



IN CITY COUNCIL

Marlborough, Mass., JULY 21, 2014

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
T-Mobile Northeast, LLC
12920 38th SE Street
Bellevue, WA 98006
Order No. 14-1005820B

Locus:
860 Boston Post Rd.
Assessors Map 61, Parcel 16

DECISION

The City Council of the City of Marlborough hereby GRANTS the application of T-Mobile Northeast, LLC as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision date: July 30, 2014

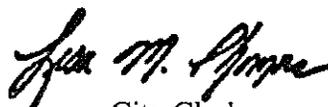
The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 30th day of **July, 2014**.

This is to certify that twenty (20) days have passed since the filing of the within decision and an appeal has been filed within such time.

Given at Marlborough this 5th day of September, 2014.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY
ATTEST


City Clerk



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 21, 2014
PAGE 1

ORDERED:

DECISION ON AN APPLICATION TO MODIFY SPECIAL PERMIT

T-MOBILE NORTHEAST LLC (OMNIPOINT HOLDINGS, INC.)

Order No. 14-1005820B

860 Boston Post Road East

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 05-100873B submitted by T-Mobile Northeast LLC, having a usual place of business at 15 Commerce Way, Suite B, Norton, MA 02766 as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is T-Mobile Northeast LLC (Omnipoint Holdings, Inc.), with its principal office located at 12920 SE 38th Street, Bellevue, WA 98006.
2. Previously, the City Council granted to Omnipoint Holdings, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., a special permit to locate and operate a wireless communications facility located at 860 BOSTON POST ROAD, Marlborough, MA (hereinafter, "the Original Special Permit"). In 2006, Omnipoint Holdings, Inc. converted into a limited liability company named T-Mobile Northeast LLC. The Original Special Permit is recorded at the Middlesex South District Registry of Deeds, Book 46368 Page 441.
3. The site is located at 860 Boston Post Road East, owned by the City of Marlborough, and is further described as shown on the Marlborough Assessors Maps as Map 61, Parcel 16 (hereinafter, "the Site").



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 21, 2014
PAGE 2

ORDERED:

4. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter, "the Application"), the Applicant seeks permission to allow replacement of six (6) of the panel antennas currently located on the wireless communication facility with six (6) newer models, along with one (1) GMS/GRS antenna with ½" feed mounted to the existing cable bridge. Applicant also seeks to add one (1) fiber optic cable (1" O.D.), and fiber jumpers to the wireless communication facility (hereinafter, "the WCF Project"), all substantially as depicted on a set of plans entitled "Site Name: BS547/VZMarlboroWWTP-RFP, 860 Old Boston Post Road East, Marlboro, MA 01752, Site ID Number: 4BS0547D," by AEG Advanced Engineering Group, P.C., 500 North Broadway, East Providence, RI 02914, dated 4/31/14 [sic], a copy of which was provided in Special Permit Application (hereinafter, "the Plans").
5. The Applicant is the Wireless Communication Facility owner and the lessee of the Site's owner for purposes of the Application.
6. The WCF Project is located in the Rural Residential zoning district. Wireless communication devices are allowed by grant of special permit in the Rural Residential zoning district.
7. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
8. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
9. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
10. The City of Marlborough City Council held a public hearing on the WCF Project on June 16, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
11. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 21, 2014
PAGE 3

ORDERED:

12. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the WCF Project's compliance with the applicable Special Permit criteria.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the WCF Project and the WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

