

**TOWN OF LITTLETON**  
**BOARD OF APPEALS**  
 37 Shattuck Street  
 P.O. Box 1305  
 Littleton, MA 01460  
 Tel: 978-540-2420



## APPLICATION FOR PUBLIC HEARING

Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning Bylaws

**TOWN USE ONLY**  
 Received by the Town Clerk Office

**RECEIVED**  
3/19/15

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 450<sup>00</sup> Check # 7269

Pursuant to the provisions of Chapter 40, §57 of the Massachusetts General Laws as adopted by Town Meeting 2003, this document must be signed by the Tax Collector verifying payment of taxes.

Deborah Richards

Signature of Tax Collector

The undersigned hereby submits this petition for the following action (check all that apply):

- Appeal of Decision of Building Inspector or other administrative official (see page 2)
- Special Permit (40A) (see page 2)
- Variance (see page 3)
- Comprehensive Permit (40B) Complete additional application (see page 2)

**PETITIONER: Signature** \_\_\_\_\_ Date: 3/18/2015

New Cingular Wireless PCS, LLC  
Print Name \_\_\_\_\_  
 550 Cochituate Rd., Ste. 13 & 14  
Address \_\_\_\_\_  
 Framingham, MA 01701  
Town, State, Zip \_\_\_\_\_

(508) 271-8310  
Phone # jr7293@att.com  
Email Address \_\_\_\_\_

*Deed Reference: Bk 12706 Page 580*

**PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned**

Letter of Authorization attached \_\_\_\_\_ (978) 540-2255  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Phone # \_\_\_\_\_  
 Scott Edwards/General Manager  
Print Name (if different from petitioner) \_\_\_\_\_  
 sedwards@lelwd.com  
Email \_\_\_\_\_

39 Ayer Road, Littleton, MA 01460  
Address (if different from petitioner) \_\_\_\_\_

**ASSESSOR MAP & PARCEL NUMBER** Map U-30, Parcel 5A

**ZONING DISTRICT:** R VC B IA IB (Circle all that apply)

Check box if  AQUIFER DISTRICT

applicable

WATER RESOURCE DISTRICT

<b>FILING FEES</b>	
Residential Property	\$200 to Town of Littleton
Commercial Property	\$350 to Town of Littleton
Comprehensive Permit	\$1000 + \$100/unit over 10 units

<b>ADDITIONAL FEES (all applications)</b>	
\$ 75 to Comm of Mass-recording fee	
\$25 to Town of Littleton-abutter list	

Legal Notice publication fee due prior to opening hearing

# Variance

Under MGL c. 40A §. 10

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to vary, in the manner and for the reasons hereinafter set forth, the applicable provisions of the Zoning By-law.

1. Specifically, from what Zoning bylaw section are you seeking relief? 173-131 B (5)

2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?

*Attach a written statement that specifically describes existing conditions and your objectives, along with plans, specifications, certified plot plan and any documentation necessary to support your request.*

3. Show evidence that you meet the minimum requirements of a variance under section 173-6 B (2) of the Littleton Zoning Bylaws.

*Attach a written statement which specifically includes why, owing to conditions (soil, shape, or topography) especially affecting the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-law would result in a substantial hardship to you. Applicant must clearly demonstrate the lack of alternative remedies.*

4. *I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.*

Dick Man

Signature

Dick Man/Agent for New Cingular

Print name Wireless PCS, LLC

## Filing Instructions

1. **IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILL OUT THIS APPLICATION.** He will assist you with the proper zoning sections and application request(s). His review may save time by preventing delays in the hearing process.

2. Apply for a certified abutters list with the Assessors office (request for certified list of abutters form enclosed)

3. Bring the completed application packet to the Administrative Assistant to the Building Commissioner who will assist you in filing with the Town Clerk.

**Necessary Exhibits**— provide 14 copies of the following with the completed application:

1. A copy of the most recently recorded plan of land or where no such plan exists, a copy of a plot plan endorsed by a registered engineer or land surveyor. The plan should show:
  - A) metes and bounds of the subject land
  - B) adjacent streets and other names and readily identifiable landmarks and fixed objects
  - C) dimensional layout of all buildings
  - D) distances and setbacks from the various boundaries
  - E) exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
  - F) direction of North
  - G) the name of each abutting property owner
2. Copy of the latest recorded deed
3. A written statement which details the basis for your petition
4. Pictures, plans, maps, drawings and models are always helpful in explaining the problem
5. In cases pertaining to signs, a scale print of the sign lettering and colors
6. In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor
7. In cases pertaining to Accessory dwellings evidence that the Board of Health has approved the septic system
8. The date of the building construction and the history of ownership are useful in finding facts about the case

Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled Zoning Board of Appeals meeting, held on the third Thursday of the following month.

The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules

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## ATTACHMENTS

1. Application form(s)
2. Letter of Authorization
3. FCC Licenses
4. Report of Radio Frequency Engineer
5. RF Coverage Plots
6. Certified Abutters List
7. Prior Decisions
8. Copy of Deed (required)
9. FAA Report/TOWAIR
10. Equipment Specifications
11. MPE Study
12. DPH Policy Statement
13. Photographs and Simulations
14. Plans

61844723 v1-WorkSiteUS-024519/0712

MICHAEL R. DOLAN Esq.  
Direct Dial: 401-276-2610  
Email: [mdolan@brownrudnick.com](mailto:mdolan@brownrudnick.com)

10  
Memorial  
Boulevard  
Providence  
Rhode Island  
02903  
tel 401.276.2600  
fax 401.276.2601

March 2, 2015

Town of Littleton  
Zoning Board of Appeals  
37 Shattuck Street  
PO Box 1305  
Littleton, MA 01460

RE: Wireless Communication Facility

Applicant: New Cingular Wireless PCS, LLC by and through its Manager, AT&T Mobility Corporation ("AT&T" or "Applicant")

Site: 559 A Newtown Road, Littleton, MA (Assessor's Map U30, Block A Lot 5) (the "Site") /

Land Owner: Town of Littleton

Tower Owner: Crown Castle USA, Inc.

Facility: Install twelve (12) panel antennas (four (4) per sector) at the 109' above ground level ("AGL") centerline mark upon an existing 100' lattice tower (the "Tower") on the Site, as extended by a 15' tower extension, together with related amplifiers, coaxial cables, fiber and other associated antenna equipment including remote radio heads, surge arrestor, cable trays, small GPS antennas and conduits, the associated electronic equipment installed inside an equipment shelter and a generator for emergency back-up power to be located within an existing fenced compound area (the "Facility").

Relief Requested: A Dimensional Variance from the height limitation of Article XXI, Section 173-131 (B) (5) pursuant to Article III, Section 173-6 (B) (2) of the Town of Littleton Zoning Bylaw (hereinafter the "Bylaw") and, to the extent required, all rights reserved, any other required relief, pursuant to Massachusetts General Laws, Ch. 40A as well as the Federal Telecommunications Act of 1996 (the "TCA"), the federal Middle Class Tax Relief and Job Creation Act of 2012 (the "TRA") and such other relief as deemed necessary, all rights reserved.

Dear Honorable Members of the Town of Littleton Zoning Board of Appeals:

On behalf of AT&T, we are pleased to submit this memorandum to the Town of Littleton Zoning Board of Appeals (the "Board") in support of AT&T's application (the "Application")



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for the installation, operation and maintenance of the Facility on the existing lattice Tower located at the Site. The following provides background information regarding the Facility and addresses each applicable section of the Bylaw with respect to an Application for a dimensional variance to extend the height of the existing 100' Tower by 15', all rights reserved.

## BACKGROUND

AT&T proposes to install twelve (12) panel antennas (four (4) per sector) at the 109' AGL centerline mark upon an existing 100' lattice tower (the "Tower") on the Site, as extended by a 15' tower extension, of the Tower on the Site, together with related amplifiers, coaxial cables, fiber and other associated antenna equipment including remote radio heads, surge arrestor, cable trays, small GPS antennas and conduits, associated electronic equipment installed inside an equipment shelter and a generator for emergency back-up power to be located within the existing fenced compound area on the Site. AT&T's antennas will not exceed the height of the Tower extension, which will extend to 115' AGL. AT&T will seek a special permit from the Planning Board. Article XXI, Section 173-131 (B) (5) of the Bylaw limits the height of towers to 100'. The Facility is shown in detail on the plans (the "Plans") attached hereto and submitted with this Application. The Site is located in the Residence zoning district. The Facility complies with the terms of the Bylaw to the extent possible. The Application follows the applicable sections of the Bylaw and sets forth Applicant's response to each of the relevant provisions.

The Applicant will lease a portion of the Site from the Owner of the Tower. AT&T operates a nationwide wireless communications system that offers enhanced features such as caller ID, voice mail, e-mail, and superior call clarity. AT&T is in the process of building out a national network as required by AT&T's license issued by the Federal Communications Commission (the "FCC"). By filling a significant coverage gap, the Facility will aid in reaching AT&T's goal of providing adequate and reliable wireless communications services in and around Littleton and to all of Massachusetts. Additionally, AT&T is enhancing its data network to provide high speed data services commonly referred to as "long term evolution" ("LTE"). Currently, LTE is designed to improve AT&T's data services network. LTE will be incorporated into this Facility.

A reliable communications system depends on a grid of antennae arranged in a geographical pattern, similar to a honeycomb. Each "site" is created by an antenna and serves as a link between the customer and the telephone system, while that customer is within proximity to the site. Each site can handle a finite number of connections. As the number of customers increase, more sites must be added to handle the increased volume. If this is not accomplished, connections are dropped or customers' calls are blocked and they will get a busy signal. A new antenna installation must be constructed each time a new site is created.

AT&T submits and will demonstrate through the Application materials and the written and oral evidence at the public hearing(s) in connection with the Application that the proposed Facility meets with all applicable requirements of the Bylaw, to the extent possible. The Facility will not adversely impact adjacent properties and neighborhoods as AT&T's Facility will not



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significantly change the appearance of the Tower. The Facility will not be a threat to public health, safety and welfare. In fact, Applicant submits that the proposed Facility will aid in public safety by providing and improving wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity. The benefits of telecommunications coverage in the vicinity of the Site include enhanced emergency capabilities consistent with the Town's objective to protect the public health, safety and welfare pursuant to the Bylaw. These services further the public interest of health and safety as it will enable wireless 911 services to be available to the community and communication services for the public. According to the FCC, more than 240 million 911 calls, or nearly two-thirds of all calls received by the 911 centers nationwide, are made annually from mobile handheld devices in the United States. See FCC Press Release, entitled FCC takes Action to Improve Wireless 9-1-1 Services, dated September 23, 2010. Today, wireless infrastructure is required to assist with public safety needs.

Consistent with the Bylaw, the Facility will function as a wireless communication services facility within a local, regional, and national communications system. This system operates under license from the FCC and AT&T is mandated and authorized to provide adequate service to the general public. This Site was selected after a careful screening process and was found useful to AT&T. The Facility will not generate any objectionable noise, odor, fumes, glare, smoke, or dust or require signage. The Facility will have no negative impact on property values in the area. No significant increase in traffic or hindrance to pedestrian movements will result from the Facility. On average, only one round trip visit per month is required to service and maintain the Facility. This is an unmanned Facility and will have minimal negative effect on the adjoining lots. The Facility does not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

#### **RELIEF REQUESTED**

AT&T respectfully requests that the Board grant a Dimensional Variance from the height limitation of Article XXI, Section 173-131 (B) (5) pursuant to Article III, Section 173-6 (B) (2) and, to the extent required, all rights reserved, any other required relief, pursuant to Massachusetts General Laws, Ch. 40A as well as the Federal Telecommunications Act of 1996 (the "TCA"), the federal Middle Class Tax Relief and Job Creation Act of 2012 (the "TRA") and such other relief as deemed necessary in connection with the installation, maintenance and operation of the Facility as provided in the Plans submitted with the Application, all rights reserved. The Board is specifically empowered to grant such relief pursuant to Article III, Section 173-6 (B) (2) of the Bylaw. As will be further demonstrated by AT&T through evidence submitted to the Board at the public hearing(s) in connection herewith, such relief is appropriate as the Facility satisfies all pertinent provisions and standards contained in the Bylaw and Massachusetts General Laws, Ch. 40A for the granting of a special permit, to the extent required, all rights reserved, as enumerated below. AT&T further requests, to the extent required, all rights reserved, any other required relief, pursuant to Massachusetts General Laws, Ch. 40A as well as the TCA, the TRA, and such other relief as deemed necessary.

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**COMPLIANCE WITH ARTICLE III, SECTION 173-6 OF THE ORDINANCE AND  
MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 10**

**B. (2) To hear and decide appeals or petitions for variances from the terms of this chapter, including variances for use, with respect to particular land or structures. Such variances shall be granted only in cases where the Board finds all of the following:**

**(a) That a literal enforcement of the provisions of this chapter would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.**

AT&T's hardship is its significant gaps in coverage. The location of the Site relative to AT&T's gap in network coverage, and the presence of an existing Tower renders the proposed location uniquely suited for the Facility to fill the existing significant gaps in coverage thereby permitting AT&T the ability to provide adequate coverage in this area of Littleton as part of its network pursuant to its FCC license. Pursuant to developing case law, if a local permit granting authority prevents a wireless service provider from filling a significant gap in its network coverage, that authority's decision may prohibit or have the effect of prohibiting the provision of adequate coverage. The Site is an ideal, unique candidate because it can meet AT&T's identified significant gaps in coverage while also meeting substantially all of the requirements of the Ordinance. AT&T proposes to mount its antennas on a 15' extension of the 100' Tower. AT&T respectfully requests a dimensional variance from the height limitation of the Bylaw. If AT&T were required to mount its antennas on the available space on the Tower at its current height, AT&T would not be able to provide adequate service and significant gaps in its wireless network would continue to exist in this area of Littleton. The use of the Site for the Facility at the height proposed will enable AT&T to provide enhanced wireless communications services in an area in which AT&T is currently experiencing significant gaps in coverage. Without the requested relief, the Applicant would have substantial gaps in reliable service coverage in its network. Radio frequency coverage maps and a Report of Radio Frequency Expert, submitted herewith, confirm that a communications facility located at the Site at the height proposed is required to remedy the existing significant gaps in AT&T's network coverage in the area.

**(b) That the hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.**

The hardship is owing to the shape and topography of the land and its location within the narrowly defined area within which a facility will provide the necessary coverage to fill significant gaps in AT&T's network. AT&T respectfully asserts that it cannot provide adequate coverage by filling its

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significant gaps in coverage if the Tower were limited to its present height of 100' AGL. Please refer to the Report of Radio Frequency Engineer and Coverage Maps included among the materials submitted herewith.

**(e) That desirable relief may be granted:**

- [1] Without substantial detriment to the public good; or**
- [2] Without nullifying or substantially derogating from the intent or purpose of this chapter.**

The variance may be granted without substantial detriment to the public good or nullification or substantial derogation of the intent or purpose of the Bylaw because AT&T proposes to locate its Facility upon an existing 100' Tower as extended by only 15' upon a municipally owned parcel of land upon which are located the facilities of other Wireless Communications Service Providers. The Tower extension and AT&T's Facility will be consistent with the appearance of the existing Tower and facilities so that potential visual impacts are minimized and the aesthetic qualities of the City of Town of Littleton are preserved to the maximum extent possible. Locating AT&T's Facility on an extended existing Tower, through collocation upon a single structure, will help to minimize the overall number of towers in the area. The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic. Further, the Facility will improve communication coverage to residents, commercial establishments and travelers through the area and improves communication services in this area of the Town of Littleton. The installation of the Facility will not be a threat to public health, safety and welfare. In fact, Applicant submits that the proposed Facility will improve emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. Published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications have been the only form of reliable communication. Lastly, the installation of the Facility at the Site will assist the Town of Littleton in complying with its obligations under the TCA. Consistent with the Bylaw, the Facility will function as a wireless communications services facility within a local, regional, and national communications system. This system operates under licenses from the FCC, and AT&T is mandated and authorized to provide adequate service to the general public. The proposed Facility will comply with all applicable regulations, standards and guidelines with respect to radio frequency emissions.

**THE TELECOMMUNICATIONS ACT OF 1996 - THE TCA**

Without the relief requested, AT&T would be unable to provide adequate coverage by filling its existing significant gaps in coverage, thereby creating a hardship recognized by federal

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and state courts interpreting the TCA. The Site is located within the limited geographic area whereby AT&T's radio frequency engineers determined that a wireless facility is required. Federal courts interpreting the TCA have held that where an applicant for the installation of wireless communications facilities to provide communications services seeks zoning relief as required by the municipal zoning ordinance, federal law imposes substantial restrictions affecting the standard for granting the requested relief. The TCA provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the FCC's Declaratory Ruling commonly referred to as the "Shot Clock".

In Omnipoint Holdings, Inc. v. City of Cranston, 586 F.3d 38 (1st Cir. 2009), the First Circuit Court of Appeals held that an effective prohibition occurs if a carrier demonstrates a significant gap in coverage and has investigated other viable alternatives. The factors the Court considered in judging the feasibility an alternative solution include whether the alternative solution is: technically efficient or at least technically adequate; economically feasible; preferred by local authorities; and, the level of willingness to cooperate. In Nextel Communications of the Mid-Atlantic v. Wayland, 231 F.Supp.2d 396 (D. Mass. 2002) and Omnipoint Communications MB Operations, LLC v. Town of Lincoln, 107 F. Supp. 2d 108 (D. Mass. 2000), the courts held that a municipality must approve a wireless facility if denying the petition would result in a "significant gap" in wireless services within a municipality because such denial would amount to an effective prohibition of wireless services. See 47 U.S.C. §332 (c) (7) (B) (i) (II). The court recognized that "an effective prohibition can exist even where a town allows for the erection of [wireless communications facilities] but subject to criteria which would result in incomplete wireless services within the town, i.e., significant gaps in coverage within the town." Town of Lincoln, 107 F. Supp. 2d at 117. Therefore, if an applicant establishes that the proposed facility would fill a significant gap in its wireless service coverage and is the least intrusive and only means reasonably available to accomplish that end, then the municipality must approve the requested zoning relief.

Of significance to the Board, courts have ordered the municipality to issue the necessary permits to allow the construction of the tower as described in the petition for zoning relief, foregoing an opportunity for the municipality to impose reasonable conditions on the wireless communications installation. Further, the Wayland court held that the need for closing a significant gap in coverage, to avoid an effective prohibition of wireless services, constitutes another unique circumstance when a zoning variance is required. We note that in the case of Sprint Spectrum L.P. v. Town of Swansea, Civil Action No. 07-12110-PBS, June 26, 2008, the federal District Court for Massachusetts held that notwithstanding the town zoning bylaw or Massachusetts state law, towns have the authority and obligation to grant variances to avoid

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violating the TCA. In a growing number of cases, the federal courts have found that variance denials violate the TCA, even if such denials would be valid under state law. For example, in Omnipoint Communications v. Town of Lincoln 107 F. Supp. 2d 108 (D. Mass. 2000), the court found that denial of a variance for a location outside of the town's wireless overlay district violated the TCA and ordered the variance to issue despite a town bylaw provision prohibiting use variances. Additionally, in Nextel Communications of the Mid-Atlantic, Inc. v. Town of Wayland, 231 F. Supp. 2d 396 (D. Mass. 2002), the court reached the same result. In that case, the court stated: "Although the Board's statement [regarding its lack of authority to issue a use variance] may be a correct statement in Massachusetts regarding variances, it is not controlling in the special case of wireless communications facilities...under the Telecommunication Act, the Board cannot deny the variance if in so doing it would have the effect of prohibiting wireless services."

Through the evidence submitted, AT&T has demonstrated that significant gaps exist in AT&T's network in this area of Littleton and the Facility is the only feasible means reasonably available to AT&T to fill its significant gaps in coverage.

## THE TELECOMMUNICATIONS ACT OF 1996 - THE TCA

The Federal TCA provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the FCC's Declaratory Ruling commonly referred to as the "Shot Clock". Likewise, Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012 Act mandates that an eligible facilities request must be approved.

## CONCLUSION

As evidenced by the materials submitted with the Application and as will be further demonstrated by AT&T through evidence submitted to the Board at the public hearing(s) in connection herewith, the Facility satisfies the intent and objectives of the Bylaw. The Facility will not have any adverse effect on property values in the area. The Facility will not be dangerous to the public health or safety as it is designed to comply with all applicable FCC requirements relating to radio frequency emissions and will comply with all applicable requirements of the Massachusetts building code. Indeed, the maximum radio frequency output per channel for the Facility will be well below the maximum radio frequency exposure levels established by the FCC. The Facility is a passive use, and will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. Further, the Facility will improve communication coverage to residents, commercial establishments and travelers through the area



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and improves call connections in this area of the Town of Littleton. This Facility will greatly improve emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. In fact, published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications has been the only form of reliable communication. Lastly, the installation of the Facility at the Site will assist the Town of Littleton in complying with its obligations under the TCA and the TRA.

Applicant respectfully requests that the Board grant all necessary relief to install and operate the Facility. For the foregoing reasons, as well as to satisfy the mandate of the Federal Government to facilitate competition in the telecommunications industry as set forth in the TCA and the TRA, Applicant respectfully requests that the Board grant the foregoing zoning relief. We respectfully submit that the standards for relief as set forth in the Bylaw as well as Massachusetts law relating to zoning must be interpreted and applied such that the decision issued by the Board is in conformance with the TCA and the TRA. Accordingly, a denial of the foregoing petition would effectively prohibit AT&T from providing adequate service to the Town of Littleton and unreasonably discriminate among providers of functionally equivalent services and thus would be contrary to the purpose and intent of the TCA and the TRA.

Sincerely,

Brown Rudnick LLP

Michael R. Dolan, Esq.



## LETTER OF AUTHORIZATION

This Letter of Authorization, dated 26 day of February, 2015, provides written authorization for New Cingular Wireless PCS, LLC, a Delaware limited liability company, ("AT&T"), its agent or representatives, to apply for any necessary zoning petitions, permits or any other approvals, including, but not limited to the filing of a building permit application (after required zoning approval has been completed), which are necessary for AT&T's placement of a wireless telecommunications facility within a portion of the Landlord's real property, commonly known as Newtown Hill Standpipe, with an address of 559A Newtown Road in the Town of Littleton, Commonwealth of Massachusetts.

This Letter of Authorization shall not constitute an agreement to enter into a binding agreement and neither party shall be bound with regard to the leasing of the above-mentioned property until a final agreement has become fully executed between the parties.

Landlord:

Littleton Board of Water Commissioners

BY: 

PRINTED NAME: Scott Edwards

TITLE: GENERAL MANAGER

**REFERENCE COPY**

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**Federal Communications Commission**  
**Wireless Telecommunications Bureau**  
**RADIO STATION AUTHORIZATION**

LICENSEE: WCS WIRELESS LICENSE SUBSIDIARY, LLC

ATTN: MICHAEL P. COGGIN  
 WCS WIRELESS LICENSE SUBSIDIARY, LLC  
 1120 20TH STREET, NW, SUITE 1000  
 WASHINGTON, DC 20036

Call Sign KNLB297	File Number
Radio Service WS - Wireless Communications Service	

FCC Registration Number (FRN): 0009850488

Grant Date 09-27-2010	Effective Date 02-12-2013	Expiration Date 07-21-2017	Print Date
Market Number REA001	Channel Block D	Sub-Market Designator 0	
<b>Market Name</b> Northeast			
1st Build-out Date 03-04-2014	2nd Build-out Date 09-01-2016	3rd Build-out Date	4th Build-out Date

**Waivers/Conditions:**

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**REFERENCE COPY**

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**Federal Communications Commission**  
**Wireless Telecommunications Bureau**  
**RADIO STATION AUTHORIZATION**

LICENSEE: WCS WIRELESS LICENSE SUBSIDIARY, LLC

ATTN: MICHAEL P GOGGIN  
 WCS WIRELESS LICENSE SUBSIDIARY, LLC  
 1120 20TH STREET, NW, SUITE 1000  
 WASHINGTON, DC 20036

Call Sign KNLB200	File Number
Radio Service WS - Wireless Communications Service	

FCC Registration Number (FRN): 0000850488

Grant Date 09-27-2010	Effective Date 02-12-2013	Expiration Date 07-21-2017	Print Date
Market Number MEA001	Channel Block B	Sub-Market Designator 0	
<b>Market Name</b> Boston			
1st Build-out Date 03-04-2014	2nd Build-out Date 09-01-2016	3rd Build-out Date	4th Build-out Date

**Waivers/Conditions:**

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/Mexico), future coordination of any base station transmitters shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: WCS WIRELESS LICENSE SUBSIDIARY, LLC

Call Sign: KNLB200

File Number:

Print Date:

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Spectrum Lease associated with this license. See Spectrum Leasing Arrangement Letter dated 04/01/2005 and File No. 0001999501.

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: KNKA226

File Number:

Print Date:

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No
37	42-41-29.8 N	071-47-30.8 W	233.8	47.9	

Address: 1140 Greenville Rd

City: ASHBY Count: MIDDLESEX State: MA Construction Deadline: 03-29-2013

Antenna: 1 Azimuth (from true north)	0	40	90	130	100	220	200	310
Antenna Height AAT (meters)	30.000	138.200	163.500	145.000	68.800	30.000	30.000	30.000
Transmitting ERP (Watts)	301.383	343.844	123.915	17.212	1.267	0.862	4.339	57.968
Antenna: 2 Azimuth (from true north)	0	40	90	130	100	220	200	310
Antenna Height AAT (meters)	30.000	138.200	163.500	145.000	68.800	30.000	30.000	30.000
Transmitting ERP (Watts)	0.559	6.546	72.077	254.800	226.824	50.359	4.678	0.979
Antenna: 3 Azimuth (from true north)	0	40	90	130	100	220	200	310
Antenna Height AAT (meters)	30.000	138.200	163.500	145.000	68.800	30.000	30.000	30.000
Transmitting ERP (Watts)	35.557	2.084	1.375	2.194	29.159	209.483	410.600	215.057

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No
38	42-38-54.9 N	071-47-40.6 W	240.8	47.2	

Address: 601-603 FITCHBURG STATE ROAD

City: ASHBY Count: MIDDLESEX State: MA Construction Deadline: 03-29-2013

Antenna: 1 Azimuth (from true north)	0	40	90	130	100	220	200	310
Antenna Height AAT (meters)	31.100	159.800	170.800	147.700	56.300	30.000	30.000	30.000
Transmitting ERP (Watts)	204.865	233.420	85.530	11.768	0.897	0.575	2.961	39.554
Antenna: 2 Azimuth (from true north)	0	40	90	130	100	220	200	310
Antenna Height AAT (meters)	31.100	159.800	170.800	147.700	56.300	30.000	30.000	30.000
Transmitting ERP (Watts)	0.570	6.676	74.271	261.076	238.587	50.169	4.787	1.001
Antenna: 3 Azimuth (from true north)	0	40	90	130	100	220	200	310
Antenna Height AAT (meters)	31.100	159.800	170.800	147.700	56.300	30.000	30.000	30.000
Transmitting ERP (Watts)	24.123	1.410	0.948	1.499	20.272	1.10599	280.157	146.756

**REPORT OF**  
**RADIO FREQUENCY ENGINEER**

The undersigned hereby states the following in support of the application by New Cingular Wireless PCS, LLC (**AT&T**) to attach twelve (12) panel antennas, GPS antennas, cables, and electronic equipment and other appurtenances and associated equipment to a 15' extension of an existing 100' lattice tower, and add fiber cable, coaxial cable, electronic equipment and other appurtenances as shown on the plans submitted with the application (the **Facility**) located at 559 A Newtown Road (Assessor's Map U30), Block A, Lot 5), Littleton, Massachusetts (the **Site**).

1. I am a Radio Frequency Engineer employed by AT&T, with an office located at 550 Cochituate Road, Framingham, Massachusetts. Attached is a copy of my qualifications.
2. My primary responsibilities include radio frequency design and planning in the Commonwealth of Massachusetts, including the Town of Littleton and surrounding communities.
3. As enabled under its Federal Communications Commission (**FCC**) License, AT&T seeks to design its wireless network to provide reliable and adequate wireless services to its customers, whether those customers are on the street, in a vehicle, or in a building. Providing reliable and adequate service to its customers in each context is critical for AT&T to provide the quality of wireless service that customers demand, and to meet the objectives of Congress that a robust, competitive and low cost wireless communications capacity be developed to serve the entire nation.
4. AT&T is also designing a network to provide enhanced high speed data services commonly referred to as LTE - **long term evolution** service. LTE will be incorporated into this Facility.
5. AT&T is using its best efforts, to the maximum extent possible, to install its wireless communications services facilities network utilizing existing structures to avoid the need to construct new towers.
6. I have thoroughly reviewed the radio frequency engineering studies, reports and computer models prepared by AT&T with respect to the Facility.
7. In order to build out its network and meet customer demand for voice and data services, as well as enhance its network to improve high speed data services, AT&T must have in place a system of low power 'cell sites' to serve portable wireless communication handsets and mobile devices. A typical cell site, such as the one proposed, consists of antennas mounted to a building, tower, church or other structure. The antennas are connected to radio operating equipment housed at or near the structure.
8. To maintain effective, reliable and uninterrupted service, there must be a continuous series of cell sites located within close proximity to each other so as to overlap in a system comparable to a honeycomb pattern. If there is no cell site available to accept/receive the signal, network service to the mobile device, data service will terminate involuntarily. Accordingly, the overlap of coverage is necessary for the signal to transfer from one cell site to another cell site seamlessly and without involuntary termination.

9. A number of factors determine the distance between cell sites, including, but not limited to, topography, physical obstructions, foliage, antenna height, operating frequency and line-of-sight.
10. Based on the radio frequency studies, reports and computer models prepared in connection with this project, it is my professional assertion that there is inadequate network service available to AT&T customers within the Town of Littleton, especially along Newton Road, Harwood Ave, portions of RT2 and surrounding neighborhoods.
11. Based on the radio frequency studies, reports and computer models prepared in connection with this Facility, it is my further professional opinion that AT&T would be able to achieve the coverage objective by filling these significant gaps in coverage through the installation of the Facility at the Site.
12. Based on the above mentioned studies, an installation attached to an extension on the existing tower at the proposed height would provide adequate coverage for AT&T.
13. The Facility will enhance AT&T's ability to provide adequate coverage in the area and will increase its capacity to better serve the residents and businesses around these areas of Littleton and to individuals traveling through these areas.
14. The Facility will be in compliance with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation.
15. The Facility will be installed, erected, maintained and used in compliance with all applicable Federal, State and local regulations, including, but not limited to applicable regulations administered by the Federal Aviation Administration, Massachusetts Aeronautics Commission and the FCC.
16. AT&T is assigned specific frequencies within which it must operate its facilities. The proposed Facility will not interfere with existing public safety telecommunications systems, television or radio signals.
17. Based upon the best radio frequency technology available at this time, it is my professional opinion that the Facility is at the height that is needed to ensure adequate service to area residents and businesses within the geographic area described above.
18. AT&T is unable to provide the needed coverage to this area of Littleton either from existing sites in Littleton or its sites in neighboring towns and those existing sites cannot be modified or adjusted to provide the necessary coverage.
19. It is my professional opinion that attaching the antennas to an extension of the existing tower is the least obtrusive means by which AT&T may provide adequate coverage to this area of Littleton.

Executed this 12<sup>th</sup> day of January, 2015.

M. SOHAIB USMANI

Al Maha, RF ENGINEER, AT&T  
S1-42331 v1-WorkSiteUS-024519/0712

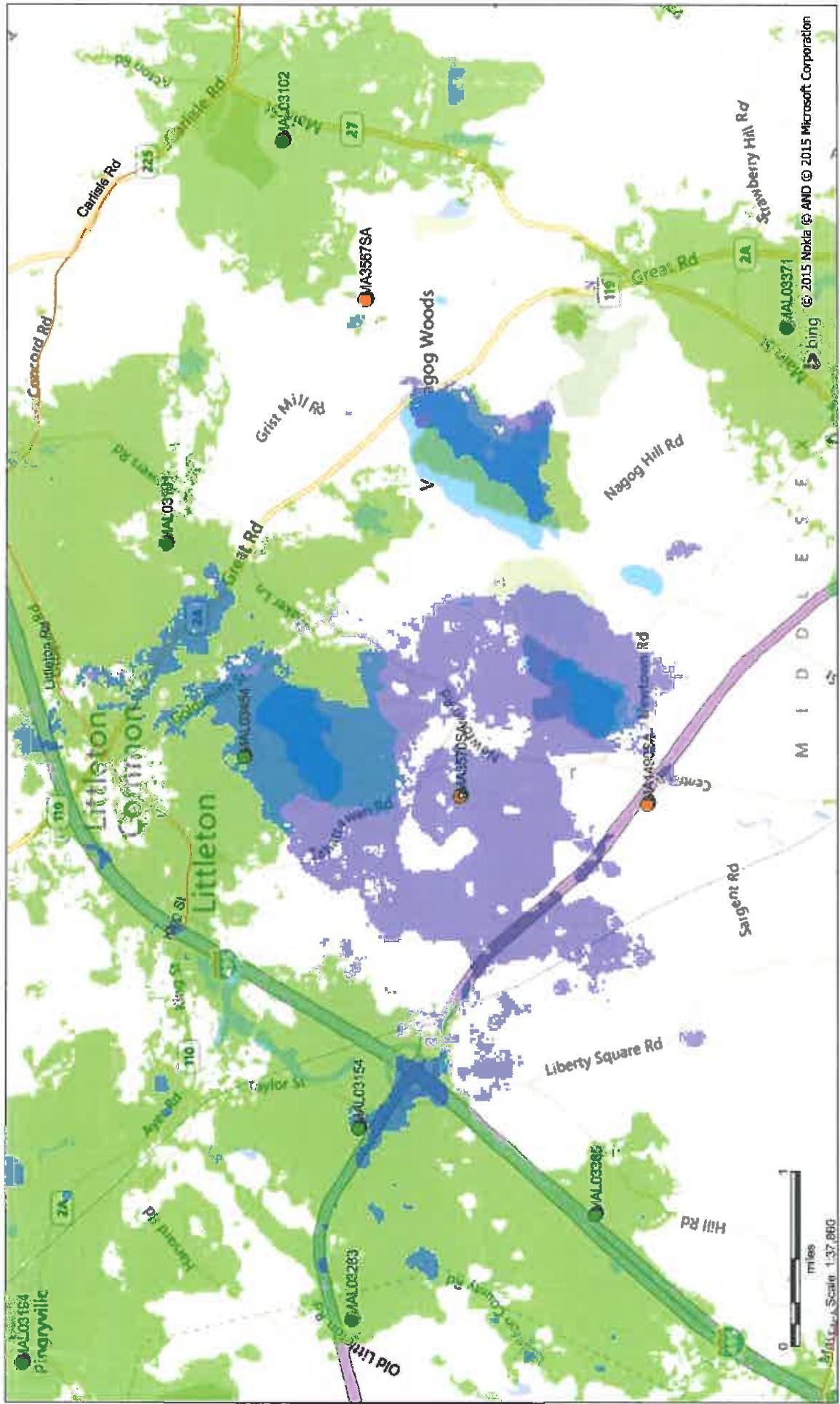


Current LTE coverage in Littleton, MA

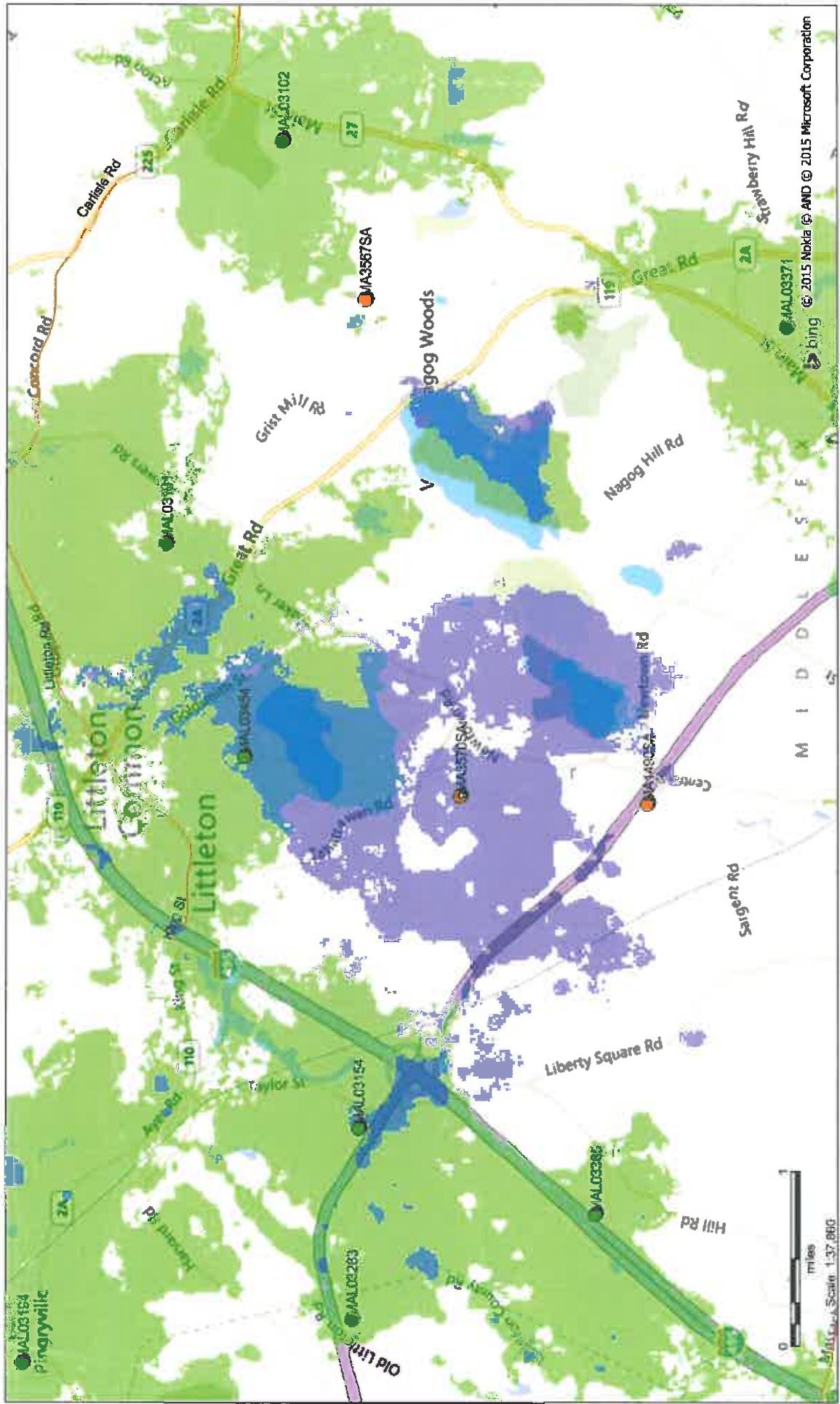




## Proposed LTE coverage in Littleton, MA



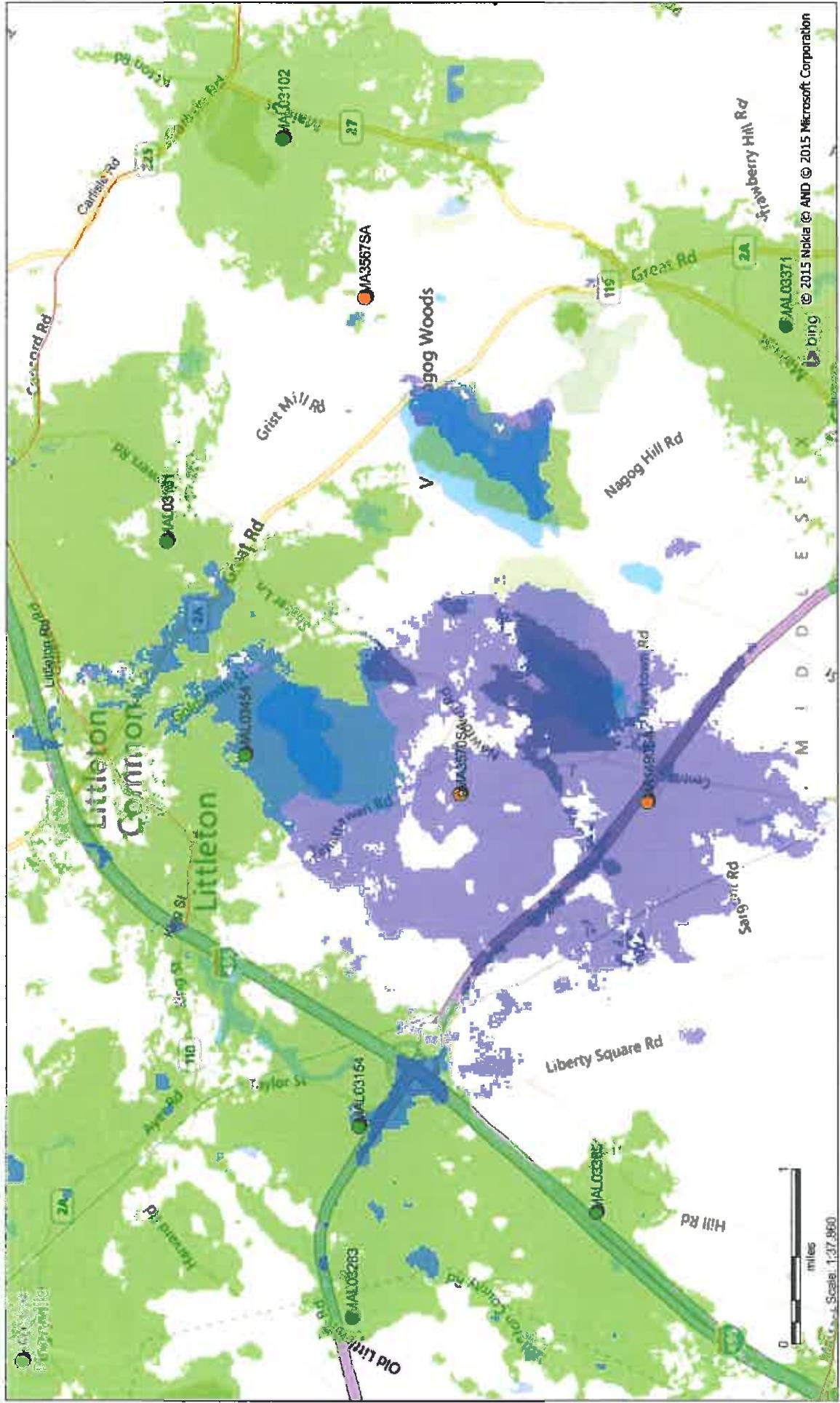
## Proposed LTE coverage in Littleton, MA





## Future LTE coverage in Littleton, MA

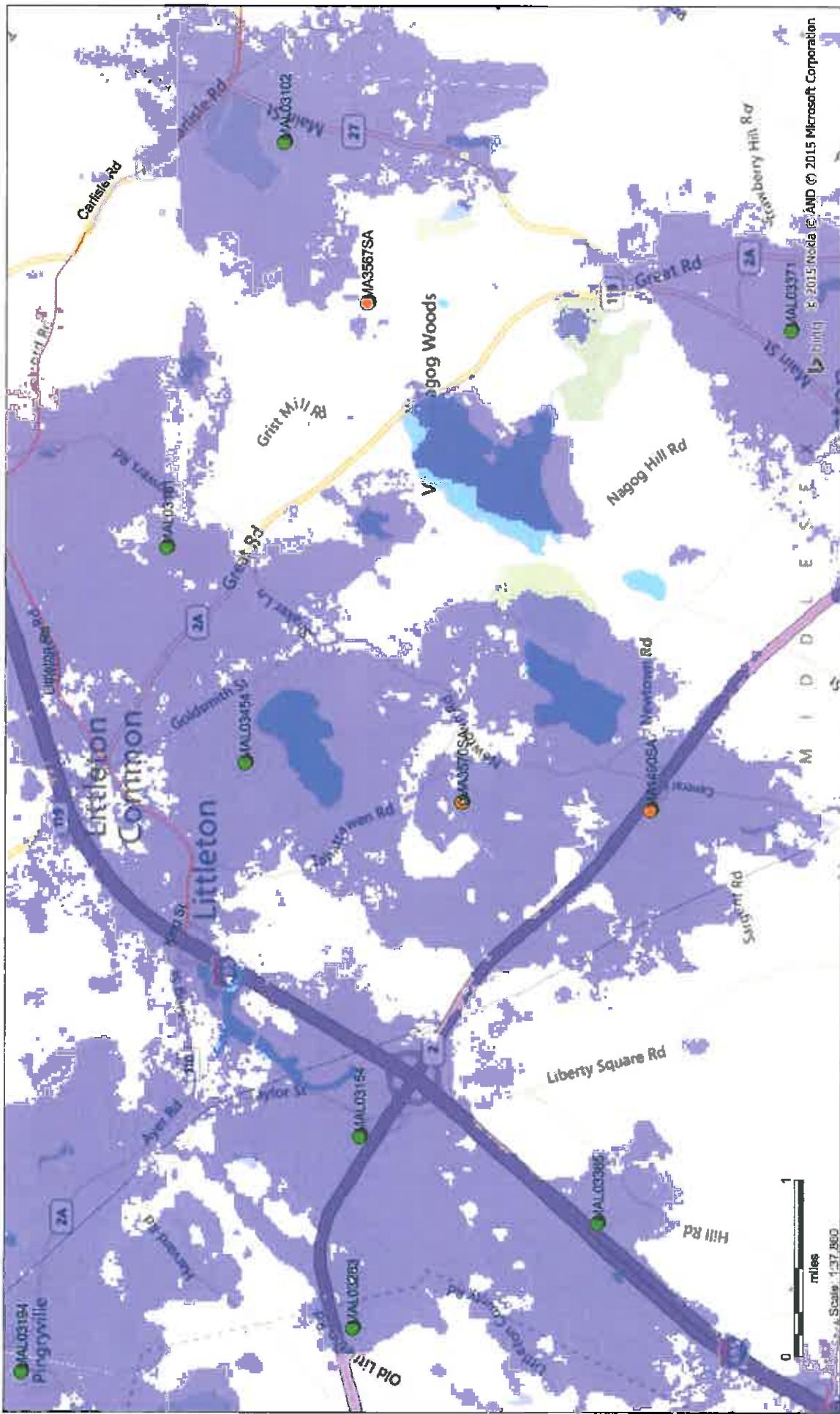
- On Air sites
- Proposed sites
- Current coverage
- Proposed coverage



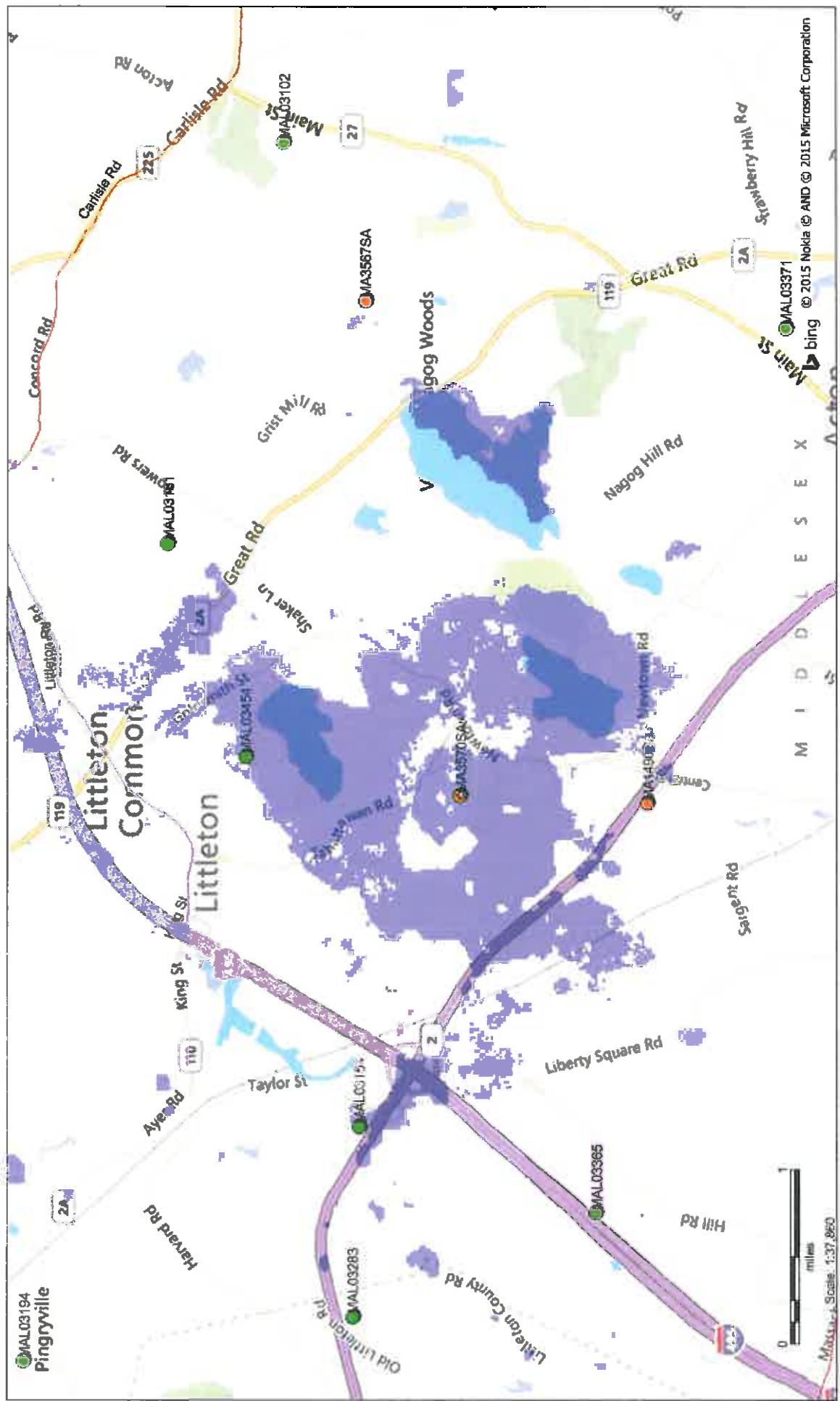


Future LTE coverage in Littleton, MA

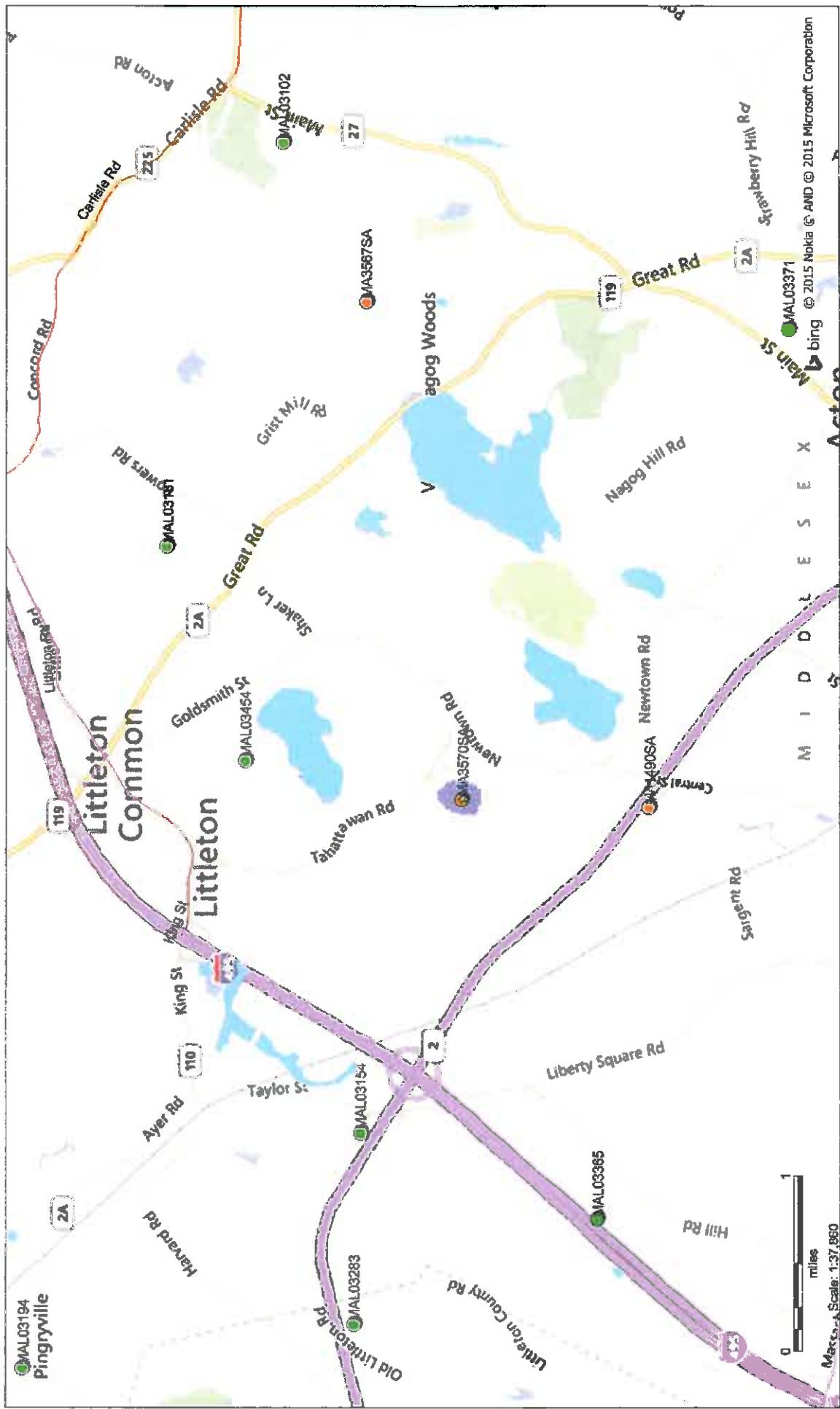
- On Air sites
- Proposed sites



**MA3570SA coverage at 106ft**



MA3570SA coverage at 45ft





**PLANNING BOARD**  
**P.O. BOX 1305**  
**Littleton Massachusetts 01460**

**SPECIAL PERMIT APPLICATION DECISION  
AND RECORD OF PROCEEDINGS**

**APPLICATION:**

**SPECIAL PERMIT FOR WIRELESS  
TELECOMMUNICATIONS TOWER AND  
FACILITIES**

**PROPERTY LOCATION:**

Newtown Hill, off Newtown Road  
Map U-30, Parcel 5A

**DESCRIPTION:**

Construction of a 100 foot tall wireless communications lattice tower and associated ground-based equipment

**APPLICANT:**

Sprint Spectrum  
201 Edgewater Drive  
Wakefield, MA 01880

**OWNER:**

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

**DATES OF LEGAL NOTICES:**

January 1 and 8, 1998

**DATES OF HEARINGS:**

January 22, February 19, March 5, and March 19, 1998

**MEMBERS PRESENT:**

Mark J. Montanari, Janet E. LaVigne, William S. Oakland,  
David E. Campbell and Steven J. Wheaton

I, William S. Oakland, Clerk of the Planning Board hereby certify that the following is a detailed record of all the proceedings relative to the application of Sprint Spectrum, Inc. for a Special Permit under Section 173-128 of the Littleton Zoning Bylaws for property located off Newtown Road.

The applicant desires to construct a wireless telecommunications facility as described in the application and supporting documentation which consists of:

1. Special Permit Application form
2. Summary Brief in Support of Application for Special Permit

## **Special Permit Application Decision and Record of Proceedings - Newtown Hill - Sprint**

3. Letter from Edwards and Kelcey Wireless dated December 22, 1997 regarding Section 173-129 requirements

4. Letter dated December 22, 1997 from the NLS Group regarding the Application

5. Set of view composite drawings showing the views of the proposed installation from eight directions.

Applicant's project is shown on the plans entitled: Newtown Hill Site - Special Permit Plans dated 12/17/97, and revised on 1/30/98, 3/12/98, 4/9/98, and 5/12/98. which consists of the following Plans:

RM1578B2Z1B - Plot Plan and Site Plan

RM1578B2Z2B - Site Detail Plan, Elevation & Details

and a Site Plan.

### **L APPLICATION**

On December 24, 1997, the application (comprised of items 1 through 5 as listed above) was submitted to the Board.

On January 7, 1998, a one page attachment to the Summary Brief of the application packet was submitted to the Board.

### **II. NOTIFICATION**

A notice of public Hearing was published, posted and mailed to the "Parties in Interest" as indication below:

A. Published in the Littleton Independent, a Newspaper of general circulation in Littleton on January 1 and 8, 1998.

B. Posted in a conspicuous place in the Town Hall not less than 14 days prior to the date of the hearing;

C. Mailed on December 29, 1997, 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.

## Special Permit Application Decision and Record of Proceedings - Newtown Hill - Sprint

### III. HEARING

On Thursday, January 22, 1998 the Public Hearing was opened at the Littleton Town Offices at which all those interested were given an opportunity to be heard. The Hearing was also continued on the following dates: February 19, March 5, and March 19, 1998. The following members of the Board were present at the hearings on January 22: Mark J. Montanari, Janet E. LaVigne, William S. Oakland, David S. Campbell, and Stephen S. Wheaton; on February 19: Mark J. Montanari, Janet E. LaVigne, William S. Oakland, David S. Campbell, and Stephen S. Wheaton; on March 5: Janet E. LaVigne, William S. Oakland, David S. Campbell, and Stephen S. Wheaton; and on March 19: Mark J. Montanari, Janet E. LaVigne, William S. Oakland, and David S. Campbell.

The following evidence was presented at the Hearing on January 22, 1998:

1. A 3 page affidavit of Radio Frequency Engineering Expert stating that this site is necessary due to its height and location.
2. A 4 page letter to the Massachusetts Department of Health.
3. A 7 page letter dated June 2, 1997 regarding design safety of the tower.
4. A 4 page undated memo regarding the "Applicability of The Telecommunications Act of 1996 to Sprint Spectrum LP Zoning Application"
5. A 12 page "Fact Sheet #1" dated April 23, 1996 by the FCC Wireless Communications Bureau.
6. A 2 page analysis dated May 28, 1997 from Airspace Safety Analysis Corporation to determine if lighting would be required at this site.
7. A 5 page letter from Deborah B. Haskell of Winthrop Real Estate Advisors. (With an extra copy of her qualifications.)
8. A 29 page "Impact Study" dated September 20, 1996 for sites in Acton, Hopkinton and Wilmington by Deborah B. Haskell of Winthrop Real Estate Advisors.
9. A 1 page map showing surrounding tower sites to be used as the Master Plan.
10. A 1 page description of the permitting status for each of the towers shown on the Map described in #9 above, to be included as part of the Master Plan.
11. A 5 page copy of a portion of the 1996 Telecommunications Act and Senat/House Conference Committee Report.

**Special Permit Application Decision and Record of Proceedings - Newtown Hill - Sprint**

12. A 5 page memorandum regarding the United States District Court trial of Sprint Spectrum LP., Plaintiff and Town of Easton, et al., Defendant.
13. Memo from Chief of Police dated 12/30/97.
14. Memo from Highway Superintendent dated 12/30/97.

**The following evidence was presented at the Hearing on February 19, 1998:**

1. Items 1 through 12 that had been submitted January 22, 1998 (see above listing).
2. A one page letter from Tectonic Engineering regarding runoff from the proposed installation.
3. A transcript of the January 22 Public Hearing by O'Brien & Levine Court Reporting Services.
4. A copy of the legal notice for the Balloon test published January 29 and February 5 in the Littleton Independent.
5. Photographs of the balloon test by Monty Abbott photography.
6. Letter from Virginia F. Sprong dated 2/9/98.

**The following evidence was presented at the Hearing on March 5, 1998:**

**No evidence was presented at the Hearing on March 5, 1998.**

**The following evidence was presented at the hearing on March 19, 1998:**

1. A transcript of the February 19, 1998 public hearing by O'Brien & Levine Court Reporting Services.
2. Lease of Property Request for Proposals for Newtown Hill Telecommunications Site Prepared by The NLS Group for Sprint Spectrum L.P., dated November 10, 1997.
3. Page 5 of the Minutes of Littleton Light and Water Departments Board of Commissioners Meeting of December 16, 1997.
4. page 2 of the November 10, 1997 letter from the NLS Group to Savas Danos of the Littleton Light and Water Department regarding the evaluation criteria for the proposal for the Newtown Hill Site.
5. Telecommunications Tower and Facilities Site Plan Review Checklist for the proposed installation.

## Special Permit Application Decision and Record of Proceedings - Newtown Hill - Sprint

6. Memo from Savas Danos of the Littleton Light and Water Department dated February 25, 1998 regarding the lease at the site.

7. Letter from Mary A. Barker dated March 19, 1998 regarding the application  
The Public Hearing for this Special Permit was closed on March 19, 1998.

### IV. FINDINGS

Following the Hearing, the Board, based on the application, the demonstration, 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:

A. Pursuant to Section 173-128 of the Littleton Zoning By-laws ("the By-laws"), the Planning Board finds as follows:

1. The application meets the submittal criteria set forth in Section 173-129 C. of the Bylaws.

2. The Board Finds, pursuant to Section 173-130 and Section 173-131 B. 11 of the Bylaws, that Sprint Spectrum provided notice of an on-site crane demonstration by advertising in the local paper for two consecutive weeks, January 29 and February 7, 1998, and conducted an on-site crane demonstration on Saturday, February 7, 1998. Members of the Planning Board viewed the on-site demonstration, and found that the application demonstrated that, to the extent feasible, the project is designed and located so that the tower will minimize adverse visual effect on the environment.

3. The Board finds, pursuant to Section 173-131 A. that the application provided satisfactory documentation that the tower and its facilities would be located such that it would not be in violation of the Federal Communication (FCC) or the Federal Aviation Administration (FAA) regulations presently in effect.

4. The Board finds that the application provides satisfactory evidence that the requirements of Section 173-131 B. are satisfied by the following:

A. The one hundred foot (100') tower and associated ground-based equipment has been designed to allow one co-locator, which is the maximum number of users that can be accommodated by the proposed structure. Sprint volunteered that it would construct a tower designed to accommodate a co-location, if requested to do so by the Town

B. This particular site, because of its height and unimpeded view access, is technically necessary in order to provide continuous coverage.

C. The base of the tower is not within three hundred feet of a dwelling. The facility complies with setback requirements. The facility will be fenced and screened in a manner that is compatible with the scenic character of the Town.

**Special Permit Application Decision and Record of Proceedings - Newtown Hill - Sprint**

D. Access to the site is adequately provided for.

E. Network interconnections from the communications facility shall be installed underground.

F. The Board reviewed the fencing and screening proposed to control access to the base of the tower, and found the proposed screening and fencing to be compatible with the scenic character of the town.

5. The Board finds, pursuant to Section 173-132 of the By-laws, that the applicant has provided a surety bond in the amount of \$25,000, which is sufficient to cover removal when the facility is discontinued. The bond will be taken by the Town and used to satisfy the provisions of Section 172-131 12. only if the applicant fails to remove the facility within the required time period.

6. The Board finds that a road construction and maintenance bond in the amount of \$2500 is sufficient.

7. The Board finds, pursuant to Section 173-133 D. that the application demonstrated that no lighting of the tower would be required under FAA regulations, and that the tower would comply with Massachusetts Department of public Health and FCC regulations concerning radio frequency emissions. The Board further finds that bids were awarded for this site with the provision that no lighting would b permitted on the tower.

B. Pursuant to Section 173-7 C. of the By-laws, the Board finds as follows:

1. The proposed use detailed in the application will not create a significant nuisance, hazard, or congestion.

2. The proposed use detailed in the application will not create substantial harm to the neighborhood in which it is to take place.

3. The proposed use detailed in the application is appropriate for the site in question.

4. The proposed use detailed in the application complies with all applicable requirements of the By-laws.

**V. DECISION**

The Public Hearing for this Special Permit was closed on March 19, 1998.

## **Special Permit Application Decision and Record of Proceedings - Newtown Hill - Sprint**

On Thursday, May 14, 1998 the Board agreed to a request by the applicant to extend the time for the Board to file a decision with Town Clerk regarding the Special Permit until July 23, 1998. This extension was filed with Town Clerk on May 18, 1998.

At the Board meeting of June 18, 1998, the Board voted to grant the Applicant a Wireless Telecommunication Special Permit to construct a 100 foot lattice tower and associated ground based facilities at Newtown Hill based on its findings detailed in Section IV. above. For all the above reasons, the Board hereby grants the Special Permit, subject to the following conditions:

1. Gates to the facility will remain locked at all appropriate times.
2. Mature conifer trees, a minimum of four inches in diameter and eight feet in height, will be placed as depicted on the plans.
3. All plantings will be replaced if they fail to survive.
4. Color on the tower shall be dull gray or silver, and no lights shall be on the tower.
5. Noise shall be in accordance with the By-law Section 173-78 through 173-83.
6. All signs shall be in accordance with the By-law Section 173-131 b. 10.
7. Neither the tower, antennae, dishes, or other appurtenant features attached to the tower shall exceed the 100 foot height limitation. There shall be no lighting of any sort on the tower.
8. Construction of the tower must be completed within six months of the effective date of this permit.
9. There shall be only one tower located on the Newtown Hill site.
10. If the tower is not operative for a continuous period of twelve months, it shall be considered abandoned, and the owner of such tower shall remove it within 90 days of such abandonment.
11. This special permit shall expire in five years.
12. The Town will be allowed the use of the tower for municipal antennae.

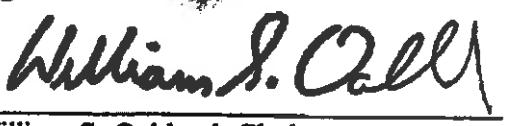
**Appeals, if any, shall be made pursuant to Section 17 of Chapter 48, G.L., and shall be filed within 20 days after the date decision is filed with Town Clerk.**

**Special Permit Application Decision and Record of Proceedings - Newtown Hill - Sprint**

**Each Member voted as follows:**

<b>Mark J. Montanari</b>	<b>ALLOW</b>
<b>Janet E. LaVigne</b>	<b>ALLOW</b>
<b>William S. Oakland</b>	<b>ALLOW</b>
<b>David E. Campbell</b>	<b>ALLOW</b>
<b>Steven J. Wheaton</b>	<b>ALLOW</b>

**Signed:**

  
William S. Oakland

William S. Oakland, Clerk

**Date filed with Town Clerk:**

  
June 19, 1998

Mary Oakey  
Town Clerk

**cc:**    **Applicant**  
         **Building Inspector**  
         **Water Department**

C:\AMIPRO\DOCS\SPEC\PERM\NEWS\PRIN.SAM

17  
12

COMMONWEALTH OF MASSACHUSETTS

Middlesex, 88.

### Town of Littleton

WHEREAS, by a vote adopted at a Special Town Meeting duly called and held on the fifth day of June, 1972, the Town of Littleton, acting by and through its Board of Water Commissioners was authorized and empowered in behalf of the Town to acquire by purchase, eminent domain, or otherwise, the land hereinafter described for the purpose of its public water supply, and an appropriation of money was made for such purpose as will more fully appear by reference to the enabling vote, an attested copy of which is hereto annexed:

NOW THEREFORE: we, the undersigned Board of Water Commissioners of the Town of Littleton, by virtue of the power and authority vested in us by Chapter 40, Section 39B and Chapter 79 of the General Laws (Ter. Ed.), for and on behalf of the Town of Littleton, do hereby take in fee for the purposes of its public water supply

the land in Littleton situated northwesterly of Newtown Road shown as Land Parcel B on the plan entitled, "Town of Littleton, Mass. Board of Water Commissioners, Plan of Land in Littleton, Mass. to be conveyed from Paine & La Cava to the Town of Littleton," by Haley & Ward, Inc. dated December 1973 to be recorded herewith, said Parcel B being more particularly bounded and described as follows:

Commencing at the northerly corner of said Parcel B, at an intersection of walls, at the intersection of land of Harry F. & Virginia Sprong and land now or formerly of Esther L. Dowd, and thence running:

S 45° 35' 39" E along the wall, at said Dowd land, two hundred (200) feet; thence S 44° 24' 21" W. by land now or formerly of John F. Paine & Antony J. La Cava one hundred fifty-four and 49/100 (154.49) feet; thence

A

Author's Note

100-001-0001

1440-1447

STONE WALL PROPERTY LINE

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11794

LAND  
PARCEL  
"B"  
31,240 ft.

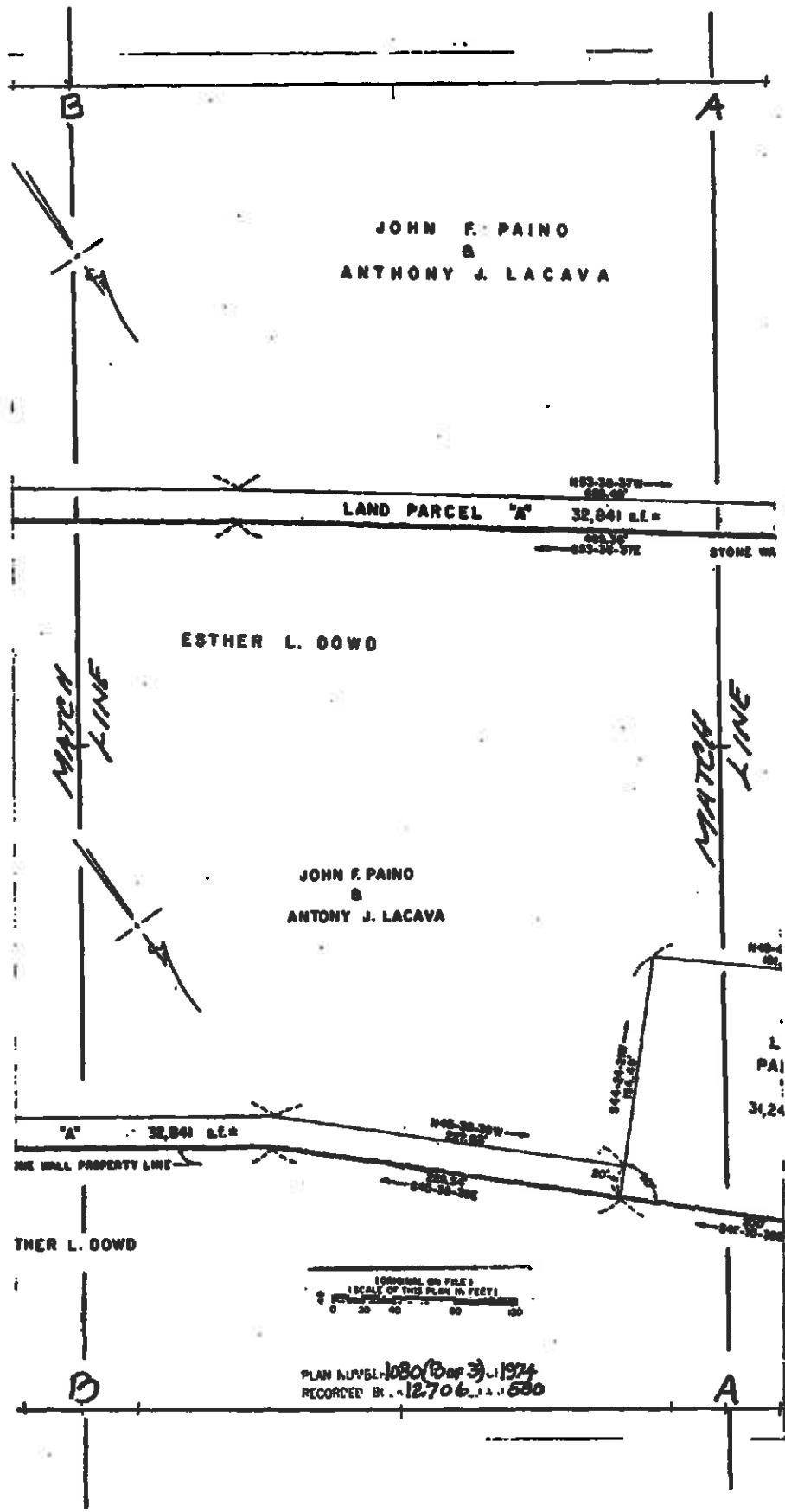
**HARRY F. & VIRGINIA SPRONG**

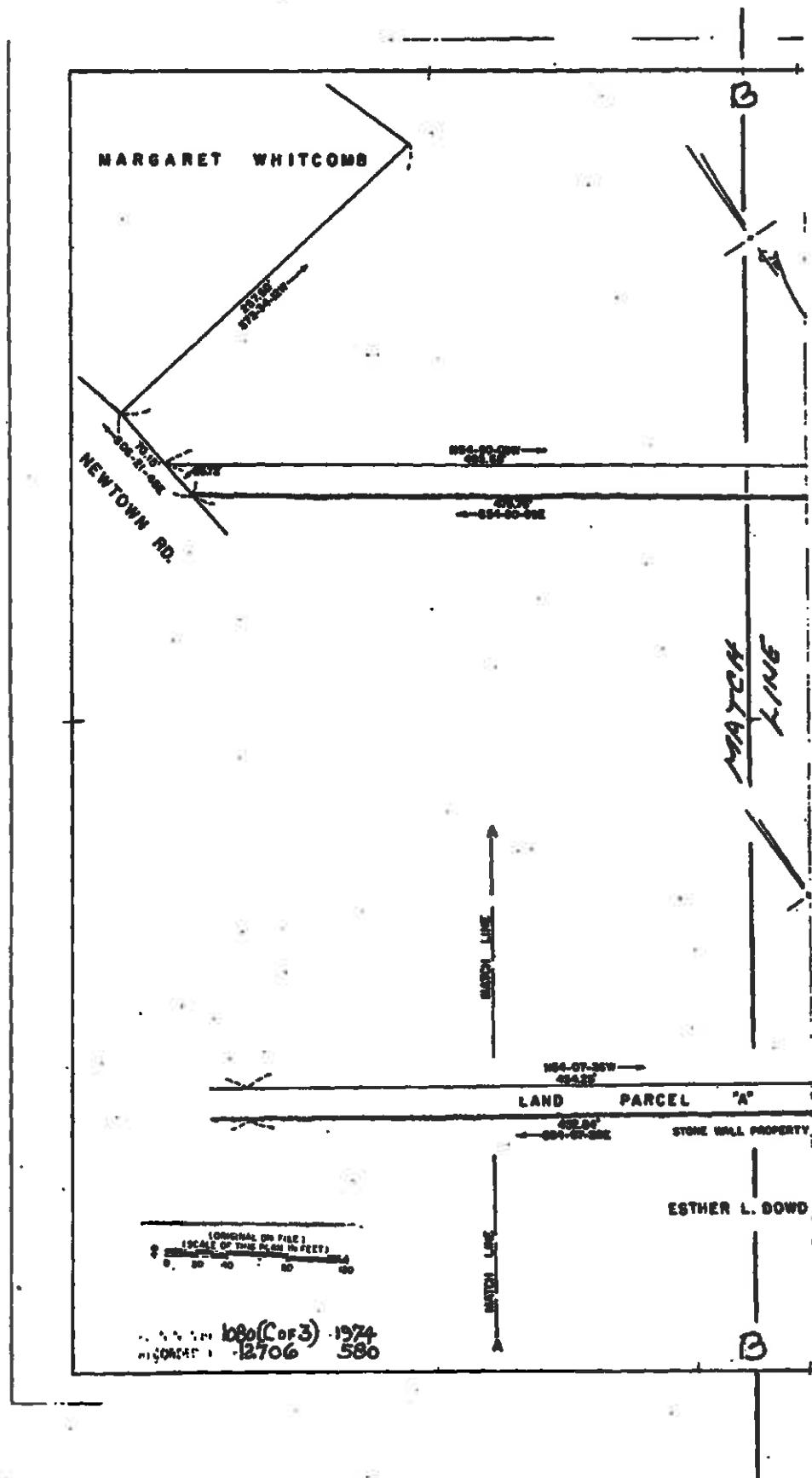
101200  
- R. S.

TOWN OF LITTLETON, MASS.  
BOARD OF WATER COMMISSIONERS  
LAND IN LITTLETON, MASS.  
TO BE CONVEYED FROM  
PAINO & LACAVA  
TO THE  
OWN OF LITTLETON  
F. 40<sup>o</sup> DEC. 197  
HALEY & WARD, INC.  
ENGINEERS  
WALTHAM, MASS.



1





N 48° 40' 16" W by said Paine - LaCava land one hundred  
ninety-one and 42/100 (191.42 feet; thence  
N 41° 19' 44" E along the wall, by said Sprong land one  
hundred sixty-five (165) feet;

all as shown on said plan and containing, according to said  
plan, 31,240 square feet.

And said Board does hereby take an easement in the strip of  
land hereinafter described including the right to use said strip  
for all purposes for which town ways are customarily used in the  
Town and including particularly the right to construct, lay, main-  
tain, repair and from time to time replace water mains and utility  
lines in, over and through said easement more particularly bounded  
and described as follows:

that strip of land twenty (20) feet in width extending from  
Newtown Road to said Land Parcel B hereinabove described and  
marked, "Land Parcel A" on said plan; the northeasterly line  
thereof commencing at the intersection of the wall at land now or  
formerly of Esther L. Dowd with said Newtown Road and thence  
running

N 54° 50' 09" W	476.76 feet;
N 53° 38' 37" W	465.36 feet;
N 54° 07' 26" W	452.84 feet and
N 45° 35' 39" W	225.54 feet;

all along said wall at said Dowd land to said Parcel B. The  
southwesterly line runs parallel thereto and distant twenty (20)  
feet southwesterly therefrom.

Said parcel A is supposed to contain, according to said plan,  
about 32,841 square feet.

Said land is supposed to belong to Anthony J. LaCava et al  
Trustees of the Anthony J. LaCava Declaration of Trust dated  
November 7, 1969 recorded with Middlesex South District Deeds in  
Book 11794 at Page 643 and John F. Paine but the aforesaid land  
and easement is taken whether or not the ownership is as stated.

Damages are awarded to the owners of the land in accordance  
with said Chapter 79 in the amounts and in accordance with the  
vote of said Board adopted simultaneously herewith and entered in  
its records.

No betterments are to be assessed.

This taking includes all trees, structures, fences, walls and  
other matter constituting a part of the land taken, and shall  
operate to extinguish and rights of way, easements, or rights  
therein.

IN WITNESS WHEREOF we have hereunto set our hands and seal  
this 25th day of September, 1974 for and on behalf of the  
Town of Littleton.

Town of Littleton  
by Ed Mayhew  
Thomas Duffy  
Robert Smiley  
Board of Water Commissioners

COMMONWEALTH OF MASSACHUSETTS

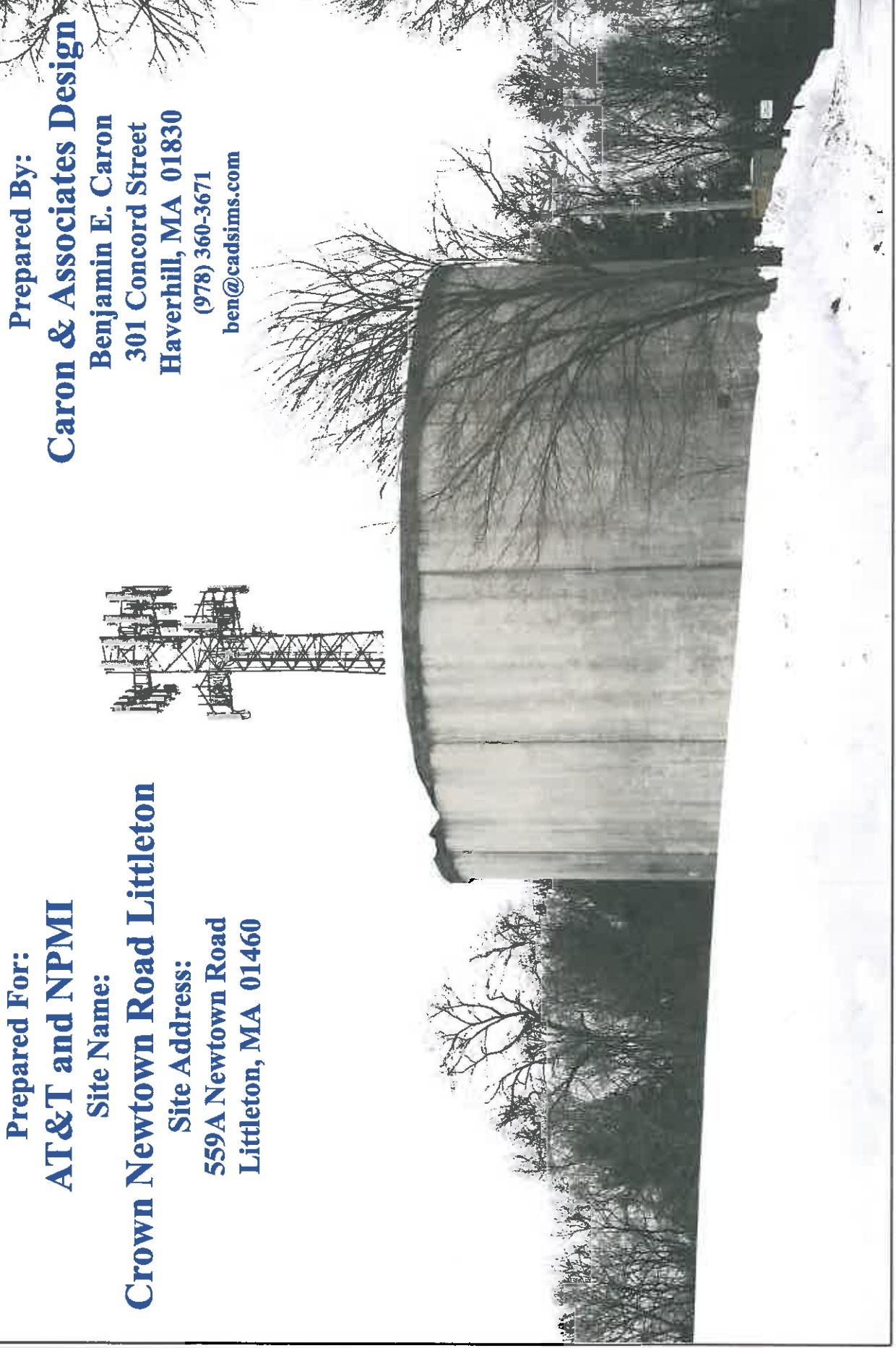
Middlesex, ss.

September 25, 1974.

The personally appeared the above named W.V. Murphy, Kenneth L. Duffy and Robert D. Smiley Board of Water Commissioners and acknowledged the foregoing instrument to be their free act and deed, for and on behalf of the Town of Littleton, before me

Donald B. Parry  
Notary Public

WE100-41



**Prepared For:**  
**AT&T and NPMI**

**Site Name:**

**Crown Newtown Road Littleton**

**Site Address:**

**559A Newtown Road  
Littleton, MA 01460**

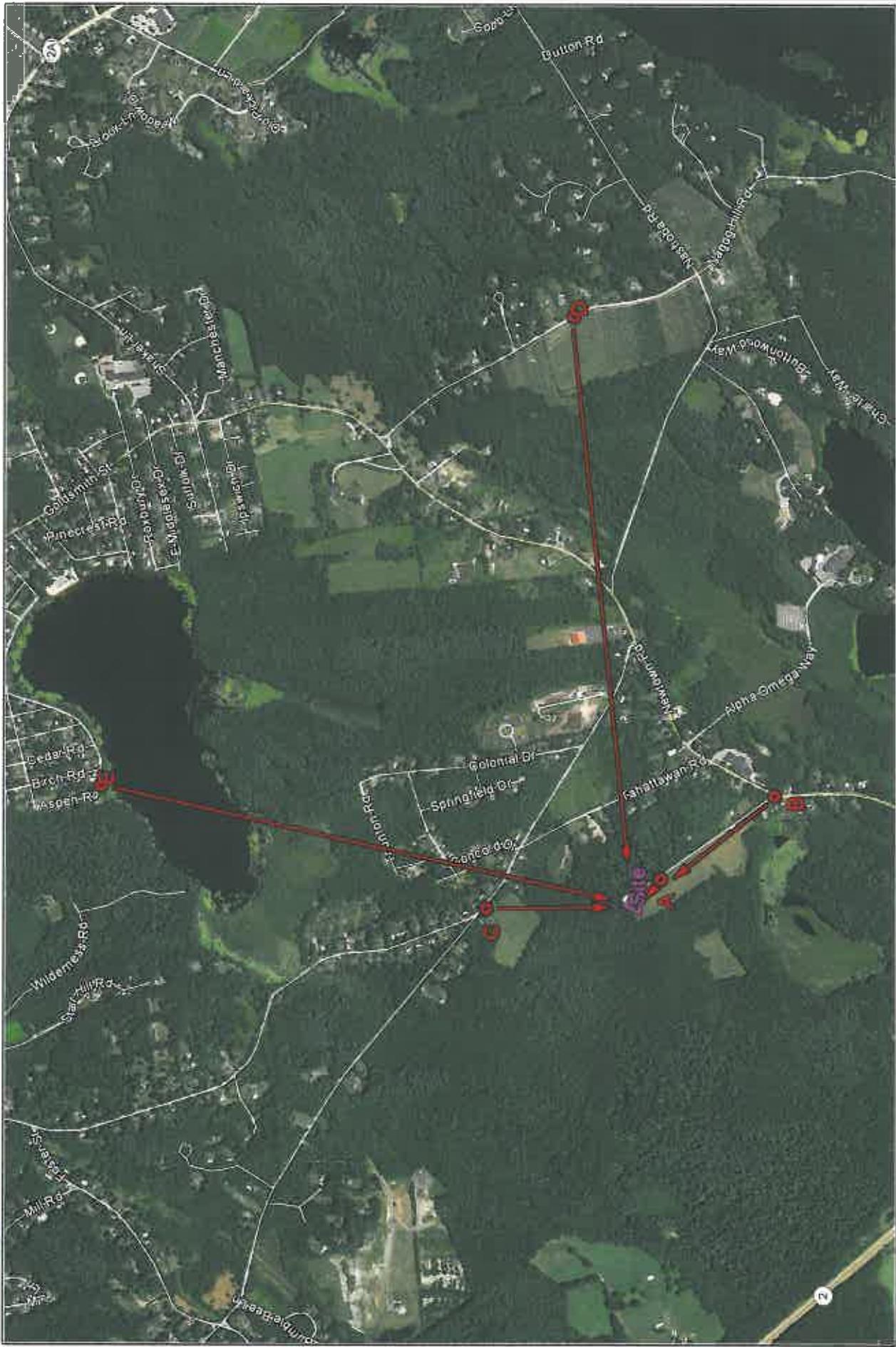
**Prepared By:**  
**Caron & Associates Design**

**Benjamin E. Caron  
301 Concord Street  
Haverhill, MA 01830  
(978) 360-3671  
ben@cad sims.com**

For visual reference only. Actual visibility is dependent upon weather conditions, season, Based upon Construction Drawings by Dewberry dated: 10/02/2014 sunlight, and viewer location.

**Crown Newtown Road Littleton ~ (2/06/15)**  
**Photographic Renderings**

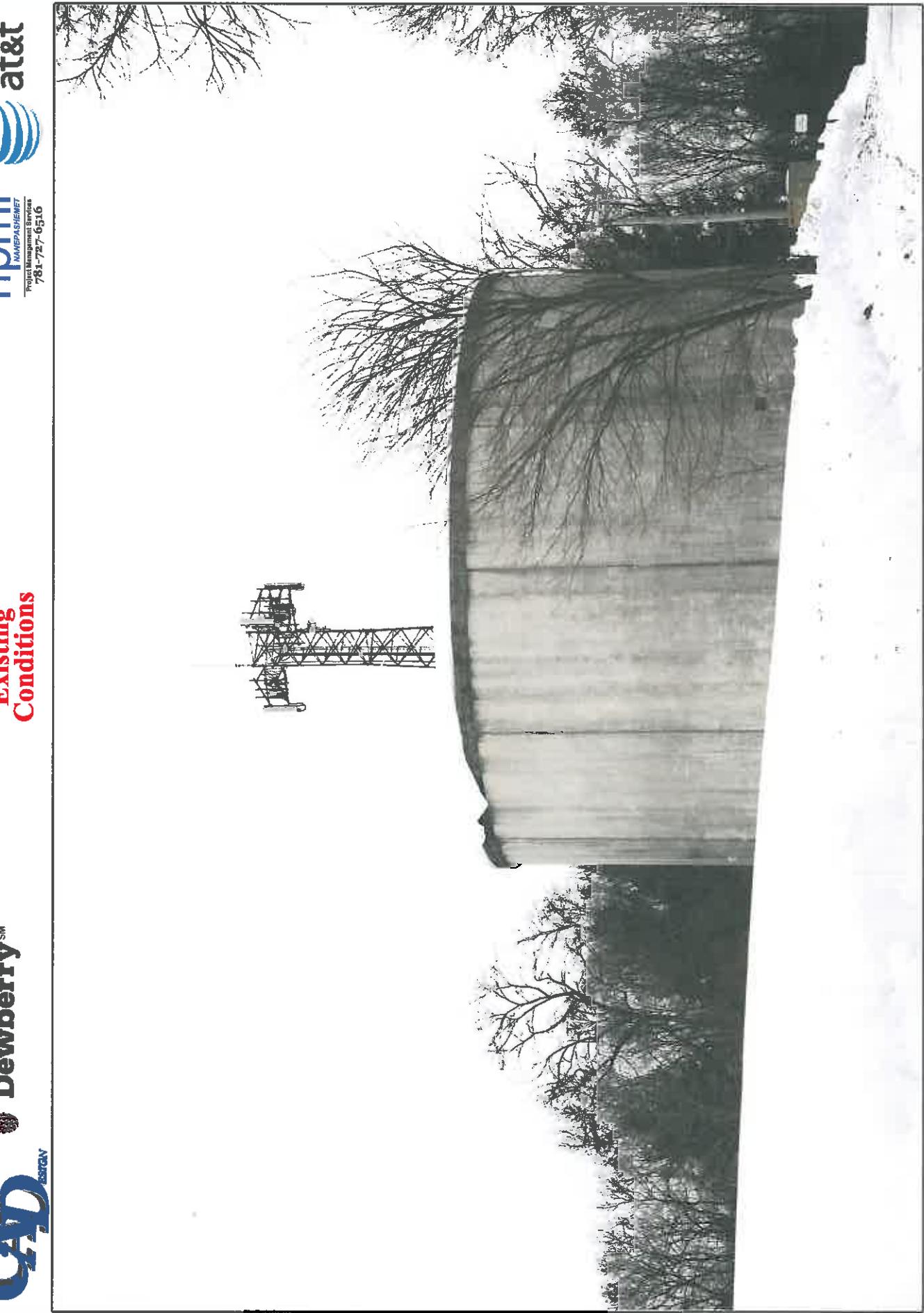
Created By: Benjamin & Eric Caron  
**CCAD** Caron & Associates Design  
(978) 360-3671 info@cad sims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.  
Based upon Construction Dates  
by Dewberry dated: 10/02/2014

## Crown Newtown Road Littleton ~ (2/06/15) Photo Location Map

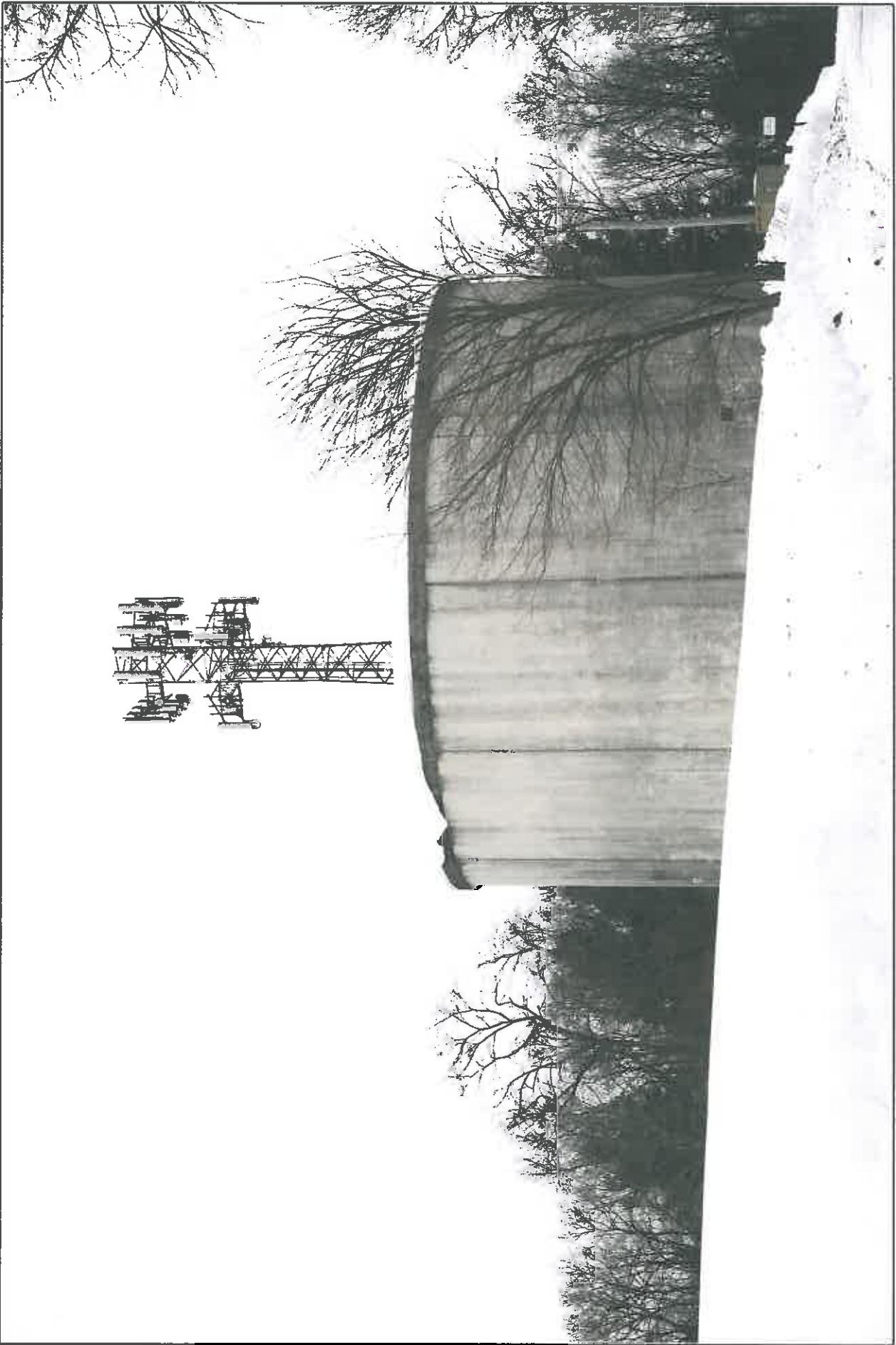
Created By: Benjamin & Eric Caron  
**QD** Caron & Associates Design  
(978) 360-3671 info@cdsims.com



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*Based upon Construction Dr. 25  
by Dewberry dated: 10/02/2014*

**Crown Newtown Road Littleton ~ (2/06/15)**  
Photo Location A ~ 65mm ~ 387' +/- (0.07mi) Away  
From the access road to the tower

Created By: Benjamin & Eric Caron  
**Q5** Caron & Associates Design  
(978) 360-3671 info@cad sims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.  
*Based upon Construction Dates  
by Dewberry dated: 10/02/2014*

**Crown Newtown Road Littleton ~ (2/06/15)**

Photo Location A ~ 65mm ~ 387'-0.07mi) Away  
From the access road to the tower

Created By: Benjamin & Eric Caron  
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(978) 360-3671 info@cdsims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, Based upon Construction Drawings by Dewberry dated: 10/02/2013.  
sunlight, and viewer location.

## **Crown Newtown Road Littleton ~ (2/06/15)**

Photo Location B ~ 105mm ~ 1786'+/- (0.34mi) Away  
From the street entrance to the access road to the tower

Created By: Benjamin & Eric Caron  
**QD** Caron & Associates Design  
(978) 360-3671 info@cad sims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.  
Based upon Construction Drawings by Dewberry dated: 10/22/2014

## Crown Newtown Road Littleton ~ (2/06/15)

Photo Location B ~ 105mm ~ 1786' +/- (0.34mi) Away  
From the street entrance to the access road to the tower

Created By: Benjamin & Eric Caron  
**BC** Caron & Associates Design  
(978) 360-3671 info@cad sims.com

**Existing  
Conditions**

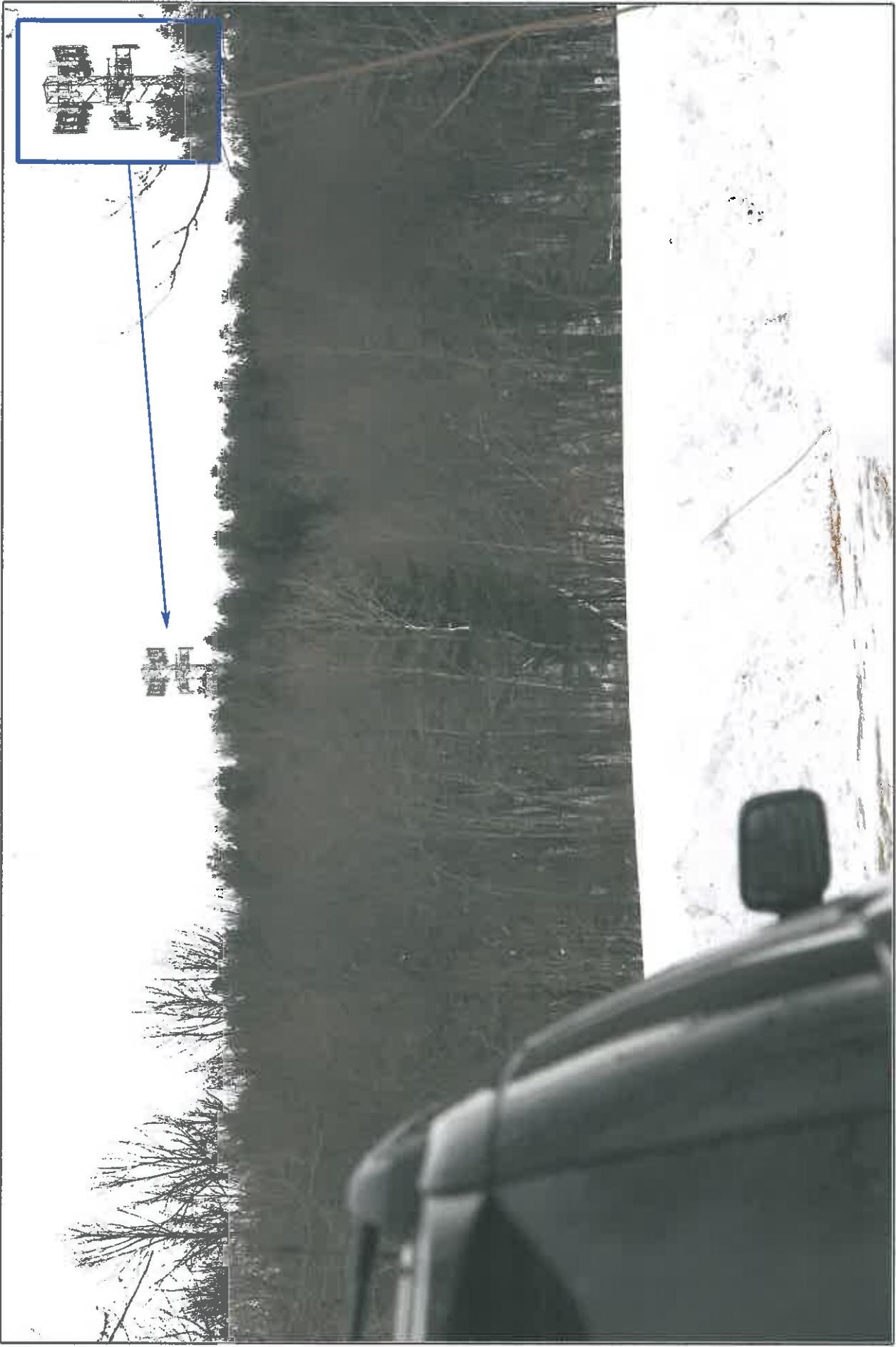


For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location. Based upon Construction Drawings by Dewberry dated: 10/02/2014

**Crown Newtown Road Littleton ~ (2/06/15)**

Photo Location C ~ 85mm ~ 1463' +/- (0.28mi) Away  
From 195 Harwood Avenue (Dudley House c. 1700)

Created By: Benjamin & Eric Caron  
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(978) 360-3671 info@cad sims.com



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**Crown Newtown Road Littleton ~ (2/06/15)**  
Photo Location C ~ 85mm ~ 1463' +/- (0.28mi) Away  
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(978) 360-3671 info@cadsmis.com

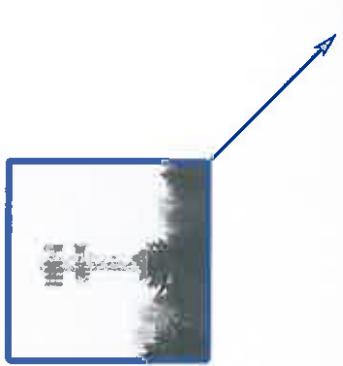


For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.  
Based upon Construction Drawings by Dewberry dated: 10/02/2014

**Crown Newtown Road Littleton ~ (2/06/15)**  
Photo Location D ~ 105mm ~ 5908' +/- (1.12mi) Away  
From 46 Nagee Hill Road

Created By: Benjamin & Eric Caron  
**BC** Caron & Associates Design  
(978) 360-3671 info@cad sims.com

## Proposed Conditions



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location. Based upon Construction Drawings by Dewberry dated: 10/02/2014

**Crown Newtown Road Littleton ~ (2/06/15)**  
Photo Location D ~ 105mm ~ 5908<sup>+</sup>/<sub>-</sub> (1.12mi) Away  
From 46 Nagog Hill Road

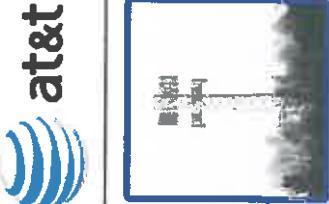
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**BC** Caron & Associates Design  
(978) 360-3671 info@cad sims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location. Based upon Construction Drawings by Dewberry dated: 10/22/2014

**Crown Newtown Road Littleton ~ (2/06/15)**  
Photo Location E ~ 105mm ~ 5424' +/- (1.03mi) Away  
From 53 Lake Shore Drive

Created By: Benjamin & Eric Caron  
**BCA** Caron & Associates Design  
(978) 360-3671 info@cdsims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location. **Crown Newtown Road Littleton ~ (2/06/15)**  
B. set upon Construction Days  
by Dewberry dated: 10/02/2014

**Crown Newtown Road Littleton ~ (2/06/15)**  
Photo Location E ~ 105mm ~ 5424' +/- (1.03mi) Away  
From 53 Lake Shore Drive

Created By: Benjamin & Eric Caron  
**QD** Caron & Associates Design  
(978) 360-3671 info@cad sims.com