Director of Community and Economic Development

U P D A T E

March 15, 2021

■ Wireless Communication Tower Equipment Replacement – Old Shirley Road

Name of Applicant: Smartlink Group on behalf of AT&T
Location of Property: 60 Old Shirley Road, Harvard, MA
Assessors Map/Parcel: 08/70
Zoning District: Agricultural Residential (AR)
Property Owner: SBA Communications; 8051 Congress Avenue, Boca Raton, FL 33487
Consulting Engineer: Ramaker & Associates, Inc.
Application For: Wireless Communication Tower Special Permit

Summary: Smartlink Group on behalf of AT&T has submitted an application for approval of a Special Permit to modify the existing cell tower by adding three (3) wireless antennas and six (6) remote radio units plus equipment at the existing tower located at 60 Old Shirley Road. The governing law for cell towers is the 1996 Telecommunications Act of 1996 (TCA) whereby all local bylaws and reviews must adhere to this framework. The original Special Permit for this tower had been approved in April of 1999 and the Permit has been renewed regularly as required since that time including the following:

1. Modification of decision; July 1999
2. Renewal for Nextel Communications; October 3, 2005
3. SBA Communications acquired the tower
4. Initial expiration October 2, 2010 and after State extensions, expired October 2, 2014

The most recent renewal (extension) was approved on May 2, 2016 and will expire on May 2, 2021 unless an extension is granted. It is suggested that this issue be addressed immediately but it is uncertain how it necessarily impacts this application.

The application packet is required to include the following:

Special Permit Application Contents	Applicant Submittal (as of March 11, 2021)
Site Plan – 1" = 40' required	Not submitted to scale and missing a number of other elements require of full tower applications. The Board may wish to find this requirement extraneous since they are only switching out equipment and adding a few elements to an existing pad.
Elevation Drawings	Elements such as new cabinets, fiber management box, and, 4478 B14 units and any other new equipment to be installed on the ground has not been depicted in the elevation drawing. The Board may wish 3 angles for elevations to have each set of switched out equipment showing from a side.
Visual Impact Analysis	Not provided. The Board may see this as unnecessary due to the type of application.
Locus Map 1	Not provided. This could be granted a waiver if so requested.
Locus Map 2	Not provided. This map is intended to assess alternative locations and since AT&T has already been granted access to this pole, this is not necessary.
Engineering Reports	The only engineering report submitted us the structural analysis report. It did not provide any additional information as required in Section 6.
FCC License	RF Affidavit references AT&Ts FCC license but the license itself was not provided.
Coverage Map	Adequate for both existing and proposed coverages
NEPA and MEPA Certifications	Not provided.
Conservation Commission Determination of Applicability	Assumed not applicable.
Alternative Tower Demonstration	Not required.
Viewshed Impact Minimization, Technical Optimization, Land Alternatives	Not required.
Proof of Ownership of Site or Contract for Lease	Letter of owner authorization is adequate.
Project Review Fee and Application Fee	Received but no copy of receipt in packet.
Balloon Test	Not required.

The submittal also included a cover letter, narrative letter, construction drawings, tower structural analysis report, a permit application, fees, abutters list report, set of decisions for AT&T Mobility from Worcester Registry of Deeds including June 2004 and August 2009, and an RF Affidavit. Note that narrative letter was addressed to the Assessor's Office and should have been directed to the Town Clerk.

District Delineation

The subject parcel [is] within the Wireless Communications Towers Overlay District.

Underlying Zoning Requirements

The underlying zoning district is Agricultural-Residential or AR. This review will assess whether any provisions of the AR district are relevant to the application.

Special Permit Requirements and Use Restrictions

Notes the requirement of a special permit and site plan review. Subsection (1) addresses extension, addition, or replacement and since the tower in place currently was not used for wireless service as requested here, I would assess this application as a new special permit and not related to the existing facility.

Subsection D2 Findings

D2a – *Alternate location accommodation is not applicable*

D2b - *The size and height of the tower are not applicable to the specifics of this application.*

D2c - *The nature of this application suggests that this has been answered affirmatively.*

D2d – *Not applicable to this application.*

D2e - *Tower siting is not an applicable criterion to this application.*

D2f - *The tower and pad with accessory structures are not increasing in area or height as part of this application.*

D2g - *The access is not proposed to be changed for this application.*

D2h – *There is no clearing proposed as part of the application.*

D2i - *The application will not invoke any Section 46C criteria.*

D2j - *The tower's existing camouflaging will be removed and replaced is it is now once this project has been completed. The Board may wish to have a special condition that relates to this task.*

D2k – *No new lighting has been proposed as part of this application.*

D2l – *While this appears to be the case, members may wish to see elevation drawings with more detail to make a final determination. The Board may also wish to see photographs of the existing tower in relation to the new ground mounted equipment to be installed.*

D2m - *The tower is currently fenced. Photographs of the compound would be illustrative.*

D2n – *This is not certain and photographs should determine whether this is the case and if they are adequate.*

D2o - The tower is approved for a defined and specific use and intensity of use, including the number, type, and location of transmitters. *The original decision for the tower limits transmitters to a total of 12 on the structure. This was not specific as to whether this referred to all colocators. Additionally, all antennae are limited in size to 60x6x2 and in frequency, but it is likely that technology has advanced since this decision. Additional research would have to be conducted to determine if any of these specific conditions have been modified. Therefore, as the elevation shows three sets of antennae at three different heights on the tower, and that the applicant's plans indicate nine antennae to be installed as part of their colocation, the maximum of 12 indicated in original decision needs to be addressed.*

D3 – *The matter of municipal public safety communications equipment is not applicable to this application.*

Site Plan Review and General Special Permit Requirements

A *(Parking & Loading) – Not applicable to this application.*

B *(Standards for Driveways) – Not applicable to this application.*

C *(Open Areas) – Not applicable for this application.*

D *(Screening) – The applicant should indicate through more detailed elevation drawings and photographs that the proposed new equipment will not require additional screening.*

E *(Fire Protection) – Not applicable for this application.*

F *(Drainage) – Not applicable for this application.*

G *(Sidewalks) – Not applicable for this application.*

§125-40 *(Lighting) – Original application permitted emergency lighting only and this application does not request nor show any additional lighting.*

§125-41 *(Signs) – Specific signs as part of the original application should be in place. Photographs may evidence this. Applicant has not need to add additional signage as part of this application.*

Comments and Recommendations March 15, 2021: These comments will be provided to the applicant on Thursday, March 11th and should provide additional information based on them at the continuation of the Public Hearing. The Board should make a final determination as to whether they feel that peer review will be required for this application. This reviewer suggests that it is probably not necessary.

■ Zoning Board of Appeals Request for Comments –108 West Bare Hill Road

Name of Applicant: John and Katrina Lackner
Location of Property: 108 West Bare Hill Road, Harvard, MA
Assessors Map/Parcel: 30/08 | **Deed Book/Page Number:** 0082/16350
Zoning District: Agricultural Residential (AR)
Property Owner: Same as Applicant
Consulting Engineer or Representative: Lou Amorati, Gilmore Building Co.
Application For: Special Permit

Summary: The Applicant has submitted an application for approval of a Special Permit for a building addition under Section 125-3(B)(2) of the Protective Bylaw which states:

> *(B)(2) By special permit granted by the Board of Appeals a non-conforming one- or two-family dwelling may be moved or enlarged or otherwise altered for a use permitted by the bylaw, if such non-conformity is increased or intensified, provided the Board finds, in addition to the requirements of § 125-46, Special permits, the alterations:*
>
> *(a) Would have been permitted before the structure became non-conforming (see Attachment A: Historical Table of Harvard Basic Lot Dimensions)*

In this case, the applicant proposes to demolish part of the existing structure and replace it with a new two-story structure plus a new garage. This will not increase the dimensional non-conformity of the front yard setback (req. 75').

Comment: This will not have any detrimental impact on the neighborhood and is in line with the B2 and B2a conditions.