



THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1053

March 3, 2010

Governor Deval Patrick  
Jay Gonzalez, Secretary of Administration and Finance  
David Perini, Commissioner, Division of Capital Asset Management  
Gregory W. Sullivan, Inspector General  
Members of the Asset Management Board: Secretary Gonzalez, Inspector General Sullivan, Peter R. Gates, Kenneth Lewis, Lawrence E. Kaplan

Gentlemen,

We are writing to ask you to reverse a decision of the Asset Management Board to lease an inappropriate site on the Belmont/Arlington line to Verizon for use as a cell tower location. The site was chosen without any direct notice to abutters or appropriate examination of local alternatives. Now that the decision has come to light, there is strong local opposition to it.

Background

The site in question sits on a Massachusetts Highway property at Exit 59 from Route 2. This is a location adjacent to residential neighborhoods in both Arlington and Belmont. The site is directly across the street from a church. Additionally, it is a site which, if filled with the planned 100 foot cell tower and supporting six-bay garage, would dominate one of the main entrance approaches to Belmont and Arlington. It is close to historic districts in both towns.

The site was approved by the Asset Management Board after a defective process in 2006. Public hearings were held in May and July 2006 without any direct notice to abutters. As a result, no member of the public attended either hearing. Publication of the hearings was by publication in the Central Register and in the classified section of the Boston Globe. Naturally, the general public was unaware of the hearings.

After the Asset Management Board, uninformed by any meaningful public participation, made a decision to lease the site for a cell tower, a lease was ultimately entered into and after some delay, Verizon has recently approached the Town of Belmont for the necessary special permit to construct a 100 foot cell tower.

Current Status

When the combined planning and zoning boards of Belmont noticed hearings regarding the cell tower, dozens of residents appeared to express their strong opposition to the location. The Belmont Board of Selectmen and the Arlington Board of Selectmen have also voted their unanimous opposition to the site.

Proceedings for the necessary special permit are currently pending before the boards, with the next hearing scheduled for March 8. Under federal telecommunications law, the town's options are limited. Your reexamination of the original decision to lease the site may be the citizens' only source of redress.

Conclusion

Please cause the Division of Capital Management to terminate the lease on the site with Verizon. Given the long delays in starting the project it seems likely that there are grounds for terminating the lease without any liability.

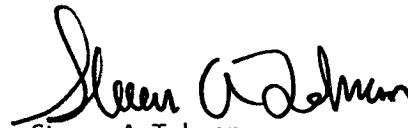
Regardless of the question of liability on the lease, the initial decision to choose this site for leasing with no meaningful input from the public is so flawed that the state should restart the site selection process. There are other publicly-owned sites in the area that might draw less opposition. Additionally, there are a number of potential private sites that would be suitable for smaller less obtrusive towers.

Thank you in advance for your swift reconsideration of this flawed decision.

Respectfully,



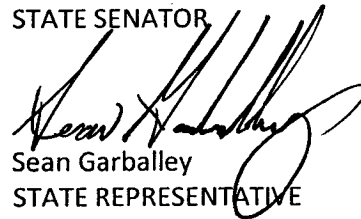
Kenneth J. Donnelly  
STATE SENATOR



Steven A. Tolman  
STATE SENATOR



William N. Brownsberger  
STATE REPRESENTATIVE



Sean Garballey  
STATE REPRESENTATIVE

Attachments: Letter from Belmont Town Administrator  
Letter from Arlington Board of Selectmen  
Minutes of May 17, 2006 Hearing  
Minutes of July 26, 2006 hearing



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Town of Belmont  
Massachusetts, 02478

[Selectmen@belmont-ma.gov](mailto:Selectmen@belmont-ma.gov)

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PHONE (617) 993-2610

SELECTMEN  
DANIEL C. LECLERC, Chairman  
RALPH T. JONES, Vice-Chair  
ANGELO R. FIRENZE

TOWN ADMINISTRATOR  
THOMAS G. YOUNGER

March 3, 2010

The Honorable William N. Brownsberger  
State Representative  
State House, Room 276  
Boston, MA 02133

Dear Representative Brownsberger:

At their meeting on March 1, 2010, the Belmont Board of Selectmen discussed the proposed telecommunications tower at the junction of Route 2 and Pleasant Street in Belmont and took the following action:

*The Board moved:* To support Representative Brownsberger's offer to write a letter to the appropriate state agency with concerns about: the choice of the site, the visual impact of the site, and the impact on the neighbors. The letter will also address the concern about the lack of a public hearing process and the lack of an examination of alternatives to this site. Furthermore, the letter will suggest that the Division of Capital Asset Management may revoke the lease and start over again to look at additional sites. The motion passed unanimously 3-0.

As always, we are grateful for your efforts on behalf of the Town. Please feel free to contact the Selectmen's Office with any questions or if we can provide additional information.

Sincerely,

Jeffrey B. Conti  
Assistant Town Administrator

# OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR  
DIANE MAHON, VICE CHAIR  
JOHN W. HURD  
ANNIE LACOURT  
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TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

January 12, 2010

William Chin, Chair Zoning Board of Appeals  
Jennifer Fallon, Chair Planning Board  
Town of Belmont  
Homer Municipal Building, Second Floor  
Belmont, MA 02478

**Re: Bell Atlantic, Omnipoint, Metro PCS Special Permit and Site Plan Review**

Dear Ms. Fallon and Mr. Chin:

The Town of Arlington Board of Selectmen is a party in interest as defined by MGL Chapter 40A Section 11 in the application by Bell Atlantic, Omnipoint, and Metro PCS to locate a 100' antenna tower on property leased by the Commonwealth of Massachusetts.

✓ We object to the grant of the permit under any conditions in this location due to proximity to residential neighborhoods, the practical impossibility of visually screening the facility, proximity to Arlington's Pleasant Street Historic Districts, and the availability of more appropriate Commonwealth of Massachusetts property nearby.

✓ The proximity to residential neighborhoods in Arlington outweigh the Town of Belmont zoning bylaw standards at 6.8.5 b) 1. and 2. These standards require a finding that the facility is "reasonably necessary for the convenience of welfare of the public; and the interests of the public convenience or welfare have been appropriately balanced against the interest of the Town, the District and the neighborhood in which the Wireless Telecommunications Facility is proposed to be located, and adjoining properties." We assert that the wireless carriers' desire for flawless cell-phone coverage does not meet these standards of reasonably necessary.

In addition, we believe that the Belmont Zoning Bylaw standard at 6.8.3 c) on visual screening cannot be met. The antenna array, base housing, and monopole depicted in

Birthplace of "Uncle Sam" – Our National Symbol  
Samuel Wilson – Born in the Town – September 13, 1766

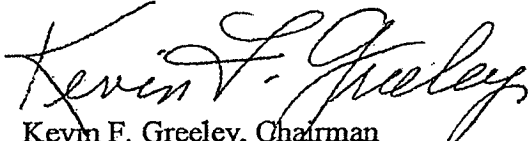
sheet Z-7 of the applicant's submission are impossible to screen by any means given the exposure of the site to both communities' densely developed residential areas and to motorists and pedestrians.

Further, the proposed location is less than 500' from the Arlington Pleasant Street Historic District. The tower and antennae would be visible from within this district. We find that the scale and appearance of the proposed facility would violate views from public ways, including Route 2, the access roads traveled daily by Arlington residents, our nearby residential streets, and from developed properties. The size and appearance would depart from the architectural scale of abutting properties. This community has worked hard for many years to preserve the character of our historic districts. The industrial appearance of the proposed facility as depicted in the photo-simulations submitted would degrade the historic character that our Pleasant Street Historic District Commission has labored to protect.

Finally, The Commonwealth of Massachusetts has a more appropriate nearby location at the Alewife MBTA station. The T station is already industrial in character and appearance, would have less impact on, and visual intrusion to, public and residential property owners. The T station is also at a more appropriate distance from historic districts.

In closing, we urge your boards to deny the applications for Special Permit and Site Plan Review. More importantly, though, we ask you to join us in demanding that the Commonwealth of Massachusetts turn to its other properties, such as the Alewife MBTA station, for antenna leasing space. Thank you for considering our comments.

Sincerely,

  
Kevin F. Greeley, Chairman  
Board of Selectmen

cc: Daniel Leclerc, Chair, Belmont Board of Selectmen  
Brian Sullivan, Town Manager, Arlington  
Thomas G. Younger, Belmont Town Administrator  
Arlington Redevelopment Board  
Sen. Kenneth J. Donnelly  
Rep. Jay R. Kaufman  
Rep. Sean Garballey  
Rep. William N. Brownsberger  
Stephen Makowka, Chair, Arlington Historic District Commission  
JoAnn Robinson, Co-Chair, Arlington Historical Commission  
Richard Duffy, Co-Chair, Arlington Historical Commission  
Brona Simon, Massachusetts Historical Commission

## ATTACHMENT IX - MINUTES

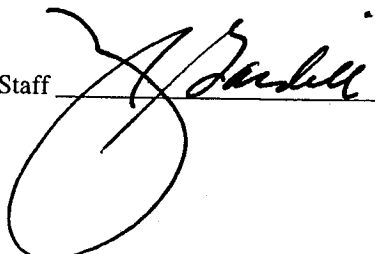
As advertised in the Central Register on April 26, 2006 and May 10, 2006 public hearings were held in both locations in Belmont and Littleton.

### Minutes from the Belmont Meeting on May 17 at 6:00 pm.

The DCAM Project Manager was in attendance. The Central Register Notice was read aloud formally. No one from the public attended. No comments were received from the public. One verbal comment was received from the State Senator's Office indicating their recommendation for and interest in having the local by-laws respected. The meeting adjourned at 7:30 pm.

### Minutes from the Littleton Meeting held on May 18 at 6:00pm.

The DCAM Project Manager was in attendance. The General Manager from the Littleton Water Department and an official from the Planning Board from the Town of Littleton attended along with a representative from the tower management company, Industrial Tower and Wireless. All commented in favor of the MHD proposal. The site was considered an advantageous site because there seems to be a "dark spot" in that area. The General Manager from the Water Department advised that a non-compete is in effect with respect to another wireless antenna that is leased on the town's property. The town will consider a variance on the non-compete clause. The bylaw also stipulates a 100 foot maximum height for antennas. However, the town will also consider a variance of the height restriction. The town offered to administer the lease so long as the town collected half the revenue from the lease. In addition a letter was received from the Town of Littleton on May 29, 2006 and is included in this proposal. The meeting adjourned at 6:45 pm.

Minutes respectfully submitted by DCAM Staff  5/30/06.

**Gardill, Mary (DCP)**

From: Gardill, Mary (DCP)  
 Sent: Wednesday, August 16, 2006 10:13 AM  
 To: McMahon, Michelle (MHD); Weger, Mar, Ann (DCP)  
 Cc: Andrews, Stephen (DCP)  
 Subject: FINAL - Belmont Minutes 7-26-06 - No public comments received.

Please find the Minutes attached; the Deadline for Public Comments was yesterday at 5pm and none were received. I will send you a signed version via fax for your files.

Thank you,  
 Mary

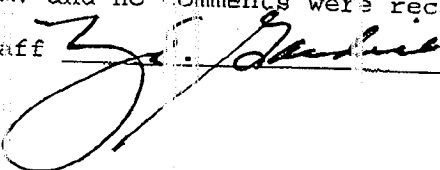
-----Original Message-----

From: Gardill, Mary (DCP)  
 Sent: Wednesday, August 09, 2006 11:54 AM  
 To: Gardill, Mary (DCP)  
 Subject: Belmont Minutes 7-26-06

ATTACHMENT IV: PUBLIC HEARING MINUTES - July 26, 2006

As advertised in the Central Register on June 14, 2006 and July 5, 2006, the public hearing was held in Belmont, Massachusetts on July 26, 2006. Advertising in the Boston Globe was also published locally in Belmont on 7/4/06 and 7/12/06.

Minutes from the Belmont Meeting held on July 26, 2006 at 6:00 pm. The MHD Consultant and the DCAM Project Manager were present. The Central Register Notice was read aloud at 6:15 pm. One person from the public attended. The attendee was a newspaper reporter from the Belmont Times who attended because he mistakenly thought the meeting was about another MHD project in Belmont. The MHD Consultant and DCAM Project Manager explained the telecommunications project to him as a courtesy and emphasized that any bidders associated with the project would be expected to meet all local zoning requirements and by-laws, if applicable. The reporter was not opposed to the project and wished to register no comments. The meeting adjourned at 6:45 pm. Comments from the public were accepted until 8/15/06 at 5 pm. and no comments were received.

Minutes respectfully submitted by DCAM Staff  8/16/06.

Mary Gardill  
 Project Manager  
 Division of Capital Asset Management  
 Commonwealth of Massachusetts  
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