



Office of the
LITTLETON BOARD OF APPEALS
Littleton, Massachusetts 01460

received

5/21/15

LK 2:30pm

Petitioner:

NEW CINGULAR WIRELESS PCS, LLC

Case No: 852A

Date Filed: 559A Newtown Road, Littleton, Ma

The Littleton Board of Appeals conducted a public hearing on April 15, 2015 at 7:45 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a height Variance, pursuant to Section 173-131 (B) (5) and Section 173-6 (B) (2), to allow 12 panel antennas to be added at the 109' above ground level centerline mark upon an existing 100' wireless communication tower, at 559A Newtown Road, Littleton. The landowner is the Town of Littleton. The applicant is managed by AT&T Mobility Corporation ("AT&T"). The tower owner is Crown Castle USA, Inc.. AT&T would be a co-locator on the site. Present and voting were members Sherrill R. Gould, Chair, Jeffrey Yates, John Cantino Cheryl Hollinger, and alternate, Rod Stewart; present and not voting were alternates Patrick Joyce and Alan Bell.

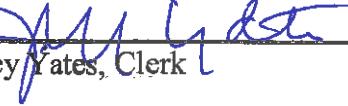
The applicant, represented by counsel, Michael Dolan, from Brown Rudnick, and its consulting and radio frequency engineers presented topographical evidence that AT&T has significant gaps in coverage in the location centered around Route 2, which would be substantially improved with the location and height of the tower array proposed to the Board. The proposal is to install 12 panel antennas (four (4) per sector) at the 109' above ground level centerline mark upon the existing 100' lattice tower on the site, as extended by a 15' tower extension, together with related amplifiers, coaxial cables, and all associated electronic equipment, to be located within the existing fenced compound. It was explained that the dimensional variance is necessary because anything lower would have interference from tree canopies and site line interference and that other carriers hold the lower frequency space. The engineers testified that the height was the minimum necessary to enhance normal user coverage, and to enhance 911 and emergency capabilities for emergency personnel utilizing wireless communications in the vicinity. Littleton's wireless bylaw requires, whenever possible, that all service providers co-locate on a single tower, and on municipal land. Revenues from this tower are paid to the Town's Water Commissioners. The matter is before the Board only for a height variance. The Planning Board has approved the site subject to the height variance.

One abutter appeared in opposition to inquire about access and egress to the site, as well as electromagnetic emissions, disturbance to his property, his view and noise. The applicant answered the questions posed and offered that there would be no lights on the tower or the structure and that the noise would not be any different than existing.

FINDINGS: The Board found that owing to the unique nature of the site and the property and the need for radio frequency coverage, the Petitioner had established a hardship, satisfying the requirements for a dimensional variance as to height.

DECISION: The Board voted unanimously to GRANT a Variance from the requirements of Section 173-131 (B) (5) and Section 173-6 (B) (2), to permit the installation of the tower extension of 15' for a wireless communications array to be co-located on the existing tower at 559A Newtown Road, substantially as shown in the plans submitted with the application dated March 3, 2015, upon the condition that (a) there be no lights on the proposed structure or the array; and (2) the applicant post a bond for the removal of the array at abandonment as required by the bylaw.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Notice in the office of the Town Clerk.

Signed: 

Jeffrey Yates, Clerk

Dated: May 21, 2015
Book 12706, Page 580.

I hereby signify that twenty days have elapsed since the filing of the above decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

True Copy

Attest:

Town Clerk

Littleton Massachusetts