



IN CITY COUNCIL

DECEMBER 1, 2014

Marlborough, Mass.,

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
Sprint Spectrum Realty Co., L.P.
1 International Blvd., Suite 800
Mahwah, NJ
Order No. 14-1005986B

Locus:
2 Mt. Royal Ave.
Assessors Map 79, Parcel 33

DECISION

The City Council of the City of Marlborough hereby GRANTS the application of Sprint Spectrum Realty Co., L.P. as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision date: **December 11, 2014**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **11th** day of **December, 2014**.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this **5th** day of **January, 2015**.

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

A TRUE COPY
ATTEST


City Clerk



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ORDERED:

DECISION ON AN APPLICATION TO FURTHER MODIFY A SPECIAL PERMIT

SPRINT

CITY COUNCIL ORDER NO. 14-1005986B

Re: 2 Mount Royal Avenue

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 12-1004064C which had previously modified Special Permit No. 97-7270, submitted by Sprint Spectrum Realty Company, L.P., having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter "the Applicant").
2. The site is located at 2 Mount Royal Avenue, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 79, Lots 33 and 33B (hereinafter, "the Site"). The owner of record for the Site is Mount Royal Associates, a Massachusetts limited partnership, c/o Haynes Management Inc., 34 Washington Street, Wellesley, MA 02481.
3. On December 8, 1997, the City Council granted to Sprint Spectrum L.P., d/b/a Sprint PCS, a Special Permit to locate a wireless communications facility on the roof of the building at the Site (hereinafter, "the Original Special Permit"). The Original Special Permit allowed up to nine (9) antennas and additional equipment to be installed. The Original Special Permit is recorded in the Middlesex South District Registry of Deeds ("the MSDRD") at Book 28034, Page 514.



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4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace three (3) CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility; six (6) remote radio heads; replace one (1) GPS mounted to the rooftop; replace one (1) cabinet with two (2) MM equipment cabinets within the existing lease area; and remove all existing CDMA coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit"). The Modified Special Permit is recorded in the MSDRD at Book 59065, Page 67.
5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "the Application"), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf with three (3) new rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing BTS cabinet, and four (4) new batteries to be installed in the existing battery cabinet (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint 2.5 Equipment Deployment, Site Number: BS03XC081, Site Name: Silgo [sic] Hill, 2 Mount Royal Avenue, Marlborough, MA 01752," by Krupakaran Kolandaivelu, P.E., dated 10/1/14, revised 10/8/14, a copy of which was provided in the Application (hereinafter "the Plans").
6. The Applicant is a lessee of the Site's owner for purposes of the Application.
7. The Proposed WCF Project is located in the Business Zoning District. Wireless communication devices are allowed by grant of Special Permit in the Business Zoning District.
8. 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.
9. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Interim Building Commissioner, 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.



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ORDERED:

10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 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.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City's Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
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 Proposed 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.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed 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 Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.



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ORDERED:

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 Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**

- 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
- 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

Yea: 11 – Nay: 0

Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope Robey & Oram

Signed by City Council President
Patricia A. Pope

ADOPTED
In City Council
Order No. 14-1005986B