



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: October 24, 2012

THE ZONING BOARD OF APPEALS OF THE CITY OF WALTHAM WILL HOLD A PUBLIC HEARING IN THE GOVERNMENT CENTER, 119 SCHOOL STREET, WALTHAM, MA ON NOVEMBER 27, 2012 AT 7:00 P.M. ON THE FOLLOWING:

Case No.: 2012-26. **Petitioner/Owner:** American Towers, LLC and Hilltop 110 Bear Hill LLC. **American Towers, LLC. Nature of Application/Petition:** Application for a Special Permit for the reconstruction/alteration of a nonconforming structure and dimensional variances from required height and setback provisions. **Subject Matter:** Petitioners requests the Board to allow the removal of an existing 300 foot above ground level lattice tower located at 110 Bear Hill Road and replace it with a 240 foot above ground level lattice tower at 50R Bear Hill Road (may also be known as 46 Bear Hill Road) which includes a proposed land swap, removal of an existing 365 foot guyed tower from 50R bear Hill Road, transfer of all existing antennas from the two towers to be removed to the new 240 foot lattice tower, and an access road to 50R Bear Hill Road over 110 Bear Hill Road. **Location and Zoning District:** Subject lot 50R Bear Hill Road and access lot 110 Bear Hill Road, Commercial C Zoning District. **Provisions of Zoning Ordinance Involved:** Article VII, Article III, Sections 3.5 and 3.722; Article IV, Section 4.11; and Article X, Sections 10.33, 10.374, 10.542, and 10.543 of the City of Waltham Zoning Ordinance. **Specific Manner in Which Subject Matter Varies from Zoning Ordinance:** The existing lattice tower located on 110 Bear Hill Road is 300 feet above ground level and exceeds the height limitations of Article IV, Section 4.11, which limits the height of buildings to 80 feet (to the extent applicable to towers) and Article X, Section 10.542, which limits the height of towers to 75 feet. Also, the existing lattice tower does not satisfy the current setback and fall Zone requirements of Article X, Section 10.543. Pursuant to Article III, Section 3.722 of the Code, reconstruction or a change of a nonconforming structure may be permitted with a grant of a special permit from the Board. The proposed tower, with relocated antennas extending to a height of 244 feet 6 inches above ground level and a lightning rod extending to a total of 250 feet above ground level, will likewise exceed the height limitations. The proposed tower will also not satisfy the setback requirements of Article 10, Section 10.543 of the Code. Section 10.543 requires that telecommunications equipment be set back 125 feet from all property lines, four (4) feet for every one (1) foot of height from the nearest residential structure and any public right-of-way, and two (2) feet for every one foot of height from any nonresidential structure. The Tower equipment will be 25 feet from the nearest property line. The proposed tower will be 467 feet from the nearest residence and 93 feet from the nearest nonresidential structure, an equipment shelter already located on 50R Bear Hill Road. Further information and plans concerning this case may be viewed at the Zoning Board of Appeals' Office, 119 School Street, Waltham, Massachusetts 02451;

Hours: Monday - Friday 8:30-4:30. **MEMBERS:** Chair Barbara Rando, Michael Cotton, Mark Hickernell, John Sergi, Glenna Gelineau. **ASSOCIATE MEMBERS:** Edward McCarthy, Oscar LeBlanc, Marc Rudnick, Michael Squillante, Gordon LaSane.