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1/30/2019

2:30 pm

Cheryl Cowley

Petitioner: New Cingular Wireless PCS, LLC
Property Address: 559A Newtown Road Littleton MA
Case No: 916A
Date Filed: January 7, 2019

The Littleton Board of Appeals (the "Board") conducted a public hearing on January 17, 2019 at the Shattuck Street Municipal Building, Shattuck Street, Littleton, MA on the petition for a height variance pursuant to Section 173-131 (B) (5) to allow 12 panel antennas to be added at the 109' above ground centerline mark upon an existing 100' wireless communication tower at 559A Newtown Road Littleton. The landowner is the Littleton Water Department. The applicant is New Cingular Wireless PCS LLC managed by AT&T Mobility Corporation. The tower owner is Crown Castle USA, Inc. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on December 28, 2018 and January 4, 2019 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, Jeff Yates, Vice Chair, Alan Bell, Secretary, Cheryl Cowley and Rod Stewart, Members, Marc Saucier, Jillian Shaw, and John Sewell Alternates.

The applicant, represented by counsel Michael Dolan from Brown Rudnick stated that the application before the Board was the same as Case 852A, which was granted in April of 2015.

The rights granted were not exercised within one year so the approval has lapsed. The applicant has appeared before the Planning Board on January 10, 2017 and a Special permit was granted.

Topographical evidence was presented that AT&T has significant gaps in coverage in the location centered around Route 2, which would be substantially improved with the location and height of the tower array proposed to the Board. The proposed antennas and related equipment would be installed on a 15' H tower extension with the centerline height at the 109' mark. Engineering indicates that the additional height is needed because of adjacent tree canopies and site line interference. Such height is the minimum necessary to enhance normal user coverage and will enhance wireless 911 and emergency services. Littleton's wireless bylaw requires that whenever possible all service providers co-locate on a single tower on municipal land. Revenues from this tower are paid to the Town's Water Commissioners.

Two abutters appeared. One abutter questioned the access easement to the tower location. The other abutter questioned the enhancement of this tower when an AT&T microwave tower nearby might be used. The applicant stated that engineering indicated this was the best option to fill the gaps in coverage.

FINDINGS: The Board made the following findings:

1. The Findings of the original Variance granted in 2015 have not changed, nor have the relevant sections of the Zoning Bylaw.
2. A variance is required because the unique nature of the site and property creates hardship to establish adequate radio frequency coverage where needed.

DECISION: The Board voted 4 to 1 to GRANT a variance under Section 173-131 (B) (5) to permit the installation of the 15' tower extension as presented for the purpose of a wireless communication array at 559A Newtown Road, substantially as shown on the plans submitted with the application on January 7, 2019. The conditions of the original variance apply: (a) no lights on the proposed structure or the array and (b) the applicant post a bond for the removal of the array at abandonment as required by the bylaw. Voting in favor were Members Bell, Yates, Gould and Stewart. Voting against was Member Cowley.

Appeals, if any, shall be made pursuant to M.G.L. C. 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Town Clerk.

The Variance shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex District Registry of Deeds in accordance with the provisions of M.G.L. C. 40A, Section 11 and 15 stating that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied.

If the rights authorized by this Variance are not exercised within one (1) year from the date of granting it shall elapse in accordance with the provisions of M.G.L. C. 40A Section 10.

Signed: _____



Alan Bell, Clerk

Date: _____

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I hereby certify that twenty (20) 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

Print name

Date: _____