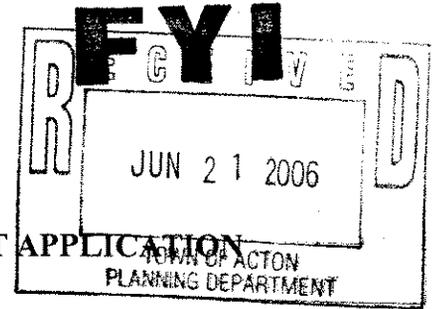




**PLANNING BOARD**  
P.O. BOX 1305  
Littleton Massachusetts 01460



**NOTICE OF SPECIAL PERMIT DENIAL  
WIRELESS TELECOMMUNICATIONS SPECIAL PERMIT APPLICATION  
169 KING STREET  
OMNIPPOINT COMMUNICATIONS, INC.**

Tuesday, June 20, 2006

- APPLICATION:** SPECIAL PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES
- PROPERTY LOCATION:** 169 King Street  
Map U-38, Parcels 7A and 1
- DESCRIPTION:** Installation, operation, and maintenance of a wireless communications facility, including, a 100 foot flagpole style monopole, antennas, coaxial cables, and radio communications equipment, utility interconnections and ground-based improvements.
- APPLICANT:** Omnipoint Communications, Inc.  
T-Mobile USA, Inc.  
50 Vision Blvd  
E providence, RI 02914
- OWNER:** James J. Cummins, Jr. and Caroline Cummins  
74 Mill Road  
Littleton, MA 01460
- REPRESENTATIVE:** Brian S. Grossman  
Prince, Lobel, Glovsky & Tye LLP  
585 Commercial Street  
Boston, MA 02109
- DATES OF LEGAL NOTICES:** February 16 and 23, 2006
- DATES OF HEARING:** March 2, March 20, April 6, April 20, and May 11, 2006
- MEMBERS PRESENT:** Janet LaVigne, Mark Montanari, Gregg S. Champney, Steven J. Wheaton, and Richard J. Dennis, Jr.

**REFERENCE PLANS:** "CUMMINS PROPERTY 169 KING STREET LITTLETON, MA 01460 4BS-0639A RAW LAND" (6 Sheets); last revised 11/08/05; prepared by Bay State Design Associates, Inc.

**SPECIAL PERMIT DECISION  
WIRELESS TELECOMMUNICATIONS BYLAW  
169 King Street - Omnipoint**

I, Gregg S. Champney, Clerk of the Planning Board hereby certify that the following is a record of proceedings relative to the application of Omnipoint Communications, Inc. for a Special Permit under Section 173-128 of the Littleton Zoning Bylaws for property located at 169 King Street.

**APPLICATION:** On January 26, 2006, an application, plans, supporting documentation and the application fee were submitted to the Board. On February 9, 2006, a revised application with revised documentation was submitted to the Board.

**HEARING:** Following proper notification, the Public Hearing was opened on Thursday, March 2, 2006 at the Littleton Town Office and immediately continued to March 30, 2006 at which all those interested were given an opportunity to be heard. The Public Hearing was subsequently continued to April 6, April 20, and May 11, 2006. The Public Hearing was closed on May 11, 2006.

**FINDINGS:** Following the Hearing, the Board, based on the application, and together with the materials and testimony provided at the hearing, made the following specific findings regarding the land in question and the proposed use:

1. The facility would not comply with setback requirements.
2. Pursuant to Section 173-7 C. of the Bylaws, the proposed use detailed in the application:
  - A. Would create a significant nuisance, hazard, or congestion;
  - B. Would create substantial harm to the neighborhood in which it is to take place;
  - C. Is not appropriate for the site in question; and
  - D. Does not comply with all applicable requirements.

**DECISION:** At the Board meeting of Thursday, **June 15, 2006** the Board voted to **DENY** the applicant a Wireless Telecommunication Special Permit as described herein. For all the above reasons, the Board hereby **denies** the Special Permit, **for the following reasons:**

1. Sufficient documentation was not provided regarding exhausting all municipal sites;
2. An ANR was presented for this same property providing for a new house within 100 feet of the proposed tower;
3. The land is zoned residential;
4. The tower is proposed within 300 feet of two residential buildings at the Pond Side development;
5. It was not shown to the Planning Board's satisfaction that a significant gap in coverage exists;
6. There was no demonstration regarding the number of dropped calls, just a total number of vehicles using the highway;
7. The application did not include the eight views required;
8. No information was submitted regarding if the signage would comply with requirements;
9. The proposed project does not comply with Town of Littleton Bylaw Section 173-7C regarding issuance of Special Permits; and

**SPECIAL PERMIT DECISION  
WIRELESS TELECOMMUNICATIONS BYLAW  
169 King Street - Omnipoint**

10. The proposed project does not comply with the Town of Littleton Bylaw Section 173-128 through 173-133.

The Board voted 4 to 0 to **deny** the Special Permit **due to the above reasons**.

Each Board member voted as follows:

<b>Janet LaVigne</b>	<b>DENY</b>
<b>Mark Montanari</b>	<b>DENY</b>
<b>Gregg Champney</b>	<b>(ABSENT AND NOT VOTING)</b>
<b>Steven J. Wheaton</b>	<b>DENY</b>
<b>Richard J. Dennis, Jr.</b>	<b>DENY</b>

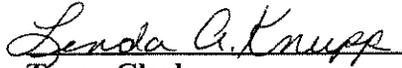
**Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.**

**Signed:**

**Date Filed with Town Clerk:** June 20, 2006



Gregg S. Champney, Clerk



Linda A. Knupp  
Town Clerk

**TOWN CLERK CERTIFICATION:**

To Whom It May Concern:

I, Linda A. Knupp, Clerk of the Town of Littleton hereby certify that twenty days have elapsed since the filing of this decision by the Planning Board for this Wireless Telecommunications Facility Special Permit and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Town Clerk Linda A. Knupp  
Littleton, Mass.

Date

