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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT

***Town of Needham Select Board, applicant
ATS-Needham, LLC, owner
140 Cabot Street
Map 300, Parcel 42***

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts 2020)

April 30, 2020

The Town of Needham Select Board made application to the Board of Appeals for a Special Permit under Sections 6.7.3.3(i) and 7.5.2, and any other applicable Sections of the By-Law to permit antennas for the Police and Fire Departments' public safety communications system, and associated ground-based equipment at the existing private wireless communications facility located at 140 Cabot Street, Needham, MA in the New England Business Center District and Wireless Communications Facilities Towers Overlay Districts. A public hearing was held remotely on Zoom, Meeting ID Number 307290361, on Thursday, April 30, 2020 at 8:15 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped April 3, 2020.
- Letter from Christopher H. Heep, Mayores Harrington, April 3, 2020.
 - Exhibit A* – Tower Elevations prepared by Kaestle Boos Associates, Inc, March 19, 2019; Location Map Aerial Photograph.
 - Exhibit B* – Tower Photographs.
 - Exhibit C* – RFI Product Specifications for the Compact Line Easy Antenna, SC2-W100BD and UHF Meander Collinear Antennas COL43 Series.
 - Exhibit D* – Site Plan Layout prepared by AT Engineering Services, PLLC, April 23, 2019.
 - Exhibit E* – Environmental Sound Study, prepared by Cavanaugh Tocci, February 21, 2020.
 - Exhibit F* – Langone & Associates, Company Qualifications.
- Letter from David A. Roche, Building Commissioner, April 23, 2020.
- Letter from Lee Newman, Director of Planning and Community Development, April 22, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, April 22, 2020.
- Email from Chief John Schlittler, Police Department, April 13, 2020.
- Email from Tara Gurge, Assistant Director of Health, April 14, 2020.

- Email from Chief Dennis Condon, Fire Department, April 13, 2020.
- Documents Submitted After April 30, 2020
- Structural Evaluation prepared by American Tower Corporation, stamped and signed by Joshua Walton, registered Civil Engineer, dated April 25, 2019.

April 30, 2020

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member and Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 8:50 p.m. by reading the public notice.

Chris Heep, representing the applicant, presented an overview of the proposed new Public Safety Communications System which includes four communications towers to better serve the Town of Needham. The towers are located at the new police and fire headquarters at Chestnut Street, the RTS Facility on Central Avenue, Norfolk County sheriff's office in Dedham and at 140 Cabot Street. All the other locations received the necessary permitting in 2019. The location at 140 Cabot Street was delayed due to lease negotiations with the ATC-Needham, the owner.

The project involves the installation of two two-foot diameter mounted microwave antennas at the height of 190' and 200' and two ten-foot tall whip antennas at 190' to the existing 315' antenna at the site. In addition, they will be installing a ground-based emergency back-up generator within an existing cabinet located in a fenced in area.

Mr. Heep noted that the use is allowed under the recently adopted zoning amendment 6.7.3.3 (i) at Town Meeting in May 2018. He believed the impact of the new equipment will be minimal as the tower already exists with many attached antennas at higher points than the ones proposed.

The back-up generator will only be in used during emergencies and will be tested 15-20 minutes for maintenance every couple of weeks. A sound study was conducted by Cavanaugh and Tocci which concluded that the noise levels met DEP noise levels.

Mr. Schneider was concerned about the loading capacity of the Tower and did not see a structural engineering report included in the application to demonstrate the load capacity of the Tower was safe with the new antennas.

Ken Sargent, Senior Project Manager, Town's Building Design and Construction Department, reported that it was not included, but he could provide the load capacity certification conducted by ATC, the owner. Mr. Schneider responded that the Board has normally required a load bearing capacity report from a third-party independent certified structural engineer.

He informed the applicant that Board typically requires a noise test be conducted after the installation of the generator; that the generator maintenance tests be conducted during business hours; and that, if there if there are any noise complaints received by the Building Commissioner, a noise test be conducted. If any of the sound assessments indicates a violation of state standards, the applicant will make the necessary corrections to bring the

generator into compliance. The applicant had no issue with these conditions.

Mr. Tamkin concurred that a load capacity certification be provided as required of all other applicants.

Mr. Goldman asked if the system was an upgrade or replacement of the existing system. Mr. Heep responded that the proposed system is a total overhaul and replacement of the existing Town's Police and Fire Safety Communication System. The current system is outdated. Verizon no longer services the system and there are spots that are not served. This system will be for emergencies and day-to-day communications for the Police and Fire Departments. The new system will provide continuous service even if a Tower within the system goes out.

Mr. Friedenbergl and Ms. Berardi had no comments or questions.

Comments received:

The Police Department had no issues.

The Engineering Department had no comments or objections.

The Health Department had no comments.

The Fire Department were satisfied with the application.

The Planning Board did not hold a meeting to review the proposal.

There were no comments from the Public

Mr. Tamkin moved to grant the Special Permit to the Town of Needham Select Board to permit the installation of antennas for the Police and Fire Departments' public safety communications system, and associated ground-based equipment at the existing private wireless communications facility located at 140 Cabot Street on the condition that

- a load capacity report conducted by a certified structural engineer be provided to the Board and Building Department certifying that the load is within 100% capacity of the antenna structure;
- a noise test be conducted within 30 days of the installation of the generator and the results be provided to the Board and Building Department;
- maintenance tests of the back-up generator be conducted during business hours; and
- a sound assessment be conducted any time the Building Commissioner receives a complaint from the public; if the sound assessment indicates a violation of the sound standards, the applicant will make the necessary corrections to bring the generator into compliance.

Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 9:00 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 communications facility and ground-based equipment compound, located at 140 Cabot Street in the New England Business Center District and Wireless Communications Facilities Towers Overlay Districts ("Site").

2. The applicant proposes to install two (2) two-foot diameter mounted microwave antennas to be mounted at the height of 190' and 200' and two (2) ten-foot tall whip antennas to be mounted at height of 190' to the existing 315' antenna at the Site and to install its equipment within the existing cabinet located on the ground.
3. In addition, the applicant proposes to install a ground-based emergency back-up generator within an existing cabinet located in a fenced-in area at the Site.
4. The generator will be tested remotely once a week for 15-20 minutes. The generator is an emergency back-up and will only be used in cases of power outages.
5. The system will be for emergencies and day-to-day communications for the Police and Fire Departments and will provide continuous service even if a tower within the system goes out.
6. The applicant has delivered a report of a structural engineer stating that the tower will meet industry guidelines for safety after installation of the new equipment.
7. The proposed installation is consistent with the policies and criteria set forth in Sections 6.1 and 6.7.5, the general purpose of the Zoning By-Law, and with the criteria set forth at Sec 6.7.3.3(i)
8. The proposed installation 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 as the physical dimensions of the existing tower will not be impacted due to the proposed installations.

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 6.7.3.3 (i) of the Zoning By-Law to install two two-foot diameter mounted microwave antennas at the height of 190' and 200' and two ten-foot tall whip antennas at 190' to the existing 315' antenna at the site, and a ground-based emergency back-up generator in accordance with the plans presented at the hearing, subject to the following conditions:

- a) the Applicant shall conduct a noise test within 30 days of the installation of the generator and the results be provided to the Board and Building Department;
- b) the Applicant shall conduct maintenance tests of the back-up generator only during business hours; and
- c) the Applicant shall conduct a sound assessment any time the Building Commissioner receives a complaint from the public. If the sound assessment indicates a violation of the sound standards, the Applicant shall make the necessary corrections to bring the generator into compliance.

SIGNATORY PAGE – 140 CABOT STREET


Jon D. Schneider, Chair

SIGNATORY PAGE – 140 CABOT STREET



Jonathan D. Tamkin, Member

SIGNATORY PAGE – 140 CABOT STREET



Howard S. Goldman, Member

