

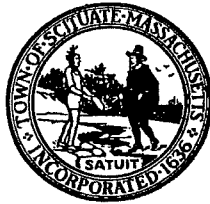
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TOWN OF SCITUATE

Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
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**Wireless Communication Antenna on Utility Pole Special Permit and Major Site Plan Review
Adjacent to 26 Kenilworth Street in the private way Pole VZ # 236/1 (SC01)
Decision: APPROVED with Conditions**

Owner: Eversource Energy d/b/a NSTAR
Applicant: Cellco Partnership dba Verizon Wireless
Date: January 18, 2018
Location: adjacent to 26 Kenilworth Street in the private way on replacement utility pole
VZ 236/1
Assessor's Map: # 73-2-1
Plans: Plans entitled Verizon Site Name: Scituate MA SC01 – 385925 Pole VZ #
236/1 within private right-of-way adjacent to 26 Kenilworth Street Scituate, MA 02047 Plymouth
County Sheets T-1, Z-1, C-1, A-1 revised dated 7/21/17 by Krupakaran Kolandaivelu, PE of N B +
C Engineering Services, LLC of Chelmsford, MA.

Members Hearing Special Permit Application: Ann Burbine, Benjamin Bornstein, William
Limbacher, Richard Taylor and Patricia Lambert.

Background: The existing utility pole VZ # 236/1 is in the private right of way adjacent to 26
Kenilworth Street in the Town of Scituate R-3 zoning district.

The applicant has requested approval to install a small cell unit on a replacement utility pole VZ #
236/1 within the private right of way adjacent to 26 Kenilworth Street. The application indicates that
small cell units allow Verizon Wireless to strategically install antennas in high demand locations
while improving wireless performance and mitigating visual impacts.

The small cell unit will consist of a 12 inch diameter by 38.7 inch cylindrical antenna mounted on the replacement pole. A replacement 45 foot pole will be installed to hold the small cell antenna. The top of the new utility pole will be 38'-6" in height and the small cell antenna will be mounted on top of that for a total height of the replacement pole with antenna at 42 feet 8 inches. This resembles a common electric transformer and the antenna complies with all applicable FCC radio frequency emission standards and regulations and requires minimal maintenance. The application indicates that the antenna will not impact utilities, schools, traffic or other municipal resources in the Town of Scituate. The installation will improve the reliability of the 4G service in Scituate and fulfills the Town's stated preference that alternatives to newly constructed towers be explored.

The application indicates that the facility complies with the Town of Scituate Zoning Bylaws for telecommunication facilities under Section 730.4 providing that " a wireless communications antenna may be installed on a utility pole in any zoning district provided the antenna is not more than ten feet in height, subject to the applicant obtaining a Major Site Plan approval from the Planning Board under Section 770 of this bylaw and the application meeting applicable standards of Section 730.2 A. and B., paragraphs 1,3 and 5 regarding plan submissions, structural soundness, camouflage and removal." Demonstration of need for the antenna must be provided and may include coverage maps as shown in the application.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on August 15, 2017. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened on October 12, 2017 and continued on October 26, 2017, November 9, 2017, December 14, 2017 and January 11, 2018 when it was closed with the Planning Board approving the special permit and major site plan review with conditions.

Hearing Summary: The public hearing was opened on October 12, 2017 with Attorney Daniel D. Klasnick of Duval & Klasnick LLC present. At this time, the Board requested additional information to show demonstration of need for the small cell attachment and continued the hearing until October 26, 2017. The Planning Board approved an immediate continuance on October 26, 2017 until November 9, 2017 as the applicant had not completed its efforts to provide additional information. On November 9, 2017, the applicant presented additional maps for existing and proposed coverage and a load test result and summary. The Board again requested additional information to show demonstration of need and the hearing was continued until December 14, 2017. At the December 14, 2017 hearing, the applicant provided an additional affidavit of a radio frequency engineer and a utility pole feasibility assessment. The Board again asked for further information to demonstrate need and continued the hearing until January 11, 2018. At the January 11, 2018 hearing session, the applicant provided further maps to show the need and suitability of the selected replacement poles to address the targeted service gaps in the Town of Scituate. On January 11, 2018, the Board approved the special permit and major site plan review with conditions.

Public Comment: The Planning Board received an email from the Water Division on 10/2/17 who indicated they had no comment.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the installation of small cell equipment on a replacement utility pole VZ #236/1 in the private way adjacent to 26 Kenilworth Street:

- 1) On August 15, 2017, Cellco Partnership dba as Verizon Wireless applied for a special permit and major site plan review for installation of a small cell unit on a replacement utility pole VZ #236/1 within the private way adjacent to 26 Kenilworth Street under Section 730.4 and Section 770 of the Scituate Zoning Bylaw. The public hearing opened on October 12, 2017 and was continued to October 26, 2017, November 9, 2017, December 14, 2017 and January 11, 2018.
- 2) The existing pole is in the private right of way of Kenilworth Street adjacent to house #26. The existing pole is in the Residential R-3 zoning district.
- 3) The applicant has submitted a letter from National Grid which indicates they have entered into a Pole Attachment Agreement to install, attach, maintain, repair, upgrade and use wireless communications equipment and appurtenances on certain utility poles subject to their agreement including initial installation, on-going maintenance and upgrades or replacements of said equipment.
- 4) The proposed installation location of the small cell antenna will be on a pole that replaces the existing pole in this location.
- 5) The application indicates that small cell units allow Verizon Wireless to strategically install antennas in high demand locations while improving wireless performance, and while mitigating visual impacts through the installation of the as-proposed small cell antenna system.
- 6) According to affidavits from applicant's expert RF Engineers, Mohammed Alsamarai and Keith Vellante, responsible for evaluating adequacy of service, the installation will improve the reliability of the 4G service in Scituate and fulfills the Town's stated preference that alternatives to newly constructed towers be explored.
- 7) The small cell unit will consist of a 12-inch diameter by 38.7 inch high cylindrical antenna mounted on the replacement pole with two remote radio heads and associated wires, cables, diplexer, converter and electrical meter. A replacement 45-foot pole will be installed to hold the small cell antenna. The top of the new utility pole will be 38'-6" in height and the small cell antenna will be mounted on top of that for a total height of the replacement pole with antenna at 42 feet 8 inches. The antenna is less than ten feet in height and meets the requirements of Section 730.4 and 730.2A. of the Scituate Zoning Bylaw.
- 8) The application has provided information that the replacement pole is structurally sound and capable of supporting the loads created by the antenna as indicated in Section 730 2 B.1. of the zoning bylaw. The plan shows that the replacement utility pole and proposed equipment shall comply with the standards specified in applicable industry, state and Federal Design Codes.
- 9) The application indicates that the proposed antenna, U-Guard, weatherhead conduit and RRH

Solar shield shall be painted to match the existing utility pole. It meets the standards of Section 730.2 B. 3. of the Scituate Zoning Bylaw requiring an antenna mounted on a structure shall be colored or painted to blend with the structure.

- 10) The Applicant has submitted the following evidence to support the demonstration for the need for the antenna in order to provide significant improvement in network coverage and capacity:
- a) The Applicant's FCC license to operate;
 - b) An affidavit from RF engineer Mohammad Alsamarai stating:
 - i) that he is Verizon's engineer with the network design responsibility for their network serving the Town of Scituate;
 - ii) that he certifies (under penalty of perjury) that he has conducted a review of the Town's existing network performance and completed computer simulated projections of the service that will be provided at the proposed location following the installation of the small cell antenna system; and
 - iii) as a result of such analysis, he certifies that there is a significant need to address gaps in capacity service in the Town of Scituate at this specific location.
 - c) A summary of the analysis referenced herein that summarized the existing network performance and the expected network performance following the installation of the small cell antenna system.
 - d) The applicant provided coverage maps Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – Existing Approved 700 MHz & 2100 MHz LTE Coverage and provided an interpretation of such maps that they testify demonstrate a significant need for the proposed antenna.
 - e) The applicant provided a Table 1: Scituate SC01 Utility Pole Feasibility Assessment supporting the location for the proposed small cell antenna.
 - f) An affidavit from RF engineer, Keith Vellante, stating that the facilities are within areas where Verizon has identified a need to install additional facilities in order to provide reliable wireless service. He certifies under penalty of perjury that the small cell locations are intended to complement the conventional macro sites and are used as a capacity solution to target isolated areas of heavy usage and that the analysis determined the location is the most appropriate solution to meet network capacity and coverage objectives for this area.
 - g) The applicant provided additional coverage maps on January 8, 2018 showing Scituate MA – Existing 700 MHz & 2100 MHz LTE Coverage, Scituate MA 700 MHz & 2100 MHz LTE Coverage with SC01, SC02, SC04, Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – 700 MHz LTE Sector Footprints with Small Cells which interpretation and testimony provided shows a demonstrated need for the proposed antenna in the location shown.

This information meets the requirements of Section 730.4 of the Scituate Zoning Bylaw for demonstration of need.

- 11) The application meets Section 770.6 of the Scituate Zoning Bylaw Sections A. through J. as: i) the proposed installation of small cell pole attachments will enable a more reliable and improved wireless service in Scituate addressing coverage and capacity network requirements *in the least*

intrusive way it can; ii) the small cell equipment has been sited and designed to minimize visibility from neighboring residences and streets and it will not detract from the visual appearance of the surrounding neighborhood; iii) the small cell attachment will be mounted on a replacement (of the existing) unmanned utility pole and will have no impact on traffic safety or access; iv) there will be no ground equipment, no pole mounted equipment will obstruct the public way and electric and fiber will be obtained from the existing service; v) there is no need for sewage disposal or water use or storm drainage; vi) there is no cut and fill or the destruction of other features; and vii) the obstruction of scenic views from publicly accessible locations is minimized by installing the as-proposed and approved herein small cell equipment on a replacement pole.

12) The application meets the requirements of the Scituate Zoning Bylaw Section 730.4 and Section 770 for a Wireless Communication Antenna on a Utility Pole.

Decision: A motion was duly made and seconded to approve the Special Permit and Major Site Plan Review for the installation of small cell equipment on a replacement utility pole VZ #236/1 in the private way adjacent to 26 Kenilworth Street with the following conditions:

- 1) Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Verizon Site Name: Scituate MA SC01 - 385925 Pole VZ #236/1 within the private right-of-way adjacent to 26 Kenilworth Scituate, MA 02047 Plymouth County Sheets T-1, Z-1, C-1, A-1 revised dated 7/21/17 by Krupakaran Kolandaivelu, PE of N B + C Engineering Services, LLC of Chelmsford, MA.
- 2) The replacement pole with the small cell unit installed shall not exceed the height of 42 feet 8 inches from ground level. The color of the small cell unit antenna shall match the replacement pole color.
- 3) The proposed small cell unit installation includes installing one (1) cylindrical antenna of 12.0" diameter x 38.7" at a top height of 42'-8", two (2) Remote Radio Heads and associated wires, cables, diplexer, converter and electrical meter to a 38'-6" tall (as measured from ground level) replacement pole (45' long) to replace the existing utility pole, as is detailed in the drawings referenced in item 1 above.
- 4) The applicant shall maintain the replacement pole and the small cell antenna system for the period of the lease so as to maintain good appearance and good operating conditions.
- 5) The applicant shall demonstrate the right to use the pole prior to the special permit being released for recording.
- 6) Pursuant to Federal Communications System licensing, the applicant is required to ensure that at all times all radio equipment operating at the proposed communication facility results in radio frequency exposure levels compliant with FCC requirements as well as federal and state health standards. An annual statement of this shall be required to be submitted to the Planning Board. This shall be required by June 30 of every year.

- 7) All antennas and appurtenant equipment not in use for a period of six months or more shall be removed from the replacement pole at the owner's/operator's expense.
- 8) Replacement pole installation and the installation of the antenna and associated equipment shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the location and all other construction activities.
- 9) Excavation in the Town of Scituate right of way shall be done according to Town standards and a street opening permit will be required by the DPW. Any damage done to property in installation must be repaired to its original condition.
- 10) The applicant shall meet all requirements of the Board of Selectmen, Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
- 11) The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to operation of the small cell unit.
- 12) This Special Permit shall lapse within two (2) years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL C. 40A Section 9.
- 13) This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The applicant shall provide proof of this recording with the Planning Board.
- 14) The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.
- 15) The Applicant shall provide a 14-day notice to the Planning Board for any proposed upgrades or changes from the small cell antenna system that is approved herein. Such notice shall include a submittal of the impacts and mitigation of those changes, including but not limited to any changes to visual impact of structure/antenna system, as required in accordance with Section 730.4. Such changes can be reviewed and approved by the Town Planner or, at the discretion of the Board, may require a meeting with the Board.
- 16) The Applicant shall provide a 48 hour notice of the small cell antenna installation to the Planning Board office and on the proposed replacement pole.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Special Permit and major Site Plan Review for a Wireless Communication Antenna on Utility Pole #236/1 in the private way adjacent to 26 Kenilworth Street with the conditions noted above.

January 11, 2018

Date

SCITUATE PLANNING BOARD



Ann Burbine

William J. Taylor

Richard W. Taylor

Patricia A. Lyman

This decision was filed with the Town Clerk on January 19, 2018
date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans