

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

December 18, 2018

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, December 18, 2018, in the Auditorium of the Arthur Clark Government Center, 119 School Street, Waltham.

In attendance were Acting Chair, John Sergi, and members Mark Hickernell, Glenna Gelineau, Sarah Hankins, Oscar LeBlanc and Marc Rudnick.

Acting Chair, Mr. Sergi: We have a continued case, Mark Resnick, Trustee of 70 Hall Street Realty Trust and we have two new cases, I believe cell poles and I believe one case that's going to be combined with that, Case No.2018-33 which is also a continued case.

The first order of business tonight is could I have a motion to accept the minutes of December 11, 2018.

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to accept the minutes of December 11, 2018.

Mr. Sergi: The members sitting on the first case are Mr. Hickernell, Ms. Gelineau and Mr. Rudnick and myself as Acting Chair. Barbara Rando was sitting on this case and she's not able to sit tonight.

Mr. Sergi: We do not see a representative for the petitioner here in the audience. I'll just again ask, is anyone here tonight representing Mark Rudnick of 70 Hall Street

Realty trust? Seeing no response, I assume no one is here, so how would the board like to proceed? Would you like to continue this case?

On motion of Mr. Rudnick, seconded by Mr. Hickernell, the board voted to continue this case to January 29, 2019.

The members sitting on the remaining cases were: Mr. LeBlanc, Ms. Hankins, Mr. Hickernell, Ms. Gelineau and Mr. Sergi.

Mr. Sergi: Now, we'll start with the continued case, 2018-33 Bentley University a proposed educational use of a communication facility.

Would the clerk please read the petition in Case No. 2018-33, Bentley University.

The clerk then read the petition for Bentley University in an application for a variance - dimensional/setback; Appeal of Inspector of Building's determination. Applicant proposes to install wireless educational communications equipment to an existing athlete-field light stanchion on the Bentley University Campus. Location and Zoning District: 400 Beaver Street; Residence A-3 Zoning District.

Mr. Sergi: May we hear from the Petitioner or the Petitioner's representative, please.

William J. Proia, Esquire, Riemer Braustein, Burlington office, representing the Applicant, Bentley University: I wanted to ask something procedurally because we talked about consolidating these cases and in order to give testimony for all three at the same time, I'll make a request if the board would indulge us to open all three so we could go back and provide testimony for all three at once, if that makes sense.

Barbara Rando
1/29/19

Mr. Sergi: How does the board feel?

Mr. Hickernell: I'm not sure we can open three cases at once. I think we'd have to hear them singularly.

Ms. Hankins: I think that would be confusing. If there's something that relates to another case that is relevant to yours, then bring it on, but I don't think we need to be opening other cases. That would just be my opinion.

Mr. Sergi: Are the relevant facts the same in all three?

Mr. Proia: I guess what we could do is if there are questions that are relevant to all of them, you could participate in that and then once those matters are open, if we are a tiny bit redundant, I guess that would work too. But, ya, I think there will be some issues that are applicable to all three.

Mr. Sergi: Are they separate locations?

Mr. Proia: Yes.

Mr. Sergi: Why don't we start off with this one and see where we go.

Mr. Proia: Again, thank you all. It's good to see you.

Just briefly, the posture of this is that we submitted a building permit application to the building department with a brief explaining the facility and how it's really an educational use because it's limited to the campus essentially. So the people using it will be students, faculty and visitors of the University and the building inspector said, no, I don't

agree with that. I think it's a wireless communications device, pure and simple, and so it has to go to the city council.

We think a mistake was made in the interpretation of the proposal, so that's why we are here before the board tonight.

So, just a little bit of context because when something happens at a college campus, just sort of two levels of analysis. So for example, almost everything on a campus, if it wasn't there, it would fall under another category of the zoning ordinance. For example, the Faculty Office building. If it wasn't on a campus and it wasn't in support of the University's Educational mission, it was somewhere else in the city, it would be an office building. But because it's on a college campus, there's a specific definition in the ordinance called an educational use and that would apply to a faculty office building on a college campus, one example. Another one would be the Cafeteria. If it wasn't on the campus it would be a restaurant, if it was on Main Street or Moody Street or something like that. And it would be subject to those regulations.

So here I think the building department made a hasty mistake by saying, oh, ya, it is a wireless communications device just like the cafeteria is a restaurant essentially. But because it's on the university campus and because of the way it's designed, to be specifically supportive of the educational purpose of the university, it's a wireless device and an educational use. So I just wanted to sort of point that out. And as I look back at my notes, except for Mr. LeBlanc, I think, I think the rest of the members were here when we did the Arena. And the same thing happened. We applied for a building permit saying, you know, the multi use Arena at Bentley is for performances, concerts and athletic events, but the building inspector said, well no, it's a commercial building. It's a theatre or it's a performing arts center and so you have to go to the board for relief. And so we came to the board and the finding was, I think it was an educational use even though it was both things. It was a theatre and arena but because it was supporting the university's educational

mission the board made the correct decision, in my opinion and classified it as an educational use.

That's sort of where we are now. We have this wireless device we are proposing as for the campus. This is a coverage map (Mr. Proia went over the map with the board). So as you see the only people that can actually use the network are going to be essentially the people that are visiting the campus. And the purposes of that are outlined in the brief, the executive summary, for students to do research, to coordinate their curriculum choices, to communicate with faculty, communicate with other students doing joint projects, to do academic research. So, I mean it's essential now for current educational models and purposes to have wireless coverage on a campus. And that's really the essence of what we are trying to accomplish.

Mr. Sergi: This is supporting the laptops and mobile devices that students are using in the classroom situation.

Mr. Proia: And faculty and staff. We also, I don't know if Ron's here but Ron can speak to it. Ron Ardizzone is from Bentley. It's a public safety network as well. So to communicate quickly, the students if there is an emergency on campus, so that will also be a benefit of having it on campus.

That's really the gist of it and the reason why we think the building inspector may have made a mistake in this case.

Mr. Sergi: Maybe he could lend a little bit more testimony to support the use as an educational use.

Ron Ardizzone, Senior Manager for Technology and vendor of services on campus. I'm also a lecturer. I actually went to Bentley, a double falcon, so I have a pretty significant

understandable of how that works and I also manage emergency notification systems which includes text, email, phone call, voicemail and in many areas of the campus, we have significant dead zones where students do not get most of the notifications. Most students would say, I didn't know snow days were cancelled, when the school is cancelled for snow but for the most serious issues, we had a bomb threat not too long ago that was last September, where we had an incident on campus and some of the students did not get some of those text messages particularly out on the fields where they were practicing, So from an emergency standpoint, I have served on the emergency management team for the last ten years, that's pretty much where we are at in terms of communication on campus. I'm also the Project Director for a new student information system that's a hundred percent mobile ready, for students who register for classes, schedule appointments for academic advising, check their grades, account balances and that's all going to be mobile ready. Our students are mobile natives so that's where they expect to do most of their stuff is through their phones.

Mr. Sergi: So, and this will be connected to their classroom work as well.

Mr. Ardizzone: Correct. Much more students, do work through group work so a lot of the sheer point projects are actually collaboration projects that they communicate through their apps on their phones.

Mr. Sergi: So it is necessary for their education.

Mr. Ardizzone: One hundred percent.

Ms. Hankins: So if it's AT&T that's coming in and installing this, will they help students who have other services besides AT&T.

Mr. Ardizzone: No. They are carrier specific. Each of the devices, the antennas. I know from our data we have fifty percent of those students have Verizon customers.

Mr. LeBlanc: Did they put one of them in at Brandeis? Didn't they come in front of the board. I sat on, I think a case maybe a year ago. They put some kind of thing for better signaling stuff. It might have been another company.

Mr. Proia: I think I can add something to that only because but by coincidence I was at a couple of ZBA hearings when the Verizon, it was Dan Klasnick if you remember and what they were proposing at Brandeis at the time was not a small cell like this, where the signal will be limited to a college campus and it would be integral to the university's educational purpose. That was a typical wireless proposal, a macro site, to cover gaps in coverage along the public ways and in the neighborhood.

Mr. Sergi: I remember that. They were going up on the rooftop. They had other auxiliary equipment to - - -

Mr. Hickernell: That case was brought in under the Federal Communications Act and yours is not. Is that correct?

Mr. Proia: That's right. We think we make the case that we just come under the educational use definition under the ordinance.

Mr. Hickernell: You're not citing the Dover Amendment either?

Mr. Proia: We didn't cite it but we think that the definition in the city ordinance is actually a little bit more lenient. Do you have it in front of you? I can read that definition.

Mr. Hickernell: I've got it in front of me. So to what extent will this network be usable by anybody not affiliated with Bentley, whether nearby or even passing through the campus area.

Mr. Proia: Nearby, not at all basically unless you are in the tiny little sections that bleed out of the campus but if you are visiting the campus, you can use it. Just like I was there last week and I used the cafeteria, I bought a sandwich, So again visitors to the campus would be able to use it if they were there but the overwhelming use will be students and faculty and staff that are permanently on campus.

Mr. LeBlanc: You're saying that the signal is basically inside of Bentley.

Mr. Proia: Yes.

Mr. LeBlanc: That's basically the statement that you are making.

Mr. Proia: Right.

Mr. LeBlanc: And you're putting this on an existing pole or a new pole. It looks like from the picture it's an existing pole and you're putting it up on the top.

Mr. Proia: Yes. There's an existing pole.

Mr. LeBlanc: Just curious. How big is it on the pole, not that it makes any difference.

(Mr. Proia displayed a tube that was about the size of what is proposed.) And it's forty feet on an existing pole.

Mr. Proia: Did I answer the question, Mr. LeBlanc, about the Brandeis proposal that you remembered?

Mr. LeBlanc: I remember the case. You must have been there when I was there.

Mr. Proia: I just happened to be in the audience. I've known Dan Klasnick for a while so I kind of followed the case with him.

Mr. Hickernell: So, you've made the pitch that the use would be primarily for this student network. Can the students on campus or anybody connected with the university also use this network for non-educational uses, video games, movies, shopping, whatever?

Mr. Proia: Yes.

Mr. Hickernell: So it's not limited to your integrated classroom system. It's just for on the university.

Mr. Proia: From Bentley's point of view, they wouldn't be able to have their students participate in their wireless platform without it but it does have a broader applicability. So students, whoever is on campus, could use it for other things as well. Again, Verizon and other carriers are vendors of the university. For example, the book store, it's like university run. There's a vendor that runs their book store. And, if you were on campus, you could buy anything that is there. Students can buy things that aren't specifically educational material. They can buy aspirin or a bottle of water or something like that. So, there's always some incidental things that happen on the university every single object and every single task or action of people isn't purely educational but it's primarily educational and the reason why Bentley is here proposing this is because they can't complete their educational mission or get their wireless platform up and running

without some kind of vender providing an network for them. So that's why we do a small cell and tailor it just so it covers the university.

Mr. Hickernell: And do you have any estimate of, and I understand this would be rough. Do you have any estimate of what percentage of this would be used for the educational purposes that you described?

Mr. Proia: I couldn't tell you that.

Mr. Sergi: Are there any questions from the board? There were none.

Is there anyone in the audience that is in favor of this petition?

(Five people raised their hand in favor.)

Is there anyone in opposition? Seeing none. Is there anyone seeking information? Seeing none. We will close that part of the hearing.

Mr. Proia: Again, unless you feel otherwise, I wanted to keep this hearing open just in case we have additional information to provide or do we have to close the public hearing because you're going to open a subsequent hearing. Is that —

Ms. Hankins: We are going to go through yours completely and then the second one.

I have a question. There's obviously been other cell towers put up between these two universities since cell phones have come into existence. So has the process been for the way it is throughout the city where you go through the city council for a special permit or not. Has it been - - -

Mr. Proia: There are no cell sites on Bentley.

Ms. Hankins: The other question that I have is the city council generally handles these so what was the problem just going through the city council for special permit?

Mr. Proia: It's an educational use, so there's no reason to go to the city council and we wouldn't want to subject ourselves to that when there's a by right use category under the zoning ordinance. That's really the reason. It doesn't fit under the category of just a wireless communications facility as a typical commercial site where you are just providing service to anybody. The carrier isn't specifically sort of teaming up with the university to provide specific educational applications for students. So it's a completely different use than a typical macro site that you and I would be driving and using as we travel around or in our house. So, that's really the difference.

Mr. LeBlanc: Why would you have to go to the city council for a two foot thing on top of an existing pole?

Mr. Sergi: Counselor I don't see a typical findings of fact or proposed decision.

Mr. Proia: We brought copies tonight. (Mr. Proia submitted copies to each member of the board.)

Mr. Sergi: Would the board like to take a five minute recess to review these?

Ms. Hankins: Did you ever have any meeting with the neighbors or have any input?

Mr. Proia: No, not specifically. The typical notice went out and we didn't get any input. We talked to Pam regularly to see if there was any correspondence. I did send the

application package in an email to the ward councillor and I did not hear anything back from her.

Mr. Hickernell: Just to clarify, if we find that this is an educational use is it your position that you don't need to address the setback issue.

Mr. Proia: Oh, thank you for reminding my. We actually submitted a revised plan last week to clarify the setbacks. We actually are compliant. There was a mistake in the original application, so because of the height of it, forty feet, under that section of the dimensional table we have to be set back 350 feet from any residential property line and we met that. So the new drawings on the first page, the title page is a zoning table that will show the distances. I think the closest we are to any residential property line is 527 feet and the other three dimensions are up to a thousand feet of set back. So to the extent we asked for any dimensional relief I would like to withdraw that officially.

Mr. Sergi: So do we want to take five minutes to review the proposed findings of fact and decision?

On motion of Mr. Hickernell, seconded by Ms. Gelineau the board voted for a five minute recess at 7:30 P.M.

The board reconvened at 7:35 P.M.

Mr. Sergi: Would you like to go through and read the findings of fact.

(Mr. Proia read the proposed findings of fact into the record since they have not been on file in the law department.)

Mr. Sergi: Are there any questions?

Mr. Hickernell: I have some proposed changes.

Page 2, no. 1, last line change variance to petition.

Page 2, no. 5, last line should read: Consistent with that Ordinance section and statute. This proposed single-antenna installation on land owned by a non-profit educational corporation for educational purposes requires only a building permit.

Add no. 6: The Petitioner has withdrawn its request for dimensional variances.

On motion of Mr. Hickernell, seconded by Ms. Hankins, the board voted to adopt the proposed findings of fact, as amended, as the findings of the board.

Roll call: Mr. LeBlanc, yes, Mr. Hickernell, yes; Ma. Gelineau, yes; Ms. Hankins, yes and Mr. Sergi, yes.

Mr. Sergi: You may continue with the Proposed Decision.

(Mr. Proia read his Proposed Decision into the record.)

Mr. Sergi: Are there any questions on the Proposed Conditions?

There were none.

Mr. Sergi: May I have a motion on the Proposed Decision?

On motion of Ms. Gelineau, seconded by Mr. LeBlanc, the board voted that the Proposed Decision be the Decision of the board.

Roll call: Mr. LeBlanc, yes, Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Sergi, yes.

Mr. Sergi: Will the clerk please read the petition in Case no. 2018-39?

The clerk then read the Petition of New Cingular Wireless PCS LLC by its Manager AT&T Mobility. Owner: Bentley University in an appeal of the Inspector of Buildings' determination that the proposed Educational Use Communications facility is not (i) an Educational Use as defined in Section 3.215 of the Zoning Ordinance, nor (ii) a permitted use under M.G.L. c. 40A, Section 3. The proposal is for the installation of a small-cell wireless facility at a height of approximately 32 feet 6 inches on a replacement light pole fixture and related ground electronic equipment. Location and Zoning District: 121 Forest Street, Residence A-2 Zoning District.

Mr. Sergi: May we hear from the Petitioner or the Petitioner's representative, please.

Edward D. Pare, Jr., Brown Rudnick LLP, 1 Financial Center, Boston, MA, came forward.

Mr. Pare: I am here representing New Cingular Wireless PCS LLC. Since my brother at the bar introduced earlier, AT&T is also seeking to install a small cell facility at Bentley and I also will be proposing a small cell at Brandeis momentarily. AT&T has the same issues that Verizon does. Just to clarify, there are no AT&T facilities at Bentley or at Brandeis. So any coverage that we are getting are from what we call macro sites from other areas in town or the city which have been previously approved by the city council. So there are no towers, there are no antennas on rooftop facilities. In this instance AT&T has located an existing light pole. It's a light stanchion that runs along College Drive that's

right near a parking lot for Bentley. What we are to do is to replace the pole with similar stature. Our antenna likewise is a two foot antenna up at the top but it will be incorporated into the light fixture, the light pole itself. We'll actually replace the light fixture with an LED lighting fixture so that it will continue to function as a lighting fixture as demonstrated by the radio frequency coverage plots that we provided with our application. AT&T likewise, their small cell provides a very small footprint of coverage as you see here in the green (displaying from an exhibit) that's the coverage that we will get. It is almost entirely on campus so it will benefit the students using computers, laptops, mobile devices, iPhones, iPads, etc. So it truly is an educational use. We are not looking to provide coverage outside of campus as you see from our coverage plots even where we get some leakage that might go outside the campus boundaries. It's not coverage that AT&T would consider robust for data services that the students are using. So the idea is that these devices are used so much data that in concentrated populated areas there are capacity issues. In this instance, it's on campus. So it's really only going to be a service only for those that are on campus, students for their educational use. As previously presented the students can use the devices for whatever means they want but certainly will be able to connect to library services, research services, Google , etc.

So, it's basically the same type of installation except that we will remove a pole, the light pole, with a new pole. It will be less than thirty-five feet so we don't have any height issues. So with that I would be happy to answer any questions. Ron is also here and I would incorporate his testimony with respect to Brandeis by reference but I will be happy to answer any questions that you might have.

Mr. Sergi: Just curious. How did the students operate without this before. I mean was there coverage there?

Mr. Pare: Well, they may have to use wifi. The difficulty with wifi is it's limited to an area. You may have it here but if you go over to city hall you may not have it. So they

might be getting some service but it's certainly not robust data service. And the more people that sign on to a network, the slower things get. So the idea is that the carriers are going in trying to find specific locations where they are having capacity problems, speed up the data services that the students will have. They're basically high speed broadband on mobile devices, computers and however they attach them these days.

Mr. Sergi: Thank you. Any questions from the board?

Mr. Hickernell: So you just compared this sort of to WiFi. What does this look like to a user? If your using a mobile device as a Bentley student or a faculty member, what does it look like?

Mr. Pare: You wouldn't see a difference. If you had AT&T service, this is AT&T specific as the last application dealt with Verizon, you would be able to connect to the AT&T network and get that speed I was comparing for purposes of leaving a mobile WiFi network which might be limited to a small footprint in this room but if you went outside on to Main Street, you would not be able stay connected. This as an AT&T user, you would be able to stay connected to whatever device, whatever app you were using, you would be able to take that app with you as you travel around campus. If you went to your dorm room where you may or not have WiFi, you would also be connected.

Mr. Hickernell: And as with the last petition, the footprint is squarely on the campus.

Mr. Pare: It is. As a matter of fact, we are really seeking to get some robust coverage and our coverage plots are in green and blue (referring to exhibit) that's what we are looking to do. That's entirely within the campus. You can't completely control the signal but whatever is leaving the campus area you will see is not adequately service to begin with. So this isn't a situation where we are trying to cover commercially a broad

geographic area. As we said in our application materials this isn't a typical macro site where we are trying to cover a spot of Waltham. This is just to provide access to students at Bentley, obviously the visitors who visit us that are also AT&T customers.

Mr. Hickernell: Okay and as with the last petition, you're not seeking not seeking any relief or citing the Federal Telecommunications Act?

Mr. Pare: We are not. This is a straight up, state law issue, we think we fit squarely under the ordinance and the Dover Amendment. It's an educational use which we argue. We think it's primarily educational because it will benefit all of the students. It's a better amenity that the campus will be able to provide. Like your other commercial operations, that you know are amenities like Dunkin Donuts or a sandwich shop. You know those are all considered educational uses and benefits to the students and this will be the same type of thing.

Mr. Hickernell: Are you aware of other universities and colleges in Massachusetts that have similar micro sites?

Mr. Pare: There's something similar called an Odas an outdoor distributing antenna system. I have done those in Newton at Boston College. Similar technology, a little bit different deployment from a physical perspective I have done them at Newton and Boston College campus in Boston.

Mr. Hickernell: I can imagine some people watching at home might wonder why Bentley has two almost identical applications. Why is this not redundant to the last petition that we just granted?

Mr. Pare: The last petition you heard is carrier specific. This is AT&T's application and AT&T's plan so this will service AT&T customers around the Bentley campus. I think

the last application Ron noted that was for Verizon folks so those are the two major carriers in the area. So this will be for AT&T customers both current and hopefully future.

Mr. Hickernell: Those are all the questions I have, Mr. Chair. Thank you.

Mr. Sergi: Are there any questions. There were none.

Mr. Pare: I did pass out a picture just to explain what the picture was. This was a recent installation that AT&T did in Boston. It's an actual site that was installed. I just wanted the board to see what a typical installation would look like with a light pole replacement. I think you will see if we went in there and changed the light pole and put this one in, people probably wouldn't notice it was changed.

Mr. Sergi: Thank you for that. Do we have any members in the audience in favor of this petition?

(Five people raised their hands in favor.)

Is there any person against the petition tonight? Seeing none. Any person here for any interest? Seeing none. We'll close that part of the hearing.

You also passed out the Proposed Findings of Fact and Decision. So if you grant us a five minute recess just to read them.

On motion of Mr. Hickernell, seconded by Ms. Hankins, the board voted to recess at 7:47 P.M. in order to read the Proposed Findings and Decision.

The board reconvened at 7:55 P.M.

Mr. Sergi: Would the counsel read the Proposed Findings of Fact into the record.

(Mr. Pare read his Proposed Findings of Fact into the record.)

Mr. Sergi: Are there any questions?

Mr. Hickernell: I'd like to amend the second sentence.

Page 3, no. 8, fourth line should read: Consistent with that statute and the Ordinance, this single-antenna installation proposed on land owned by a non-profit educational corporation for educational purposes, requires only a building permit.

Mr. Sergi: On the Proposed Findings of Fact, do I have a motion?

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted that the Proposed Findings of Fact, as amended, be adopted as the board's findings of fact.

Roll call: Mr. LeBlanc, yes, Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Sergi, yes.

Mr. Sergi: Could you proceed reading your Proposed Decision?

(Mr. Pare read his proposed decision into the record.)

Mr. Sergi: Are there any questions from the board on the Proposed Decision?

There were no questions.

Mr. Sergi: May I have a motion.

On motion of Mr. Hickernell, seconded by Ms. Gelineau, the board voted to adopt the Proposed Decision as the Decision of the board.

Roll call: Mr. LeBlanc, yes, Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Sergi, yes.

Mr. Sergi: Okay. The next case, a similar case, Case No. 2018-40, Petitioner New Cingular Wireless, PCS LLC.

Will the clerk please read the petition?

The clerk then read the Petition of New Cingular Wireless PCS LLC by its Manager AT&T Mobility. Owner: Brandeis University in an appeal of the inspector of Buildings' determination that the proposed Educational Use Communications facility is not (i) an Educational Use as defined in Section 3.215 of the Zoning Ordinance nor (ii) a permitted use under M.G.L. c. 40A, Section 3. The proposal is for the installation of a small-cell wireless facility at a height of approximately 35 feet on a replacement light pole fixture and related ground electronic equipment. Location and Zoning District: 415 South Street; Residence A-3 Zoning District.

Mr. Sergi: May we hear from the petitioner's representative, please?

Edward D. Pare, Jr., Brown Rudnick LLP, 1 Financial Center, Boston, MA, came forward.

Mr. Pare: This is pretty much identical to the last application on Bentley's campus. This is on the Brandeis campus.

Again, without being repetitive, while we do not have any sites on Brandeis, in fact, taking a look at AT&T's coverage maps, you will see that Brandeis is not very well covered at all from a wireless perspective. What we are looking to do, as I mentioned, the green and blue on our coverage maps and the current coverage has lots of dead spots. With this small cell facility, again it would be restricted to campus. You will see that the green and the blue is entirely on the campus. This is an existing site. All I am talking about is a dead smack in the middle here. Here's the green and the blue. This is the Brandeis campus. So in this instance, almost all of the coverage from AT&T's small cell facility will be contained on campus for the use of students, visitors, etc.

Like the application at Bentley, we are proposing to replace a thirty-two odd foot light pole. Again we will stay with the height limitation in the A-3 zone of thirty-five feet. The top of the antenna will be at thirty-five feet. The antenna is two feet tall attached to the top of that light. The light itself will be replaced by a modern LED light fixture and will continue to function as a light. Again, this is right next to a parking lot in the middle of campus, so it really is a sweet spot for the students, faculty and folks visiting the campus.

I would be happy to answer any other questions. I don't want to be redundant but it's pretty much the type of installation. We probably even have more of a need at Brandeis than even at Bentley with the coverage issues that AT&T already has. Again, it will service AT&T customers and it who also happens to be students and the vast majority of students are AT&T or Verizon customers.

Mr. Sergi: As similar as the prior case, most of these here are all students, faculty and education providers.

Mr. Pare: Correct. People on campus; people in the dorm rooms again similar to the discussion we had about Bentley. They will be able to keep their mobile devices and stay connect to high speed wireless.

Mr. Sergi: Are there any questions?

Mr. Hickernell: Just to make sure this case has a complete record, you're not bringing this under the Federal Communications Act of 1996?

Mr. Pare: We are not. We are bringing it pursuant to the ordinance and pursuant to state law and the Dover Amendment.

Mr. Hickernell: I didn't get a good look at your coverage map from here but to what extent, if any, is there a spill over outside of the campus?

Mr. Pare: The targeted coverage that we are trying to achieve in blue and green are almost none. You will see that there is a lot of inadequate coverage but the real crux of the coverage will be on the Brandeis campus itself.

Mr. Hickernell: That's all I have. Thank you Mr. Chairman.

Mr. Sergi: Are there any questions. There were no questions by the board.

May i have a motion for a five minute recess to read the Findings of Fact.

On motion of Mr. Hickernell, seconded by Ms. Gelineau the board recessed at 8:08 P.M.

The board reconvened at 8:12 P.M.

Mr. Sergi: Will you please read your Proposed Findings of Fact into the record?

Mr. Pare read his Proposed Findings into the record.

Mr. Sergi: Are there any questions?

Mr. Hickernell: We have one amendment substituting Brandeis for Bentley in paragraph 7 and I would make the same change to paragraph 8 that I proposed for the last petition.

Mr. Sergi: Are there any other questions or changes from board members? (There were none.)

May I have a motion on the Proposed Findings of Fact as amended?

On motion of Ms. Gelineau, seconded by Mr. LeBlanc, the board voted to adopt the Proposed Findings of Fact, as amended, as the Findings of the Board.

Roll call: Mr. LeBlanc, yes, Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Sergi, yes.

Mr. Sergi: Please read the Proposed Decision into the record?

(Mr. Pare read his Proposed Decision into the record.)

Mr. Hickernell: So that's actually two sheets, the A-1 and A-2 that were submitted?

Mr. Pare: Correct.

Mr. Hickernell: How do you feel about making construction and use also be consistent with those plans. I think we have something like that in most of our decisions.

Add to end: All construction and use shall be consistent with the same plans (A-1, Key Plan and Elevation)A-2 (Equipment Details).

Mr. Pare: No problem whatsoever.

Mr. Sergi: Are there any other questions on the Proposed Decision?

There were no questions.

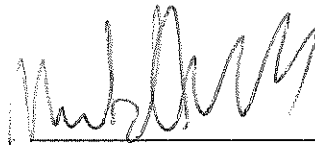
Mr. Sergi: May I have a motion on the amended decision.

On Motion of Ms. Gelineau, seconded by Mr. LeBlanc, the board voted to adopt the Proposed Decision, as amended, as the Board's decision.

Roll call: Mr. LeBlanc, yes, Mr. Hickernell, yes; Ms. Gelineau, yes; Ms. Hankins, yes and Mr. Sergi, yes.

Mr. Sergi: One more motion is in order.

On motion of Mr. Hickernell, seconded by Mr. LeBlanc, the board voted to adjourn at 8:15 P.M.

 Barbara Rando 1/29/19