

Lynnfield Zoning Board of Appeals
c/o Ms. Winnie Barrasso
Zoning Board Secretary
Lynnfield Town Hall
55 Summer Street
Lynnfield, MA 01940

Date: August 9, 2019
Site Address: 325 Rear Broadway, Lynnfield, MA 01940

Dear Members of the Zoning Board of Appeals:

Re: Eligible Facilities Request to Modify Transmission Equipment at an Existing Base Station located at 325 Rear Broadway, Lynnfield, MA 01940

A. T-Mobile is Filing an Eligible Facilities Request

T-Mobile Northeast is submitting the attached Eligible Facilities Request application to add, remove, modify, or replace Transmission Equipment at an Existing Base Station located at 325 Rear Broadway, in Lynnfield.

Because this jurisdiction has not yet developed an Eligible Facilities Request permit application form that complies with Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the "Spectrum Act" (Pub. Law No. 112-96, 126 Stat 156) (codified at 47 U.S.C. § 1455), this Eligible Facilities Request is attached to the Application to Construct, Repair, Renovate, Change the Use or Occupancy of, or Demolish any Building other than a One or Two Family Dwelling permit application form which was customarily used by this jurisdiction when reviewing requests to collocate or modify wireless telecommunications facilities. Because federal law now preempts many of the permit application requirements that this jurisdiction would previously have required from an applicant, this Eligible Facilities Request application provides only the information that federal law allows this jurisdiction to consider when reviewing an Eligible Facilities Request.

Section 6409(a) of the Spectrum Act mandates that state and local governments "*may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.*" Under Section 6409(a)(2)(A)-(C) an Eligible Facilities Request is any request to modify a Tower or Base Station that involves "collocations of new Transmission Equipment," "removal," or "replacement" of Transmission Equipment.

This Eligibility Facilities Request involves an effort to collocate Transmission Equipment on the water tank used by T-Mobile as a base station. T-Mobile currently has nine (9) antennas and (3) RRU's located on the water tank at a centerline of 52'. T-Mobile proposes to modify its existing base station by replacing three (3) antennas, three (3) RRU's and adding three (3) 6x12 HCS cables to the water tank.

B. Why this Eligible Facilities Request Must Be Granted

This Eligible Facilities Request involves an effort to collocate, remove, modify, or replace Transmission Equipment at an existing Base Station operated by an FCC licensed wireless carrier. The FCC has defined Base Station as “the equipment and non-tower supporting structure at a fixed location that enable Commission-licensed or authorized wireless communications between user equipment and a communications network . . . the term includes equipment associated with wireless communications service including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supply, and comparable equipment.” The term existing base station also includes a structure that currently houses or supports an antenna, transceiver or other associated equipment that constitutes part of a Base Station at the time the application is filed even if the structure was not built solely or primarily to provide such support. The existing Base Station in this application is 61+/- Feet high and presently contains wireless facilities. The existing Base Station meets the Federal Communications Commission (“FCC”) definition of a Base Station.

The list of equipment identified in the Eligible Facilities Request application that will be collocated, removed, or replaced at the Base Station also is Transmission Equipment as determined by the FCC. The FCC has defined Transmission Equipment as “any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply. This definition includes equipment used in any technological configuration associated with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband.”

The FCC, in a Report and Order adopted on October 17, 2014, determined that any modification to an existing telecommunications Base Station that meets the following six criteria does not substantially change the physical dimensions of the existing Base Station and therefore is an Eligible Facilities Request which must be granted:

1. The modifications to the Transmission Equipment do not increase the height of the Base Station by more than 10 percent (10%) or ten (10) feet, whichever is greater.
2. The modifications to the Transmission Equipment do not protrude from the edge of the support structure by more than six (6) feet.
3. The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.
4. The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Base Station site.
5. The modifications to the Transmission Equipment do not defeat any existing concealed or stealth-design.

6. The modifications to the Transmission Equipment comply with prior conditions of approval of the Base Station, unless the non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds in numbers 1-4.

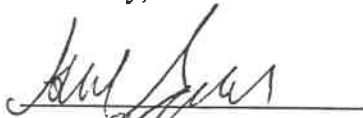
There is a certification attached to the accompanying Eligible Facilities Request that identifies how each of the six review criteria identified by the FCC is met. The modifications to the Transmission Equipment at the Base Station located at 325 Rear Broadway contained in this Eligible Facilities Request fully conform to Section 6409(a) as enacted by Congress and as interpreted by the FCC. Accordingly, this Eligible Facilities Request must be approved within 60 days, as required by federal law and FCC implementing regulations.

C. Notice of Federal Law Expedited Permit Processing and Deemed Granted

Under federal law, an Eligible Facilities Request is deemed granted sixty (60) days after a complete application is filed with a local jurisdiction. If sixty days pass after the submission of T-Mobile's accompanying Eligible Facilities Request and the Town of Lynnfield has not acted to grant or deny the request, it will be deemed granted. At that time, the applicant may advise the Town of Lynnfield that the application has been deemed granted. If the Town of Boston wishes to contest whether the Eligible Facilities Request has been deemed granted, the burden is on the Town of Lynnfield to file a lawsuit in a court of competent jurisdiction within 30 days after receipt of a written communication notifying it that the Eligible Facilities Request has been deemed granted. Failure to file a lawsuit in a timely manner may forever bar this jurisdiction from contesting that this Eligible Facilities Request has been deemed granted.

T-Mobile is committed to working cooperatively with you, and all jurisdictions around the country, to secure expeditious approval of requests to modify existing personal wireless service facilities. Please do not hesitate to contact me if you have questions.

Sincerely,



Gerry Squires

J. Lee Associates

RECEIVED

2019 AUG 13 A 9:47

Petition
TOWN OF LYNNFIELD
ZONING BOARD OF APPEALS

TOWN CLERK'S OFFICE
LYNNFIELD, MA

Name of Petitioner T-Mobile Northeast LLC

Address C/o Gerry Squires JLee Associates 101 Palisades cir. Stoughton, MA 02072

Address of Property which is the subject of the
Petition 325 Rear Broadway, Lynnfield, MA 01940

1. Indicate and describe relief being sought by this petition:
(check appropriate box)

- A. Appeal Decision made by _____ Date _____
Bldg. Inspector, Planning Board, etc.
- B. Apply for a Variance

- C. Apply for a Special Permit

- D. Other (specify)
Administrative Review - Wireless Eligible Facilities Request

2. Specify Zoning Bylaw Sections(s) from which you desire relief:
Section 6409 of the Federal Spectrum Act and section 7.4 of the
Relief cannot be granted at this hearing for any condition or bylaw not stated above
Bylaw

3. With respect to Land under consideration:

A. Its Area _____ square feet, street frontage _____ feet

B. District Zone (see Bylaws) GB

C. Deed Record: Registry of Deeds _____

Book 4357 Page 292 (see tax bill)

Or Land Court _____

Book _____ Certificate _____

Map 56 Parcel 469

4. Ownership

A. Name, Address of Owner(s)

Lynnfield Water District, 842 Salem St. Lynnfield, MA 01940

B. If applicant is not owner, check the interest in the premises, and attach evidence of such interest.

Prospective Buyer: _____

Lessee: X _____

Other (explain) _____

5. The undersigned petitioner affirms the foregoing statements are true statements of fact:

Signed [Signature] Street and Number 101 Palisades Cir.
Town/City Stoughton State MA Phone No. 781-363-6334
Assessors Clerk _____ Date _____

6. A check payable to the Town of Lynnfield shall be delivered to the Board of Appeals, Town Hall, Lynnfield, MA 01940 for the proper amount indicated in the above fee schedule.

7. The Application and fee shall be submitted to the Town Clerk at least four (4) weeks prior to date of the hearing.

8. Public Hearings are normally scheduled for the 1st Tuesday of each month

Petitioner not to write below

.....
Petition reviewed by Building Inspector for completeness _____
Received and Stamped by Town Clerk _____
Entered with the Board of Appeal _____
Fees actually paid \$ _____
Advertised in _____
Parties of interest mailed notices _____
Hearing Date _____