



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
7/23/08 (J)

Petitioner:	MetroPCS
Case No:	749A
Date Filed:	June 11, 2008

The Littleton Board of Appeals conducted a public hearing on July 17, 2008, at the Shattuck Street Municipal Building on the application of MetroPCS (the petitioner) for a variance from Section 173-131(B)(5) of the Zoning Bylaw to allow installation of wireless communications equipment at a height in excess of the allowable 100 feet upon an existing water tower at 28 Cedar Road, a property owned by the Town of Littleton and located in a residential zoning district. Notice of the hearing was given by publication in the Lowell Sun, a newspaper published in Lowell and circulated in Littleton, on July 14 and July 18, 2008, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, John Cantino, Julia Adam, Jeff Yates, Members, and Rod Stewart, Alternate. Present and not voting were Cheryl Hollinger and Marc Saucier, Alternates.

The Petitioner, through its counsel Francis D. Parisi, Esq., presented the Board with its application including exhibits of supporting materials and offered an oral presentation in support of the application. Andy Candiello, a radio frequency engineer, was also present and prepared to offer technical detail in support of the Application. The Board was presented with the following facts and argument:

There is an existing water tower sited on the property at 28 Cedar Road which already houses multiple wireless telecommunications facilities at various heights. Littleton's telecommunications bylaw limits tower height to 100 feet. Petitioner has obtained a Special Permit from the Planning Board conditioned upon allowance of the variance requested from this Board. Petitioner is seeking a height variance to allow installation of six antennas (panels) at a height of 102 feet in order to utilize an existing curved support band on the tower rather than install a new and additional support structure for the antennas. The additional height affords additional clearance from potential signal obstacles including topography and foliage, making the water tower a viable telecommunications site and obviating the need for construction of an entirely new tower. The Town has encouraged telecommunications facilities to co-locate on town owned structures to minimize the number of towers within the town. Petitioner argued that these factors are sufficient to show that a literal enforcement of the bylaw, as it relates to tower height, would involve a relatively substantial hardship to the petitioner. Petitioner also argued that, given that the relief sought simply increases the height of the antennas by two feet, such relief may be granted without substantial detriment to the public good and/or without nullifying or substantially derogating from the intent or purpose of the bylaws.

Two abutters were present who expressed concerns about the health implications of locating an additional wireless telecommunications facility at the property.

FINDINGS: The Board found, based upon all of the evidence submitted, that the Petitioner satisfied the conditions for a variance as proposed, including that a literal enforcement of the bylaw as it relates to tower height, would involve a relatively substantial hardship to the petitioner and that the requested variance could be granted without substantial detriment to the public good and/or without nullifying or substantially derogating from the intent or purpose of the by-law.

DECISION: The Board voted unanimously to GRANT a Variance from the requirements of Section 173-131(B)(5) such that the antennas as described to the Board may be installed on the existing band at a height of 102 feet.

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: Julia A. Adam
Julia Adam, Clerk

Date: 7/23/08

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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

Date: _____