



**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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MICHAEL A. CAPUANO, ESQ.  
REBECCA LYN COOPER  
GERARD AMARAL, (ALT.)

**Case #: PB 2014-32**  
**Site: 39R Medford Street**  
**Date of Decision: April 2, 2015**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 9, 2015**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Bell Atlantic Mobile of Massachusetts Corp. Ltd.
<b>Applicant Address:</b>	d/b/a Verizon Wireless, 400 Friberg Pkwy, Westboro, MA 01581
<b>Property Owner Name:</b>	Sure Lock Building Trust
<b>Property Owner Address:</b>	P.O. Box 198, Stillwater, MN 55082
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant, Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, LLC and Owner, Sure Lock Building Trust, seeks a Special Permit under SZO §7.13.I in order to modify an existing wireless facility to include an interior electronics room, generator with conduit, HVAC condensers, GPS antenna, and related equipment.
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<u>Zoning District/Ward:</u>	TOD 100 zone/Ward 2
<u>Date of Application:</u>	November 6, 2014
<u>Date(s) of Public Hearing:</u>	April 2, 2015
<u>Date of Decision:</u>	April 2, 2015
<u>Vote:</u>	4-0

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Appeal #PB 2014-32 was opened before the Planning Board at Somerville City Hall on April 2, 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.

### **DESCRIPTION:**

The applicant, Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, LLC, is proposing to install wireless equipment at the site. This includes a GPS antenna on a ballast mount on the roof along with two condensers on 6 foot by 6 foot sleepers, a generator that will be enclosed next to the building in an existing parking space with a 6 feet tall wood and a generator feed that would extend from the generator along the building. Inside of the building there will be a 650 square foot equipment room that will replace four storage units.

In 2008 MetroPCS received approval from the Zoning Board of Appeals, case ZBA 2008-15, under the Industrial zoning district at that time to establish the wireless communications facility under §7.11.15.1.a.

In 2010 under the TOD-100 district the Planning Board, case PB 2010-02, approved the installation of an emergency backup generator on a 150 sf concrete pad in the northeast corner of the lot to support the existing wireless communications equipment.

### **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."*

Under SZO §7.13.I establishment of a wireless communications facility requires a Special Permit approval according to Article 14 of the SZO. Article 14 sets forth, "regulation of wireless telecommunications facilities so as to allow and encourage such 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. Verizon Wireless 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 top of the lower roof beam is approximately 38' feet. This is not the tallest building in the area; however, the amount of equipment that will be on the roof is minor and it is located behind a parapet.
- b) ***Proximity of facility to residential structures and residential zoning districts:*** The Milbrook Cold Storage building is being converted to a residential building. The proposed antenna and equipment are small, are located behind a parapet wall and will not impact views from the apartment building that is under construction.



- c) *Nature of uses on adjacent and nearby properties:* The site is located in a transit oriented district. The surrounding neighborhood is mostly industrial in nature with one residential building being built nearby. The proposed installation will not generate any objectionable odor, fumes, glare, smoke, or dust nor require additional lighting or signage and will not negatively impact the transformation of this district in the future. Noise from the equipment will be minimal and should not be heard beyond the confines of the property where it will be placed. Furthermore, in connection with its FCC license, Verizon Wireless is prohibited from interfering with radio or television transmissions.
- d) *Surrounding topography and prominence of proposed facility:* The building is not the tallest in the area; however, the equipment will be located behind a parapet and will not be prominent from surrounding properties.
- e) *Surrounding tree cover and foliage:* There are no trees in the area to interfere with the proposed 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:* The equipment on the roof will be located behind a parapet and the generator at grade will be screened by a wood fence. The cable trays on the side of the building will be painted to match the existing façade.
- 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 this location that already houses a wireless telecommunications facility.
- h) *Proposed ingress and egress:* There is existing access to the roof and equipment on the roof via a penthouse.
- i) *Distance from existing facilities:* Verizon Wireless operates at several other facilities in Somerville. This site is needed to improve service in the area.
- 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 is currently operating as a wireless telecommunications facility.

The generator will be in the parking lot and will take up two parking spaces. The square footage of the self-storage use is approximately 43,300 square feet. This use was established under the IP zoning district and the parking requirement for this use is 1 space per 1500 square feet. Therefore, 29 parking spaces are required. The parking lot for this building is complicated because the site is land locked and there are several easement agreements to access the site and park on separate lots. From the site plan submitted it appears that at least 29 parking spaces will remain that are on the subject property for the self-storage use.

The Mayor's Office of Strategic Planning and Community Development has submitted an ordinance to the Board of Alderman to overhaul the current zoning ordinance. The re-advertised date of the legal notice was February 17. Massachusetts General Law 40a, Section 6 states that a zoning ordinance shall apply to a special permit issued after the first notice of the public hearing for such an ordinance. Therefore, staff and boards should evaluate all applications based on the current and proposed ordinances so that there are no issued posed under either ordinance.

Under the proposed zoning ordinance, a wireless communications facility is allowed to develop, modify or renovate by special permit. The proposal complies with the development requirements in the proposed code.



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 Board finds that the proposal is consistent with the purposes set forth in Article 1 of the Zoning Ordinance; and is not inconsistent with those purposes established for the TOD100 zoning district in which the property is located, namely (t)o provide for a mix of uses within buildings. This proposal would expand the number of businesses using the site as a wireless facility. The equipment will be screened according to Article 14 guidelines.

The Board finds that the proposal as conditioned is consistent with the purposes set forth in Article 14 of the Zoning Ordinance 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 telecommunications 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 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."*

The Board finds the project to be compatible with the surrounding area and land uses. The area immediately surrounding the property has a mix of industrial uses and a research facility. Railroad tracks are located along the rear of the building and additional industrial uses are located across the tracks. The majority of the equipment will be located inside of the building. The equipment on the roof will be screened by the building's parapet and the generator will be screened by a six foot tall wood fence. The Board finds the nature of these components and the distance from the roof's edge adequate for reducing the visual effects on the surrounding area.

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

There will be no changes to existing affordable housing.



6. 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.*

This project does not contribute to the goals and policies of SomerVision, however, wireless communication is a 'need' of many at this point in time.

### **DECISION:**

Present and sitting were Members Joseph Favaloro, Michael Capuano, Rebecca Lyn Cooper and Gerard Amaral with Kevin Prior and Dorothy Kelly Gay absent. Upon making the above findings, Rebecca Lyn Cooper made a motion to approve the request for a Special Permit. Gerard Amaral 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 the installation of a GPS antenna on a ballast mount on the roof along with two condensers on 6 foot by 6 foot sleepers, a generator onsite and a 650 square foot equipment room under SZO §7.11.15.3 and SZO §14. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Nov 6, 2014</td><td>Initial application, submitted to the City Clerk's Office</td></tr><tr><td>Feb 24, 1998</td><td>Photo simulations submitted with application</td></tr><tr><td>Sept 1, 2014</td><td>Plans (T1, GN-1-2, C-1-2, D-1, A-1-10)</td></tr></table>				Date (Stamp Date)	Submission	Nov 6, 2014	Initial application, submitted to the City Clerk's Office	Feb 24, 1998	Photo simulations submitted with application	Sept 1, 2014	Plans (T1, GN-1-2, C-1-2, D-1, A-1-10)
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Sept 1, 2014	Plans (T1, GN-1-2, C-1-2, D-1, A-1-10)											
Any changes to the approved site plan, photograph simulations, and/or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The VZW generator feeds shall be painted to match the façade to which they are attached.	CO	Plng.									
3	<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	Continued	ISD									



	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.			
4	<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	
5	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	
6	The applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.	BP	Plng.	
7	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.	Final inspection	DPW	
8	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	
9	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.



Rebecca Lyn Cooper



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 \_\_\_\_\_

