibility of three rooftop penthouses and their wireless telecommunications equipment.*

6. Green Building Practices: None indicated.

7. Comments:

*Fire Prevention:* Has been contacted but has not yet submitted comments.

*Ward Alderman:* Has been contacted but has not yet submitted comments.

*Historic Preservation:* As the subject building is a single building local historic district, the Applicant received a Certificate of Non-Applicability from the Somerville Historic Preservation Commission on June 28, 2012.

*Lights and Lines:* Has been contacted and in an email to Staff dated 7/25/2012 commented that the installation should use the existing raceway on the rear of the building and should not install additional wires overhead.

## **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 §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."

Staff 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, due to the location of the building at the base of Winter Hill. This building is 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 to be replaced, 1 antenna is located less than 10 feet from a roof edge. One antenna and 2 radio heads, proposed to be mounted near the rear of the building, is only 9 feet from the edge of the building; however, this location is consistent with the previous Special Permit granted in 2005. 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 update 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 update 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 Staff find that the proposal, as conditioned, 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to facilitate the adequate provision of... other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City.

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 Staff 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."

Staff finds the proposal and the design of the equipment to be compatible with the surrounding area and land uses. The new panel antennas and radio heads will be minimally visible, as they are now, and the new equipment cabinet will be placed on the existing Sprint equipment platform located in the interior courtyard. The new GPS antenna will be mounted on the existing pipe that is located on the right side, above the rear four-story bay, and will not be visible from the ground. Photo simulations, taken from a four locations within the neighborhood, all indicate there will be a limited impact of the updated equipment on the surrounding neighborhood.

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.

### **III. RECOMMENDATION**

#### **Special Permit under §7.11.15.3 & §14**

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

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	<p>Approval is for a Special Permit under SZO §7.11.15.3 and SZO §14 for the installation of wireless communications equipment consisting of the replacement of three existing antennas and related equipment and cables including one GPS antenna and one equipment cabinet. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="246 613 886 1056"> <thead> <tr> <th data-bbox="253 621 548 651">Date (Stamp Date)</th> <th data-bbox="548 621 880 651">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="253 651 548 751">(February 6, 2012)</td> <td data-bbox="548 651 880 751">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="253 751 548 953">August 30, 2011 (July 19, 2012)</td> <td data-bbox="548 751 880 953">Locus and site plans submitted to OSPCD (T-1, GN-1, GN-2, C-1, A-1, A-2, A-3, A-4, A-5, AAV-1, AAV-2, AAV-3, E-1, E-2, &amp; E-3)</td> </tr> <tr> <td data-bbox="253 953 548 1054">March 28, 2012 (July 19, 2012)</td> <td data-bbox="548 953 880 1054">Photo simulations submitted to OSPCD (8 pages total)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(February 6, 2012)	Initial application submitted to the City Clerk's Office	August 30, 2011 (July 19, 2012)	Locus and site plans submitted to OSPCD (T-1, GN-1, GN-2, C-1, A-1, A-2, A-3, A-4, A-5, AAV-1, AAV-2, AAV-3, E-1, E-2, & E-3)	March 28, 2012 (July 19, 2012)	Photo simulations submitted to OSPCD (8 pages total)	BP/CO	ISD/PIng.	
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2	All 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	FP									
3	The Applicant shall use the existing raceway on the rear of the building and should not place additional wires overhead.	CO	Wiring Inspector									



4	<p><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.</p>			
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>	CONT.	Health Dept.	
6	<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>	CONT.	ISD	
7	<p>The applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.</p>	Signoff	PIng.	

8	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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