



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-31
Date: July 30, 2015
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 49 Davis Square

Applicant Name: Bell Atlantic Mobile of Massachusetts Corp
Applicant Address: 40 Friberg Parkway Westboro, MA 01581
Property Owner Name: BF Somerville Properties, LLC
Property Owner Address: 220 Massachusetts Avenue Arlington, MA 02424
Agent Name: Dan Klasnick
Agent Address: 210 Broadway, Suite 204 Lynnfield, MA 01940
Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Bell Atlantic Mobile of Massachusetts Corp, and Owner BF Somerville Properties LLC, seek a Special Permit per SZO §7.11.15.3 and §14 to add wireless and ancillary equipment at an existing facility. CBD zone. Ward 6.

Dates of Public Hearing: Zoning Board of Appeals – August 5, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 14,032 square foot parcel with a multi-use building that encompasses the entire parcel. Located in a Central Business District (CBD) in the heart of Davis Square, this building is three stories in height with a flat roof. A fly gallery is located at the northwest rear corner of the building that extends 66 feet in height.

This building is designated historic at both the local and national level. Historic designation at the local level requires the Applicant to submit an application to the Somerville Historic Preservation Commission and receive a Certificate before commencement of work. Historic designation at the national level, in this instance, identifies the property as worthy of preservation according to Federal government standards. The building retains a high degree of historic integrity due to the architectural design, workmanship, and



association with the development of Davis Square. Additionally, this building houses the Somerville Theatre, one of the oldest theatres in the Boston metropolitan area.

This site has received Special Permits in the past first for Sprint Wireless in 2003 to establish the wireless facility; a revision by Spring in 2008; Clearwire mounted equipment in 2010; and then Sprint changed equipment in 2012. The visible equipment includes panel antennas on the rear of the building and ballast mounted canisters that conceal antennas.



2. Proposal: The proposal is to add 6 new antennas within two fiberglass chimneys in order to conceal their appearance on the roof. There will be two additional condensers installed next to the existing condensers facing Seven Hills Park New equipment that is not visible will be installed on the roof including remote radio heads, a generator, and cabling.

3. Green Building Practices: None listed on the application.

4. Comments:

Fire Prevention: Fire Prevention has been contacted and has no comments at this time.

Wiring Inspection: The applicant is working with the electrical inspector to meet code requirements.

Historic: The Applicant brought the proposal to the HPC on July 21, 2015. A certificate of Appropriateness was granted with conditions.

Ward Alderman: Alderman Gewirtz has been contacted and has no comments at this time.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.15.3 & §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.

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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. Bell Atlantic Mobile of Massachusetts Corp d/b/a Verizon Wireless 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 height of the building is fifty feet and the fly gallery is an additional 66 feet tall. This building is one of many of this height in the square but is centrally located and will serve the most amount of people.
- b) *Proximity of facility to residential structures and residential zoning districts:* The property is located in the Central Business District and there are other properties between this building and the Residence B zoning districts to the north and south.
- c) *Nature of uses on adjacent and nearby properties:* The subject property is located within a Central Business District (CBD) 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.
- d) *Surrounding topography and prominence of proposed facility:* The surrounding area is flat and this building is the tallest in the immediate area, hence the appeal to cellular companies. The height regulation in the Central Business District is 50 feet and the building reaches this height.

- e) *Surrounding tree cover and foliage:* Trees located in Davis Square 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 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 fiberglass chimneys proposed to be replaced are located more than ten feet from any roof edge and are 10' high. The new condensers are placed with existing condensers on the least visible side of the building. Staff finds the project and equipment design to be compatible with the surrounding area and land uses.
- 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. This is an existing wireless facility which makes it a suitable location to collocate equipment. The antennas will remain hidden from view.
- 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:* The proposal will add Verizon capacity in Davis Square. There are existing facilities in Teele Square, Powderhouse Circle, and on Spring Hill at Cedar and Highland.
- 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:* There is a need for more capacity in the system in Davis Square since this is a neighborhood center and transit hub.

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 finds 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 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; to encourage the most appropriate use of land throughout 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 Central Business District (CBD) which are to preserve and enhance central business areas for retail, business services, housing, and office uses, and to promote a strong pedestrian character and scale in those areas. A primary goal for these districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses. Staff finds that the new antennas and associated equipment, as conditioned, will not negatively impact the local commercial, office or residential uses in the area.

Furthermore, 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 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 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 antennas and radio heads will be contained within fiberglass chimneys while other associated equipment will not be visible. Photo simulations, taken from a variety of locations in Davis Square, all indicate that the new antennas, located within new stealth chimneys, will not negatively impact the area.

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. In connection with its FCC license, Verizon is prohibited from interfering with radio or

television transmissions and furthermore, these transmissions function at different frequencies than those licensed to Sprint for the proposed telecommunications equipment.

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

The project will not have an impact on existing affordable housings.

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 directly contribute to the metrics of SomerVision but will allow minor modifications to a building to accommodate the changing needs of residents and visitors of Davis Square.

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 with SITE PLAN REVIEW**.

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
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<p>1</p>	<p>Approval is for the installation of wireless communications equipment under SZO §7.11.15.3 and §14 consisting of 6 new antennas mounted in fiberglass chimneys as well as related equipment and cables. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="248 401 886 995"> <thead> <tr> <th data-bbox="248 401 566 432">Date (Stamp Date)</th> <th data-bbox="571 401 886 432">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 438 566 533">(May 21, 2015)</td> <td data-bbox="571 438 886 533">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 539 566 842">July 13, 2015</td> <td data-bbox="571 539 886 842">Site and plot plans submitted to OSPCD (T-1 Title Sheet, Z-1 500' Abutters Map, Z-2 Proposed Basement Plan, Z-3 Proposed Roof Plan, Z-4 Proposed East Elev, Z-5 Proposed South Elev, Z-6 Proposed West Elev, Z-7 Proposed North Elev)</td> </tr> <tr> <td data-bbox="248 848 566 995">(July 27, 2015)</td> <td data-bbox="571 848 886 995">Photo Sims (Cover, Site Plan, Photo 1A, Photo 1B, Photo 2A, Photo 2B, Photo 3A, 3B, Photo 4A, Photo 4B)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan, photograph simulations, or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(May 21, 2015)	Initial application submitted to the City Clerk's Office	July 13, 2015	Site and plot plans submitted to OSPCD (T-1 Title Sheet, Z-1 500' Abutters Map, Z-2 Proposed Basement Plan, Z-3 Proposed Roof Plan, Z-4 Proposed East Elev, Z-5 Proposed South Elev, Z-6 Proposed West Elev, Z-7 Proposed North Elev)	(July 27, 2015)	Photo Sims (Cover, Site Plan, Photo 1A, Photo 1B, Photo 2A, Photo 2B, Photo 3A, 3B, Photo 4A, Photo 4B)	<p>BP/CO</p>	<p>ISD/ PIng.</p>	
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<p>2</p>	<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>	<p>Perp</p>	<p>ISD</p>									

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.	Perp	Health Dept	
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. Failure to remove may result in a fine or penalty.	CONT.	ISD	
5	The applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.	Signoff	Plng.	
6	The Applicant shall comply with the conditions in the HPC’s Certificate of Appropriateness	CO	Plng.	
7	The Applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.	BP	Plng.	
8	The Applicant shall at his/her 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	
9	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	
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.	

