

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JUNE 22, 2010

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Schnipper, Fischman, Blazar, Harney, and Crossley; absent: Ald. Albright
City staff: Alexandra Ananth (Principal Planner), Ouida Young (Associate City Solicitor), Maurya Sullivan (Telecommunications Planner), Linda Finucane (Assistant Clerk of the Board)

Public Hearings were held on the following petitions:

#122-10 HOSSEIN VAHEDI TRUSTEE 33-35 HIGHLAND AVENUE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of NONCONFORMING STRUCTURE/USE to AMEND special permit/site plan #127-87(2) to relocate two parking spaces, to waive minimum parking stall dimensions, to allow parking in the setback, and to decrease the legally conforming minimum open space at 35 HIGHLAND AVENUE. Ward 2, NEWTONVILLE, on land known as Sec 24, Blk 9, Lot 28 containing approx 8,133 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b), 30-19(h)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CONTINUED FROM MAY 18; ITEM WITHDRAWN WITHOUT PREJUDICE 7-0

NOTE: The petitioner wishes to prepare an alternative site plan to share with abutters, who for the most part were opposed to the petition as proposed.

#282-06(2) CLEAR WIRELESS, LLC. /HAMMOND POND TRUST petition to AMEND Special Permit/Site Plan Approval #282-06(2), granted on 11/6/06 for the installation of wireless communication equipment, in order to replace one panel antenna and to add two panel and two dish antennas at 20 HAMMOND POND PARKWAY, Ward 7, CHESTNUT HILL, on land also known as Sec 82, 2, 21A1, containing approximately 175,950 sq ft of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 30-24, 30-23, and 30-18A(e)(6) of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; ITEM APPROVED 7-0

NOTE: Attorney Jason Ellis from Prince Lobel Glovsky & Tye represented the petitioners, Clear Wireless, an affiliate of Sprint, and the building's owner, Hammond Pond Parkway Condominium Association. In 2006, Clear Wireless received a special permit for twelve panel antennas and 3 GPS antennas on the roof with an ancillary equipment room in the basement of 20 Hammond Park Parkway. This petition is a request to install two additional panel antennas identical to the existing antennas; to replace another existing panel antenna with an identical one; to add two backhaul dish antennas, all of which will mounted to the existing penthouse the same as the current antennas, and

to add one Global Positioning System (GPS) antenna, which is approximately 3” in diameter and 5” in height. Each panel antenna is approximately 4’ in height. One backhaul dish is 2’ in diameter, the other is 2.5 feet. Installation of the GPS antenna is in compliance with a post 9/11 FCC mandate that enhanced emergency service (E911) service is required to meet nationwide standards for wireless communication systems. Approval of this amendment would increase the number of panel antennas to fourteen, GPS antennas to four, and two new dish antennas.

The new antennas will be painted to match the penthouse façade the same as the existing antennas. If an additional equipment cabinet is needed, it will be located in the basement equipment room. There will be no increase in maintenance visits, which average one or two a month.

There was no public comment and the public hearing was closed. The Committee held a brief working session. Alderman Schnipper moved approval of the petition finding that it is an appropriate location for wireless equipment, since the co-location of the equipment with existing wireless installation helps maintain the character of the site and neighborhood, without any adverse visual impact or noise. The additional antennas will provide greater coverage and improved services for its customers. The Committee supported the motion unanimously, 7-0.

#19-98(2) CLEAR WIRELESS, LLC./LASELL COLLEGE petition to AMEND Special Permit/Site Plan Approval #19-98, granted on 3/16/98 for wireless telecommunication equipment, in order to replace three panel antennas and to add two dish antennas at 216 WOODLAND ROAD, Ward 4, AUBURNDALE, on land also known as Sec 43, Blk 10, Lot 9, containing approx 282,705 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 30-24, 30-23, 30-18A(e)(6) of the City of Newton Rev. Zoning Ord, 2007.

ACTION: HEARING CLOSED; ITEM APPROVED 7-0

NOTE: Attorney Jason Ellis also presented this petition. In 1998, Nextel Communications, also an affiliate of Sprint/Clear Wireless, received a special permit to install two sets of roof-mounted wireless communication, antennas with ancillary equipment at a Lasell College dormitory at 216 Woodland Road. This petition is a request to add two backhaul dish antennas and replace three existing panel antennas with identical antennas. The proposed backhaul dishes are approximately 2’ in diameter and will be placed to the rear of the building, which faces an athletic field. The Auburndale Historical District Commission requested and the petitioners agreed to install faux fiberglass flue canisters to house the existing and proposed panel antennas. A small FCC-mandated GPS antenna will be installed as well. All ancillary equipment will be located in the existing equipment room in the basement.

There was no public comment and the hearing was closed. In working session, a question arose whether this proposed equipment was new, improved equipment that would fall under the boilerplate condition contained in all special permits granted under 30-18 relative to technological changes that would allow smaller or internal equipment.

Mr. Ellis responded no, it is augmenting the same technology to accommodate increased multiple users.

Alderman Harney moved approval of the petition finding that it is an appropriate location for wireless equipment, since the co-location of the equipment with existing wireless installation helps maintain the character of the site and neighborhood without any adverse visual impact or noise. Any additional ancillary equipment will be located in the basement, not on other roof. The additional antennas will provide greater coverage and improved services for its customers, and the faux flue canisters containing the antennas will ameliorate the visual impact on adjacent properties because they will appear to be part of the building's mechanical systems. Alderman Harney's motion carried unanimously, 7-0.

The meeting was adjourned at approximately 9:30 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman