



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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(B)

Petitioner: Savas Danos, Littleton Water Department

Case No. 785A

Date Filed: August 3, 2010

The Littleton Board of Appeals conducted a continued public hearing on October 21, 2010, at 8:30 P.M. at the Shattuck Street Municipal Building on the petition of Savas Danos, Littleton Water Department for a Variance for a wireless tower exceeding 100 feet in height at 519 Great Road, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton on September 2, and 9, 2010, and by mail to all abutters and parties in interest. Present and voting: Sherrill Gould, Chairman, William Farnsworth, John Cantino, Jeff Yates and Cheryl Hollinger. Present and not voting were Marc Saucier, Rod Stewart and Alan Bell, Alternates.

Jennifer Lewis, appeared and presented for T-Mobile Northeast, LLC, a wireless communication facility, as authorized prospective tenant under a lease with applicant. T-Mobile proposes to install and operate a personal wireless service facility at 519 Great Road. T-Mobile had originally requested variances to operate the facility on adjacent land, privately owned, but the abutters and the Town prevailed upon them to seek a municipally owned site as the local bylaw requires. Revenues from the facility lease will benefit the Water Department. The Water Department subsequently prepared a Request for Bid for the subject site and T-Mobile was the successful bidder. The site consists of 17.3 acres of land. T-Mobile proposes 9 wireless antennas and 18 mounts at a height of 147 feet above ground level. The antennas will be mounted to a monopole 150 feet above ground level and will not extend above the top of the monopole. There will be equipment cabinets located within a secured, fenced compound at the base of the monopole. The design and height was determined to accommodate at least three co-locators. The site is in a wooded residential zone, and the location of the pole will be located 1,080' from the nearest residence and over 1,000' from Beaver Brook Road, Great Road and Route 495. The only variance requested was one for height, from section 173-131 B (5). The Planning Board will conduct hearings for the issuance of the wireless permit.

T-Mobile presented frequency coverage maps and demonstrated that there is a substantial gap in coverage existing on Routes 119, 495, 225, and the residential roads in between. Maps at three different heights were shown to demonstrate the effect on coverage gaps at varying heights. T-Mobile demonstrated that the site is unique in its contour elevations and the tree canopy, all of which affect transmission and coverage. T-Mobile demonstrated that the adverse impact to the surrounding areas and the view shed would be minimal at this site due to the distance from the roads and the residences. A Balloon was flown on two occasions to allow abutters and others to view the impact of the monopole. T-Mobile described that coverage would not be achieved and co-location would not be possible if the variance were not granted.

Several abutters appeared at the hearing and indicated that they were satisfied from the balloon test that impact to them would be minimal and that they favored the variance at this height over the variances requested at the adjacent site originally proposed. None of the abutters present reported being able to see the balloon from their residences, but Board members and the applicant's agent reported that the balloon was visible from residences on Great Road and from Route 495.

FINDINGS: The Board found that the Petitioner satisfied the requirements for a variance by showing the lot was unique due to the ground elevations, the distance of the proposed monopole location from any residences and roads, the wooded canopy and the need for RF coverage frequencies. They also concluded that a literal enforcement of the zoning bylaw would not only adversely impact the desired coverage, but would make it impossible to attract co-locators to the site, a result which the bylaw requires. The Board was satisfied that desirable relief could be granted without substantial derogation from the zoning by-law and without substantial detriment to the public good.

DECISION: The Board voted unanimously to GRANT a Variance to the applicant to allow a height variance up to 150' in height for the construction and maintenance of a monopole located substantially as shown on the Littleton Well Site RFP drawings submitted with the application, at the Water Department land at 519 Great Road, Littleton, Massachusetts.

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.

The Variance shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex District Registry of Deeds in accordance with the provisions of M.G.L. C. 40A, Section 11 and 15 stating that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied.

If the rights authorized by this Variance are not exercised within one (1) year from the date of granting it shall elapse in accordance with the provisions of M.G.L. C. 40A Section 10.

Signed: _____

Date: _____

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I hereby signify that twenty (20) 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

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