



OFFICE OF THE  
**LITTLETON BOARD OF APPEALS**

LITTLETON, MASSACHUSETTS 01460

LITTLETON, MASSACHUSETTS 01460

Board Use Only ..... Case # 785H Filing Date

8-4-2010

AUG 2010

The undersigned, having standing in this matter, hereby petitions the Littleton Board of Appeals for a  VARIANCE  SPECIAL PERMIT and/or  APPEAL (Check all that apply)  
as specified below and as provided by the Town of Littleton Zoning Bylaw

## 1. LOCATION OF THE PROPERTY:

A. Street Address 519 Great Road

*Please print*

B. Assessors' Map and Parcel # **Map R18 Lot 14-1**

R1 Zoning District    Aquifer District    Water Resource District

C. Dead References Book 11800 Page 393

## 2. LITTLETON ZONING BYLAW SECTION(S)

✓ A Variance 173-131 B(5)

B. Special Permit

### C. Appeal

3. STATE BRIEFLY REASONS FOR THIS PETITION. Use additional sheets, if necessary.

T-Mobile Northeast LLC is proposing to build a wireless tower that is 150' in height above ground level. Section 173-131 B(5) of the Littleton Zoning By-Law states that, "Tower height shall not exceed 100' measured from the base of the tower to the highest point of the antenna or its equipment."

Please see included brief for more details.

4. PETITIONER(S) T-Mobile Northeast LLC / Contact: Peter Fales 401 835 2033 pfales@t-mobile.com

Owner  Tenant  Licensee  Agreed Purchaser  Agent  Other \_\_\_\_\_

NOTE: If petitioner is not the owner, furnish written authorization from owner below:

Sawyer Chan GM  
Signature 860 Turnpike Street, Suite 28, Canton, MA 02021

8/27/11  
Date 101-816-2022

---

**Telephone #**

**Town Clerk Use ONLY**      **Filing Fee Paid**      \$ **75.00**      **Registry Fee Paid**      \$ **27.80**      **Date** **8/1/18**

AUGUST 2, 2010

APPLICATION FOR  
DIMENSIONAL VARIANCE FOR HEIGHT

519 GREAT ROAD  
(MAP R18 BLOCK 14-1)

APPLICANT:  
T-MOBILE NORTHEAST, LLC  
15 COMMERCE WAY, SUITE B  
NORTON, MA 02766

SUBMITTED TO:  
TOWN CLERK  
TOWN OF LITTLETON ZONING BOARD OF APPEALS

PREPARED BY:  
JOSHUA DELMAN  
CENTERLINE COMMUNICATIONS  
960 TURNPIKE STREET, SUITE 28  
CANTON, MA 02021  
PHONE: 617-480-6059

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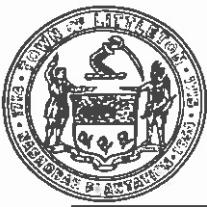
### APPLICATION TO THE ZONING BOARD OF APPEALS FOR A DIMENSIONAL VARIANCE FOR HEIGHT

PROPERTY LOCATION:  
519 GREAT ROAD  
LITTLETON, MA

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EXHIBIT 1	TOWN OF LITTLETON ZBA FILING PROCEDURE APPLICATION FORM SUPPORTING STATEMENT
EXHIBIT 2	MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH STATEMENT
EXHIBIT 3	FCC LICENSES
EXHIBIT 4	SITE ACQUISITION AFFIDAVIT
EXHIBIT 5	ANTENNA SPECIFICATIONS
EXHIBIT 6	DEED OF UNDERLYING PROPERTY
EXHIBIT 7	PLANS
EXHIBIT 8	RF AFFIDAVIT AND ASSOCIATED MAPS
EXHIBIT 9	ABUTTERS LIST

# Exhibit 1



OFFICE OF THE  
**LITTLETON BOARD OF APPEALS**  
LITTLETON, MASSACHUSETTS 01460

**Littleton Zoning Board of Appeals  
FILING INSTRUCTIONS**

**IMPORTANT:** Please see the Building Commissioner/Zoning Enforcement Officer before you fill out this application. He will assist you with the proper zoning sections and applications request(s). His review of your project and your application may save time by preventing delays in the hearing process.

THE ZONING BOARD OF APPEALS HAS THE POWER TO HEAR THE FOLLOWING TYPES OF ACTIONS (Under Town of Littleton Zoning Bylaw, Section 173-6B):

1. To hear and decide applications for **Special Permits**
2. To hear and decide applications or petitions for **Variances** for use with respect to particular land or structures
3. To hear and decide other **Appeals**

You should submit the completed one page application form (attached) to the Town Clerk with the appropriate filing fee (See below). In addition, you **must submit to the Town Clerk, at the time of filing, fourteen (14)\* copies of the following supporting documentation** (distribution: Original to BOA file, 9 copies to BOA members (5 members, 4 alternates), 1 copy each to Town Clerk, Building Commissioner, Planning Board, and BOA Clerk)

1. Prints of the latest recorded plan of the land which will be affected; or in cases where no such plan exists, prints of a plan of the land endorsed by a registered engineer or land surveyor. The plan should show metes and bounds of the land; dimensional layout of all buildings; distances and setbacks from the various boundaries; exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations; direction of North; names of all abutting property owners.
  - a. In cases pertaining to subdivisions of land, prints should show the proposed subdivisions endorsed by a registered engineer or land surveyor, in addition to the requirements described in #1 above.
  - b. In cases pertaining to structures and signs, prints of the building plans are required, in addition to the requirements described in #1 above.
  - c. In cases pertaining to Accessory Dwellings, evidence is to be provided that the Board of Health has approved the septic system pertaining to the dwellings on the lot
2. Include a copy of the latest recorded deed to the property which will be affected.
3. **Filing Fee and Registry Fee**

Each Application or Petition for a Special Permit, Variance, or appeal must be accompanied by a filing fee (payable to the Town of Littleton) and a separate recording fee (payable to the Middlesex Registry of Deeds), as set forth below. Fees are used for notice, publication and recording.

	<u>Filing Fee (town)</u>	<u>Registry Fee</u>
RESIDENTIAL DWELLING	\$200.00	+
COMMERCIAL BUILDING	\$350.00	+
COMPREHENSIVE PERMIT	\$1,000.00	+
		\$75.00

4. The applicant must request a certified list of abutters, available from the Assessors' Office who will forward it to the Board of Appeals.

Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled BOA 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.



OFFICE OF THE  
**LITTLETON BOARD OF APPEALS**  
LITTLETON, MASSACHUSETTS 01460

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LITTLETON, MASSACHUSETTS 01460

LITTLETON, MASSACHUSETTS 01460

Board Use Only ..... Case # \_\_\_\_\_ Filing Date \_\_\_\_\_

The undersigned, having standing in this matter, hereby petitions the Littleton Board of Appeals for a  VARIANCE  SPECIAL PERMIT and/or  APPEAL (Check all that apply)  
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R1 Zoning District Aquifer District Water Resource District

C. Deed Reference Book 11800 Page 393

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance 173-131 B(5)

B. Special Permit \_\_\_\_\_

C. Appeal \_\_\_\_\_

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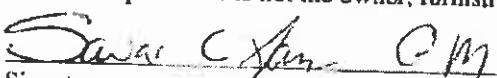
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Please see included brief for more details.

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Owner  Tenant  Licensee  Agreed Purchaser  Agent  Other \_\_\_\_\_

NOTE: If petitioner is not the owner, furnish written authorization from owner below.

  
Signature 960 Turnpike Street, Suite 28, Canton, MA 02021

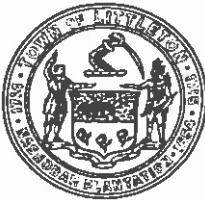
8/3/10  
Date 401-835-2033

Telephone # \_\_\_\_\_

Mailing Address

Littleton Water Dept.

Town Clerk Use ONLY Filing Fee Paid \$ \_\_\_\_\_  
Registry Fee Paid \$ 75.00 Date \_\_\_\_\_



OFFICE OF THE  
**LITTLETON BOARD OF APPEALS**  
LITTLETON, MASSACHUSETTS 01460

**PREPARING FOR THE HEARING**  
**with the Board of Appeals**

**IMPORTANT:** Please see the Building Commissioner/Zoning Enforcement Officer before you fill out the application. He will assist you with the proper zoning sections and application request(s). His prior review of your project and application may save time by preventing delays in the hearing process.

**I. REQUEST FOR A VARIANCE**

Variances shall be granted only in cases where the Board finds all of the following:

1. That a literal enforcement of the provisions of the zoning chapter would involve a substantial hardship, financial or otherwise
2. That a hardship is owing to circumstances related to 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.
3. That the desirable relief may be granted;
  - a. Without substantial detriment to the public good, OR
  - b. Without nullifying or substantially derogating from the intent or purpose of the zoning bylaw

*Note: The law does not permit the Board to grant a Variance unless ALL of the requirements, as set forth above, are satisfied. A Variance cannot be granted for a self-imposed hardship.*

*Note: "No person has a legal right to a Variance and they are to be granted sparingly."*  
*Damaskos v. Board of Appeals of Boston, 1971*

**II. REQUEST FOR A SPECIAL PERMIT**

Usually these involve changing, altering or adding to the size of a pre-existing non-conforming structure. You must demonstrate the following:

1. The detail with a Site Plan of the areas of the structure which are non-conforming
2. The detail of the plans of your change, extension or alteration
3. Evidence that no significant nuisance, hazard or congestion will be created
4. That there will be no substantial harm to the neighborhood or derogation from the intent of the zoning bylaw

July 28, 2010

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

Re: *Application for a Dimensional Variance*  
Property Address: 519 Great Road, Littleton, MA  
Assessor's Map R18, Lot 14-1 (the "Property")  
Applicant: T-Mobile Northeast LLC

Dear Honorable Members of the Zoning Board of Appeals:

T-Mobile Northeast LLC (the "Applicant") respectfully submits this application for a Dimensional Variance for Height from the Town of Littleton Zoning Board of Appeals (the "Board") with respect to its proposed installation and operation of a personal wireless service facility. The Applicant proposes to construct and operate a personal wireless service facility (sometimes "Facility") on the property located at 519 Great Road, Littleton, MA. The Property is owned by The Town of Littleton, Water Department, 39 Ayer Street, Littleton, MA, and consists of approximately 17.3 acres of land. The property contains a wooded area along with a small building. The Applicant seeks to install, operate and maintain a communications facility (the "Communications Facility") on the Property. The proposed Communications Facility consists of nine (9) wireless communication antennas and eighteen (18) TMA mounts at the height of one hundred forty seven feet (147') above ground level. The antennas will be mounted to the proposed monopole which is one hundred fifty feet (150') above ground level. The antennas will not extend the top of the proposed monopole. The antennas will be connected to equipment cabinets located within a fenced compound at the base of the monopole via coaxial cables. Said cables will run down the inside of the monopole. T-Mobile's proposed Communications Facility is shown on the plans attached hereto and incorporated herein by reference (the "Plans").

The Property is located in the R1- Residential zoning district. The Applicant is also presently requesting a Special Permit and Site Plan Approval from the Town of Littleton's Planning Board for the use of the tower. The Applicant is asking the Zoning Board of Appeals for relief from Article XXI §173-131 B(5) of the Littleton Zoning Bylaw which states that tower height shall not exceed 100 feet measured from the

base of the tower to the highest point of the tower or its projection. Pursuant to Article III, §173-6 B(2) of the Town of Littleton Zoning Bylaw; The Zoning Board of Appeals has the power to hear and decide appeals or petitions for variances from the terms of the bylaw, including variances for use, with respect to particular land or structures.

## **I. Background**

The Applicant is licensed by the Federal Communications Commission ("FCC") to construct and operate a Communications telecommunications network in various markets throughout the country, including the State of Massachusetts and the Town of Littleton in particular. A copy of the Applicant's FCC license is attached hereto. The Applicant is in the process of designing and constructing a telecommunications system to adequately serve all of the State of Massachusetts. One of the key design objectives of its systems is to provide a seamless coverage without gaps or dead spots. Such a system requires a grid of radio transmitting and receiving links located approximately between 0.3 and 2 miles apart, depending on the location of existing and proposed installations in the surrounding area as well as the existing topography. The radio transmitting and receiving facilities operate on a line-of-sight basis, requiring a clear path from the facility to the user on the ground. This dynamic requires the antennas to be located above the tree line and in a location where the signal is not obstructed or degraded by other buildings or by topographical features such as hills.

## **II. RF Coverage Determination**

T-Mobile has performed a study of radio frequency coverage for the Town of Littleton and from the Property, the results of which are shown on the coverage maps submitted herewith. The Applicant has determined a substantial gap in coverage exists on Route 119, Route 495, and in the surrounding areas. A telecommunications facility located on the Property will provide adequate coverage to the above named sections of the Town of Littleton and the immediately surrounding area if the Applicant's antennas are located at the height requested herein. In connection herewith, T-Mobile has submitted a radio frequency propagation map, which shows T-Mobile's current and soon anticipated coverage and the substantial gap in coverage that the proposed site will address and a radio frequency propagation map showing the anticipated coverage from the site.

### **III. The Facility**

As shown on the Plans, the Communications Facility will include without limitation, nine (9) panel antennas, eighteen (18) TMA's, equipment cabinets, antennas, coaxial cables to connect the antennas to the base station equipment and various support facilities including power and telephone conduit. The proposed equipment cabinets on the ground will be located within a proposed 15' x 15' space within a 75' x 75' fenced compound. The antennas will be mounted upon the proposed monopole at a centerline height of 147' and will not extend above the proposed monopole which has a proposed height of 150'.

After installation, the Communications Facility will be unmanned and will only require maintenance twice per month. The only utilities required to operate this facility are standard 120-volt electrical power as well as telephone service. The traffic generated by the facility will be about two vehicle trips per month by maintenance personnel who will inspect the facility to ensure it remains in good working order. The Communications Facility will comply with all applicable local, state and federal safety codes.

### **IV. Legal Argument**

According to the section of the Zoning Bylaw recited below, the Zoning Board of Appeals has the authority to grant variances and other relief. The proposed facility meets the criteria for granting a variance.

#### **173-6 (B) Variances**

**(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.**

*There would be substantial hardship to T-Mobile if this application is denied. The Applicant under its license from the FCC provides a reliable product (wireless telecommunications) to the greater Boston area including the town of Littleton.*

*Consumer expectations for robust service without dropped calls or lack of service impact the subscriber base of T-Mobile in competition with its competitors. As demonstrated in the attached Affidavit of Radio Frequency Expert and service coverage maps provided by the Applicant and attached hereto, the proposed height is necessary to remedy a significant gap in coverage*

**(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 Applicant is unable to provide adequate coverage to the gap in service at the allowed height as shown in the included plots. The exiting tree height of 80-100 feet in the area of*

*the proposed tower would impact the signal propagation from the site. Propagation to the area of the gap is compromised by an area of higher elevation located around Beaver Brook Road which inhibits propagation of radio frequency which relies on line of sight characteristic beyond the ridge. The unique nature of the gap in coverage and the topography of the area affect this land and do not generally affect the zoning district. There are no existing structures that the Applicant can utilize in this immediate area to reach the coverage objective.*

**(c) 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 Town voted unanimously in a Special Town Meeting in 2006 to authorize RFP's for up to three carriers on a tower constructed on this site. Each carrier typically occupies 10 vertical feet of a tower to allow for sufficient separation of antennas transmitting different frequencies. The proposed tower height would make space available to the other two carriers as voted by the town meeting.*

*The Applicant Conducted a Balloon test at the proposed height the time and date of which was advertised in the town website and in the local paper. The balloon had very limited visibility as shown on the included View Shed Analysis.*

*The proposed tower will be buffered from adjoining residential dwellings by distance, tree covering and design. The location is setback approximately 1,800-feet from Beaver Brook Road, 1,400-feet from Great Road, 2,750-feet from I-495 and 1080-feet from the closest residence located on Heather Lane. Views from Heather Lane are limited by the tree cover behind the houses and the trees located between the tower and Beaver Brook. Allowing additional height on this tower will effectively agree with the purpose of the bylaw. The proposed tower is on municipal land where the additional height is required to service the gap in coverage due to the location of the site in relationship to the gap in coverage. The height will encourage the co-locating on the new tower by making it more economically and technologically feasible. This location which has limited visibility will cause minimal visual impact to the community. Please see the included View Shed Analysis for further detail.*

**§ 173-128. Purpose and Goals. A. The purpose of this bylaw is to establish general guidelines for the siting of wireless telecommunication towers and facilities. The goals of this bylaw are to**

**(1) encourage the location of towers on municipal land or industrially zoned land and minimize the total number of towers throughout the community;**

*The location for this proposed Facility is located on land owned by the Town of Littleton.*

**(2) require the co-location of new and existing tower sites;**

*The proposed Facility adheres to this section of the by-law and there will be space on the Facility for future wireless carriers to collocate.*

**(3) encourage users of towers and facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;**

*The Applicant has chosen an area for this proposed Facility that will have a minimal adverse impact on the community. The location of this Facility is located in a wooded area and is approximately 1,400 feet from Route 119.*

**(4) encourage users of towers and facilities to configure them in a way that minimizes the adverse visual impact of towers and facilities, and in furtherance thereof, due to the nature of two divided highways intersecting within the Town, to locate the towers to the extent possible in close proximity to the divided highways;**

*The proposed Facility is located on a parcel of land that will help to minimize the adverse impact of the tower itself. The location is behind an existing building and in a space that is surrounded by wooded areas on all sides. The location of the Facility is approximately 2,750 feet from Route 495.*

**(5) enhance the ability of the providers of telecommunications services to provide such services to the community effectively and efficiently; and**

*Wireless telecommunication providers will be able to utilize this proposed Facility and provide their services to the community of Littleton, MA both effectively and efficiently.*

**(6) to make available all wireless telecommunication tower locations to local municipal agencies.**

*The proposed Facility will be available to local municipal agencies for collocation purposes.*

## **V. Conclusion**

T-Mobile hereby requests the Board to determine that it has satisfied the requirements for the grant of the requested dimensional variance for height and to further determine that the proposed use will not have an adverse effect on the neighborhood surrounding the proposed Communications Facility and the Town of Littleton as a whole. The findings are made in view of the particular unique characteristics of the Property and of the proposed Communications Facility's design and equipment, as detailed above. This Property is an appropriate location for the installation and operation of the proposed Communications Facility and represents the only feasible means through which the Applicant can close a gap in reliable service coverage under the Ordinance.

For the foregoing reasons, the Applicant respectfully requests the Board to grant the foregoing zoning relief in the form of a dimensional variance and/or such other relief as the Board deems necessary in order to allow the installation and operation of the proposed Communications Facility.

Respectfully submitted,

Josh Delman  
Agent for T-Mobile Wireless LLC

# **Exhibit 2**



JANE SWIFT  
GOVERNOR

ROBERT P. GITTENS  
SECRETARY

HOWARD K. KOH, MD, MPH  
COMMISSIONER

The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Radiation Control Program  
174 Portland Street, 5<sup>th</sup> Floor, Boston, MA 02114  
(617) 727-8214 (617) 727-2098 - Fax

**NEW POLICY REGARDING RADIOFREQUENCY FACILITY  
INSTALLATION APPROVAL**

Due to personnel and budget reductions imposed upon the Radiation Control Program, we are no longer requiring notification and approval from companies that install radiofrequency antennas or facilities as outlined under 105 CMR 122.021. Companies installing radiofrequency antennas should ensure that they are meeting the FCC requirements for the installation.

A guide for local government officials (June 2, 2000) concerning the FCC requirements which complements the FCC's OET Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", August 1997 is available along with Bulletin 65. To obtain this information, please contact the FCC's Office of Engineering and Technology (phone: 202-418-2464 or e-mail: [rfsafety@fcc.gov](mailto:rfsafety@fcc.gov)). Bulletin 65 can also be accessed and downloaded from the FCC's "RF Safety" website: <http://www.fcc.gov/oet/rfsafety>.

Since the FCC requirements are now identical to the requirements under 105 CMR 122.021, reporting to the Massachusetts Department of Public Health is no longer necessary. The citation in the regulations will be changed during the next revision of the Radiation Control Program's regulations.

If there are any questions concerning health effects regarding radiofrequency antennas, individuals may contact the Bureau of Environmental Health Assessment of the Massachusetts Department of Public Health at 617-624-5757.

# **Exhibit 3**



**Federal Communications Commission  
Wireless Telecommunications Bureau  
Radio Station Authorization**

Page 1 of 2  
17

**LICENSEE NAME:** T-Mobile License LLC

DAN MENSER  
T-MOBILE LICENSE LLC  
12920 SE 38TH ST.  
BELLEVUE WA 98006

**FCC Registration Number (FRN)**

0001565449

<b>Call Sign</b>	<b>File Number</b>
KNLF954	0002991471

**Radio Service**  
CW - PCS Broadband

Grant Date	Effective Date	Expiration Date	Print Date
06-05-2007	06-05-2007	06-27-2017	06-06-2007

Market Number	Channel Block	Sub-Market Designator
BTA051	D	0

**Market Name:** Boston, MA

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-27-2002			

**SPECIAL CONDITIONS OR WAIVERS/CONDITIONS**

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/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border 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.

("Special Conditions or Waivers/Conditions" continued on next page ...)

**Conditions:**

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 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. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: T-Mobile License LLC

Call Sign  
KNLF954

File Number  
0002991471

Print Date  
06-06-2007

**Special Conditions or Waivers/Conditions**

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.



**Federal Communications Commission  
Wireless Telecommunications Bureau  
Radio Station Authorization**

Page 1 of 1  
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LICENSEE NAME: T-Mobile License LLC

DAN MENSER  
T-MOBILE LICENSE LLC  
12920 SE 38TH ST.  
BELLEVUE WA 98006

FCC Registration Number (FRN)	
0001565449	
Call Sign WPWR849	File Number 0002581395
Radio Service CW - PCS Broadband	

Grant Date 06-30-2005	Effective Date 01-20-2006	Expiration Date 06-23-2015	Print Date 04-25-2006
--------------------------	------------------------------	-------------------------------	--------------------------

Market Number MTA008	Channel Block A	Sub-Market Designator 4
-------------------------	--------------------	----------------------------

Market Name: Boston-Providence			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

**SPECIAL CONDITIONS OR WAIVERS/CONDITIONS**

This authorization is subject to compliance with the provisions of the Agreement between Deutsche Telekom AG, VoiceStream Wireless Corporation, VoiceStream Wireless Holding Corporation on the one hand, and the Department of Justice (the "DOJ") and the Federal Bureau of Investigation (the

"FBI") on the other, dated January 12, 2001, which Agreement is designed to address national security, law enforcement, and public safety issues of the FBI and the DOJ regarding the authority granted herein. Nothing in t

he Agreement is intended to limit any obligation imposed by Federal law or regulation including, but not limited to, 47 U.S.C. Section 222(a) and (c)(1) and the FCC's implementing regulations.

**Conditions:**

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 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. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls> and select "License Search". Follow the instructions on how to search for license information.

# **Exhibit 4**

**AFFIDAVIT**  
**OF**  
**SITE ACQUISITION SPECIALIST**

The undersigned hereby states the following in support of the application by T-Mobile Northeast LLC (hereinafter “T-Mobile”) to construct and operate a wireless communications facility at 519 Great Road, Littleton, MA (the “Site”).

1. My name is Josh Delman and I am a Site Acquisition Specialist for Centerline Communications LLC. I have been retained by T-Mobile Northeast LLC to provide services for the purpose of obtaining approvals, leases, and licenses as well as performing other site acquisition and development tasks involved in building and installing wireless communication facilities. I have performed, and am performing, such services in connection with T-Mobile’s proposed wireless communications facility located at the Site.
2. I have participated directly or through my present and past employment in the development of many similar facilities, including wireless communication facilities collocated on and next to an existing structure such as the facility proposed for the Site. I have personally visited the Site and the area surrounding the Site on numerous occasions. I submit this affidavit based on my personal knowledge of the Site and the surrounding area and based on my professional experience in the development of wireless communication facilities.
3. When T-Mobile’s radio frequency experts identify an area within which a wireless communications installation is required to provide coverage to a significant gap in its coverage network, the area is illustrated upon a map and

issued to the Site Acquisition Specialist. In this instance, the illustrated area is located just north of Old Great Road and northwest of Beaver Brook Road in Littleton, MA, and has a radius of only .5 miles.

4. Part of my site acquisition and development duties include identifying potential candidates within the area identified by T-Mobile's radio frequency experts. The candidate identification process includes reviewing the applicable zoning ordinance to identify areas within which the proposed use is allowed. Viable candidates consist of existing structures of sufficient height from which an antenna installation can provide sufficient coverage, or lacking such a structure, parcels located within the narrowly defined search area upon which a tower may be constructed to a sufficient height. In order to be viable, a candidate must provide adequate coverage to the significant gap in T-Mobile's network. In addition, all viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are determined to be located within such areas, to identify other potentially suitable locations, with preference given to existing structures.
5. In connection with this site, Centerline Communications LLC has provided site acquisition services, including researching the area, identifying potential alternative candidates, and leasing the property at 519 Great Road, Littleton, MA.
6. The geographic area defined by T-Mobile's radio frequency experts consists of a mix of industrial and residential properties. There are no existing structures in the area which possess the minimum qualities required to be a candidate.
7. Within the area defined by the radio frequency expert, there are at least portions of the following zoning districts: Residential and Industrial A.

8. In searching the area defined by the radio frequency expert, the following potential locations were identified, considered, and rejected for the reasons stated below:
  - a. Municipal Light Transformer Station: Beaver Brook Road. This location would provide coverage to a large portion of the gap in coverage, and a site here would be acceptable if the Town were to lease it to T-Mobile. This site is located north of the originally proposed site (13 Beaver Brook Road). The visibility of a tower at this location would be more visible to abutters than both 13 Beaver Brook Road and 519 Great Road. This site would also require a dimensional variance for height and a variance from the requirement for a 300 foot setback from residences.
  - b. Originally Proposed Site: 13 Beaver Brook Road. T-Mobile presented this site to the Town of Littleton through a hearing process and the board suggested that T-Mobile look towards the new subject site (519 Great Road). This originally proposed site would work from a radio frequency standpoint and has a parcel size of 16.5 acres. The existing vegetation and the fact that this site is surrounded on the west by industrial buildings and by forest and wetlands on the south, the visibility of a tower at this site would be minimal.
9. Based on my review of the zoning ordinance, my personal knowledge of the area, and the candidates approved by T-Mobile's radio frequency expert, none of the potential alternative candidates located within allowed zoning districts are reasonably feasible alternatives to the proposed Site. In addition, based on my experience, in my professional opinion, the Site is the least intrusive and available

alternative to provide adequate coverage to this significant gap in T-Mobile's network coverage.

Executed this 28<sup>th</sup> day of July, 2010

---

Josh Delman, Site Acquisition Specialist

# **Exhibit 5**



# Vazimuth Quad Pol -RET®

## PCS & AWS Band Remote Electrical Tilt Antenna

**65° x 6.5° 17.5 dBi**

Antenna Specifications have been modified and are based on projected future equipment requirements for the T-Mobile network in New England. These "virtual antenna" specifications are prepared for use by Structural Engineers in performing a tower structural analysis. Modifications of original documents are shown by redlines prepared 3-26-08.

### General Information



Communication Component Inc.'s unique Quad pol. antenna covers both PCS & AWS bands, allows independent Azimuth adjustment of each XPOL for a total of 36 degrees and independent downtilt. Each XPOL has 17.5dBi gain and 65 degree beamwidth for each polarization and up to 10 degrees of Downtilt. Height has been optimized at under 72 inches including the RET Actuators with a width of 13.5 inches. The antenna can provide complete Remote Tilt capability when combined with CCI's Remote Electrical Tilt System. All CCI antenna products are 100% tested for IMD and built to rigorous ISO9001 standards. Designed for excellent sidelobe performance, front-to-back ratio and pattern symmetry. This antenna provides excellent cross-polar discrimination across the entire coverage sector – rivaling the performance of space diversity systems using a single antenna while reducing mounting hardware and tower space requirements.

Model ANT-QPAVZH65V6-17H65V6-17



### Contents

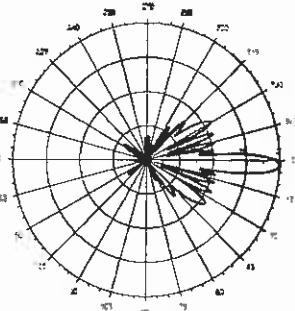
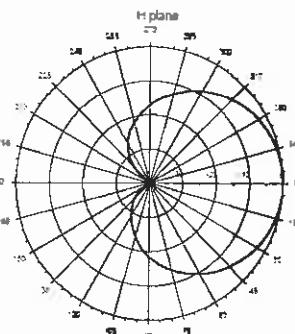
General Info	1
Technical Description	1
Electrical /Mechanical Specifications	2
Mechanical Diagram	2
Ordering Information	2

### Technical Description

CCI's Vazimuth PCS/AWS Band Quad pol. antenna is specifically designed to yield excellent, sidelobe, front-to-back ratio and pattern symmetry all with superior broadband performance by utilizing a cavity design approach. This provides greater cross-polar discrimination across the entire coverage sector. The two XPOL antennas housed in a single radome can be independently rotated to allow optimization of azimuth direction with a simple mechanical arrangement.

An integrated phase shifter allows a wide range of beam tilt adjustment while maintaining excellent sidelobe suppression - all with minimal performance degradation. All parts are designed and metals selected to minimize passive intermodulation (PIM) which is 100% production tested.

A single-unit GRP radome provides heavy-duty structural support for the complete assembly. Galvanized steel base metal clamps that withstand extreme conditions provide long field life. All reflector parts are soldered to military standards and extra long connectors ensure easy cable attachment.



## Quad Pol. PCS & AWS Band Antenna Specification

	ANT-QPAVZH65V6-17H65V6-17		
Frequency range (MHz)	1710-1880	1850-1990	1920-2170
VSWR	1.40:1		
Polarization	$\pm 45^\circ$ x2		
Isolation between ports and beams (dB)	30		
Average Gain (dBd/dBi)	14.4/17.5	14.4/17.5	14.9/17
Horizontal beamwidth (deg)	$65^\circ \pm 5^\circ$		
Vertical beamwidth (deg)	$6.5^\circ \pm 0.5^\circ$		
Electrical tilt (deg)	VET 0°-10°		
Sidelobe suppression (dB)	> 18 typically 20		
Front to back ratio (dB) @ $180^\circ \pm 30^\circ$	25		
Polarization isolation (dB) @3 dB beamwidth	20		
Dimensions	72" x 13.5" x 6"		
Survival wind speed mph (km/h)	124 mph (200 km/h)		
Front windload TIA/EIA-222-F Discrete Appurtenance CaAc (ft <sup>2</sup> )	9.08		
Lateral windload TIA/EIA-222-F Discrete Appurtenance CaAc (ft <sup>2</sup> )	4.70		
Antenna weight	75 LBS		
Clamps weight lbs	6.5 LBS		
Mast mounting	2.0" to 5.3" (50 to 135 mm)		
Radome color	Grey		
Grounding	All metallic parts are DC grounded		
Temperature range F (°C)	-86° to 131°F (-30 to +55°C)		
Humidity	100 %		

### Ordering Information

Vazimuth Qual Pol 65° 17.5dBi PCS/  
AWS Antenna:  
CCI Model ANT-QPAVZH65V6-  
17H65V6-17

Remote Electrical Tilt Controller:  
CCI Model RET-CTR-48-3

Remote Electrical Tilt Cable Kit:  
CCI Model RET-CBK

**ANT-QPAVZH65V6-17H65V6-17**



**Communication Components Inc.**

Tel: 201-342-3338

Fax: 201-342-3339

# Exhibit 6

*A. G. S.  
2.00  
8.80*

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, MASS.

TOWN OF LITTLETON

WHEREAS, by a vote adopted at the Annual Town Meeting duly called and held on the second day of March, 1960, 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 easterly of the Groton Road, sometimes known as Route 119, near Beaver Brook, at and near the division line between land now or formerly of Theodore and Barbara Bladen and land of the Littleton Sportsmen Club, Inc., consisting of all of the land within four hundred (400) feet of the west wall located at the point North 65° 50' East 1163.93 feet from Route 119 Station 184 + 22.89, said circular parcel of land having an area of about 10.9 acres;

Also the triangular parcel of land situated easterly of said circular parcel and bounded westerly by said circular parcel, northeasterly by the wall at land of the Littleton Sportsmen Club, and southerly by the northerly line of the swamp land adjoining Beaver Brook, having an area of about 2.1 acres;

Also the land situated between the aforesaid two parcels and the center line of said Beaver Brook bounded northerly by the southerly line of said two parcels, easterly by said Littleton Sportsmen Club land, southerly by the center line of said

Beaver Brook, and westerly by a line which runs South 24° East about 230 feet to the center line of said Brook from a point in the circumference of said circular parcel located South 6° 30' East 400 feet from said test well, having an area of about 4 acres.

And said Board does hereby take an easement in that strip of land twenty (20) feet in width extending from said Route 119 to said circular parcel, the center line thereof commencing at said Station 184 + 22.89 and thence running North 65° 58' East to said parcel a distance of about 740 feet, including the right to use said strip for all purposes for which town ways are customarily used in the Town, including particularly the right to construct, lay, maintain, repair and from time to time replace water mains and utility lines in, over and through said easement.

Said land is supposed to belong in part to Theodore and Barbara Niliades and in part to the Littleton Sportsman's Club, Inc. but the aforesaid land 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 any rights of way, easements, or rights therein except flowage rights of Beaver Brook and rights, if any, of the New England Telephone and Telegraph Company.

IN WITNESS WHEREOF we have hereunto set our hands and seal this 12th day of February 1970, for and on behalf of the Town of Littleton.

Town of Littleton  
by Joseph L. O'Brien, Jr.  
W. Murphy, Jr.  
Joseph L. O'Brien  
Board of Water Commissioners

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

February 12, 1970.

Then personally appeared the above named  
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

Harold B. Brady  
Notary Public

CERTIFICATE

of

VOTE

I, Arlene P. Nichols, Clerk of the Town of Littleton, hereby certify that pursuant to Article 9 of the Warrant for the Annual Town Meeting duly called and held on March 2, 1968, by more than two-thirds of the qualified voters present and voting, it was

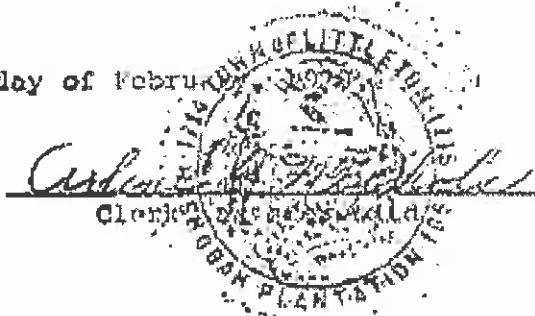
VOTED: that the Town determine that the land, rights and easements hereinafter described are appropriate and necessary as an additional source of water supply and for the enlargement and protection of its water supply and distribution system and that the Board of Water Commissioners be and hereby are authorized to acquire said land rights and easements by eminent domain, purchase or otherwise and for their development and use as an additional source of water supply, to construct a well and pump therein, and for those purposes transfer and appropriate from water surplus the sum of \$47,000.

the land to be required is:

situated easterly of the Croton Road near Beaver Brook at the division line between lands supposed to belong to Mr. & Mrs. Theodore Blinden and the Littleton Sportsmen Club, consisting of the land within a 400 foot radius of the location of a test well about N 65° 50' East and approximately 740 feet from Route 119 Station 184 + 22.09, containing about 11 acres, and the land between said circular tract and the brook and adjoining the Sportsmen Club land, containing about 6 acres, being generally as shown on Charles A. Perkins Co. Plan No. M-1193 filed with the Commissioners; together with an easement for water mains and access as shown on said plan, or in such other location or locations as the Commissioners may determine:

Said land is supposed to belong in part to Mr. & Mrs. Blinden and in part (about one-half acre) to the Littleton Sportsmen Club.

Certified this 12 day of February 1968



# Exhibit 7

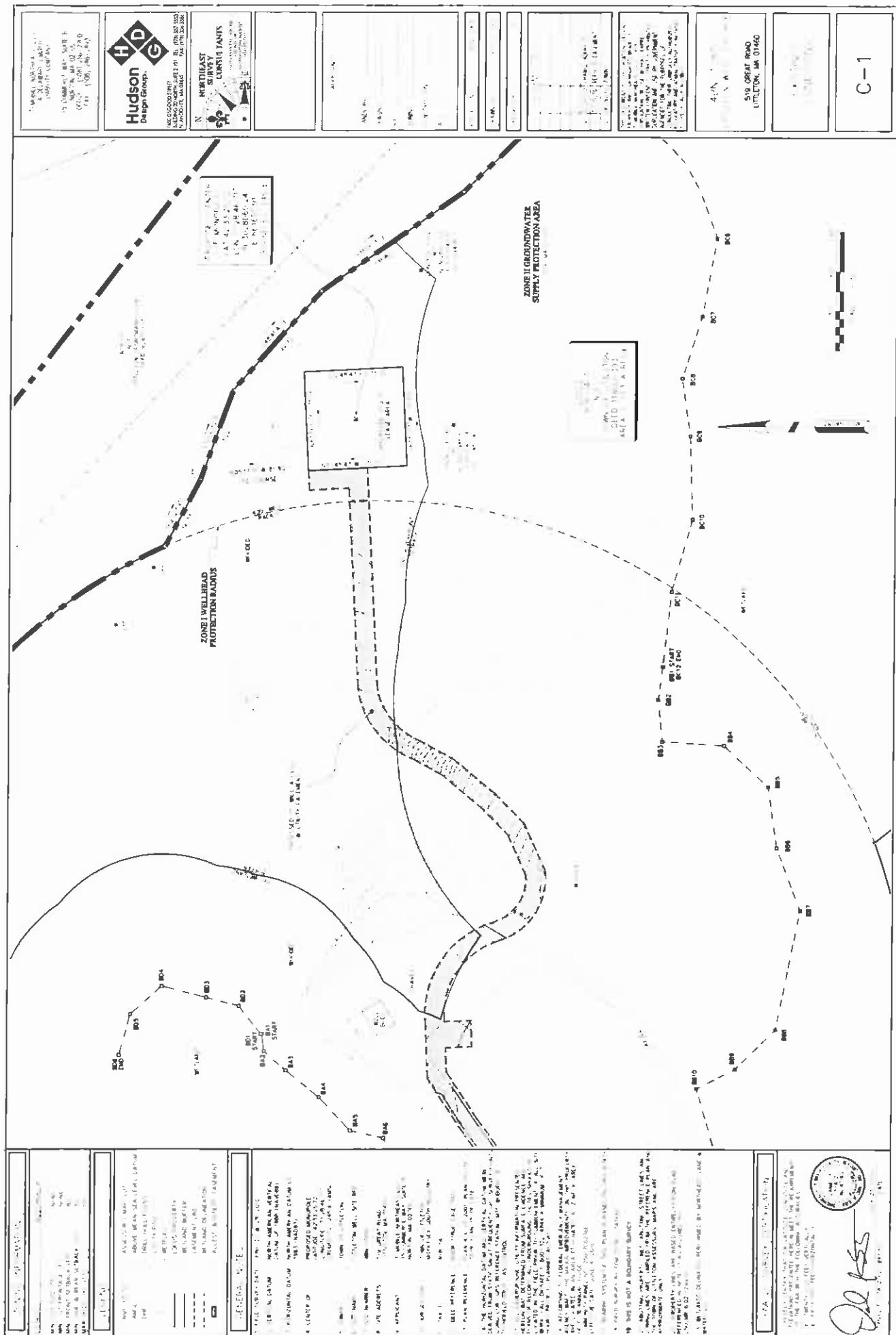
**LITTLETON WELL SITE RFP**

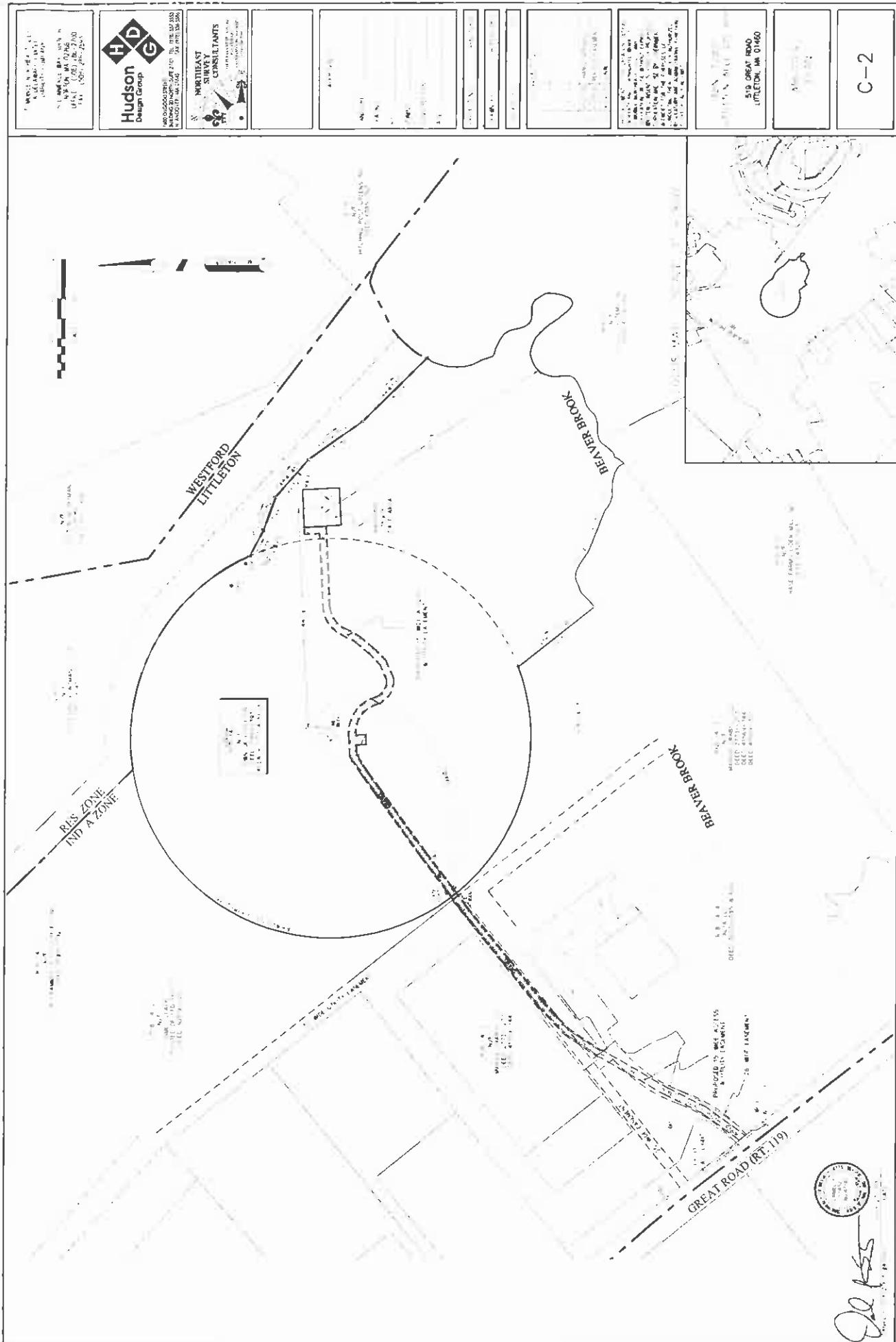
## GENERAL NOTES

DO NOT SCALE DRAWINGS

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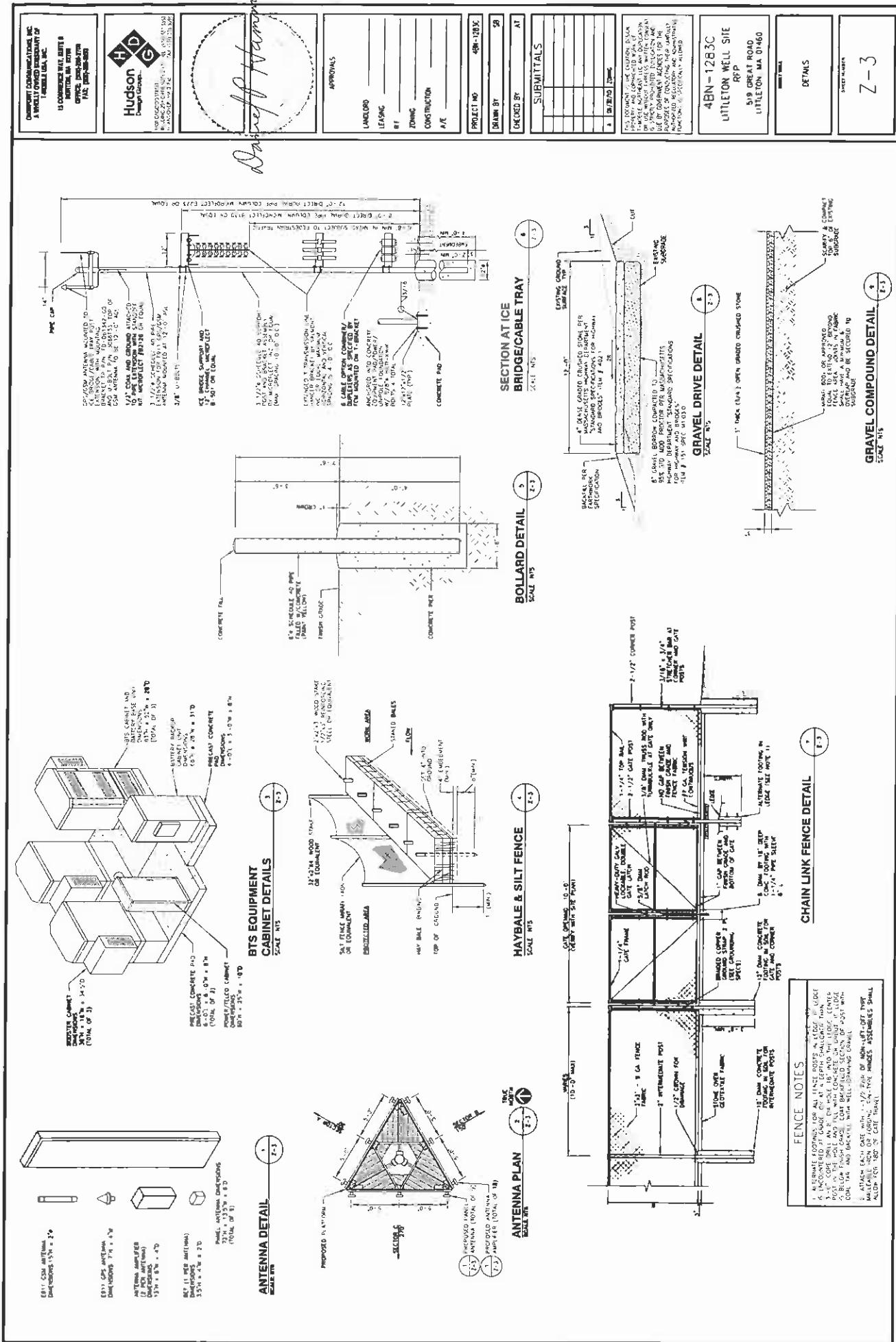
PROJECT SUMMARY











# **Exhibit 8**

## AFFIDAVIT of RADIO FREQUENCY EXPERT

The undersigned, hereby states the following in support of the application of T-Mobile Northeast, LLC (hereinafter referred to as "T-Mobile") to construct and operate a wireless communications facility on a Monopole structure with related equipment cabinets located at 521 Great Road, Littleton, MA 01460.

1. I am a Radio Frequency Engineer employed by T-Mobile USA, Inc. responsible for radio network design in Massachusetts.
2. As enabled under its Federal Communications Commission (FCC) license T-Mobile seeks to design its wireless network in order to provide reliable wireless services to its customers, whether those customers are on the street, in a vehicle, or in a building. Providing reliable service to its customers in each context is critical for T-Mobile 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 communication capacity be developed to serve the entire nation.
3. I have thoroughly reviewed the radio frequency engineering studies, reports, and computer model prepared by T-Mobile with respect to the subject wireless communications facility. I used a propagation modeling software by Aircom named Asset. This software calculates frequency strength over distance taking into account geographical, and topographical land features and other contributors to signal loss. Finally, this calculation has also been adjusted by empiric data obtained from field measurement.
4. In order to meet its obligations under the radio license T-Mobile must have in place a network of base station antennae facilities to serve portable wireless communication devices and mobile phones. These facilities consist of antennas mounted on a pole, building, or other structures that are connected by cables to a small equipment cabinet located near the antenna. These antennas transmit voice and data to subscribers within a defined area of coverage. Likewise, the antenna receives the radio signal from mobile transmitters (such as wireless phones) which then goes to equipment located in the cabinet and to ordinary phone lines from which the transmission may be routed anywhere in the world.
5. Wireless antenna facilities are integral to T-Mobile's network. Each facility, servicing only a limited area, must be carefully located so that it can properly interact with surrounding facilities. To maintain reliable and uninterrupted service to a wireless device user living and/or traveling in a given area serviced by multiple antenna facilities, there must be a continuous interconnected series of facilities, which in-part overlap in a grid or "cellular" pattern

6. In compliance with its FCC license, T-Mobile is actively building its Personal Communication Service (PCS) network to provide service in Massachusetts. In order to meet its goal of providing reliable, seamless and uninterrupted service T-Mobile must continue to acquire interest in property for additional facilities, and is applying for and obtaining local governmental approvals to construct the facilities in order to eliminate gaps in reliable service coverage. Any delay at this point in time severely curtails T-Mobile's ability to achieve a market position that will allow it to compete for customers, which is in the public interest.

7. Using precise computer prediction model and following a thorough review of the Radio Frequency (RF) engineering studies and reports prepared by T-Mobile it was determined that a new facility in close proximity to the area along Route 119 and Beaver Brook Road, just west of Route 495 in Littleton, MA is critical to the overall engineering and technical plan for T-Mobile's network.

8. The subject location has specific characteristics, of topography, relationship to existing structures and its location within the narrow search limits specified by the above referenced computer model, makes it uniquely suitable to address T-Mobile's need for a proposed wireless communications transmission facility. With the above considerations the proposed site was determined to be the most appropriate location for a facility to fill the existing gap in service coverage within the context of available land parcels provided to me for analysis.

9. Without a wireless transmission facility located at or near this location, a significant area of inadequate, unreliable coverage would remain in T-Mobile's wireless network in the vicinity of the proposed installation. This lack of service area or "gap" in coverage would adversely impact T-Mobile's ability to provide reliable in-building and in-vehicle coverage to businesses and residents of Littleton in this area

10. The result of such a "gap" will be an inability for the T-Mobile customer to reliably initiate, receive, or maintain voice and data connections, including 911 emergency calls, from the time that subscriber leaves the service area until that subscriber reaches that point where a quality signal is available to reinitiate the communication link.

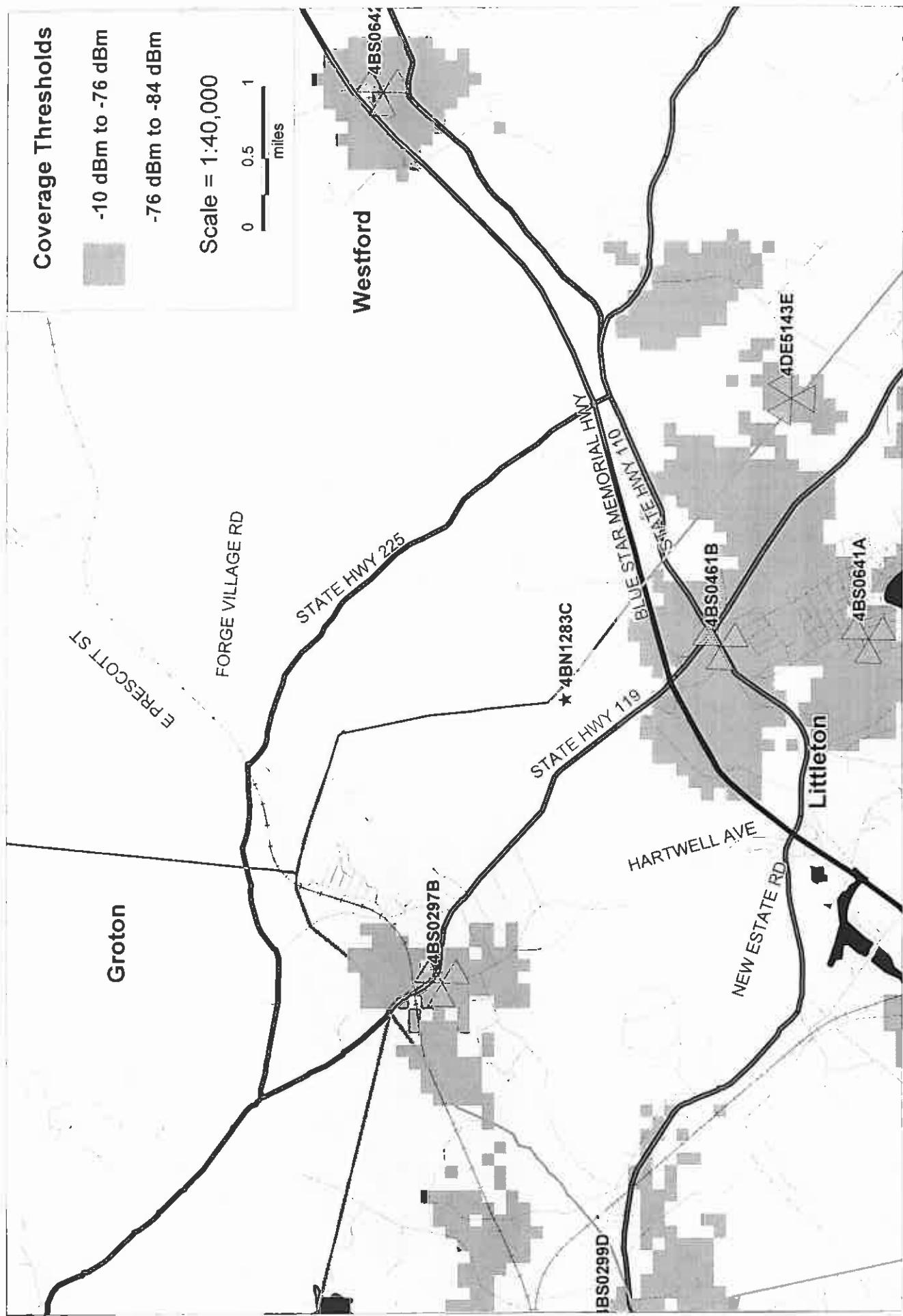
11. All proposed wireless communications equipment will be installed, erected, maintained and operated in compliance with all applicable Federal, State and local regulations, including, but not limited to: the radio frequency emissions regulations set forth in the 1996 Federal Communications Act, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC). All equipment proposed is authorized by the FCC Guidelines for Evaluating the Environmental effects of Radio Frequency Emissions. The radio frequency exposure levels generated by the proposed facility are substantially below the maximum allowable health and safety standards established by the FCC. In addition, the proposed equipment and transmission characteristics are in compliance with standards set forth by the American National Standards Institute (ANSI) and the National Council of Radiation Protection (NCRP).

Based upon the best radio frequency technology that is available to T-Mobile at this time, it is my professional opinion that the proposed project is necessary to ensure adequate PCS service to area residents and businesses in accordance with system specifications.

Signed under the penalties of perjury this 2<sup>nd</sup> day of August, 2010



**Scott Heffernan**  
**RF Engineer**  
**T-Mobile Northeast, LLC**  
15 Commerce Way Suite B  
Norton, MA 02766  
(978)660-3998

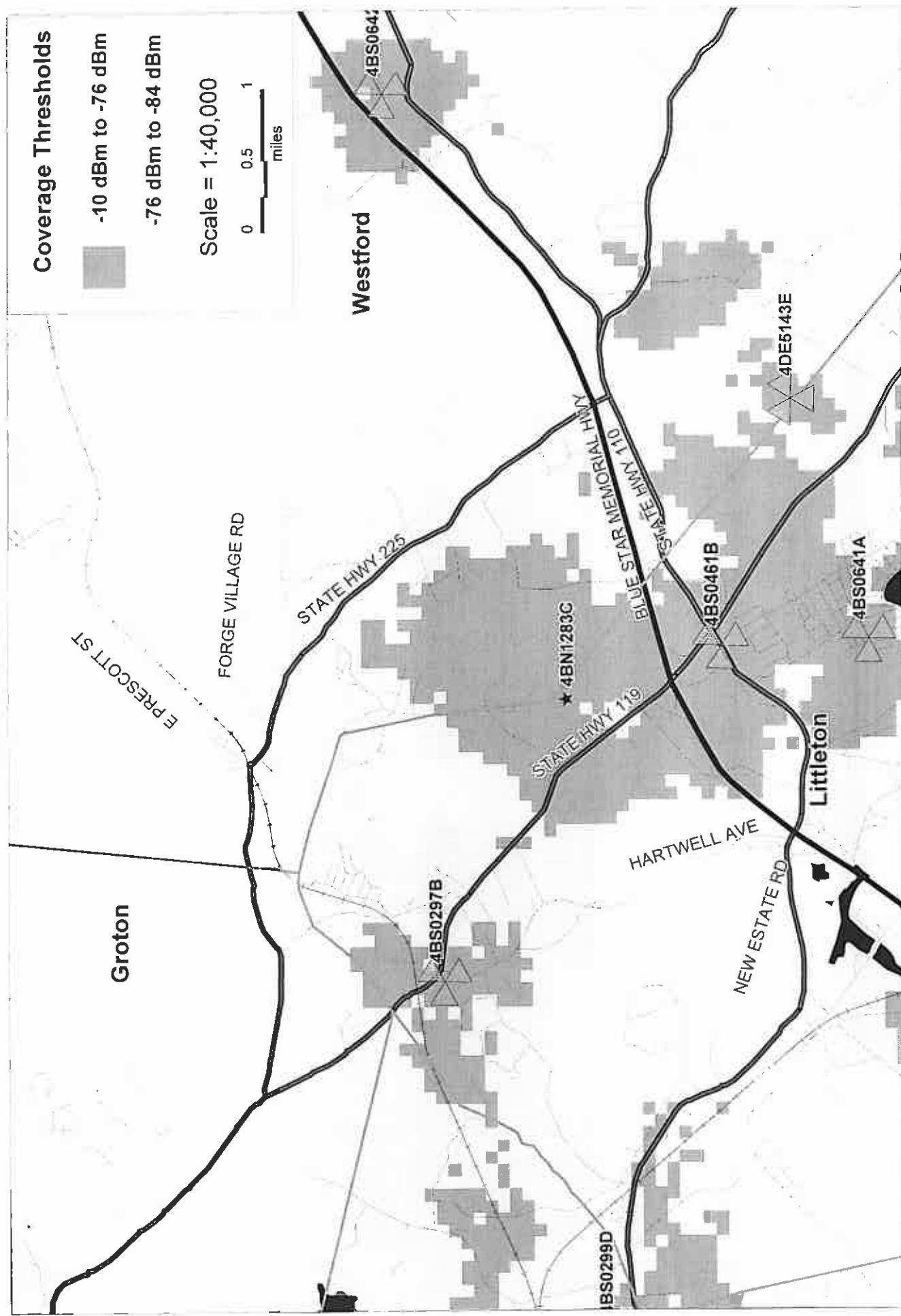


**Coverage Thresholds**

- Dark Green - In Building Coverage
- Light Green - In Vehicle Coverage

**- T-Mobile -- Existing T-Mobile On Air Coverage**

**- T-Mobile --**



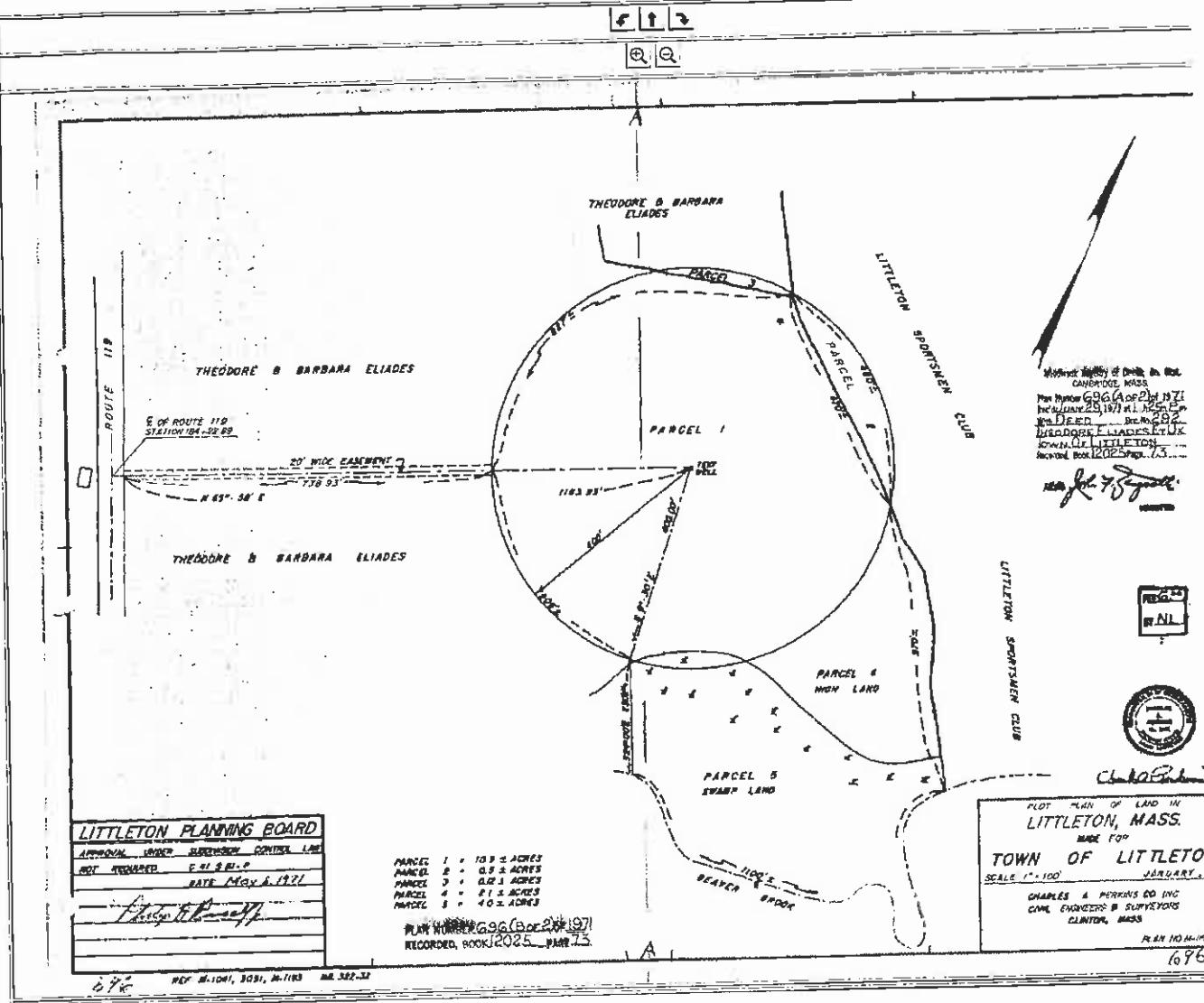
**Coverage Thresholds**

Dark Green - In Building Coverage  
Light Green - In Vehicle Coverage

**Existing T-Mobile On Air Coverage**  
With 4BN1283C @ 147'

**-T-Mobile--**

# **Exhibit 9**



# LITTLETON WELL SITE RFP

519 GREAT ROAD

11111 ETON MA 01460

SITE NUMBER: 4BN-1283C

SITE TYPE: RAWLAND / MONOPOLE

## GENERAL NOTES

SHEET INDEX

## PROJECT SUMMARY

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—  
—

DO NOT SCALE DRAWINGS

DO NOT SCALE DRAWINGS

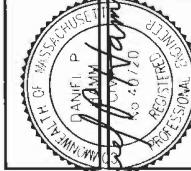
CONTRACTOR SHALL FURNISH ALL PLANS AND DRAWINGS DIMENSIONS AND CONDITIONS ON THE JOB SITE AND IMMEDIATELY NOTIFY THE PROJECT OWNER'S REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

**T-MOBILE NORTH EAST LLC**  
A DELAWARE LIMITED  
LIABILITY COMPANY

19 COMMERCE WAY, SUITE B  
NORTON, MA 02768  
OFFICE: (508) 288-2700  
FAX: (508) 288-2885



1625 OSAGE STREET  
SUITE 2101 B-177655555



1000W

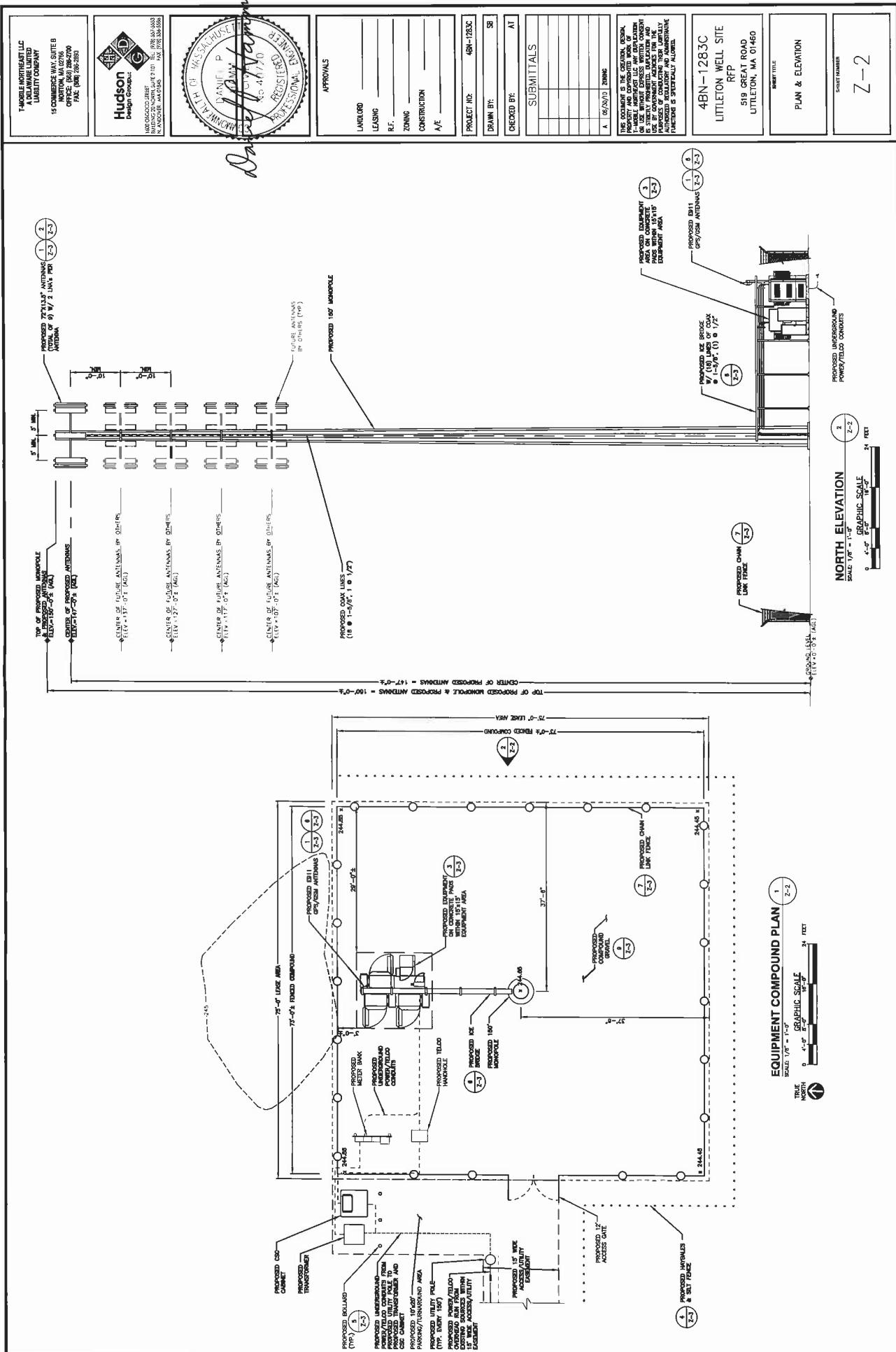
LANDLORD \_\_\_\_\_  
LEASING \_\_\_\_\_  
R.F. \_\_\_\_\_  
ZONING \_\_\_\_\_  
CONSTRUCTION \_\_\_\_\_  
A/E \_\_\_\_\_

PROJECT NO: 4BN-1283

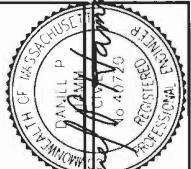
TITLE SHEET

1





OMNIPOINT COMMUNICATIONS, INC.  
A WHOLLY OWNED SUBSIDIARY OF  
T-MOBILE USA, INC.  
15 COMMERCE WAY, SUITE B  
NORTON, MA 02760  
OFFICE: (508) 226-2700  
FAAX: (508) 226-2865



**ANTENNA DETAIL**  
SCALE: 1/16

9-1

1/2" SCHEDULE 40 SUEWIRI  
POST AND BRACKET ASSEMBLY  
MICROFLEX, INC. OR EQUAL  
MAX. SPACING 10'-0" D.C.)

F.26

**HAYBALE & SILT FENCE**

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SCALE: NTS

**BOLLARD DETAIL** 5  
Z-3

**BHGE/CABLE TR** \_\_\_\_\_  
SCALE: NTS

Q3

CHAIN LINK FENCE DETAIL

## DETAILS

3. COAT GATE AND GATE POST WITH CONCRETE OR GROUT. IF LEVERS POST IN THE GATE, COAT BACKFLAT SECTION OF POST WITH SCAFFOLDING PAINT. COAT BOTTOM OF GATE POST WITH WELL-Draining GRAVEL.

2. ATTACH EACH GATE WITH 1-1/2 PAIR OF NON-LIFT-OFF TYPE, MAILABLE IRON OR FORGING, PIN-TYPE HINGES. ASSEMBLIES SMALL ALLOW FOR 180° OF GATE TRAVEL.

GRAVEL COMPOUND DETAIL

SCALE: 1/16

Z-3

SHEET NUMBER

7-3