

**Town of Reading Zoning Board of Appeals**

**The Decision of the Board of Appeals on the Petition of**

**Metro PCS Massachusetts, LLC  
On the Property Located at  
1 General Way  
Reading, Massachusetts  
Case No. 12-15**

**November 1, 2012**

The Zoning Board of Appeals (the Board) opened a public hearing in the Selectmen's Meeting Room at the Town Hall, 16 Lowell Street, Reading, Massachusetts at 7:00 PM on Thursday, November 1, 2012, on the petition of Metro PCS Massachusetts, LLC, who sought a Special Permit under Section 4.3.5 of the Reading Zoning By-laws (the By-laws) to expand a commercial communication structure on the property located at 1 General Way, Reading, Massachusetts.

The Petitioner was represented by Bryan Wilson of Northeast Wireless Services, LLC, agent for MetroPCS, who detailed the proposal to install two (2) dish style antennas, measuring approximately one foot in diameter to its existing wireless communication facility utilizing the existing antenna and mounting bracket structure on the existing smokestack / chimney. The Board inquired about the size and location of the antennas, the need for their installation, and the benefits of the expansion. A memo from Mr. Glen Redmond, Town Zoning Officer dated October 31, 2012, which expressed no concern with the proposed expansion, was read into the record.

Section 4.3.5 of the By-laws prohibits the construction of a commercial communications structure without a Special Permit, which may be granted by the Board provided the following criteria are met:

a. If located in a Residential S-15, S-20 or S-40 District, the communications structure shall be located in a State-owned Interstate Highway right-of-way. If located in a Residential A-80 District, the communications structure shall be mounted only on a building which is more than 48 feet in height and which is located nor farther than 850 feet of a State-owned Interstate Highway right-of way. If located in a Business A or Business B District, the communications structure shall only be ancillary to an allowed principal use on the property and shall not be solely or principally used for sending, receiving, or transmitting communications signals as part of a communications system or network not related to or used by any other use taking place on the lot on which the communications structure is located.

The Petitioner indicated the proposed facility is located in an Industrial District, which is an allowed district. The existing smokestack on which the proposed antennas will be located on, is 98 feet in height, and the proposed antennas will be mounted at 96' and 95' respectively.

b. For purposes of public safety, no ground-mounted communications structure shall be erected nearer to any boundary line on the property on which the structure is located than the distance equal to half the vertical height of the structure, inclusive of appurtenant devices as measured at the mean finish grade of the base of the structure.

The Petitioner indicated they were not proposing a ground mounted structure.

c. For purposes of public safety, no roof-mounted communications structure shall be erected nearer to any boundary line on the property on which the structure is located than a distance equal to half the vertical distance between the roof level of the building of which the communications structure is directly mounted and the top of the communications structure, inclusive of appurtenant devices; any such communications structure mounted on the roof shall be properly secured according to the State Building Code and shall be so located or screened that it shall not be unduly visually prominent as viewed from any public way or abutting property.

The Petitioner proposes to utilize its existing antenna mount structure. There will be minimal visual impact from the current installation as the antenna frame already exists and the antennas will be painted to match the stack.

d. All applicable State and Federal Licenses and approvals have been obtained.

The Petitioner noted that Metro PCS is duly licensed by the FCC.

e. The communications structure is located and screened, fenced or otherwise provided with effective safety devices which prohibit unauthorized access near or onto the structure.

The Petitioner indicated the related equipment facility is located on a roof top, The facility is located on a smokestack which is not accessible to unauthorized personnel. Additionally, the equipment is located on the roof of the building.

f. The Applicant shall certify in writing to the Board of Appeals that should any complaint as to electronic or electromagnetic interference be received, the Applicant shall forthwith exercise its responsibility to remedy such interference.

The petitioner is mandated by the Federal Communications Commission to remedy any interference that results from the operation of their equipment. Should the operation of the facility cause interference, they will promptly work to remedy the problem.

g. The Application for Special Permit shall be accompanied by an application for a Building Permit with engineering certification that the installation will conform with structural and safety requirements of the building Code and by certification of the applicant that the structure will be properly dismantled following two years continuous disuse of the structure.

The Petitioner provided a structural report prepared by Chappell Engineering of Marlborough, Massachusetts which indicates that the building has sufficient capacity to withstand the installation of the antennas.

h. No signs other than required safety warning signs shall be mounted on the structure.

The Petitioner is not proposing any signage other than what is mandated by regulation.

A motion was made and seconded and the Board voted 5-0-0 in the affirmative to grant a Special Permit to Metro PCS Massachusetts LLC to allow the expansion of a commercial communication structure via the installation of two (2) dish style antennas, measuring approximately one foot in diameter to its existing wireless communication facility utilizing the existing antenna and mounting bracket structure on the existing smokestack / chimney on the property located at 1 General Way, Reading, Massachusetts as reflected and consistent with: (1) the drawings numbered T-1, GN-1,C-1, A-1, A-2, S-1 and E-1, prepared and certified by Chappell Engineering of Marlborough, Massachusetts dated August 20, 2012; (2) a Report dated September 4, 2012, by Chappell Engineering and accompanying site plan drawings and photographs appended thereto. A condition of the Board's approval shall be that the Applicant shall be required to remove any part of the installation if it has not been actively used for two continuous years.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days after the date of filing of this Decision with the Town Clerk. Notice of an appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in Section 17.

This Special Permit shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the Decision was filed in the Office of the Town Clerk and no appeal has been filed, or if an appeal has been filed within such time, is recorded in the Middlesex South District Registry of Deeds and indexed in the Grantor's Index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner.

The person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS

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Damase Caouette, Chairman

Board members voting on Case No. 12-15  
Damase Caouette, Robert Redfern, John Jarema, Kathleen Hackett, and David Traniello.