

TOWN OF WESTWOOD
Commonwealth of Massachusetts

Steven M. Rafsky, Chairman
Steven H. Olanoff, Vice Chairman
John J. Wiggin, Secretary
Bruce H. Montgomery
Carol E. Chafetz



Nora Loughnane, Town Planner
Janice Barba, Planning & Land Use

2011 AUG 17 A 11.55

TOWN CLERK
TOWN OF WESTWOOD

**PLANNING BOARD
NOTICE OF DECISION**

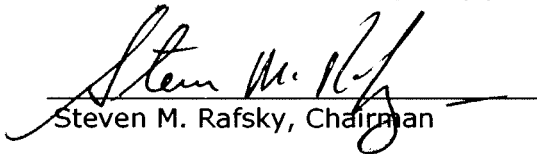
In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, by a vote of five in favor and none opposed, voted to **grant** the application of New Cingular Wireless PCS, LLC, dated April 19, 2011, and filed in the Office of the Town Clerk on April 21, 2011, requesting a Wireless Communication Facility Special Permit pursuant to Section 9.4 of the Westwood Zoning Bylaw, and also requesting Environmental Impact and Design Review Approval pursuant to Section 7.3 of the Westwood Zoning Bylaw, to permit the installation of a ninety foot (90') tall flagpole style wireless communications facility at Morrison Park.

LAND AFFECTED: 300 Washington Street
Assessors' Map 23, Lot 215

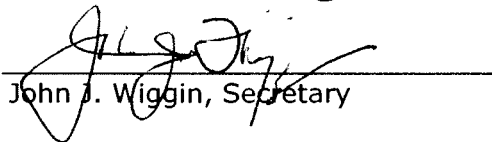
The Planning Board hereby certifies that attached hereto is a true and complete copy of the Board's decision and that said decision and any plans referred to therein have been filed with the Planning Board.

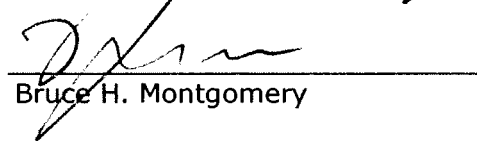
Appeals, if any, shall be made pursuant to Section 17 of said M.G.L. Chapter 40A and shall be filed within twenty (20) days after the filing of a copy of the decision in the office of the Town Clerk.

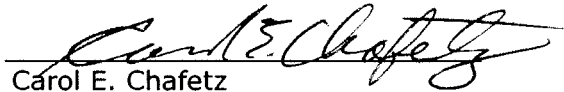
WESTWOOD PLANNING BOARD


Steven M. Rafsky, Chairman


Steven H. Olanoff, Vice Chairman


John J. Wiggin, Secretary


Bruce H. Montgomery


Carol E. Chafetz

Dated: 8/16/11

**DECISION OF THE PLANNING BOARD
WIRELESS COMMUNICATIONS OVERLAY DISTRICT
ENVIRONMENTAL IMPACT AND DESIGN REVIEW**

APPLICANT: New Cingular Wireless PCS, LLC

PROPERTY OWNER: Town of Westwood, Massachusetts

PROPERTY LOCUS: 300 Washington Street
Assessors' Map 23, Lot 215

BACKGROUND AND PROJECT SUMMARY

The Applicant proposes to install a 90 foot (90') tall tapered flagpole style monopole wireless communications facility at Morrison Park, 300 Washington Street. The base of the proposed monopole is proposed to have a maximum diameter of thirty-six inches (36") at its base and a maximum diameter of thirty inches (30") at its highest point.

The Applicant also proposes to install appurtenant antenna equipment, new fiber and coax conduits and related wireless communications equipment. Proposed electronic equipment is proposed for installation within the existing equipment shed.

STATEMENT OF FINDINGS

After having reviewed all the plans and reports filed by the Applicants and their representatives, and having considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from representatives from various boards and commissions and departments within the Town of Westwood, and from all other interested parties, the Town of Westwood Planning Board makes the following procedural findings and project findings:

PROCEDURAL FINDINGS:

1. On April 21, 2011, an application was filed by or on behalf of New Cingular Wireless PCS, LLC (hereinafter "Applicants") with the Westwood Planning Board and the Westwood Town Clerk, pursuant to Section 9.4 [Wireless Communication Overlay District (WCOD)] and Section 7.3 [Environmental Impact and Design Review (EIDR)] of the Westwood Zoning Bylaw (hereinafter "Application").
2. Pursuant to M.G.L. Chapter 40A, Section 9 and 11 and the applicable provisions of the Westwood Zoning Bylaw and the Rules and Regulations of the Westwood Planning Board (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in *The Westwood Press*, a newspaper of general circulation in Westwood, on April 28, 2011, and again on May 5, 2011. Notice of the public hearing was posted in the Westwood Town Hall commencing on April 22, 2011, and continuing through the opening of the public hearing on May 17, 2011. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on April 22, 2011.

3. The Planning Board provided copies of the Application to other Town of Westwood boards and commissions, departments and officials including, but not limited to, the Board of Health, Board of Selectmen, Building Commissioner, Conservation Commission, Department of Public Works, Economic Development Officer, Fire Chief, Police Chief and Town Engineer.
4. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application was held on May 17, 2011, continued to July 12, 2011, again continued to July 26, 2011, all hearing sessions being held in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts.
5. A Planning Board site visit was conducted on June 16, 2011, beginning at 8:30 am. Westwood Planning Board members Steven M. Rafsky, Steven H. Olanoff, John J. Wiggin, Bruce H. Montgomery, and Carol E. Chafetz were present at the site visit.
6. Westwood Planning Board members Steven M. Rafsky, Steven H. Olanoff, John J. Wiggin, Bruce H. Montgomery, and Carol E. Chafetz were present for all sessions of the public hearing and deliberated on the Application at a duly authorized meeting on July 26, 2011.

PROJECT FINDINGS:

1. The subject property consists of approximately 3.06 acres located at 300 Washington Street and is shown as Map 22, Lot 215 on the Westwood Board of Assessors' Map (hereinafter "Project Site").
2. The Project Site is within the Industrial Office (IO) District and within the Wireless Communication Overlay District (WCOD) as shown on the Town of Westwood Official Zoning Map. A wireless communications facility is a permitted use in this overlay district, subject to all necessary approvals and standards pursuant to Sections 9.4 and 7.3 of the Westwood Zoning Bylaw.
3. Based on the June 16, 2011 site visit and submitted photo simulations, the Planning Board determined that the Project may be partially visible from properties on Washington Street, East Street, Strafford Road, School Street, Brookfield Road, Wilson Way, Everett Street and Glacier Drive.
4. The monopole is designed to be ninety feet (90') tall, with a base diameter of thirty-six inches (36") and a top diameter of thirty inches (30"). The proposed monopole is shown on plans and described in submitted documents as a "tapered flagpole-style monopole".
5. The monopole is proposed to be located in the southeast corner of the parcel, between the existing AT&T equipment shed, the Amtrak railroad tracks, and a loading area on the adjacent Roche Bros. property.
6. The proposed monopole is intended to replace an existing eighty foot (80') tall, monopole with a nineteen inch (19") diameter base tapering to nine and one-half inches (9.5") at the top of the pole. The existing monopole will be removed immediately following installation of the proposed monopole.

7. The Applicants have satisfactorily demonstrated that the proposed taller and wider monopole is required to provide continuing service and to incorporate new technology.
8. The Applicants have satisfactorily demonstrated that the Project will be consistent with all applicable standards set forth in Section 9.4.7 of the Westwood Zoning Bylaw and will have no significant adverse impact on the Town or on the general character or visual appearance of the surrounding residential properties.
9. The Planning Board finds the proposal to constitute a reasonable effort to locate a wireless communication facility in a manner which minimizes negative visual and environmental impacts and is consistent with Sections 9.4 and 7.3 of the Westwood Zoning Bylaw and the intent of the Telecommunications Act of 1996.

DECISION

The Planning Board has evaluated the application in relation to the above findings and to the standards in Sections 9.4 and 7.3 of the Westwood Zoning Bylaw and finds that the Project, as designed, would not produce a substantial adverse impact upon the character of the surrounding area.

As the Special Permit Granting Authority, the Planning Board, by a vote of five in favor, and none opposed, hereby **grants** a special permit pursuant to Sections 9.4 and 7.3 of the Westwood Zoning Bylaw for the Project as described in the application therefor dated April 21, 2011, and the following related submissions filed with the Planning Board by or on behalf of the Applicants and other interested parties. The Application and all of the submissions cited in this decision are incorporated herein by reference and made a part hereof:

1. Plan entitled "AT&T Site Number: MA1273, Site Name: Westwood Washington Street", prepared by Hudson Design Group, LLC, 1600 Osgood Street, Building 20 North, Suite 2-1-1, N. Andover, MA 01845, dated March 14, 2011, revised through July 19, 2011, consisting of the following eight (8) sheets:
 - T-1 Title Sheet;
 - GN-1 General Notes;
 - C-1 Existing Conditions/Abutters Plan;
 - C-2 Site Plan;
 - A-1 Compound Plan & Equipment Plan;
 - A-2 Antenna Layout and Elevation;
 - A-3 Landscaping Plan;
 - G-1 Grounding, One-line Diagram & Details.
2. Letter from Michael R. Dolan, Brown Rudnick, LLP, to Nora Loughnane, Town Planner, dated April 19, 2011, consisting of one (1) page.
3. Letter from Michael R. Dolan, Brown Rudnick, LLP, to Town of Westwood, Westwood Planning Board, dated April, 19, 2011, consisting of twelve (12) pages with sixty-eight (68) page attachment.
4. Memorandum from Linda R. Shea, REHS/RS, Health Director to Nora Loughnane, Town Planner, dated April 27, 2011, re: Application for Wireless Communication Facility Special Permit and Environmental Impact and Design Review (EIDR) Approval

for New Proposed Monopole at Morrison Field – 300 Washington Street, consisting of one (1) page.

5. All of the foregoing plans and reports are hereby incorporated by reference and made part of this Decision.

CONDITIONS

The foregoing approval is issued to the Applicant for the aforementioned Project in accordance with the terms and conditions set forth below, all of which are an integral part hereof:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans in all respects, and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.
2. The highest point of the monopole (excluding a small decorative ball at the top) shall not exceed ninety (90) feet above ground level.
3. The diameter of the monopole shall be minimized to the fullest extent possible and shall not exceed thirty (30) inches at the top and thirty-six (36) inches at the base.
4. The maximum number of wireless communications carriers to locate on the monopole shall be one (1) carrier. All proposals for co-location on this monopole must be reviewed and approved by the Planning Board through the Section 9.4 discretionary special permit process.
5. The antenna array and associated cabling shall be located entirely within the monopole.
6. The monopole shall be designed and constructed to resemble and function as a flagpole. The Applicant shall provide three (3) appropriately sized flags. The Town of Westwood shall be responsible for raising and lowering the flags and for maintenance of the flag rigging and rigging hardware.
7. The monopole shall be painted a flat white color. It shall be repainted as required by the Applicant to minimize any fading or discoloration.
8. The exterior of the associated equipment shed shall be cleaned and painted a flat white color by the Applicant. It shall be repainted as required by the Applicant to minimize any fading or discoloration.
9. To the fullest extent possible, the Applicant shall ensure that the location, design and construction of the Project shall remove or damage the fewest possible number of trees. The location of all new trees and shrubs shall approved by the Department of Public Works. "Protective 2 by 4 wood fencing shall be placed around the trunks of all trees shown on plan to remain."
10. The applicant shall verify, through a report of an independent radio engineering consultant, that the new and/or replaced antennas will not interfere with nor have any negative effect on the Town's emergency radio communications.
11. The Planning Board shall receive notification of any abandonment or discontinuance of use.

12. A performance bond of thirty thousand dollars (\$30,000) shall be posted by the Applicant prior to the issuance of a building permit for this Project. If the Applicant abandons or discontinues use of the monopole and/or equipment shed for a period exceeding three (3) consecutive months, the abandoned structures, foundations, antennas, cabling and all accessory equipment shall be removed in their entirety at the Applicant's sole expense within a period of six (6) months. If the Applicant fails to remove the monopole and/or equipment cabinets within the specified time period, the Town will secure any or all amounts from the bond and proceed with the removal.
13. The Applicant shall not post any signs for advertisement or any other reasons on or in the vicinity of the Project, with the exception of a sign not exceeding four (4) square feet to display the name and telephone number of the person and company responsible for the maintenance of the Project.
14. A copy of this decision shall be delivered to and reviewed by all contractors and subcontractors, and shall be incorporated into each contract and subcontract associated with the Project.
15. The Special Permit for this Project shall be valid for a period of five (5) years. At the end of this period, the monopole and equipment shelter must be removed and the Project Site be returned to a condition satisfactory to the property owner unless the Applicant receives approval from the Planning Board to renew the Special Permit for a specified time period to be determined by the Board.

RECORD OF VOTE

The following members of the Planning Board voted to **grant** a WCOD Special Permit and EIDR Approval pursuant to Sections 9.4 and 7.3 of the Zoning Bylaw for the abovementioned Project: J. Wiggin, S. Olanoff, B. Montgomery, C. Chafetz and S. Rafsky.

The following members of the Planning Board voted in opposition to the WCOD Special Permit and EIDR Approval pursuant to Sections 9.4 and 7.3 of the Zoning Bylaw for the abovementioned Project: None.



Nora Loughnane
Town Planner
DATED: August 10, 2011