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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT

***Entravision Communications Corporation, Applicant
350 Cedar Street
Map 227, Parcel 1***

November 21, 2019

Entravision Communications Corporation, applicant, made application to the Board of Appeals for a Special Permit under Sections 6.7.7 (b), 7.5.2, and any other applicable Sections of the By-Law to permit the installation of a 400kw CAT diesel powered emergency generator that will be located on a proposed concrete pad (10' x 26') within the fenced compound on the property along with installation of a 2000 gallon capacity diesel fuel tank. The property is located at 350 Cedar Street, Needham, MA in the Single Residential B District. A public hearing was held in the Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, November 21, 2019 at 8:00 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped October 24, 2019.
Brief in Support of Application for Special Permit.
Exhibit 1 – General Warranty Deed, dated December 29, 2017.
Exhibit 2 – Letter of Authorization, Margaret Robinson, October 17, 2017.
Exhibit 3 – Site Play Layout, Site 1, prepared by American Tower, A.T. Engineering Service, PLLC, Drawn by M. Chavis, October 3, 2019.
Exhibit 4 – Generator Specifications.
Exhibit 5 – Environmental Sound Assessment, prepared by Modeling Specialties, October 21, 2019.
- Email from Dennis Condon, Chief of Fire Department, November 8, 2019.
- Email from Tara Gurge, Assistant Public Health Director, November 13, 2019.
- Memo from John J. Schlittler, Chief of Police,
- Letter from David A. Roche, Building Commissioner, November 12, 2019.
- Letter from Thomas Ryder, Assistant Town Engineer, November 12, 2019.
- Letter from Lee Newman, Director of Planning and Community Development, November 20, 2019.

November 21, 2019

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard S. Goldman, Member. Also participating were Kathy Lind Berardi, Associate Member and

Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 8:35 p.m. by reading the public notice.

Earl W. Duval, representing the applicant, reported that Entravision Communications Corporation is a global media company that owns television and radio stations. In Boston, they own WUTV Channel 27 and HDTV Channel 19.

The applicant is proposing to install a 400 KW backup emergency diesel generator which sits on top of a 2,000-gallon fuel tank. The generator will be set on a 10' by 26' concrete pad to be located within the existing fenced compound.

The generator will be integrated into the existing electrical system and will be tested remotely once a week for 30 minutes. The generator is an emergency backup and will be used only in cases of power outages.

The proposed generator selected is designed with sound mitigation measures. An *Environmental Sound Assessment* was conducted and included in the application. The results of the assessment indicated that the existing ambient sound with the sound created by the generator complies with the required state and local established levels.

The applicant offered to do an actual sound compliance study of the generator post installation. For previous Special Permits for back-up generators, Mr. Schneider reported that the Board required a sound study within 30 days after installation and any time the Building Commissioner receives a complaint from the public. If the study shows a violation of the sound standards, the applicant will correct the violation.

The applicant was instructed to limit the tests of the generator during business hours. The applicant was agreeable to the conditions.

The nearest house to the proposed generator is located 260' away.

Mr. Goldman asked why the need for an additional generator as there is already an existing generator on site. Mr. Duval said that the new generator is to service WGBH, a different tenant.

There were no comments from the public.

Comments received:

- The Fire Department had no concerns.
- The Health Department requested that the back-up generator not cause any health, safety and nuisance risk to the public. The Board of Health Nuisance Regulation and MA DEP Noise regulations were provided to the applicant.
- The Police Department has no issues.
- The Building Commissioner requested a post construction sound assessment.
- The Planning Board made no comment.

Mr. Goldman moved to grant the applicant a Special Permit to allow the installation of a 400 KW diesel powered diesel generator as specified in the plans submitted to be located in the fenced in compound on a 10' x 26' concrete pad with the following conditions: a) a sound

assessment be conducted within 30 days after installation and the results be provided to the Board and Building Department; b) a sound assessment be conducted any time the Building Commissioner receives a complaint from the public; c) if the sound assessment indicates a violation of the sound the applicant will make the necessary corrections to bring the generator into compliance; and d) the weekly maintenance tests shall be conducted during business hours. Mr. Tamkin seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:44 p.m.

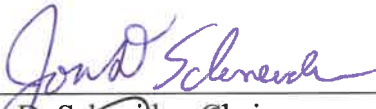
Findings:

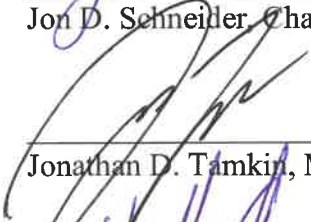
On the basis of the evidence presented at the hearing, the Board makes the following findings:

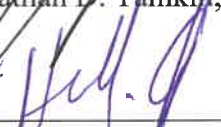
1. The subject location contains a wireless communication facility located at 350 Cedar Street, Needham, MA in the Single Residential B District.
2. The applicant proposes to install a 400kw CAT diesel powered emergency generator that will be located on a proposed concrete pad (10' x 26') within the fenced compound on the property with a 2000-gallon capacity diesel fuel tank.
3. The generator will be integrated into the existing electrical system and will be tested remotely once a week for 30 minutes during business hours. The generator is an emergency backup and will be used only in cases of power outages.
4. As required under Section 6.7.5(a), the proposed generator selected is designed with sound mitigation measures. An *Environmental Sound Assessment* was conducted and included in the application. The results of the assessment indicated that the existing ambient sound with the sound created by the generator complies with the required state and local established levels.
5. The installation of the proposed generator was determined to be new additional equipment to a wireless communication facility not specified in the original design filing per Section 6.7.7(b) of the Zoning By-Law.
6. The proposed installation is consistent with the policies set forth in Section 6.7.1 and Section 6.7.5 of the Zoning By-Law. The modified installation meets the requirements of Section 6.7.4 where applicable.
7. The proposed installation is also consistent with the general purposes of the Zoning By-Law, is designed in a manner compatible with the existing natural features of the site, is compatible with the characteristics of the surrounding area, and does not have a demonstrable adverse impact on the surrounding area. The standby generator and related equipment are all contained within the existing chain-link fence to prevent intrusion.

Decision

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board, by unanimous vote, grants the applicant a Special Permit under Section 6.7.7(b) and 7.5.2 of the Zoning By-Law to install a 400kw CAT diesel powered emergency generator that will be located on a proposed concrete pad (10' x 26') within the fenced compound on the property with a 2000- gallon capacity diesel fuel tank, subject to the following conditions that the applicant: a) conduct a sound assessment within 30 days after installation and the results be provided to the Board and Building Department; b) conduct a sound assessment any time the Building Commissioner receives a complaint from the public; c) if the sound assessment indicates a violation of the sound ordinances, the applicant will make the necessary corrections to bring the generator into compliance; and d) conduct the weekly maintenance tests only during business hours.



Jon D. Schneider, Chairman

Jonathan D. Tamkin, Member

Howard S. Golman, Member