

TOWN OF WESTWOOD
Commonwealth of Massachusetts

Steven H. Olanoff, Chairman
Steven Rafsky, Vice Chairman
Bruce H. Montgomery, Secretary
Robert C. Malster
John J. Wiggin



Nora Loughnane, Town Planner
Janice Barba, Land Use Assistant
2009 DEC 18 A 11:33

TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

**DECISION OF THE PLANNING BOARD
OF THE TOWN OF WESTWOOD**

NOTICE OF DECISION

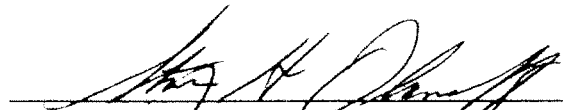
In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Westwood Planning Board has, by a vote of four in favor and none opposed, voted to **grant** the application of Clear Wireless LLC dated and recorded in the Office of the Town Clerk on September 30, 2009, to amend a special permit dated November 27, 2001, granted pursuant to then Section 9B(e)(3) and Section 16B, now Section 9.4, of the Westwood Zoning Bylaw, and subsequently amended on January 21, 2003, October 25, 2005, and June 23, 2008, to allow for the installation of three (3) new panel antennas within the existing eighty-five (85) foot monopole, at a height of fifty-seven (57) feet centerline. The board has by the same vote granted Environmental Impact and Design Review approval of the same application pursuant to Section 7.3 of the Westwood Zoning Bylaw.

LAND AFFECTED: 60-90 Glacier Drive
Assessors' Map 23, Parcel 231

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 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

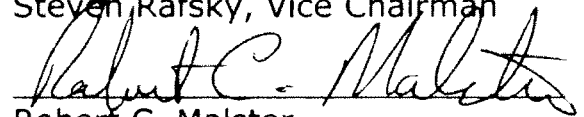


Steven H. Olanoff, Chairman

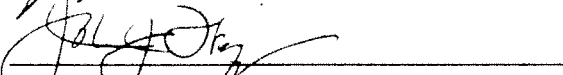
Steven Rafsky, Vice Chairman



Bruce H. Montgomery, Secretary



Robert C. Malster



John J. Wiggins

Dated: October 27, 2009

**DECISION OF THE PLANNING BOARD
OF THE TOWN OF WESTWOOD**

APPLICANT: Clear Wireless LLC

PROPERTY OWNER: Bay Communications LLC

PROPERTY LOCUS: Assessors' Map 23, Parcel 231
60-90 Glacier Drive

2009 DEC 18 A 11: 33

TOWN CLERK
TOWN OF WESTWOOD

HEARING: The Planning Board of the Town of Westwood held a public hearing in accordance with the General Laws of the Commonwealth of Massachusetts on Tuesday, October 27, 2009 at 7:30 PM in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts 02090 to consider the application of Clear Wireless LLC to amend a special permit, originally granted on November 27, 2001, pursuant to then Section 9B(e)(3) and Section 16B, now Section 9.4, of the Westwood Zoning Bylaw, and subsequently amended on January 21, 2003, October 25, 2005, and June 23, 2008, and to consider Environmental Impact and Design Review approval of the same pursuant to Section 7.3 of the Westwood Zoning Bylaw.

STATEMENT OF FACTS

In order to locate on an existing wireless communications monopole located at 60-90 Glacier Drive, Clear Wireless LLC proposes to amend a condition on the special permit governing this monopole that requires that it shall have no more than four (4) wireless communications carriers, to allow Clear Wireless LLC to take the place of Nextel Communications as the third wireless communications carrier. There are presently three carriers who have received the required permissions to locate on this monopole. The original special permit that allowed for the installation of the freestanding monopole was granted to Nextel Communications on November 27, 2001. This special permit, which was subsequently appealed on height issues by Nextel, was amended on January 21, 2003 by consent agreement on that issue only. Nextel subsequently requested an additional amendment to permit the collocation of a third carrier on the monopole. Said amendment was granted by the Planning Board on October 25, 2005. MetroPCS Massachusetts LLC

then requested and was granted an amendment to the special permit to allow a fourth carrier on the monopole and to permit an increase in the height of the existing monopole from eighty (80) feet to eighty-five (85) feet AGL. This most recent amendment was granted by the Planning Board on June 23, 2008.

STATEMENT OF FINDINGS

1. The existing wireless communications monopole and associated equipment located at 60-90 Glacier Drive are located within the Wireless Communications Overlay District.
2. The Planning Board is the appropriate Special Permit Granting Authority (SPGA) for applications submitted pursuant to then Section 9B (Wireless Communications District), then Section 16A (Environmental Impact and Design Review) and then Section 16B (Major Developments) [now Section 9.4 Wireless Communications Overlay District]. The Planning Board is the appropriate SPGA for applications for the amendment of special permits pursuant to these previous and current Sections.
3. The Planning Board of the Town of Westwood held a public hearing in accordance with the General Laws of the Commonwealth of Massachusetts to consider the aforementioned application of Clear Wireless LLC. The public hearing was held on October 27, 2009. Westwood Planning Board members Steven H. Olanoff, Bruce H. Montgomery Robert C. Malster and John J. Wiggin were present for the public hearing.
4. The antennas approved for installation under the October 25, 2005 Special Permit amendment granted to Nextel Communications were not installed within the two year substantial use or construction timeframe required under condition #7 of said Special Permit, and no request for an extension was received by the Westwood Planning Board prior to expiration of said Special Permit amendment.
5. The Radio Frequency Radiation (RFR) coverage charts of existing solid RFR coverage for the area submitted as part of the public hearing record sufficiently demonstrate that wireless communications service will be enhanced by the installation of antennas at this location.
6. The Applicant has proposed to install the wireless communications antennas on an existing structure [wireless communications monopole]

and has preserved the character and integrity of this existing structure.

7. The Applicant has proposed to co-locate with other wireless communications carriers, which is encouraged and consistent with the purposed of the Wireless Communications Overlay District.
8. The visual and aesthetic impacts of the proposed interior wireless communications antennas on nearby properties will be nil.

DECISION

The Planning Board has evaluated the application in relation to the above findings and as the Special Permit Granting Authority, the Board, by a vote of four in favor and none opposed, voted to **grant** the application of Clear Wireless LLC therefor dated and recorded in the Office of the Town Clerk on September 30, 2009, and the following related submissions filed with the Planning Board by or on behalf of Clear Wireless LLC for amendment of a special permit granted to Nextel Communications, dated November 27, 2001, pursuant to then Section 9B(e)(3) and Section 16B, now Section 9.4 and Section 7.3, of the Westwood Zoning Bylaw, and subsequently amended on January 21, 2003, October 25, 2005, and June 23, 2008:

1. Plan entitled "Clearwire, Weldpond, MA-BOS5202-A, 60 Glacier Drive, Westwood, MA 02090", prepared by Maxton Technology Inc., Bay State Design Inc., 241 Boston Post Road West, Marlborough, MA 01752, dated September 29, 2009, and stamped by Registered Professional Engineer Ramasastry Satyaprasad, consisting of the following three (3) sheets:

Sheet T-1, entitled "Title Sheet", dated September 29, 2009;

Sheet Z-1, entitled "Site Plan", dated September 29, 2009; and

Sheet Z-2, entitled "Southeast Elevation", dated September 29, 2009;
2. Report entitled "Application for Modification of a Special Permit and Environmental Impact and Design Review for a Wireless Communication Facility, Clear Wireless, Applicant", prepared by James Hoyt, Esq., Prince, Lobel, Glovsky & Tye LLP, dated September 30, 2009, consisting of ninety-three (93) pages;

3. Memorandum from Linda R. Shea, Health Director, to Nora Loughnane, Town Planner, re: Amendment of Special Permit pursuant to Section 9.4 (Wireless Communications Overlay District) and Site Plan Review pursuant to Section 7.3 (Environmental Impact and Design Review) of the Westwood Zoning Bylaw regarding an application filed by Clear Wireless LLC for property located at 60-90 Glacier Drive, dated October 13, 2009, consisting of one (1) page;
4. 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:

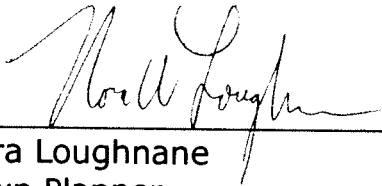
1. The Special Permit for this Project, as amended herein, shall be valid for a period of five (5) years from the date of the recording of this decision in the Office of the town Clerk. At the end of this period, the monopole and all equipment shelters must be removed and the Project Site be returned to a condition satisfactory to the property owner, unless the Applicant received approval from the Planning Board to renew the Special Permit for a specified period to be determined by the Board.
2. The antennas herein proposed for installation by Clear Wireless LLC shall take the place of the Nextel Communications antennas which were approved under the October 25, 2005 Special Permit amendment but were never installed, and Clear Wireless LLC shall constitute the third carrier of a maximum of four carriers permitted under the June 23, 2008 Special Permit amendment.
3. Except as modified herein, all other terms and conditions of the Special Permit governing the installation of the freestanding monopole at 60-90 Glacier Avenue granted to Nextel Communications on November 27, 2001 and subsequently amended on January 21, 2003, October 25, 2005, and June 23, 2008 shall remain the same.
4. Except as modified by the conditions and findings hereof, the installation of the antennas shall comply with the specifications of the Project Plans in all respects, and the Applicant shall pursue completion of the Project with reasonable diligence and continuity.

5. All antennas and accessory equipment shall be removed within six (6) months of abandonment or discontinuance of use as required in Section 9.4.8. The Applicant shall notify the Planning Board of such abandonment or discontinuance of use within thirty (30) days.
6. This amended Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the Decision and no appeal has been filed, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and parcel address. A copy of this recording shall be provided to the Planning Board.
7. This amended Special Permit shall lapse within a specified period of time, not more than two (2) years, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause. Prior to the expiration of the amended Special Permit, the Applicant may apply for an extension of the amended Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.
8. Any alterations, modifications, deletions or amendments to this amended Special Permit shall be done in accordance with the requirements of MGL Chapter 41A § 9.

RECORD OF VOTE

The following members of the Planning Board voted to grant EIDR Approval for the abovementioned Project: Steven H. Olanoff, Bruce H. Montgomery, Robert C. Malster, and John J. Wiggin.

The following members of the Planning Board voted in opposition to EIDR Approval for the abovementioned Project: None.



Nora Loughnane
Town Planner

DATED: October 28, 2009