



PLANNING BOARD
P.O. BOX 1305
Littleton Massachusetts 01460
**SPECIAL PERMIT APPLICATION DECISION
AND RECORD OF PROCEEDINGS**

FYI

Thursday, November 09, 2006

APPLICATION: SPECIAL PERMIT FOR WIRELESS
TELECOMMUNICATIONS CO-LOCATION

PROPERTY LOCATION: 28 Cedar Hill Road
Cedar Hill Water Tank
Map U-17, Parcel 81

DESCRIPTION: Install up to six panel antennas and associated ground-based equip-
ment and utility interconnections.

APPLICANT: OmniPoint Communications, Inc.
a subsidiary of T-Mobile USA, Inc.
15 Commerce Way, Suite B
Norton, MA 02035

REPRESENTATIVE: Brian S. Grossman
100 Cambridge Street, Suite 2200
Boston, MA 02114

OWNER: Town of Littleton Water Department
39 Ayer Road
Littleton, MA 01460

DATES OF LEGAL NOTICES: October 12 and 19, 2006

DATE OF HEARING: October 26, 2006

MEMBERS PRESENT: Janet LaVigne, Mark Montanari, Gregg Champney, Steve
Wheaton, and Richard Dennis

REFERENCE PLANS: "CEDAR ROAD WATER TANK" 28 Cedar Road (5 Sheets); dated
7/5/06

I, Gregg Champney, Clerk of the Planning Board hereby certify that the following is a detailed record of all the proceedings relative to the application of OmniPoint for a Special Permit under Section 173-128 of the Littleton Zoning Bylaws for property located at the Cedar Hill Water Tank site at 28 Cedar Road.

The applicant desires to co-locate up to 6 panel antennas, ground-based equipment cabinets, and associated utility interconnections as described in the application and supporting documentation.

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NOTIFICATION

A notice of Hearing was published, posted and mailed to the "Parties at Interest" as indicated below:

1. Published in the Littleton Independent on October 12 and 19, 2006;
2. Posted in a conspicuous place in Town Hall not less than 14 days prior to the date of the hearing;
3. Mailed on or about October 10, 2006 by certified mail, return receipt, to the abutters and owners of land within 300 feet of the property line as named in the certified list of abutters from the assessors and to the Planning Board of every abutting town.

FINDINGS

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

1. The application meets the submittal criteria set forth in Section 173-129C of the Bylaws.
2. The Board finds, pursuant to Section 173-131 A, the applicant provided satisfactory testimony that the new installation would be located such it they would not be in violation of the Federal Communication Commission or the Federal Aviation Administration regulations presently in effect.
3. The Board finds that the application provides satisfactory evidence that the requirements of Section 173-131 B are satisfied.
4. Pursuant to Section 173-7 C. of the Bylaws, the Board finds as follows that the proposed use detailed in the application with the proposed noise mitigation system:
 - A. Will not create a significant nuisance, hazard, or congestion;
 - B. Will not create substantial harm to the neighborhood in which it is to take place;
 - C. Is appropriate for the site in question; and
 - D. Complies with all applicable requirements, except where otherwise waived herein.

WAIVERS GRANTED

The Board finds that due to the fact that the equipment is to be placed on Water Department property with no access roadway required, the requirement for a maintenance bond shall be waived.

The Board finds that since no new tower is being constructed, and several mitigating measures are in place to ameliorate any visual impacts of the antennas, the requirement for an on-site visual demonstration shall be waived.

DECISION

At the Board meeting of Thursday, October 26, 2006 the Board voted to **grant** the applicant a Wireless Telecommunication Special Permit as described herein with the following conditions. For all the above reasons, the Board hereby grants the Special Permit, subject to the following **conditions**:

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1. The antennas cannot be installed at a height above 100 feet without a height variance from the appeals board;
2. Noise shall be in accordance with the Bylaw Section 173-78 through 173-83 and an affidavit shall be submitted to the Building Department prior to issuance of a building permit;
3. A 6-foot tall stockade fence shall be installed all the way around the ground-based equipment, except for at the entrance to the cabinets for access prior to beginning operations of the facility;
4. Plantings, consisting of arbor vitae, shall be installed around the stockade fence to provide as much greenery as possible;
5. All signs shall be in accordance with the Bylaw Section 173-131 b. 10;
6. There shall be no lighting of any sort on the tower;
7. If the installation is not operative for a continuous period of twelve months, it shall be considered abandoned, and the owner of such equipment shall remove it within 90 days of such abandonment;
8. This Special Permit shall expire in five years;
9. All conditions of prior Special Permits for this site shall remain in full effect, including requirements for fencing and screening plantings; and
10. This Special Permit shall not become effective until this Special Permit is recorded at the Registry of Deeds.

The Board voted 5 to 0 to **grant** the Special Permit with the above conditions.

Each Board member voted as follows:

Janet LaVigne	AYE
Mark Montanari	AYE
Richard J. Dennis, Jr.	AYE
Steve Wheaton	AYE
Gregg Champney	AYE

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:

Nov. 9, 2006



Gregg S. Champney, Clerk



Town Clerk

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Cedar Hill Water Tank Site – OmniPoint**

TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, _____, 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
Littleton, Mass.

Date