



February 26, 2019

Town of Ashland
Zoning Board of Appeals
101 Main Street
Ashland, MA 01721

Re: Special Permit Application to the Zoning Board for a Special Permit for the modification of existing wireless equipment located at the existing AT&T Wireless Communications Facility (“WCF”) located at the Cedar Street Water Tank, 400 Cedar Street, Ashland, MA 01723 (Map 29, Lot 132) – REQUEST FOR WAIVERS UNDER SECTION 3.3.2 & 3.3.3. OF BYLAW

Dear Members of the Zoning Board of Appeals:

New Cingular Wireless PCS, LLC. (“AT&T” or “Applicant”) has filed an application to the Zoning Board of Appeals for a Special Permit Per to modify the existing AT&T wireless equipment at the above referenced site. As we have discussed, AT&T is proposing to modify its equipment as follows: installation of three (3) additional antennas with remote radio heads in similar locations to the existing equipment on the water tank.

The proposed equipment modifications will not change the present ground footprint of the equipment and the antennas will not protrude above the 90 foot AGL height of the water tank.

While Section 3.3.2 & 3.3.3. of the zoning bylaw requires a new special permit application for modifications, many of the design requirements of the bylaw are directed to siting new Wireless Communications Facilities. The proposed modifications are targeted to an existing previously permitted WCF located in a Residential A zoning district which was previously granted a Special Permit to collocate its equipment on the water tank (Hearing Number 99-14 signed by the Board on 2/6/2000). The Special Permit permitted the installation of three antennas and found that the use of the water tank as a Wireless Communications Facility (“WCF”) qualified it as a pre-existing non-conforming use and pre-existing non-conforming structure.

Section 3.3.2. of the bylaws provides that “Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

(A).

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Change or substantial extension of the use;

(B).

Change from one nonconforming use to another, less detrimental, nonconforming use.

Please note that the proposed work does not involve increasing the elevation of the antennas

Section 3.3.3.

Nonconforming Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

(A).

Reconstructed, extended or structurally changed;

(B).

Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

The Applicant will fully comply with all federal requirements under the terms of its FCC license as well as standards promulgated by the FCC. With respect to the Massachusetts Department of Public Health (“MPH”), the Applicant is advised that the MPH no longer issues health standards with respect to emissions from wireless facilities but defers to FCC standards. The Applicant respectfully requests a waiver from MPH guidelines on the basis that they are redundant with respect to federal requirements and that the MPH no longer issues approval letters.

Elevations Filing Requirement. The Applicant respectfully requests a waiver of the above requirements as they pertain to new WCF locations rather than an existing location as in the case of the current application.

Design Filing Requirements - The Applicant respectfully requests a waiver of the above requirements as they pertain to new WCF locations rather than an existing location as in the case of the current application. The Applicant further notes that the proposed equipment is adequately represented in detail by the specification sheets to be attached as exhibits to the application. Additionally, the Applicant specifically requests waivers for the following:

- Landscape plan: The Applicant requests a waiver of this requirement and particular notes that the property is municipally-owned and that other carriers also tenant the location. Further, the proposed modifications do not alter the footprint or appearance of the ground equipment.

Noise Filing Requirements.

The Applicant requests waiver of the requirement as the proposed equipment modifications, as is the case with the existing equipment, consist of passive devices which do not emit noise of any kind.

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For the reasons above, the Applicant requests waivers for the items referenced above.

Regards,

Timothy W. Greene

Timothy W. Greene
Authorized Agent for AT&T