

**Town of Southborough  
Board of Appeals  
Southborough, Massachusetts 01772**  
17 Common Street  
P.O. Box 9109  
Southborough, MA 01772-9109  
508-485-0710

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Paul J. Berry  
Town Clerk  
Town House  
Southborough, MA 01772

**NOTICE OF DECISION**

**APPLICATION FOR  
A MODIFICATION TO  
A SPECIAL PERMIT**

**John R. Evans Trust  
Sprint Spectrum, L.P. (Lessee)  
(39-56)**

The Board of Appeals of the Town of Southborough held a public hearing in the **Hearing Room of the Southborough Town House, 17 Common Street on Wednesday, November 30, 2011 at 7:38 p.m.** with regard to the petition of Sprint Spectrum, L.P. The petitioner is seeking a **Special Permit** under **Section 174-8-11(D) and 174-9(A)** **with reference to a previously approved Special Permit.** The petitioner proposes to install additional antennas and cabinets on the existing telecommunications tower.

Sitting as a Board: Matthew C. Hurley, Chairman  
Regina McAuliffe  
Edward D. Estella  
David Eagle  
Thomas Bhisitkul

For Petitioner: Paul L. DeBole, Zoning Agent  
175 Redington Street  
Swampscott, MA 01907

As required by the Board of Selectmen, the Chairman explained the emergency exit procedure.

### Evidence Presented

- 1) Petitioner seeks a new or extended Special Permit to install additional antennas and to replace existing antennas. The installation of additional antennas, up to the number authorized by the previously granted Special Permit, will allow users to take advantage of new technology.
- 2) Petitioner submitted that in addition to required technology upgrades, the Special Permit will authorize the installation of radio head units and the replacement of one (1) equipment cabinet and the placement of two (2) additional cabinets to the existing lease areas.
- 3) By letter dated October 24, 2011, Petitioner was informed by the Southborough Building Inspector that the Special Permit issued in April of 1997 allowed up to 16 antennas which were required to be installed within a span of ten years, and the permitted ten year timeframe has lapsed. The Building Inspector further advised Petitioner that a modification to the 1997 Special Permit would be required prior to the issuance of a building permit to modify the existing wireless facility.
- 4) Petitioner submitted that the previously adopted Special Permit, dated April 24, 1997, to construct a monopole with four (4) antenna arrays, each containing 4 panel antennas, for a total of 16 antennas, concluded that project would be in harmony with the general purpose and intent of the zoning by-law because the provision of PCS (personal communications services) technology would promote, and not conflict with the health, safety, convenience and welfare of the current and future inhabitants of the town.
- 5) Petitioner submitted that the site contains communications facilities operated by Sprint, T-Mobile and Metro PCS. Sprint currently has eight (8) panel antennas and one microwave antenna on the tower for a total of nine (9) antennas.
- 6) Petitioner submitted that the proposed installation will augment antennas on an existing telecommunications facility which was constructed pursuant to a properly issued special permit and height variance by the Town of Southborough Board of Appeals.
- 7) Petitioner submitted that Sprint Spectrum, L.P. will use the existing network interconnections which are via land lines. Petitioner submitted that the facility uses standard electric and telephone services which are already available at the site.
- 8) Petitioner submitted that no on-site vegetation will be disturbed by the proposed installation.

- 9) Petitioner submitted that the proposal will add and replace antennas on the monopole at the same height and at the same location on the monopole as currently occupied.
- 10) Petitioner submitted that no significant increase in traffic or hindrance to pedestrian movements will result from the wireless facility and that, on average, only one round trip visit per month is required to service and maintain the facility.
- 11) Petitioner submitted that the facility will continue to be unmanned and will have minimal negative impact on the adjoining lots.
- 12) Petitioner submitted that the facility will remain incorporated into the site as a monopole. The modifications will provide advanced communications services to this area of Southborough and augment antennas on an existing telecommunications facility that was constructed pursuant to a properly issued special permit and height variance by the Southborough Board of Appeals.
- 13) Petitioner submitted that the facility requires no water service and will not create any additional storm water runoff or drainage issue. The facility does not require any municipal services.
- 14) Petitioner submitted that the modified or extended special permit will grant permission to add new antennas to the existing three (3) sectors for a total of fifteen (15) panel antennas and one (1) microwave antenna, which is the same antenna count as permitted in the existing special permit granted in 1997. The special permit will also grant permission to add two (2) additional equipment cabinets in the existing equipment area.
- 15) Petitioner submitted that the new antennas will be slightly larger than the existing antennas, but the difference will be negligible at the height of 150 feet.
- 16) Petitioner clarified that the tower was constructed and is owned by Crown Castle, the land is owned by the John R. Evans Trust, and Sprint Spectrum L.P. is a lessee authorized to apply for the modifications requested herein.
- 17) Petitioner submitted that the requested modification to their equipment at the Turnpike Road monopole will enhance wireless talk, data and internet connectivity for the Town of Southborough and its inhabitants.
- 18) The Board did not receive any written or oral opposition to the proposal, either prior to or during the Public Hearing on the Petition.
- 19) The Public Hearing was closed at 8:31 p.m.

### **Findings and Decision**

Based upon and in reliance on the application materials, documents, representations, and testimony presented by the Petitioner at the hearing, the Board makes the following findings of fact and law:

The Board finds that the grant of the Special Permit is in harmony with the intent and purpose of the zoning by-law. It is not in conflict with the public health, safety, convenience or welfare and is not detrimental or offensive to the neighborhood or destructive of property values therein. The Board specifically finds that the proposal to update and otherwise modify the existing wireless facilities will have minimal impact on the neighborhood. In addition, written documentation and oral testimony by the petitioner indicate that any visual consequences of the modified equipment to nearby properties will be negligible. The proposed use is consistent with other similar wireless facilities in the Town of Southborough.

Therefore, the Board of Appeals, based on the evidence presented at the hearing, including but not limited to the facts presented above, voted on a Motion made by Chairman Hurley and seconded by Board Member McAuliffe to **Grant** the **Modifications** to the **Special Permit** as requested as per the application materials and plans submitted to the Board of Appeals with the following conditions:

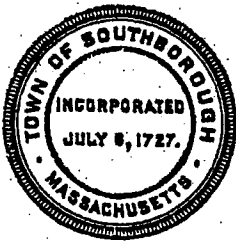
- 1) Petitioner shall meet all requirements of the Town's Wireless By-Law, as well as all applicable federal and state regulations governing the site and its use by the applicant, including but not limited to all applicable Federal Communications Commission (FCC) regulations;
- 2) Modifications approved under this Special Permit relate only to Sprint Spectrum, L.P. or its successors. Any other extensions or modifications to the monopole will require further approval from the Board of Appeals.

**In favor: Hurley, McAuliffe, Bhisitkul, Estella and Eagle**

**Opposed: None**

  
**Matthew C. Hurley, Chairman**

**Notice:** Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40A, s.17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Southborough, Massachusetts.



The Commonwealth of Massachusetts  
Town of Southborough  
Board of Appeals

Date: January 25, 2012

**Certificate of Granting of a Special Permit**  
**(General Laws Chapter 40A, Section 11)**

The Board of Appeals of the Town of Southborough hereby certifies that a Special Permit has been granted:

**To:**           **Sprint Spectrum, L.P.**  
                  **One International Blvd., Suite 800**  
                  **Mahwah, New Jersey**

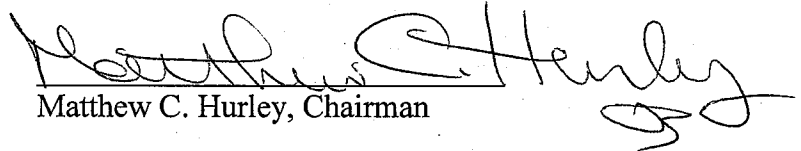
**Town:**       **Southborough, MA 01772**

affecting the rights of the owner with respect to land or buildings at:

**10 Turnpike Road, Southborough, Massachusetts**

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said special permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

  
Matthew C. Hurley, Chairman

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Town Clerk