



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

September 16, 2009

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES BYLAW SPECIAL PERMIT RECORD AND DECISION 550 KING STREET, LITTLETON, MASSACHUSETTS

APPLICATION: SPECIAL PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITY

PROPERTY LOCATION: 550 King Street
Map U-8, Parcel 10

DESCRIPTION: Application for installation, operation, and maintenance of a wireless telecommunications facility, involving rooftop antenna systems, pursuant to MGL c 40A and Littleton Code Article XXI, Wireless Telecommunications Towers and Facilities, section 173-28 through 173-133; Article III, Section 173-7 on Special Permits; Article V on Use Regulations; Article XXI on Site Plan Approval.

APPLICANT: International Business Machines (IBM) Applicant
Verizon Wireless, Co-Applicant
AT&T Wireless, Co-Applicant
Sprint PCS (Sprint-Nextel), Co-Applicant

OWNER: AG/ND King LLC (National Development)
c/o National Development
2310 Washington Street
Newton, Lower Falls, Mass., 02462

DATES OF LEGAL NOTICES: August 27, 2009, and September 3, 2009.

DATE OF HEARING: September 10, 2009

MEMBERS PRESENT: Mark Montanari, Richard Crowley, Steve Wheaton, and Gregg Champney

REFERENCE PLANS: "IBM Littleton – IBRD, 550 King Street, Littleton, Mass., 01460", and consisting of the following Sheets: (T-1) Title Sheet; (C-1) Plot Plan; (C-2) Proposed Roof Plan; (C-3) Equipment Room Plan; (C-4) Elevation; and (C-5) Construction Details. (Dewberry Project # 50002925) last revised 08/18/09

APPLICATION: On August 19, 2009, the application, plans, supporting documentation and the application fee were submitted to the Planning Board. The Planning Board found that the application was substantially complete.

HEARING: Following proper notification, the Public Hearing was opened on Thursday, September 10, 2009 at the Littleton Town Office at which all those interested were given an opportunity to be heard. The Public Hearing was closed on September 10, 2009.

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550 King Street, Littleton; IBM and Co-applicants**

FINDINGS: Following the Public Hearing, the Planning 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:

The location and the proposed facility

IBM is seeking to resolve wireless telephone service levels and connectivity issues for their employees/visitors using wireless communications services while within the buildings located at their facility in Littleton. Verizon Wireless and the other carriers determined that the signal strength within the building was not adequate to provide reliable service to the IBM employees utilizing existing nearby wireless telecommunication facility base stations. Since the coverage issue is being addressed as a result of a specific customer's request (IBM), the carriers determined that the best way to enhance the coverage for the customer would be through an in building repeater system. Because a component of the installation consists of a roof-mounted antenna installation, the installation requires a special permit from the Planning Board pursuant to Article XXI of the Zoning Bylaw on Wireless Telecommunications Towers and Facilities.

Each of the three carrier installations is to consist of a separate and stand-alone antenna support mount with one or two small antennas mounted to each of the antenna support mounts for each Carrier, with each supporting-mount extending approximately seven feet above the flat roof on the northerly side of the large rooftop of the main building at the IBM Campus located at 550 King Street, alongside Interstate 495, in an Industrial A zone. The small antenna systems will communicate with each carrier's nearby existing Wireless Facility base-stations, and will relay/amplify the radio frequencies and service inside and throughout the two buildings located on the IBM Campus in order to improve the cellular radio signals to the users inside the building. It is the exterior rooftop antenna-mount component of the installation that is subject to Article XXI of the Bylaw. Additionally, cables and small antennas will be placed throughout the inside of the two main buildings on the IBM Campus, and that component of the installation inside the buildings is a permissible use.

Findings pursuant to Section 173-7.C

Criteria. Special permits shall only be granted if it appears to the special permit granting authority that no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of this chapter.

Pursuant to Article III, Section 173-7 C. on Criteria for Special Permits, a special permit shall only be granted if it appears to the special permit granting authority, in this case the planning board, that no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of this chapter. There are no exterior changes to the building structure, no increase in height to the building structure, no traffic impacts, no site plan changes, and no signage involved with this installation, and the antenna mounts shall be placed on the rooftop of the main IBM Building and will be barely noticeable, if at all. It is notable that the antenna location is over 500 hundred feet distant from any residential properties along the southerly side of King Street, with a row of relatively mature trees existing along the northerly sideline of King Street. The wireless facility is unmanned with no utility upgrades necessary, so the general criteria are either not-applicable and/or are met. The proposed system is intended to only provide service improvements within the interior of the facility, in this case, IBM buildings.

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Findings pursuant to Section 173-131

- A *The tower and its facilities shall be located in accordance with the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) Regulations in effect at the time of construction. The operation of the Tower and its facilities shall comply with all requirements of these agencies during the entire period of operation.*

The Applicant's exterior antennas will not exceed the height of the existing roof structures and no lighting is required and the Applicant's installation will comply with FAA and FCC regulations.

- B.(1) *To the extent feasible all service providers shall co-locate on a single tower. Towers and accessory building shall be designed to structurally accommodate the maximum number or users.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495.

- B.(2) *New towers shall be considered only upon a finding by the Planning Board that existing or approved towers cannot accommodate the wireless communications equipment planned for the proposed tower.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495.

- B.(3) *If it is demonstrated to the satisfaction of the Planning Board that the siting of proposed facilities on municipal land, or within an existing church steeple is not feasible, then the towers and facilities shall be located on Industrial Land within five hundred (500) feet of a divided highway.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed In-Building Radio Distribution/Distributed Antenna System (IBRD/DAS) system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495. In any case, the Applicant's proposed WIRELESS FACILITY is located in an Industrial Zone and is adjacent to I-495.

- B.(4) *The base of all towers shall be no closer than three (300) hundred feet to a dwelling in a residential district. Facilities shall comply with existing setback requirements.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495.

- B.(5) *Tower height shall not exceed 100 feet measured from the base of the tower to the highest point of the tower or its projection.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495.

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- B.(6) *Fencing shall be provided to control access to the base of the tower which fencing shall be compatible with the scenic character of the Town and shall not be of barbed wire or razor wire.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495.

- B.(7) *Access shall be provided to a tower site by a roadway which respects the natural terrain, does not appear as a scar on the landscape and is approved by the Planning Board and the Fire Chief to assure emergency access at all times. Consideration shall be given to design which minimizes erosion, construction on unstable soils and steep slopes.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495.

- B.(8) *The applicant shall demonstrate to the satisfaction of the Planning Board that the location of the tower is necessary and that the size and height is the minimum necessary for the purpose.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495. IBM is seeking to resolve wireless telephone service levels and connectivity issues for their employees/visitors using wireless communications services while within the buildings located at their facility in Littleton. Verizon Wireless and the other carriers determined that the signal strength within the building was not adequate to provide reliable service to the IBM employees utilizing existing nearby wireless telecommunication facility base stations. Since the coverage issue is being addressed as a result of a specific customer's request (IBM), the carriers determined that the best way to enhance the coverage for the customer would be through an in building repeater system. Because a component of the installation consists of a roof-mounted antenna installation, the installation requires a special permit from the Planning Board pursuant to Article XXI of the Zoning Bylaw on Wireless Telecommunications Towers and Facilities.

- B.(9) *There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with the sign requirements of this bylaw.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495. There are no exterior signs or signs that will be visible to the public.

- B.(10) *To the extent feasible all network interconnections from the communications site shall be installed underground.*

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna

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mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495. There are no network interconnections.

- B.(11) *The tower shall minimize, to the extent feasible, adverse visual effect on the environment. The Planning Board may impose reasonable conditions to ensure this result, including painting, lighting standards and screening.*

Given the low-height of the donor antenna mounts (approximately seven feet in height above the flat rooftop and similar in height to other existing rooftop appurtenances), and given the large rooftop area of the IBM building, located along I-495, a balloon test or other type of visibility study or on-site demonstration pursuant to Section 173-130 is not believed necessary for this type of IBRD/DAS system. A photograph of a typical IBRD exterior donor antenna and antenna specification sheets was enclosed with the application.

- B.(12) *Removal of Abandoned Towers and Facilities. Any tower or facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower and facility shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment.*

If such tower or facility is not removed within said ninety (90) days, the Town may cause such tower or facility to be removed at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed IBRD/DAS system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495. Given the majority of the IBRD/DAS system involves the wiring and cabling inside the IBM Building, with the antenna mounts being capable of being disassembled in a matter of hours by a two person crew, a bond or other type of security pursuant to Section 173-132 is not considered applicable or necessary by IBM and the Carriers.

Additional findings

1. The Board finds, pursuant to Section 173-133 D that the applicant demonstrated that no lighting is required, and that the installation would comply with Mass. Department of Public Health and FCC regulations concerning radio frequency emissions.
2. The site will enhance cell phone service within the IBM facilities.
3. The balloon test (visual demonstration) was not needed.
4. Section 173-133 of Article XXI on Site Plan Approval addresses the requirements for a site plan accompanying a special permit application for a Wireless Telecommunications Facility (WTF), and also references the general site plan review requirements set forth in Section 173-17 and 173-18 under Article IV on Site Plan Requirements. Given the minor nature of the proposed WTF for the IBRD/DAS system, and given there are no changes to the building or the ground on the site, and given the WTF is an unmanned facility, IBM and the Carriers are providing a basic site plan and building elevation from Dewberry-Goodkind in order to more clearly present the antenna location on the rooftop of the

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main building on the campus, and these plans comply with the Site Plan Review requirements of the bylaw.

DECISION: At the Board meeting of Thursday, September 10, 2009, Mr. Champney made a motion to approve the Special Permit as described herein with the following **conditions**:

1. The operation of the equipment shall comply with all applicable FAA and FCC regulations.
2. The height of the installation shall not exceed the height of the penthouse structure on the building. In the event the antennas are modified or upgraded to provide for exterior coverage beyond the IBM Campus, a new special permit application shall be required.
3. If the antennas are not operative for a continuous period of twelve months, the antennas shall be considered abandoned, and the owner shall remove them within 90 days of such abandonment.
4. This Special Permit shall not become effective until this Special Permit is recorded at the Registry of Deeds.

Mr. Wheaton seconded this motion and the Board voted 4 to 0 in favor of this motion. Thus, the Planning Board voted to **grant** the Wireless Telecommunications Special Permit as described above with the above conditions.

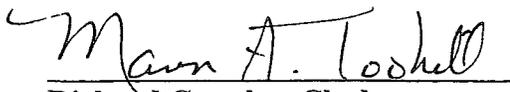
Each Board member voted as follows:

Steve Wheaton	AYE
Gregg S. Champney	AYE
Mark Montanari	AYE
Richard Crowley	AYE
Janet E. LaVigne	(Absent and not voting)

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: September 16, 2009


Richard Crowley, Clerk


Town Clerk

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TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Crory, 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 Diane Crory
Littleton, Mass.

Date

