



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals
From: Brookline Planning Board
Date: August 7, 2014
Subject: Install a wireless telecommunications facility on the roof of a multi-family residential building
Location: **1569 Beacon Street**

Atlas Sheet:	43	Case #:	14 0046
Block:	215	Zoning:	M-1.5
Lot:	19	Lot Area (s.f.):	±7,189

Board of Appeals Hearing: August 28, 2014, at 7:30 p.m.

BACKGROUND

2007 – A similar proposal for 12 rooftop antennas was submitted by Verizon Wireless on this building. Although the Planning Board did not object to the design, if modified, it did not find that it met the criteria for a use variance. The applicant withdrew without prejudice its application prior to a Board of Appeals hearing.

SITE AND NEIGHBORHOOD

1569 Beacon Street is located just outside of Washington Square, between Washington Street and Fairbanks Street. On the property is a six-story brick apartment building known as “The Majestic.” An alleyway exists to the right of the building leading to parking for neighboring properties. Other uses in the area include several multi-family residential buildings and offices. The property is located in the Beacon Street National Register Historic District.

APPLICANT’S PROPOSAL

The applicant, Bell Atlantic Mobile of Massachusetts Corp., d.b.a. Verizon Wireless, proposes to install a wireless telecommunications facility and associated equipment on the roof of the apartment building at 1569 Beacon Street.

The facility would consist of 12 panel antennas (three arrays of four panel antennas) and an equipment shelter. Eight antennas would be mounted on the proposed equipment shelter, four on the east side and four on the west side. Another four antennas would be mounted on the back of the rear stair penthouse, on a wall that is flush with the building's rear exterior wall. The applicant is proposing to paint the shelter and antennas to match the existing façade/roof of the building. [In the 2007 proposal, eight of the panel antennas were to be mounted on a front penthouse, not on the new equipment shelter, which is further from Beacon Street. Additionally, the four antennas to be mounted on the rear penthouse were going to have a faux extension wall at the rear of the building, which would have projected beyond the building's rear wall.]

FINDINGS

Section 4.09.4.b. and 6.a.1: Wireless Telecommunications Services – Wireless communications antennas and facilities shall not be located on residences. **Use variance** required. Under Section 9.09, the Board of Appeals may grant a use variance, provided the statutory variance requirements are met, only on a lot that conforms to one or more of the following conditions:

- a. Expiration of the time limit specified for a previously granted use variance.
- b. Existence prior to January 1, 1977, of uses of the same general classification as the use variance applied for, on lots adjoining the lot in question on both sides, or, if the lot in question is a corner lot, on both the side and the rear.
- c. Existence on an adjoining lot of a use of such nuisance characteristics as to render unreasonable any conforming use of the lot in question.
- d. Existence on the lot in question of a structure(s) of appearance compatible with its vicinity which is either of historical or architectural significance which shall be preserved or restored in a manner sufficient to justify the relief granted herein, and/or contains gross floor area excessive for the use permitted in the district wherein the structure is located, and which can reasonably be maintained as a visual and taxable asset only if a nonconformity of use is permitted.

Section 4.09.6.c: Wireless Telecommunications Services

A **special permit** is required for any wireless telecommunications antenna and mount on a building or any related equipment, fixtures, or enclosures exceeding 10 feet above roof height, subject to the following design review standards. The antennas on the 16' penthouse will be 12' above the roof and equipment shelter will be 13' above the roof

Section 5.09.a & d: Design Review

New structures and outdoor uses and exterior alterations to existing structures on a lot which fronts on or is within 100 feet of Beacon Street or has 10 or more dwelling units shall require a special permit subject to the design review standards listed under *Section 5.09.4(a-1)*. The most relevant sections are described below:

- a. *Preservation of Trees and Landscape*: Minimal landscaping exists on the property now, except for the shrubbery located directly in front of the building, and this installation will only be located on the roof, having no affect on existing landscaping.

- b. *Relation of Buildings to Environment*: The applicant has designed the proposed wireless facility, including the equipment shelter, to camouflage the antennas and blend in with the existing building. To further disguise the installation, the applicant should consider locating the equipment shelter in the basement of the existing building, thereby limiting the total amount of visible rooftop structures.
- f. *Utility Service*: The facility will require electric power to operate, but the wiring will not be visible to the general public or to building residents. The applicant has not stated whether there is a backup generator to be installed to provide energy for the facility in emergencies or loss of power situations.
- h. *Special Features*: The panel antennas and the equipment shelter will be screened from view or otherwise disguised to appear as though part of the building's rooftop elements.
- i. *Safety and Security*: The applicant has indicated that the site would be continuously monitored for functionality, and the site would be tested annually to ensure compliance with FCC RF emissions standards. Due to its rooftop location, access to the facility would be restricted to those who have access to the building's roof.
- j. *Heritage*: The applicant has attempted to minimize the facility's impact on the building's historic character by blending it in with the building's architectural features.
- k. *Microclimate*: The applicant has stated that the wireless facility will not emit heat, vapor or fumes, and it will comply with the provisions of the Noise Control By-law.
- l. *Energy Efficiency*: The applicant has stated that the most energy efficient technology available will be used for this installation.

Section 5.30, 5.31 Exceptions to Maximum Height Regulations

Section 5.60 - Side Yard Requirements

Section 5.70 - Rear Yard Requirements

Dimensional Requirements	Required	Proposed	Relief
Height of antennas/shelter	No more than 10' above roof	12'/13'	variance
Side Yard Setback	24.5"	13.75'	Special Permit*
Rear Yard Setback	Approx. 35'	0'	Special Permit*

*Under Section 5.43, the Board of Appeals may, by special permit, waive dimensional requirements if the applicant provides counterbalancing amenities.

Section 8.02.2: Alteration or Extension – Special permit required to alter or extend a nonconforming use or structure.

PLANNING BOARD COMMENTS

The Planning Board is not opposed to the general design of the proposed wireless facility and believes it is a better design than the 2007 proposal, which was withdrawn; however, the Zoning By-law prohibits antennas on buildings that have residential units. The antennas on the sides of the new equipment shelter and the rear antennas, if painted to match the façade and other rooftop equipment, should effectively be shielded and have limited visual impact. Though the applicant

desires a tall building to satisfy its coverage and capacity goals, this building is clearly prohibited for wireless facilities by the Zoning By-Law, because it is residential and the conditions under Section 9.09.1 for granting a use variance are not met.

Therefore, the Planning Board recommends denial of the proposal and plans, prepared by Hudson Design Graphic and last dated 04/25/14. If the Board of Appeals finds that the statutory requirements for a use variance are met, the Planning Board recommends the following conditions be attached to the decision:

- 1. Prior to issuance of a building permit, final plans and elevations of the wireless facility and the screening methods for the antennas shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
- 2. All antennas and related equipment shall be removed if abandoned or not in operation for a time period of twelve months or longer.**
- 3. Prior to issuance of a building permit, the applicant shall submit a removal bond of \$5,000 to the Town.**
- 4. Prior to issuance of a building permit, the applicant shall submit a \$1,500 monitoring/inventorying fee to the Town.**
- 5. Prior to issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final roof plan, stamped and signed by a registered engineer, indicating utilities, wiring, and antenna placement and screening; 2) final elevations of the wireless facility, stamped and signed by a registered engineer, indicating dimensions; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

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Above: Front and partial side façade views of 1569-1571 Beacon Street.

Left: Partial rear view of subject building.

