



FYI

Town of Stow
PLANNING BOARD

380 Great Road
Stow, Massachusetts 01775
(978) 897-5098
FAX (978) 897-2321

NOTICE OF DETERMINATION

December 23, 2011

**New Cingular Wireless PCS, LLC ("AT&T"),
successor in interest to AT&T Wireless PCS, LLC**

1. Petition

This document is the DECISION of the Stow Planning Board (hereinafter the Board) on the petition of New Cingular Wireless PCS, LLC ("AT&T"), successor in interest to AT&T Wireless PCS, LLC (hereinafter the Petitioner) to Modify the Wireless Service Facility at 23 Hillcrest Avenue.

2. Petitioner

New Cingular Wireless PCS, LLC ("AT&T"),
successor in interest to AT&T Wireless PCS, LLC

Property Owner

Jeffrey D. Smith
23 Hillcrest Street
Stow, MA 01775

3. Location

Said property is shown on the Stow Property Map Sheet U-9 as Parcels 27 (hereinafter, the Site).

4. Board Action

After due consideration of the Petitioner's request for a determination that the proposed upgrade to an existing court-ordered Wireless Communication Facility constitutes a minor modification, and based upon the findings and conclusions set forth below, the Board, on December 13, 2011, by a vote of 4 members present, voted to determine that the proposed upgrade constitutes a minor modification, not requiring a public hearing.

5. Exhibits

Submitted for the Board's deliberation were the following exhibits:

Exhibit 1 Judgment entered in AT&T Wireless PCS, LLC v. Town of Stow, Massachusetts, et al., U.S.D.C., DMass, Civil Action No 01CV10555REK, dated July 12, 2011.

- Exhibit 2 Plan entitled AT&T Site Number: MA-3315, prepared by Aerial Spectrum, Inc, dated 10/28/11 consisting of the following:
- Sheet T-1 Title Sheet
 - Sheet A-1 Plans & Elevations
 - Sheet A-2 Antenna Layout & Details
 - Sheet A-3 Details
 - Sheet G-1 Grounding, One-Line Diagram & Details
- Exhibit 3 Manufacturer' Specifications for:
- a. Kathrin Multiband Directional Antenna 800-10121 (existing)
 - b. KMW Communications Multiband Directional Antenna AM-X-CD-14-65-00T-RET (proposed)
 - c. Powerwave Tower Mounted Amplifier TTAW-07BP111-001 (proposed)
 - d. PCTEL GPS Antenna/Mounting GPS-TMG-HR-26N and GPS-TMG-HR-226NCM (proposed)
 - e. Raycap DC Surge Suppression Solution DC6-48-60-18-8F
- Exhibit 4 Photographs of existing unipole and photo-simulations of the proposed unipole dated 10/10/11
- Exhibit 5 Structural Analysis Report, prepared by GPD Group, dated October 31, 2011.
- Exhibit 6 Radio Frequency Report of RF Engineer Kevin Breuer, dated October 31, 2011, explaining LTE and the reasons for and improvements derived from the upgrade.
- Exhibit 7 Massachusetts Department of Public Health 2001 "new Policy regarding Radio frequency Facility installation Approval
- Exhibit 8 Letter of Authorization from Jeffrey D. Smith, dated October 28, 2011
- Exhibit 9 AT&T's relevant FCC License Information (entitled Radio Station Authorizations for Call Signs WQJU427, WPWU950, and WQGA763, in the WY – 700 MHz Lower Band (Blocks A, B, E), WZ – 700 MHz Lower Band (Blocks C, D) and AW – ASW, 1710-1755/2110-2155 MHz bands, respectively.
- Exhibit 10 Planning Board Minutes, August 9, 2011, Approved: August 16, 2011

6. Findings, Conclusions and Conditions

Based upon its review of the Petitioner's request, the Board makes the following findings and conclusions:

- 6.1 **Finding:** The existing facility consists of a 100' unipole tower in which there are currently antenna installations of two (2) wireless communications carriers', AT&T and Verizon Wireless. The unipole is a monopole with internal antennas. Each Carrier's ground equipment is located within its existing equipment shelter at the base of the tower.

- 6.2 **Finding:** AT&T's existing facility includes three (3) panel antennas located inside a 20" diameter stealth canister at the top of the 100' tower. AT&T's radio equipment is located inside an existing shelter adjacent to the tower. The radio equipment is connected to the antennas by coaxial cables, which run underneath an ice bridge from the equipment shelter to the tower. The facility is served by standard electric telephone utilities.
- 6.3 **Finding:** Because the Facility is located outside the Town's Wireless Service Facility District and exists by federal court order, it is not subject to usual special permit provisions of the Zoning Bylaw.

The Judgment states: The facility shall not be constructed or altered except in conformance with this Judgment; provided, however, that the Planning Board or its designee shall, without a public hearing, authorize minor modifications to the Facility consistent with this Judgment which are necessary to address unforeseen field conditions or the like."

Although not applicable to this site because of the federal court's judgment, Section 5.12 of the Rules and Regulations provides helpful guidance. Section 5.12 provides that the permit "may be modified by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing."

- 6.4 **Finding:** The proposed modification as shown on the plans involves replacing three (3) existing panel antennas with three new (3) LTE panel antennas. The antenna dimensions are as follows:

	Height	Width	Depth
Existing	54.5"	11"	5.9"
Proposed	48"	11.8"	5.9"

The Board finds that this slight increase in antenna width will result in an increase in diameter of the stealth canister of about 3" (From approximately 20" to 23"). The stealth canister is 10' tall and occupies the elevation from 90' to 100' on the 100' pole. Because the antennas are housed within a fiberglass stealth canister, the new antennas, like the existing antennas, would not be visible

The Board finds that the proposed change to the antenna/monopole is minor in nature and therefore the Board considers the proposed alteration to be a minor amendment not requiring a new application or a new public hearing.

- 6.5 **Finding:** The petitioner also proposes to add additional radio equipment inside the existing equipments shelter, a small GPS antenna on the existing shelter, and a fiber truck, DC cables and a GPS cable in a 3" flex conduit along the existing ice bride. No other cables or equipment will be installed on the exterior of the unipole or the shelter at the site.

The Board finds that this proposed change is minor in nature and therefore the Board considers the proposed alteration to be a minor amendment not requiring a new application or new public hearing.

6.6 **Finding:** The Board makes no finding as to compliance with applicable FCC RF emission guidelines.

Condition: The proposed upgrade shall comply with FCC RF emission guidelines.

6.7 **Finding:** The Board makes no finding as to the Structural Analysis Report.

Condition: All structures are subject to issuance of a building permit in compliance with Massachusetts Building Code.

6.8 **Condition:** There shall be no change in the number of facilities permitted on the site before and after AT&T's upgrade. AT&T and Verizon Wireless shall have the only facilities on the site.

6.9 **Condition:** This Notice of Determination serves as notice to the Building Commissioner that the proposed upgrade to an existing court-ordered Wireless Communication Facility constitutes a minor modification, not requiring a public hearing. All terms and conditions of the Judgment entered in AT&T Wireless PCS, LLC v. Town of Stow, Massachusetts, et al., U.S.D.C., DMass, Civil Action No 01CV10555REK, dated July 12, 2011 shall remain in full force and effect.

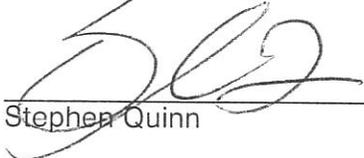
Witness our hands this 23rd day of December 2011.



Lori Clark



Ernest Dodd

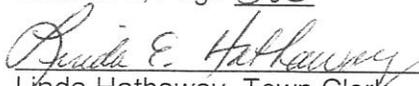


Stephen Quinn



Kathleen Willis

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Linda Hathaway, Town Clerk

December 29, 2011
Date