



Town of Westford

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Westford, MA 01886
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Office of the Planning Board

SITE PLAN REVIEW APPROVAL: PB09003-SPR/SP (WCF)
"WIRELESS COMMUNICATIONS FACILITY – HUNT ROAD WATER TANK"
TOWN OF WESTFORD ZONING BYLAW SECTION: 9.4
SITE PLAN REVIEW

Applicant: OMNIPOINT COMMUNICATIONS, INC.,
A wholly owned subsidiary of T-Mobile USA, Inc.
15 Commerce Way, Suite B
Norton, MA 02766

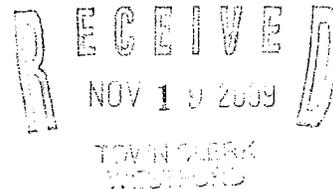
Landowner: Town of Westford
c/o Town of Westford Water Department
63 Forge Village Road
Westford, MA 01886

Property Location: Hunt Road
Westford, MA 01886

Assessors Map and Parcel: Map 33, Parcel 17

Application Submitted: April 3, 2009

Public Hearing: May 4, 2009
May 18, 2009
June 8, 2009
July 6, 2009
August 3, 2009
August 18, 2009
September 8, 2009
September 21, 2009
October 5, 2009
October 26, 2009
November 2, 2009



DECISION

At its regular meeting on Monday, November 16, 2009, the Planning Board voted 4-1-0 to APPROVE the Site Plan of Omnipoint Communications, Inc., a wholly-owned subsidiary of T-Mobile USA, Inc., to locate, install, and operate a wireless communications facility on and around the Hunt Road water tank. The proposed work is shown on plans entitled;

HUNT ROAD WT
HUNT ROAD
WESTFORD, MA 01886
SITE NUMBER: 4BS-0476-D
SITE TYPE: WATER TANK

Prepared by Advanced Engineering Group, P.C., dated September 22, 2008 and revised through July 15, 2009, consisting of four (4) sheets.

Findings:

The Planning Board made the following findings based on the criteria set forth in the Zoning bylaw under Section 9.4.7:

- 1) **Environmental Impact:**
No additional clearing of vegetation is required as part of the placement of the wireless communication equipment. Proposed improvement within 10' wide access easement are located outside of Conservation Commission jurisdiction.
- 2) **Pedestrian and Vehicular Safety:**
The on-ground site equipment is contained within an eight (8) foot high wood stockade fence. The existing "driveway" located within the 10' wide access easement shall be upgraded/widened as required to ensure proper placement of the "driveway" and safer vehicular movement.
- 3) **Scenic Viewshed:**
The proposal antennas will be mounted to the top of the 66' water tank. Further, the antennas and cable tray that runs down the side of the tank and contains the coaxial cables that connect the antennas to the ancillary radio communications equipment cabinets will be painted to match the exterior of the water tank, thereby minimizing the visual impact of the equipment. The proposed facility uses an existing structure and is compatible with the aesthetics of such.
- 4) **Visual Intrusion:**
The proposal does not call for the removal of any existing vegetation around the existing water tank. The on-ground site equipment shall be contained within an eight (8) foot high wood stockade fence. The antennas will be mounted to the top of the 66' Tank, and both the antennas and cable tray will be painted to match the exterior of the tank, thereby minimizing the visual impact of the proposed facility.
However, due to the close nature of the proposed on-ground equipment and the residential dwelling at 22 Baldwin Avenue the Applicant has agreed and shall contribute up to \$1,000 for the construction of a fence along the property boundary of 22 Baldwin Avenue and the proposal site which will provide for additional screening.
- 5) **Glare intrusion:**
The proposal does not require the removal of any existing vegetation around the existing water tank.
- 6) **Lighting Intrusion:**
No additional lighting shall be included on the tower or associated structure other than that required by the FAA.
- 7) **Character and Scale:**
The proposed facility and equipment will not detract from the existing scale and character of the tower as viewed from public ways.
- 8) **Groundwater Contamination:**
The proposal does not include an onsite wastewater disposal system. No uses are anticipated on the structure to endanger groundwater.

General Conditions of Approval:

- 1) A Registry of Deeds recorded copy of this approval and all required legal documents shall be provided to the Planning Department prior to the issuance of a building permit for the site.

- 2) The Applicant shall comply with any and all conditions set forth by the Conservation Commission in their Order of Conditions. In addition, if any of the approved site features are amended by the Conservation Commission in a way that would require a site plan amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval.
- 3) The Applicant acknowledges that this approval is subject to completion of all necessary filings with the Board of Health. In addition, if any of the approved site features are amended by the Board of Health in a way that would require a site plan amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval.
- 4) The Applicant shall provide the Planning Department with five (5) sets of full sized and reduced copies of the final set of approved plans as well as a digital copy of the final set of approved plans prior to the issuance of a building permit. The digital copy of the final set of approved plans must follow the five (5) requirements listed below.
 - i. All plans and specifications must be submitted on electronic media (CD or DVD_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, ArcView *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required prior to receiving a Certificate of Occupancy from the Building Department.
 - ii. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88.
 - iii. Each feature type must be organized in the CAD or GIS data structure as a separate layer using logical layer names. For example, there must be separate CAD layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single CAD layer or GIS file will not be accepted.
 - iv. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
 - v. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.
- 5) No structures shall be constructed within the setback areas as established in the Town of Westford Zoning Bylaws.
- 6) All work is to be done in accordance with the approved plans.
- 7) The provisions of this approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control.
- 8) Any revisions, amendments or modifications to the approved plans shall come before the Planning Board for Approval.
- 9) Violations of any condition contained herein or failure to comply with the Site Plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in G.L. c. 40A.

- 10) This approval shall lapse within three years from Plan endorsement unless substantial use or construction of the site has commenced. Substantial use or construction on the site will be determined by a majority of the Planning Board. If substantial use or construction has not commenced within three years, the applicant shall petition the Planning Board for an extension of time;

Site Specific Conditions:

- 1) The applicant shall submit a report detailing the following information to the Town on an annual basis. The first report shall be due within thirty (30) days after startup of the facility.
 - a. A list of all users of a given WCF, the service each is providing, and the heights of their antennae if mounted on a freestanding structure.
 - b. For each user of a given WCF, annual certification of compliance with Federal Communications Commission, Federal Aviation Administration, and federal, state, and local laws, rules and regulations must be provided.
 - c. For each user of a WCF, actual RF levels shall be measured at the heights specified in Section 6.2.6.9. If RF levels exceed the FCC regulated values, the transmitter power shall be lowered to a value that results in compliance with FCC standards. The actual transmitter power shall be documented and the provider shall certify that the power level will not be increased beyond the documented value. The applicant shall retain the right to operate at lower power levels at their discretion. Failure to comply with this regulation shall result in a Planning Board review of the site's continued compliance with the terms of the approved special permit.
 - d. If additional space is available for other wireless service providers, the applicant shall notify all competing service providers by certified letter of the availability of the facility. Copies of all letters sent and certified mail receipts shall be submitted to the Town annually.
 - e. Expected RF emissions levels shall be calculated for the nearest habitable structure near the proposed tower, adjacent to residentially zoned property, locations with the highest theoretical RF levels, and other locations deemed necessary by the Town after consideration of the topography and the antenna pattern.
- 2) Prior to issuance of a building permit, an agreement must be provided to the Board of its agent whereby the user indemnifies and holds the Town harmless against any claims for injury or damage resulting from or arising out of the use of or occupancy of the Town owned land.
- 3) Prior to issuance of a building permit, an agreement with the Water Department must be presented to the Board or its agent whereby the user shall, at its own expense, and within ninety (90) days upon termination of the lease or twelve (12) months of non-use of the water tank, restore the premises to the condition it was in at the onset of the lease and shall remove any and all WCFs thereon.
- 4) Prior to issuance of a building permit the Applicant shall present to the Board or its agent detailed site-specific structural inspections of the Water Tank along with plans and design calculations for pre-construction review and approval by the Water Department and Building Inspector. All plans and design calculations will be prepared and certified by a professional engineer in the Commonwealth of Massachusetts.
- 5) No lights shall be installed except those required by the FAA

- 6) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner and operator can be reached on a twenty-four (24) hour basis. All signs shall conform with the sign requirements of the Town of Westford Zoning Bylaws.
- 7) The proposed antennas to be located on the tower shall be non reflective in nature and colored to blend in with the existing tower.
- 8) The Applicant will discuss and comply with recommendations of the Town Engineer and Conservation Agent in regards to the need for the location and installation of any siltation barriers or fencing to prevent erosion during the update / widening of the 10' wide access easement and at access points to the site during construction.
- 9) The contractor shall make sure dust is mitigated during construction and the site is clean of all debris after construction.
- 10) Any damage caused by construction vehicles to curbing, roadway, sidewalk, trees, or any other object located in the public way shall be replaced at the applicant's expense.
- 11) The following information shall be deemed part of the decision;

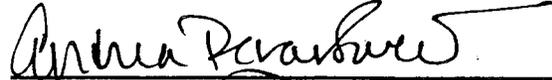
Plan:	HUNT ROAD WT HUNT ROAD WESTFORD, MA 01886 SITE NUMBER: 4BS-0476-D SITE TYPE: WATER TANK
Prepared by:	Advanced Engineering Group, P.C
Dated:	September 22, 2008 and revised through July 15, 2009, consisting of four (4) sheets.
- 12) No tree top clearing shall take place near and/or around the Water Tank.
- 13) There will be no emergency generator(s) permanently maintained at this facility.
- 14) The Applicant will install at their expense sound deadening material/devices, if it is demonstrated to the Planning Board or their agent that the normal operating noise from the applicant's equipment exceeds 25 dB at any surrounding residence. If the noise level exceeds this then the installed sound deadening material/device shall reduce the noise level to less than 25 decibels.
- 15) In response to notification by the Water Department, the Applicant shall lower radio emissions per FCC regulations whenever Water Department personnel are to be working on the water tank.

Members present and voting in the affirmative

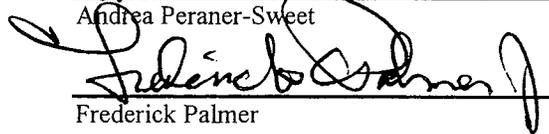
Site Plan
Decision PB 09003-SPR/SP (WCF)
Omnipoint Communications, Inc.
Hunt Road Water Tank



Michael Green, Chairman

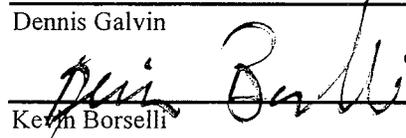


Andrea Peraner-Sweet



Frederick Palmer

Dennis Galvin



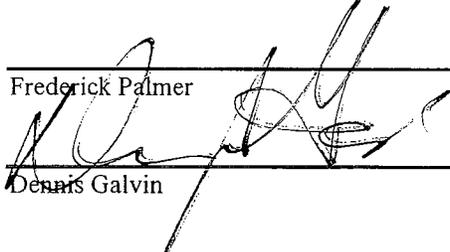
Kevin Borselli

Members present and voting in the negative

Michael Green, Chairman

Andrea Peraner-Sweet

Frederick Palmer



Dennis Galvin

Kevin Borselli

cc; Omnipoint Communications, Inc; Board of Selectmen; Board of Appeals; Board of Assessors; Board of Health ; Building Inspector; Conservation Commission; Engineering Department; Police Chief; Fire Chief; Highway Superintendent; Tax collector; Water Department; Planning Boards of Acton, Carlisle, Chelmsford, Groton, Littleton, Tyngsborough; Abutters within 300 feet.