



BOARD OF APPEALS  
Jesse Geller, Chairman  
Christopher Hussey  
Jonathan Book

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# Town of Brookline

## Massachusetts

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043

Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO.2013-0033

**Owner: Chestnut Hill Benevolent  
Association**

Petitioner, T Mobile Northeast, LLC, applied to the Building Commissioner for permission to modify existing cell equipment and add four antenna. The application was denied and an appeal was taken to this Board.

On April 4, 2013 the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed May 23, 2013 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to its attorney (if any of record), to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on May 2 and May 9, 2013 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

## NOTICE OF HEARING

Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: T-Mobile USA, LLC and TMobile Northeast LLC (TMobile)  
Owner: Chestnut Hill Benevolent Association  
Location of Premises: 910 Boylston Street  
Date of Hearing: **May 23, 2013**  
Time of Hearing: **07:00 p.m.**  
Place of Hearing: **Selectmen's Conference Room, 6<sup>th</sup> Floor.**

A public hearing will be held for a variance and/or special permit from

1. **4.09.6.c; Wireless Telecommunications Services**
2. **5.09.a; Design Review**
3. **8.02.2; Alteration and Extension**
4. **Modification, as necessary, of BOA case # 3477 June 25, 1998**

Of the Zoning By-Law to alter existing antennas and add four new antennas

At 910 Boylston Street  
Said Premise located in a S-25 (Single-Family) residential district.

*Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.*

***The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. ~Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA ~02445. ~Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail [atrsneirson@brooklinema.gov](mailto:atrsneirson@brooklinema.gov)***

Jesse Geller  
Christopher Hussey  
Jonathan Book

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Jesse Geller and Board Members, Christopher Hussey and Jonathan Book. Keenan Brennan of Wellman Associates, presented the case for T-Mobile.

Mr. Brennan described the location as the Chestnut Hill Benevolent Association, located on a heavily wooded and hilly site bordering Boylston Street (Route 9). At the foot of the hill, near Route 9, sits a smokestack on a one-story service building with a heating plant and maintenance space. The main structures on the campus, which was built in 1918, include the following: the Main Building, with administrative offices, care, rest, and study, nursing and resident rooms; the Associates Building, with dormitory rooms for nurses and other staff members; and the Carriage House, with eight apartments for nurses. The main drive has access to and from Boylston Street, and a second egress, which is a right turn only, is east of the main drive. The neighborhood is predominantly residential, except for some office space on Boylston Street to the east. The abutting properties to the south include the Town's Singletree Hill Reservoir underground water tank and large estate-type dwellings. The Town of Brookline has a permanent access easement on the existing driveway to reach its water facility and owns a 16" water main under the driveway.

The applicant, T-Mobile Northeast LLC, proposes to modify the existing wireless installation on the smokestack. The modification would include replacing the existing four antennas with four new ones, and adding another four new antennas, for a total of eight circling the outside of the smokestack. The antennas would all be substantially the same in appearance and dimension

as the existing antennas, and mounted at the same height, 95 feet above the ground, or 81.2 feet above the roof. They would be painted to match the underlying brick of the smokestack. An existing equipment cabinet on the roof of the one-story structure would be replaced with a new cabinet with similar dimensions in substantially the same location.

No one was present to speak in favor or in opposition.

The Chairman called upon Timothy Richard, Planner, to deliver the comments of the Planning Board.

## **FINDINGS**

**Section 4.09.6.c – Wireless Telecommunications Services:** All wireless telecommunications antennas and mounts on a building, or any related equipment, fixtures, or enclosures, exceeding 10 feet above roof height shall *require a special permit* from the Board of Appeals, subject to the design review standards under *Section 4.09.7.a (1, 2)*. The standards are mentioned as follows:

They shall be as unobtrusive as possible when viewed from the street and from upper floors of nearby residences. Every effort should be made to have them blend in with the style and color of the building they are located upon and with the surrounding environment and not negatively impact property values or environmentally sensitive areas, such as wetlands or historic sites.

Where necessary, screening shall be provided to minimize visible impacts. Items for evaluation during the approval process include color, finish, size, location on building façade or roof, camouflaging, and screening. Greater setback from the edge of a building may be required, if it helps to minimize visual impacts and improves overall aesthetics. *The Board of Appeals may grant a special permit* if an antenna is greater than 10 feet above the roof height, where the

applicant can demonstrate that the additional height is necessary for proper functioning of the antenna or to allow a less obtrusive location.

**Section 5.09.2.a – Design Review:** Any exterior alteration or addition to a structure on a lot that fronts on Boylston Street, *requires a special permit for design review.* The following Community and Environmental Impact and Design Standards are most applicable:

- *Preservation of Trees and Landscape:* Since the antennas would be located entirely on the building, no landscaping or trees would be removed.
- *Relation of Buildings to Environment:* The applicant would locate a new equipment cabinet for the facility in the same location as the existing equipment cabinet, so additional shadowing or other effects are not expected.
- *Relation of Buildings to the Form of the Streetscape and Neighborhood:* The proposed antennas would be painted to match the smokestack's existing brick in order to camouflage their appearance.
- *Utility Service:* The supporting equipment cabinet would be located primarily in the same location as the existing, and supporting wiring will be concealed.

Mr. Richard said the Planning Board is not opposed to this proposed antenna installation modification and expansion. The smokestack provides adequate height for the antennas, which will be camouflaged to match the existing brick. Additionally, the changes to the supporting equipment are minor and not expected to be visible. Overall, the installation has been designed to

be unobtrusive. The wireless antennas that are currently on the smokestack are hardly noticeable from surrounding properties.

**Therefore, the Planning Board recommends approval of the proposal and the submitted plans, prepared by ProTerra Design Group LLC and dated 2/8/13, subject to the following conditions:**

- 1) Prior to issuance of a building permit, final plans and elevations of the wireless facility and all supporting and concealing structures shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
- 2) The panel antennas shall be painted and textured to match the structure to which they are affixed.
- 3) All antennas and related equipment shall be removed if abandoned or not in operation for a time period of twelve months or longer.
- 4) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner a removal bond of \$5000.00.
- 5) Prior to issuance of a building permit, the applicant shall submit a \$1,500 monitoring/inventorying fee to the Building Commissioner.
- 6) Prior to a final sign-off on a building permit, a final review and approval of the site shall be made by the Assistant Director for Regulatory Planning.
- 7) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final plans and

elevations of the wireless facility and all supporting equipment; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the location of this installation is appropriate. He said similar relief had been granted in the past for the same location. Mr. Yanovitch said the Building Department does not have any objection to the request for relief.

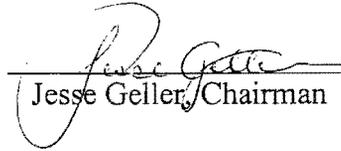
The Board deliberated on the merits of special permit relief. The Board determined that the requirements necessary for the grant of a special permit granting relief from the provisions of Sections 4.09, 5.09.2.a and 8.02 of the Zoning By-Law pursuant to the provisions of Sections 9.05 and 8.02 of the Zoning B-Law were met. The Board made the following specific findings pursuant to said **Section 9.05**:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of proposed use.

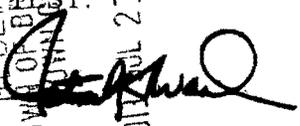
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

- 1) Prior to issuance of a building permit, final plans and elevations of the wireless facility and all supporting and concealing structures shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
- 2) The panel antennas shall be painted and textured to match the structure to which they are affixed, and a test sample of painted antenna shall be provided to the Assistant Director for Regulatory Planning on the site visit for review and approval prior to installation.
- 3) All antennas and related equipment shall be removed if abandoned or not in operation for a time period of twelve months or longer.
- 4) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner a removal bond of \$5000.00 and a letter with evidence of the surety amount to cover the full cost of removal.
- 5) Prior to issuance of a building permit, the applicant shall submit a \$1,500 monitoring/inventorying fee to the Building Commissioner.
- 6) Prior to a final sign-off on a building permit, a final review and approval of the site shall be made by the Assistant Director for Regulatory Planning.
- 7) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final plans and elevations of the wireless facility and all supporting equipment; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of  
The Board of Appeals

  
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Jesse Geller, Chairman

Filing Date: July 23, 2013

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Patrick J. Ward  
Clerk, Board of Appeals