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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit Amendment

***ATC Watertown LLC, applicant
350 Cedar Street
Map 227, Parcel 1***

August 19, 2021

350 Cedar Street - ATC Watertown LLC, applicant, applied to the Board of Appeals for a Special Permit Amendment under Sections 6.7.7(b) and any other applicable Sections of the By-Law to allow for the replacement of a 100kw diesel backup generator with a 300kw diesel backup generator on a 7' x 27' concrete pad with enclosure to match existing generators on site. The property is located at 350 Cedar Street, Needham, MA in the Single Residence B (SRB) District. A public hearing will be held remotely on Zoom, on Thursday, August 19, 2021 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped July 26, 2021.
- Letter from Daniel D. Klasnick, Duval & Klasnick LLC, dated July 26, 2021.
- Brief in Support of Application for Special Permit.
- Property Deed.
- Construction Drawings, prepared by Tower Engineering Professionals, stamped by Graham M. Andres, Professional Engineer, dated June 17, 2021.
- Generator Specifications, Generac SD 300, 300kW.
- Letter from Daniel D. Klanick, Duval & I Klasnick LLC, dated August 6, 2021.
- Environmental Sound Assessment, July 31, 2021.
- Letter from Lee Newman, Director of Planning and Community Development, dated August 17, 2021.
- Letter from Dave Roche, Building Commissioner, dated August 4, 2021.
- Email from Thomas A. Ryder, Assistant Town Engineer, dated August 10, 2021.
- Email from Chief Dennis Condon, Fire Department, dated August 4, 2021
- Email from Tara Gurge, Assistant Public Health Director, dated July 28, 2021.

August 19, 2021

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair and Howard S. Goldman, Member. Mr. Schneider opened the hearing at 7:44 p.m. by reading the public notice.

Dan Klansick, attorney representing the applicant, reported that the applicant proposes to modify the facility by replacing an existing 100kw back-up diesel generator with a new 300kw Generac SD300 diesel powered generator on a 7' by 27' concrete pad. The applicant has filed all the necessary registrations and applications for Air Quality with MA DEP and Fuel Storage license.

Currently, the 100kw generator is not sufficient to provide back-up power to support the HVAC load required to protect the electronic equipment at Building 4. The generator will be integrated into the existing electrical system and will be used as a back-up in the case of an emergency power outage. The new generator will be placed at the approximate location of the existing generator. The existing 100kw generator will be removed.

The generator supports the broadcast tower for multiple major TV and radio stations insuring news outlets power during emergencies.

The generator has been designed for maximum sound attenuation and minimum noise. It will have a Level 2 enclosure which offers the highest level of mitigation offered by the manufacturer. The applicant provided a sound study with ambient measurements and operation modeling data. The sound study indicated that the new generator complies with noise standards and regulations. Though a larger generator, it makes the same amount of noise as the 100kw generator because of the improved Level 2 enclosure and mitigation.

Mr. Schneider noted that the Board has developed standard conditions for diesel back-up generators:

- a sound test will be conducted after the installation of the new generator to insure it meets sound standards;
- if there are any complaints filed by a neighbor with the Building Inspector, a new sound test will be conducted, and the necessary modifications will be implemented; and
- the generator testing will be limited to business hours.

Mr. Goldman asked about the sound mitigation when the generator is turned on. Mr. Klansnick responded that the Level 2 enclosure provides baffling, and directs the exhaust as indicated in the sound study.

Mr. Tamkin was supportive of the application because the replacement generator was quieter, more powerful, and more efficient than the existing generator and it would be located at the existing location as the current generator.

Comments received:

- Planning Board did not review the proposal.
- Engineering Department had no comment or objection.
- Building Department requested a sound study that compares the new generator to the old generator which shall not be increased by 10 decibels per State DEP Noise levels.

- The Fire Department was satisfied with the proposal.
- The Health Department noted that the generator shall not cause any risk of Public Health safety or nuisance noise or odor or other nuisance concerns.

There were no comments from the public.

Mr. Goldman moved to grant a Special Permit Amendment under Sections 6.7.7. (b), 7.5.2 and any other applicable Sections of the By-Law to allow for the replacement of a 100kw diesel backup generator with a 300kw diesel backup generator on a 7'x 27' concrete pad with an enclosure to match the existing generator on site located at 350 Cedar Street 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 and if the sound assessment indicates a violation of noise standards, the applicant will make the necessary corrections to bring the generator into compliance; and
- c) all maintenance tests shall be conducted during business hours.

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

The meeting adjourned at 7:53 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, on a 43.5-acre parcel.
2. The Applicant proposes to replace an existing 100kw diesel backup generator with a 300kw diesel backup generator on a 7'x 27' concrete pad at the approximate location of the existing generator. The existing 100kw generator will be removed.
3. 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.
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 new generator was determined to be a new additional equipment to a wireless communication facility not specified in the original design requiring a 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 and the optional standby generator and related equipment to operate it are all contained within the existing chain-link fence to prevent intrusion.

Decision

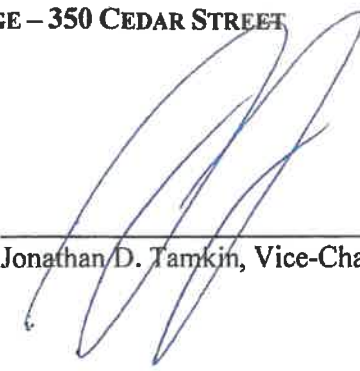
On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board, by unanimous vote, grants the Applicant a Special Permit under Section 6.7.7(b) and 7.5.2 of the Zoning By-Law to replace an existing 100kw diesel backup generator with a 300kw diesel backup generator on a 7'x 27' concrete pad at the approximate location of the existing generator with the existing 100kw generator being removed, subject to the following conditions: a) the Applicant shall conduct a sound assessment within 30 days after installation and the results be provided to the Board and Building Department; b) the Applicant shall conduct a sound assessment any time the Building Commissioner receives a complaint from the public; c) if a sound assessment indicates a violation of the sound ordinances, the Applicant will make the necessary corrections to bring the generator into compliance; and d) the Applicant shall conduct the weekly maintenance tests only during business hours.

SIGNATORY PAGE – 350 CEDAR STREET



Jon D. Schneider, Chair

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Jonathan D. Tamkin, Vice-Chair

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Howard S. Goldman, Member