

# Meeting Packet

## Special Permit Application

Dish Wireless

2 Mt. Royal Avenue

In Public Services Committee

July 17, 2023

6:45 PM

- Posting
- Order
- Public Hearing Transcript
- Manager Comments
- Special Permit Decision
- Application

## City of Marlborough Public Meeting Posting

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**Meeting Name:** City Council Public Services Committee

2023 JUL 13 PM 1:23

**Date:** July 17, 2023

**Time:** 6:45 PM

**Location:** City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

This meeting will be held in the City Council Chamber. Public attendance is permitted. The meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

03-27-23 – Order No.23-1008842: Application for Renewal of Junk Dealer License, Best Buy Stores, LP #840, d/b/a Best Buy, 769 Donald Lynch Boulevard

06-26-23 – Order No.23-1008924: Application for Taxi/Livery License from Tim Ending, d/b/a Platinum Care Plus to operate a Livery service with one vehicle from 67 Forest Street, #267  
-REFER TO PUBLIC SERVICES

06-05-2023 – Order No.23-1008913: Application for Special Permit by Kristen LeDuc on behalf of Dish Wireless to install three (3) wireless antennas and related equipment on the rooftop at 2 Mt. Royal Avenue.  
-REFER TO PUBLIC SERVICES  
PUBLIC HEARING: JUNE 26, 2023

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

**The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.**

**Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.**



# IN CITY COUNCIL

Marlborough, Mass., JUNE 5, 2023

## ORDERED:

That there being no objection thereto set **MONDAY JUNE 26, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Wireless Special Permit from Kristen LeDuc on behalf of Dish Wireless to install three (3) Wireless Antennas and related equipment on the rooftop at 2 Mount Royal Avenue, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE & ADVERTISE**.

**Ninety days after public hearing is 09/24/23 which falls on a Sunday, therefore 09/25/23 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 23-1008913

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2023 MAY 24 AM 10:15

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF WIRELESS SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:  
Kristen LeDuc, NB&C, Agent for Dish Wireless, 100 Apollo Dr. Chelmsford MA

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2. Specific Location of property including Assessor's Plate and Parcel Number.  
2 Mount Royal Ave., 079-033

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3. Name and address of owner of land if other than Petitioner or Applicant:  
CB Equities Mt. Royal LLC, 200 Summit Drive, Burlington MA

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4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_
6. Zoning District in which property in question is located:  
Business

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7. Specific reason(s) for seeking Special Permit  
Dish Wireless was not included in the original Wireless Special Permit

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8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.

Kristen LeDuc  
Signature of Petitioner or Applicant

Address: 100 Apollo Drive  
Chelmsford MA 01824

Telephone No. 978-828-3262

Date: \_\_\_\_\_  
City Clerk's Office

LIST OF NAMES AND ADDRESS OF ABUTTERS  
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

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(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)



ACUMEN PREFERRED PROPRTI  
420 LAKESIDE AVE  
4TH FLOOR  
MARLBOROUGH, MA 01752

GRAY RYAN  
JAMES HENRY MCMANUS III  
34 FOLEY RD  
MARLBOROUGH, MA 01752

ACUMEN PREFERRED PROPRTI  
420 LAKESIDE AVE  
MARLBOROUGH, MA 01752

GTY MA/NH LEASING INC  
326 CLARK ST  
WORCESTER, MA 01606

ACUMEN PREFERRED PROPRTI  
420 LAKESIDE AVE #303  
MARLBOROUGH, MA 01752

MARTINEZ JENNIFER  
EDGAR MARTINEZ  
40 FOLEY RD  
MARLBOROUGH, MA 01752

ACUMEN PREFERRED PROPRTI  
..  
420 LAKESIDE AVE  
MARLBOROUGH, MA 01752

MB VII LLC  
75 FELTON ST  
MARLBOROUGH, MA 01752

CB EQUITIES MT ROYAL LLC  
200 SUMMIT DR STE 210  
BURLINGTON, MA 01803

PMG NORTHEAST LLC  
C/O PETROLEUM MARKETING  
GRP  
326 CLARK STREET  
WORCESTER, MA 01606

CB EQUITIES MT ROYAL LLC  
200 SUMMIT RD STE 210  
BURLINGTON, MA 01803

TORRES LAERTE TR  
TORRES FAMILY TRUST  
46 FELTON ST  
MARLBOROUGH, MA 01752

CENTERS FOR EYESIGHT LLC  
C/O GISELA VELEZ MD  
190 GROTON RD  
STE 240  
AYER, MA 01432

CITY OF MARLBOROUGH  
RICHER SCHOOL  
140 MAIN ST  
MARLBOROUGH, MA 01752

EMAX LLC  
3 JOSLIN LN  
SOUTHBOROUGH, MA 01772-1330

FASULO SANDRA J  
JOHN K BROWN  
24 FOLEY RD  
MARLBOROUGH, MA 01752



CERTIFIED ABUTTERS LIST

(79-33) & (79-33B) 2 MOUNT ROYAL AVE & LAKESIDE AVE: SPECIAL PERMIT 400 FT

*City of Marlborough*  
 Office of the Assessors  
 140 Main Street  
 Marlborough, Massachusetts 01752  
 TDD (508) 460-3610  
 Phone: (508) 460-3779

PARCEL #	GIS NUMBER	CAMA #	PROPERTY ADDRESS	OWNER NAME	CO-OWNER	OWNER ADDRESS	O_CITY	O_STATE	O_ZIP	USE_CODE
79-10A	M_193484_899014	79-10A	413 LAKESIDE AVE	GTY MA/NH LEASING INC		326 CLARK ST	WORCESTER	MA	01606	3340
79-16	M_193622_899220	79-16	75 FELTON ST	MB VII LLC		75 FELTON ST	MARLBOROUGH	MA	01752	3000
79-25	M_193603_898564	79-25	80 FOLEY RD	CITY OF MARLBOROUGH	RICHER SCHOOL	140 MAIN ST	MARLBOROUGH	MA	01752	9341
79-29	M_193339_898822	79-29	GLEN ST	CB EQUITIES MT ROYAL LLC		200 SUMMIT RD STE 210	BURLINGTON	MA	01803	3910
79-29A	M_193502_898720	79-29A	GLEN ST	CB EQUITIES MT ROYAL LLC		200 SUMMIT DR STE 210	BURLINGTON	MA	01803	3920
79-37	M_193464_898939	79-37	410 LAKESIDE AVE	PMG NORTHEAST LLC		326 CLARK STREET	WORCESTER	MA	01606	3340
79-41	M_193374_898926	79-41-1-101	420 LAKESIDE AVE #101	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-102	420 LAKESIDE AVE #102	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-103	420 LAKESIDE AVE #103	CENTERS FOR EYESIGHT LLC	C/O GISELA VELEZ MD	190 GROTON RD STE 240	AYER	MA	01432	3401
79-41	M_193374_898926	79-41-1-104	420 LAKESIDE AVE #104	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-201	420 LAKESIDE AVE #201	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-202	420 LAKESIDE AVE #202	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-203	420 LAKESIDE AVE #203	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-204	420 LAKESIDE AVE #204	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-301	420 LAKESIDE AVE #301	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-302	420 LAKESIDE AVE #302	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-303	420 LAKESIDE AVE #303	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE #303	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-304	420 LAKESIDE AVE #304	ACUMEN PREFERRED PROPERTIES		420 LAKESIDE AVE 4TH FLOOR	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-401	420 LAKESIDE AVE #401	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-402	420 LAKESIDE AVE #402	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-1-403	420 LAKESIDE AVE #403	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	3401
79-41	M_193374_898926	79-41-CM-	420 LAKESIDE AVE	ACUMEN PREFERRED PROPERTIES LLC		420 LAKESIDE AVE	MARLBOROUGH	MA	01752	995
79-45	M_193375_898868	79-45	GLEN ST	CB EQUITIES MT ROYAL LLC		200 SUMMIT DR STE 210	BURLINGTON	MA	01803	3370

79-45A	M_193454_898808	79-45A	5 MOUNT ROYAL AVE	CB EQUITIES MT ROYAL LLC		200 SUMMIT DR STE 210	BURLINGTON	MA	01803	3400
79-52	M_193359_898755	79-52	24 FOLEY RD	FASULO SANDRA J	JOHN K BROWN	24 FOLEY RD	MARLBOROUGH	MA	01752	1010
79-53	M_193384_898738	79-53	34 FOLEY RD	GRAY RYAN	JAMES HENRY MCMANUS III	34 FOLEY RD	MARLBOROUGH	MA	01752	1010
79-54	M_193405_898725	79-54	40 FOLEY RD	MARTINEZ JENNIFER	EDGAR MARTINEZ	40 FOLEY RD	MARLBOROUGH	MA	01752	1010
79-6	M_193423_899028	79-6	419-435 LAKESIDE AVE	EMAX LLC		3 JOSLIN LN	SOUTHBOROUGH	MA	01772-1330	3250
79-6A	M_193405_899134	79-6A	FELTON ST	EMAX LLC		3 JOSLIN LN	SOUTHBOROUGH	MA	01772-1330	1300
79-6B	M_193487_899044	79-6B	FELTON ST	GTY MA/NH LEASING INC		326 CLARK ST	WORCESTER	MA	01606	3350
79-92A	M_193504_898945	79-92A	LAKESIDE AVE	CB EQUITIES MT ROYAL LLC		200 SUMMIT DR STE 210	BURLINGTON	MA	01803	3920
79-93	M_193470_898884	79-93	LAKESIDE AVE	CB EQUITIES MT ROYAL LLC		200 SUMMIT DR STE 210	BURLINGTON	MA	01803	3370
79-94	M_193599_898780	79-94	4 MOUNT ROYAL AVE	CB EQUITIES MT ROYAL LLC		200 SUMMIT DR STE 210	BURLINGTON	MA	01803	3400
79-97	M_193501_899127	79-97	40 FELTON ST	TORRES LAERTE TR	TORRES FAMILY TRUST	46 FELTON ST	MARLBOROUGH	MA	01752	1010

This is to certify that the owners listed above are as shown in the latest Assessors records.

*John H. Valade*  
 JOHN VALADE, PRINCIPAL ASSESSOR  
5/18/2023  
 Date



## SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Kristen LeDuc Address: 100 Apollo Dr. Chelmsford MA

Project Name: Dish Wireless Address: 2 Mount Royal Ave.

1. PROPOSED USE: (describe) Add Three Wireless Antennas and related equipment to the existing Rooftop

2. EXPANSION OR NEW: Expansion

3. SIZE: floor area sq. ft. \_\_\_\_\_ 1<sup>st</sup> floor \_\_\_\_\_ all floors \_\_\_\_\_  
# buildings \_\_\_\_\_ # stories \_\_\_\_\_ lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: \_\_\_\_\_ % Landscaped area: \_\_\_\_\_ %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: 1 -2X for 3 months Peak period: \_\_\_\_\_

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 1-2 x for 3 months Peak period: \_\_\_\_\_

(B) How many service vehicles will service the development and on what schedule?  
N/A

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.  
Less than a residential Air Conditioning unit

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Fan will operate when needed.

9. AIR: What sources of potential air pollution will exist at the development? N/A

10. WATER AND SEWER: Describe any unusual generation of waste. N/A

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A

**\*Attach additional sheets if necessary**



**CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: \_\_\_\_\_

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Dish Wireless

Project Use Summary: Install (3) Wireless Antennas and related equipment to the existing rooftop

Project Street Address: 2 Mount Royal Ave

Plate: 079 Parcel: 33

Applicant/Developer Name: Dish Wireless

Plan Date: \_\_\_\_\_ Revision Date: \_\_\_\_\_

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

**Application Fee to submit to  
City Clerk's office**

Jeffrey K. Cooke  
Acting Director of Planning

\_\_\_\_\_

**City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT**



**Steven W. Kerrigan  
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

**PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.**

1 SET	POLICE CHIEF _____
1 SET	FIRE CHIEF _____
1 SET	CITY ENGINEER _____
1 SET	DIRECTOR OF PLANNING _____
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) _____
1 SET	BUILDING COMMISSIONER _____
12 SETS	OFFICE OF THE CITY COUNCIL _____
3 SETS	OFFICE OF THE CITY CLERK _____ ( <b><u>MUST be Original</u></b> & 2 Complete Sets)

*Kristen L. D...* Agent Dish Wireless  
Signature

5-12-23

Date

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan*  
City Clerk





**City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan  
City Clerk**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

**Company Name**

CB Equities Mt. Royal LLC

**Owner Name/Officer Name of LLC or Corporation**

Robert Macnamara, Jr.

**Owner/Officer Complete Address and Telephone Number**

58 Meadow Brook Circle,  
Sudbury, Massachusetts  
01776

781-266-8505

**Signature of Applicant**

Kristen LeDuc, Agent Dish Wireless

**Attorney on behalf of Applicant, if applicable**

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

[Signature]

**Tax Collector**



## IN CITY COUNCIL

Marlborough, Mass., JUNE 26, 2023

PAGE 1

### ORDERED:

That the PUBLIC HEARING on the Application for a Wireless Special Permit from Kristen LeDuc on behalf of Dish Wireless to install three (3) Wireless Antennas and related equipment on the rooftop at 2 Mount Royal Avenue, Order No. 23-1008913, all were heard who wish to be heard, hearing closed at 8:06 PM.

**Councilors Present: Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Brown.**

### PUBLIC SPEAKING IN FAVOR

Speaking in favor was Andrew Gorham, 100 Apollo Drive, Chelmsford, MA, on behalf of Kristen LeDuc of NB&C (Network Building + Consulting) for Dish Wireless. Three-and-a-half years ago, T-Mobile and Sprint merged and as part of that agreement, the FCC and Dish Wireless stepped up to become the fourth largest wireless carrier alongside Verizon, AT&T, and T-Mobile. As part of that, they are building out their own 5G nationwide network. This site located at 2 Mount Royal Road is part of that expansion. They will put antennas on the roof of an existing site which already has antennas there for another carrier. Mr. Gorham noted what they were adding to the site, and they would be following the FCC Guidelines per section 6409 and continue to use this as an active site.

### QUESTIONS FROM THE PUBLIC

There were no questions from the public.

### PUBLIC SPEAKING IN OPPOSITION

No one spoke in opposition.

### QUESTIONS FROM CITY COUNCIL

Councilor Oram asked if their company was originally part of Dish TV? Mr. Gorham responded it is Dish Network as they expanded their now Dish Wireless as well as Dish Network and their network did not exist and they are currently building that network out. This site will be part of that nationwide network.

Councilor Oram asked if on this building is there any old equipment that they own which will be taken down before they put up the new network antennas. According to Mr. Gorham, as far as he is aware there is not currently any Dish Wireless equipment on the building.

Councilor Doucette confirmed with the applicant this was a new installation for them.





## IN CITY COUNCIL

Marlborough, Mass., JUNE 26, 2023

PAGE 2

### ORDERED:

Councilor Doucette asked what the expected range is going to be for that type of distance. It is near Route 495 and whether they were just trying to grab that traffic from there which was confirmed by Mr. Gorham. Councilor Doucette asked if they were adding sites along Route 495. Mr. Gorham explained they have RF engineers who pinpoint locations they think would be preferable for the network, so they map it out and try to fill in the spots. In the more rural areas, they rely more on towers and in the more densely populated areas they look to rooftops because it is more difficult to have towers in a city. This is one of those rooftops that will be filling in the gaps within the tower sites.

Councilor Landers asked Mr. Gorham for their ideal timetable. Mr. Gorham stated ideally, they would have this permitted and zoned within the next couple of months and they would look to build by the end of the year. Councilor Landers noted this is in his committee and once they gather all the information, they will have a hearing on it, and they can move forward.

That ends the entire Public Hearing. This is currently in the Public Services Committee.

ADOPTED

ORDER NO. 23-1008913A

## City Council

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**From:** Priscilla Ryder  
**Sent:** Thursday, July 13, 2023 3:04 PM  
**To:** City Council; Tin Htway; Thomas DiPersio; Kevin Breen; David Giorgi; John Garside  
**Cc:** Karen Boule  
**Subject:** RE: Special Permit, Dish Wireless, Order No. 23-1008913, Draft Decision for Comment

Hi,  
I have reviewed the draft decision for the Special Permit Dish Wireless facility at 2 Mt. Royal Ave. and have no comments.

Thanks,

*Priscilla Ryder*  
*Conservation/ Sustainability Officer*  
140 Main St., City Hall, Marlborough, MA 01752 tel: 508-460-3768  
*"Whenever there's a large spill of solar energy, it's just called a nice day"* northern sun

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**From:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Sent:** Wednesday, July 12, 2023 3:35 PM  
**To:** Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>; Tin Htway <[tthtway@marlborough-ma.gov](mailto:tthtway@marlborough-ma.gov)>; Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>; Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>; David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>; John Garside <[jgarside@marlborough-ma.gov](mailto:jgarside@marlborough-ma.gov)>  
**Cc:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>  
**Subject:** Special Permit, Dish Wireless, Order No. 23-1008913, Draft Decision for Comment

Please submit comment per usual regarding the attached draft decision on an application from Dish Wireless for facility at 2 Mt. Royal.

I am hoping to have a meeting of the Public Services Committee next Monday prior to a posted Urban Affairs meeting. Your swift review would be appreciated.

Thanks.

-Karen

*Karen A. Boule, Secretary*  
Marlborough City Council  
City Hall, 2<sup>nd</sup> Floor  
Marlborough, MA 01752  
508-460-3711  
[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)

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**From:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Sent:** Thursday, June 29, 2023 4:07 PM  
**To:** Steven Kerrigan <[skerrigan@marlborough-ma.gov](mailto:skerrigan@marlborough-ma.gov)>; Wilson Chu <[wchu@marlborough-ma.gov](mailto:wchu@marlborough-ma.gov)>  
**Cc:** Don Landers <[ward\\_7@marlborough-ma.gov](mailto:ward_7@marlborough-ma.gov)>; Donald Landers ([donald\\_landers@msn.com](mailto:donald_landers@msn.com))

## City Council

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**From:** Tin Htway  
**Sent:** Thursday, July 13, 2023 3:24 PM  
**To:** City Council  
**Cc:** Priscilla Ryder; Thomas DiPersio; Kevin Breen; David Giorgi; John Garside; Karen Boule  
**Subject:** Re: Special Permit, Dish Wireless, Order No. 23-1008913, Draft Decision for Comment

Building Department has no comments.

Best Regards,

Tin Htway, CBO  
Building Commissioner  
Marlborough Building Department  
140 Main St. 2nd Floor, City Hall  
Marlborough, MA 01752  
(508) 460-3776 x30208

Sent from iPhone, apologies for any typos.

On Jul 12, 2023, at 3:35 PM, City Council <citycouncil@marlborough-ma.gov> wrote:

Please submit comment per usual regarding the attached draft decision on an application from Dish Wireless for facility at 2 Mt. Royal.  
I am hoping to have a meeting of the Public Services Committee next Monday prior to a posted Urban Affairs meeting. Your swift review would be appreciated.  
Thanks.  
-Karen

*Karen A. Boule, Secretary*  
Marlborough City Council  
City Hall, 2<sup>nd</sup> Floor  
Marlborough, MA 01752  
508-460-3711  
citycouncil@marlborough-ma.gov

**From:** City Council <citycouncil@marlborough-ma.gov>  
**Sent:** Thursday, June 29, 2023 4:07 PM  
**To:** Steven Kerrigan <skerrigan@marlborough-ma.gov>; Wilson Chu <wchu@marlborough-ma.gov>  
**Cc:** Don Landers <ward\_7@marlborough-ma.gov>; Donald Landers (donald\_landers@msn.com) <donald\_landers@msn.com>; Mike Ossing <atlarge\_3@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>

## City Council

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**From:** Kevin Breen  
**Sent:** Thursday, July 13, 2023 2:50 PM  
**To:** City Council  
**Subject:** RE: Special Permit, Dish Wireless, Order No. 23-1008913, Draft Decision for Comment

Good Afternoon:

I have reviewed the draft decision and on behalf of MFD, I do not have any concerns or issues with this application.

Thank you,

KJB

**KEVIN J. BREEN, FIRE CHIEF**  
**MARLBOROUGH FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MA 01752**  
**(508) 624-6986**

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**From:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Sent:** Wednesday, July 12, 2023 3:35 PM  
**To:** Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>; Tin Htway <[tthtway@marlborough-ma.gov](mailto:tthtway@marlborough-ma.gov)>; Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>; Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>; David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>; John Garside <[jgarside@marlborough-ma.gov](mailto:jgarside@marlborough-ma.gov)>  
**Cc:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>  
**Subject:** Special Permit, Dish Wireless, Order No. 23-1008913, Draft Decision for Comment

Please submit comment per usual regarding the attached draft decision on an application from Dish Wireless for facility at 2 Mt. Royal.

I am hoping to have a meeting of the Public Services Committee next Monday prior to a posted Urban Affairs meeting. Your swift review would be appreciated.

Thanks.

-Karen

*Karen A. Boule, Secretary*  
Marlborough City Council  
City Hall, 2<sup>nd</sup> Floor  
Marlborough, MA 01752  
508-460-3711  
[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)

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**From:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Sent:** Thursday, June 29, 2023 4:07 PM  
**To:** Steven Kerrigan <[skerrigan@marlborough-ma.gov](mailto:skerrigan@marlborough-ma.gov)>; Wilson Chu <[wchu@marlborough-ma.gov](mailto:wchu@marlborough-ma.gov)>  
**Cc:** Don Landers <[ward\\_7@marlborough-ma.gov](mailto:ward_7@marlborough-ma.gov)>; Donald Landers ([donald\\_landers@msn.com](mailto:donald_landers@msn.com))



## City Council

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**From:** David Giorgi  
**Sent:** Thursday, July 13, 2023 2:36 PM  
**To:** City Council; Priscilla Ryder; Tin Htway; Thomas DiPersio; Kevin Breen; John Garside  
**Cc:** Karen Boule  
**Subject:** RE: Special Permit, Dish Wireless, Order No. 23-1008913, Draft Decision for Comment

Good Afternoon,

On behalf of the Police Department, I do not have any concerns or issues with this Special Permit application.

Thank you,  
D. Giorgi

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**From:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Sent:** Wednesday, July 12, 2023 3:35 PM  
**To:** Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>; Tin Htway <[tthtway@marlborough-ma.gov](mailto:tthtway@marlborough-ma.gov)>; Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>; Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>; David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>; John Garside <[jgarside@marlborough-ma.gov](mailto:jgarside@marlborough-ma.gov)>  
**Cc:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>  
**Subject:** Special Permit, Dish Wireless, Order No. 23-1008913, Draft Decision for Comment

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Thanks.  
-Karen

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Marlborough City Council  
City Hall, 2<sup>nd</sup> Floor  
Marlborough, MA 01752  
508-460-3711  
[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)

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**From:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Sent:** Thursday, June 29, 2023 4:07 PM  
**To:** Steven Kerrigan <[skerrigan@marlborough-ma.gov](mailto:skerrigan@marlborough-ma.gov)>; Wilson Chu <[wchu@marlborough-ma.gov](mailto:wchu@marlborough-ma.gov)>  
**Cc:** Don Landers <[ward\\_7@marlborough-ma.gov](mailto:ward_7@marlborough-ma.gov)>; Donald Landers ([donald\\_landers@msn.com](mailto:donald_landers@msn.com)) <[donald\\_landers@msn.com](mailto:donald_landers@msn.com)>; Mike Ossing <[atlarge\\_3@marlborough-ma.gov](mailto:atlarge_3@marlborough-ma.gov)>; Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>  
**Subject:** FYI: 6/29/23 from City Council: Draft Decision for Review by Public Services Committee, Special Permit, Dish Wireless, Order No. 23-1008913, Requirement for Draft Decision



**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. 23-1008913

Application of:  
Dish Wireless L.L.C.

Locus:  
2 Mount Royal Avenue, Marlborough, MA  
Assessor's Map 79, Parcel(s) 33

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Dish Wireless L.L.C., with a principal office located at 9601 S. Meridian Blvd., Englewood, CO 80112 c/o NB&C 100 Apollo Drive, Chelmsford, MA 01824, on behalf of CB Equities Mt. Royal LLC, as provided in the DECISION and subject to the Findings of Fact and Conditions therein.

Decision date: \_\_\_\_\_, 2023

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [ ] day of [ ], 2023.

**APPEALS**

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

A TRUE COPY  
ATTEST:

City Clerk

**ORDERED:**

**IN CITY COUNCIL**

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**DECISION ON A SPECIAL PERMIT**

**ORDER NO. 23-1008913**

Application of:  
Dish Wireless L.L.C.

Locus:  
2 Mount Royal Avenue, Marlborough, MA  
Assessor's Map 79, Parcel(s) 33

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Dish Wireless L.L.C. (the "Applicant") on behalf of CB Equities, Mt. Royal LLC., to allow for the co-location of a new Wireless Communications Facility (3 antennas and associated equipment) on an existing building, pursuant to the submitted plans, as provided in the DECISION and subject to the Findings of Fact and Conditions therein.

**FINDINGS OF FACT**

1. The Applicant is a duly organized and existing corporation and FCC Licensee having a principal office located at 9601 S. Meridian Blvd., Englewood, CO 80112 c/o NB&C LLC, 100 Apollo Drive, Chelmsford, MA 01824.
2. The Applicant is a sublessee of a portion of the property located at 2 Mount Royal Avenue (Assessor's Map 79, Parcel(s) 33), Marlborough, Massachusetts (the "Site").
3. On May 24, 2023, the Applicant filed with the City Clerk of the City of Marlborough an application (hereinafter referred to as the "Application") for a Special Permit under Chapter 650 (Zoning) of the Code of the City of Marlborough (hereinafter referred to as the "Zoning Ordinance"), Section 650-25 entitled Wireless Communications Facilities.
4. In accordance with Article V, Section 650-18(A)(20) and Section 650-25 of the Zoning Ordinance, the Applicant proposes the co-location of a new Wireless Communications Facility (3 antennas and associated equipment) on an existing building) (the "Use") at the Site, as shown in the plans submitted with the Application and referenced in paragraph 5 below.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and plans by NB&C, with the last revision date of November 18, 2022, (collectively the "Plans"), attached hereto as **"Attachment A."**

6. Pursuant to the Application, the Applicant is licensed by the FCC to provide personal wireless services in the City of Marlborough and surrounding areas and currently has a problem with significant gaps in coverage and capacity issues with coverage that could be alleviated by installing the Use on the subject location as shown on the Plans.
7. The Site is located in the Business (B) Zoning District which allows a Special Permit to be issued for a Wireless Communication Facility (“WCF”).
8. Pursuant to the Rules and Regulations of the City Council of the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters and the planning boards of all surrounding towns entitled thereto in accordance with applicable regulations and law.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on June 26, 2023. The public hearing was held in the City Council Chamber, at the Marlborough City Hall, 140 Main Street. The public hearing was closed on June 26, 2023.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Use meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. At the Public Hearing, there were no members of the public speaking in opposition to the Use.
12. The Council, in reviewing the Application, considered the Review Standard and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Use.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
FINDINGS AND TAKES THE FOLLOWING ACTIONS:**

A. The Applicant has complied with the Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds the proposed Use of the Site is in harmony with the intent and general purpose of the Zoning Ordinance of the City of Marlborough when subject to appropriate terms and conditions as provided in this Decision. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council finds that the proposed Use is consistent with the purposes of Section 650-25 governing WCFs in the City.



D. The proposed WCF and location are consistent with both the applicable review standards in Section 650-25(D) and the development requirements in Section 650-25(E).

E. The City Council recognizes the Applicant is a federal licensee afforded certain protection under federal telecommunications law, to the extent provided by law.

F. The City Council confirms the Applicant has demonstrated the need to construct the proposed facility to solve certain wireless coverage and capacity issues that currently exist in its network in the vicinity.

G. The City Council finds that there are adequate, ample parking spaces on the host parcel.

H. The City Council finds the proposed Use, which consists of an unmanned and unoccupied facility, will have no impact on traffic and pedestrian safety in the area.

I. The City Council finds the proposed Use will not be contrary to the public health, safety, convenience and welfare and will not be offensive or detrimental.

J. The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance **GRANTS** to the Applicant a Special Permit for construction of the Use, a wireless communications facility on the existing monopole, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

3. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Public Services Committee, are herein incorporated into and become a part of this

Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

4. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

5. All work performed on the Site shall comply with this Decision. No other building or construction or activity (including but not limited to any other communications device, WCF, tower, etc.) shall occur without further modification of this Special Permit. This condition shall be interpreted consistent with federal law governing WCF's.

6. No signage or advertising of any sort shall be permitted as part of the Use.

7. The Applicant shall comply with all applicable conditions for WCFs as set forth in Section 650-25(F), each of which shall constitute conditions of this special permit.

8. In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council Office, the Building Department and the City Solicitor's Office.

Yea:

Nay:

Absent:

Abstain:

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Signed by City Council President  
Michael H. Ossing

ADOPTED  
In City Council  
Order No. **23-1008913**



**ATTACHMENT "A"**