



FYI

Wednesday, November 04, 2009

**WIRELESS TELECOMMUNICATIONS SPECIAL PERMIT
RENEWAL DECISION**

APPLICATION: **RENEW SPECIAL PERMIT FOR WIRELESS
TELECOMMUNICATIONS FACILITIES**

PROPERTY LOCATION: 59 Porter Road
Existing Telecommunications Tower
Map R-12, Parcel 4

DESCRIPTION: Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless seeks a Special Permit to modify and continue to maintain and operate an existing Wireless Telecommunications Facility at the Site. The existing Special Permit was filed April 23, 1999 with the Littleton Town Clerk. Proposed work includes removal of three of the antennas on the applicant's existing array at an elevation of 109 feet on the existing monopole at the site and continued operation and maintenance of the facility.

APPLICANT: Bell Atlantic Mobile of MA d/b/a Verizon Wireless
400 Friberg Parkway
Westborough, MA 01581

OWNER: SDA Investments LLC
238 Littleton Road
Suite 203
Westford, MA 01886

REPRESENTATIVE: Attorney Michael S. Giaimo
Robinson & Cole LLP
One Boston Place, 25th Floor
Boston, MA 02108-4404

DATES OF LEGAL NOTICES: October 8 and 15, 2009

DATE OF HEARING: October 22, 2009

BOARD MEMBERS: Mark Montanari; Richard Crowley; Steve Wheaton; and
Gregg Champney

**WIRELESS TELECOMMUNICATIONS SPECIAL PERMIT RENEWAL
59 Porter Road – Bell Atlantic Mobile/Verizon Wireless**

REFERENCE PLANS: “59 Porter Road Littleton, MA Compound Plan & Elevation” dated 06/01/09 and last revised 07/06/09 by Aerial Spectrum Incorporated for Verizon Wireless, one sheet.

The applicant desires to renew the Telecommunications Special Permit, remove three existing antennas and replace them with three new antennas, at an elevation of 109 feet on the existing monopole and allow continued operation and maintenance of the facility.

Application materials submitted include: Cover Letter; Application to Renew Special Permit; Statement in Support of Application for Special Permit; Abutters’ List; Reference Plan, and Review fee.

Following proper notice, the Planning Board held a Public Hearing on Thursday, October 22, 2009, where all those present had the opportunity to be heard. The Public Hearing was closed on October 22, 2009.

WAIVERS: Following this Public Hearing, the Board, based on the application, and together with the materials and testimony provided at its hearing, granted the following waivers regarding the land in question and the proposed use:

- (1) From Section 173-129 C (1)(a) to waive the description, design, needs, location, etc. for the tower, as this is a proposed renewal of a co-location on an existing telecommunications tower.
- (2) From Section 173-133B to waive the requirement for eight view lines, as this is a proposed renewal of a co-location on an existing telecommunications tower.

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 173-129 C. of the Bylaws, with the above waivers granted.
2. The Board finds, pursuant to Section 173-131 A that the application provided satisfactory documentation and testimony that the new antennas would be located such that it would not be in violation of the Federal Communication (FCC) or the Federal Aviation (FAA) regulations presently in effect.
3. The Board finds that the application, along with the waivers granted, provides satisfactory evidence that the requirements of Section 173-131B are satisfied by the following:
 - A. The proposed installation is a renewal and upgrade on an existing telecommunications tower.
 - B. Fencing is currently provided at the base of the tower.
 - C. Access to the site currently exists and is adequate.
 - D. Current signs on the site are adequate.
 - E. Network interconnections from the tower to the shelter shall be underground.
 - F. The visual impact of the proposed installation is minimal.

**WIRELESS TELECOMMUNICATIONS SPECIAL PERMIT RENEWAL
59 Porter Road – Bell Atlantic Mobile/Verizon Wireless**

4. The board finds, pursuant to Section 173-131B(12) and Section 173-132 that a removal bond for the antennas, brackets, supports, and cables would be sufficient to cover the removal when the use of the antennas is discontinued. The bond will be taken by the Town and used to satisfy the provisions of Section 173-131 (12) only if the applicant fails to remove the antennas and appurtenances within the required time period.
5. The Board finds, pursuant to Section 173-132 B that no other bonding is necessary for this application.
6. The Board finds, pursuant to Section 173-7 C of the bylaws, as follows:
 - A. The proposed use detailed in the application will not create a significant nuisance, hazard or congestion.
 - B. The proposed use detailed in the application will not create substantial harm to the neighborhood in which it is to take place;
 - C. The proposed use detailed in the application is appropriate for the site in question.
 - D. The proposed use detailed in the application complies with all applicable requirements of the Bylaws, except where otherwise waived herein.
7. The Board finds, pursuant to Section 173-131 B. (5) that the Board of Appeals granted a variance from the 100 foot maximum height requirement for the installation of these antennas and appurtenances.

DECISION: At the Planning Board meeting of Thursday, October 22, 2009, Mr. Champney made a motion to RENEW the Telecommunications Special Permit as described herein subject to the following conditions:

1. The antennas shall be dull gray in color.
2. No lights shall be installed at this telecommunications facility.
3. Noise shall be in accordance with the Bylaw Section 173-78 through 173-83.
4. All signs shall be in accordance with the Town of Littleton Zoning Bylaws.
5. The antennas shall be removed by Bell Atlantic Mobile/Verizon Wireless if they are not operative for a continuous period of 12 months.
6. Prior to issuance of a building permit, either a bond for the removal of the antennas in the amount of \$5,000 shall be submitted by the applicant or evidence of an existing bond shall be provided.
7. This Special Permit renewal shall expire in five years.
8. This Special Permit renewal shall not become effective until it is recorded at the Registry of Deeds.

This motion was seconded by Mr. Crowley.

VOTE: Each Board member voted as follows:

Mark Montanari	AYE
Richard Crowley	AYE
Janet LaVigne	(Absent and not voting)

**WIRELESS TELECOMMUNICATIONS SPECIAL PERMIT RENEWAL
59 Porter Road – Bell Atlantic Mobile/Verizon Wireless**

Steven Wheaton AYE

Gregg Champney AYE

Signed:

Date Filed with Town Clerk: Nov. 4, 2009


Richard Crowley, Clerk


Town Clerk

Appeals, if any, shall be made pursuant to Section 17 of the Zoning Law, Massachusetts General Law, Chapter 40A, and shall be filed within twenty (20) days after the filing of the decision with Town Clerk.

I hereby certify that twenty (20) days have elapsed since the date this Decision was filed with the Town Clerk, and no notice of appeal has been filed during that period.

Diane Crory, Town Clerk