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June 3, 2021

VIA EMAIL

Weymouth Board of Zoning Appeals
c/o Eric Schneider
Weymouth Town Hall
75 Middle Street
Weymouth, MA 02189

RE:	Temporary Wireless Communication Facility Zoning Application (the "Application")
Applicant:	New Cingular Wireless PCS, LLC d/b/a AT&T ("AT&T")
Site:	87 Wharf Street, Weymouth, MA (Assessor's Map 19, Block 172, Lot 2) (the "Site")
Owner:	Town of Weymouth (the "Town")
Facility:	Install a 120' above ground level ("AGL") temporary and removable monopole-style ballasted tower (the "Monopole") with six (6) panel antennas (two (2) antennas per sector) mounted at the 116' AGL antenna centerline height on the Monopole, together with related amplifiers, coaxial cables, fiber and other associated antenna equipment including remote radio heads, surge arrestor, cable trays, a small GPS antenna and conduits, and the associated electronic equipment to be located within a Cell on Wheels (the "COW") shelter within a temporary fenced compound area (the "Facility").
Relief Requested:	Special permit for an extension, change or alteration of a pre-existing, nonconforming use as a Wireless Communications Facility pursuant to: Sections 120-40 and 120-122(D) of the Town of Weymouth Zoning Bylaw (hereinafter, the "Bylaw"); Massachusetts General Laws chapter 40A; and the federal Telecommunications Act of 1996 (the "TCA"); for the construction, operation, and maintenance of a temporary Wireless Communication Facility, and such other relief as deemed necessary, all rights reserved.

Dear Honorable Members of the Weymouth Board of Zoning Appeals:

On behalf of AT&T, while reserving all rights, we are pleased to submit this legal brief to the Town of Weymouth Board of Zoning Appeals (the "Board") in support of AT&T's special permit application (the "Application") for the installation, operation and maintenance of the proposed temporary Facility at the Site, all in accordance with the TCA. The following provides background information regarding the Facility and addresses each applicable section of the Bylaw and the Board's Regulations, defined below.

BACKGROUND

The Site is located within the PIP (Planned Industrial Park) zoning district. As a temporary facility, AT&T proposes to install a removable ballasted Monopole on the Site. AT&T will temporarily collocate six (6) panel antennas at the 116' AGL antenna centerline height on the proposed Monopole, together with related amplifiers, coaxial cables, fiber and other associated antenna equipment including remote radio heads, surge arrestor, cable trays, a small GPS antenna and conduits, and the associated electronic equipment to be located within a COW shelter within a temporary fenced compound area. The temporary Facility will be removed upon completion of a permanent replacement facility solution or pursuant to the license agreement with the Town. As noted on the plans (the "Plans") submitted with this Application, no permanent foundation will be installed. AT&T proposes this Facility as a temporary replacement of the wireless facility existing on the existing smokestack on Site which is being demolished and removed. A wireless facility at that proposed height would not conform to the Bylaw.

The Facility is shown in detail on the Plans attached hereto and submitted with this Application. The Application follows the applicable sections of the Bylaw and sets forth AT&T's response to each of the relevant provisions.

AT&T is authorized by the Town, as owner of Site, to file for zoning relief and permits for the temporary Facility on the Site. As you may know, AT&T operates a nationwide wireless communications system that offers enhanced features such as caller ID, voice mail, e-mail, superior call clarity, and high-speed data services. AT&T is in the process of building out and maintaining a national network as required and authorized by license issued by the Federal Communications Commission (the "FCC"). By filling a significant coverage gap with the anticipated loss of the existing wireless facility on the smokestack on Site, the Facility will aid in reaching AT&T's goal of continuing to provide reliable wireless telecommunications services in and around the Town of Weymouth and to all of Massachusetts. We have provided coverage maps depicting the loss in existing coverage. Of course, AT&T is working on one or more replacement locations to permanently address the coverage loss.

AT&T submits that the Site is well suited for a temporary wireless communications facility and that the Site satisfies the intent and purposes of the Bylaw and the TCA, to the extent possible. As will be demonstrated through the Application materials and the written and oral evidence at the public hearing in connection with the Application, the proposed Facility meets with all applicable requirements of the Bylaw. The temporary Facility will not adversely impact adjacent properties and neighborhoods as the Facility will be located on a temporary Monopole which will replace the smokestack structure, albeit at a significantly reduced height. The installation of the Facility will not be a threat to public health, safety and welfare. In fact, AT&T submits that the Facility will aid in public safety by continuing to provide and improve wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity and along the nearby roads. These services further the public interest of health and safety as they will provide wireless 911 services

to the community and communication services for the public. According to published reports, more than 240 million 911 calls, or nearly 80% of all calls received by the 911 centers nationwide, are made annually from mobile devices in the United States. Today, wireless infrastructure is a necessary component for public safety.

The temporary Facility will function as a wireless communications services facility within a local, regional and national communications system. This system operates under license from the FCC and AT&T is mandated and authorized to provide adequate service throughout the Town of Weymouth. The Facility will not generate any objectionable noise, odor, fumes, glare, smoke, or dust or require additional lighting or signage. The Facility will have no negative impact on property values in the area. No significant increase in traffic or hindrance to pedestrian movements will result from the Facility. On average, only one or two round trip visits per month are required to service and maintain the Facility. This is an unmanned facility and will have minimal negative effect on the adjoining lots. This Facility does not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

COMPLIANCE WITH SECTION 120-40 OF THE BYLAW

Any lawful building or structure or use of a building or structure or premises or part thereof at the time this bylaw or any amendment thereto is adopted may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, subject to the conditions and requirements of Article XXV of this bylaw.

AT&T's proposed temporary Facility will not be substantially more detrimental than the existing antennas mounted on the existing smokestack because the Monopole will be temporary, much lower in height than the smokestack and the antennas mounted in a manner which will not exceed the height of the Monopole. The use will continue to be passive in nature and not produce excessive noise, smoke, odors, glare, waste, dust, or excessive amounts of traffic. Once constructed, visits to the Facility will average one or two per month by maintenance personnel who will park their SUV on the Site and not along the street.

COMPLIANCE WITH SECTION 120-122(D) OF THE BYLAW

D. Criteria for approval by special permit granting authorities. The special permit granting authority may approve any such application for a special permit only if it finds that, in its judgment, all of the following conditions are met:

(1) The specific site is an appropriate location for such a use.

The Site continues to be an appropriate location for the use because the proposed Facility will be a temporary installation on a ballasted Monopole with equipment

located at ground level. The Town intends to demolish the smokestack and the temporary Facility allows AT&T to maintain coverage during the demolition project. The Site is a large parcel with vegetation along its boundary to partially screen the Monopole from view. The Facility will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. The Facility will comply with all applicable laws and regulations including the FCC requirements relating to radio frequency emissions and the Massachusetts State Building Code. Further, the Facility will continue to provide communication coverage and connections in this area of the Town of Weymouth. The Facility will continue to improve emergency communications for police and fire by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. In fact, published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless communications have been the only form of reliable communication. These services further the public interest of health and safety as they will maintain wireless 911 services to the community and communications services for the public. According to published reports, more than 240 million 911 calls, or nearly 80% of all calls received by the 911 centers nationwide, are made annually from mobile handheld devices in the United States. Today, wireless infrastructure is required to assist with public safety needs. As we know, many homes no longer contain traditional land line phone service. Lastly, the installation of the temporary Facility at the Site will assist the Town of Weymouth in complying with its obligations under the TCA.

(2) The use involved will not be detrimental to the established or future character of the neighborhood or Town.

The proposed temporary Facility will not be detrimental to the established or future character of the neighborhood or Town because the use is temporary, passive in nature and will not generate excessive noise, odors, waste, smoke, or glare.

(3) There will be no nuisance or serious hazard to vehicles or pedestrians.

Once constructed, visits to the temporary Facility will average one or two trips per month by maintenance personnel who will park their SUV by the gate of the fenced compound area and not on the street.

(4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

The proposed temporary Facility will function with standard electric and telephone services already available on the Site. No Town services are required.

(5) The public convenience and welfare will be substantially served.

The Facility will continue to provide enhanced wireless communications services to the residents, business and travelers in the Town of Weymouth. The Facility will maintain emergency communications for police and fire by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. AT&T's proposed temporary Facility will be consistent with the purpose of the Bylaw because the proposed Facility will be a temporary installation on a ballasted Monopole with equipment located upon temporary COW at ground level. The Site is a large parcel with vegetation along its boundary to partially screen the Monopole from view. The Facility will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. The Facility will comply with all applicable laws and regulations including the FCC requirements relating to radio frequency emissions and the Massachusetts State Building Code. Further, the Facility will continue to provide communication coverage and connections in this area of the Town of Weymouth. In fact, published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless communications have been the only form of reliable communication. These services further the public interest of health and safety as they will maintain wireless 911 services to the community and communications services for the public. As noted above, according to published reports, more than 240 million 911 calls, or nearly 80% of all calls received by the 911 centers nationwide, are made annually from mobile handheld devices in the United States. Today, wireless infrastructure is required to assist with public safety needs because many homes no longer contain traditional land line phone service. Lastly, the installation of the temporary Facility at the Site will assist the Town of Weymouth in complying with its obligations under the TCA.

COMPLIANCE WITH WEYMOUTH BOARD OF ZONING APPEALS RULES AND REGULATIONS

Section 6.2 Site Plans

The Applicant's property under consideration and boundary information drawn to scale: the scale to be appropriate to show proposed improvements and existing conditions including drainage and topography, building setbacks, parking layout and dimensions, landscaping, dumpster location, fencing, zoning classifications and district lines, line of watershed and groundwater protection districts, line of vegetated wetlands and limits of 100 foot buffer zone, and all structures within 50 feet of locus. Plans shall show existing conditions at the time of application.

Drawings shall show all overall dimensions and calculations for required parking. The site plan shall be prepared by a Professional Architect, Engineer, Landscape Architect and / or Land Surveyor, as required, who shall be registered in Massachusetts.

The plan shall be at a scale of one-inch equals forty feet, or such other scale as the Board may accept to show details clearly and adequately. Any street and / or utility profiles shall be at a scale of one-inch equals 40 feet horizontal and one-inch equals four feet vertical. All elevations shall refer to the Town of Weymouth Datum. All plans shall contain the following information:

A. **A title, appearing in the lower right-hand corner of the plan, showing the name of the proposal, if any; the date; scale; the names of the designer; the names of the professionals who made the plan with their signature and stamp;**

B. **North point, whether true, magnetic or grid benchmark and so indicated, and boundaries of the parcel(s);**

C. **Location and ownership of abutting property;**

D. **Major features of the land, such as vegetated wetlands and bordering vegetative wetland areas, as required by MGL c. 131, § 40 and c. 119 of the Code of the Town of Weymouth, natural drainage courses, walls, fences, buildings, paved areas, trees 12 inches in diameter measured four feet above the ground (dbh), wooded areas, outcroppings and ditches which exist on or near the site at the time of survey;**

E. **Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the proposed area;**

F. **Sufficient data to determine the location, direction and length of every street and way line, lot line, easement and boundary line, and to establish these lines on the ground;**

G. **Location of all permanent monuments properly identified as to whether existing or proposed;**

H. **The zoning district classification of land shown on the plan and the location of any zoning district boundaries that abut the locus of the plan, including notice of any decisions by the Board of Zoning Appeals, pertaining to, but not limited to, variances and exceptions regarding the land or any buildings thereon. The applicable minimum front, side and rear yard depths for each lot as is required by the Zoning Ordinances;**

I. Sheet, Block and Lot number(s) from the Town Atlas;

J. Existing and proposed topography at 2 feet contour intervals. The date of the field survey used to determine all surface water elevations shall be noted;

K. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, and dimensions of gutters or swales, including data on borings and percolation tests made, and method of conveying water to the nearest watercourse or easements for drainage as needed, whether or not on the subject property;

L. If stormwater drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he/she shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Department of Public Works or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property;

M. Typical cross sections of each street, roadway, parking lot and sidewalk to be constructed;

N. Location of proposed street lights, and pedestrian lighting;

O. All Special Flood Hazard Areas as listed in the Zoning Ordinance shall be shown on all plans.

AT&T respectfully asserts that it has submitted Plans of sufficient detail of the temporary Facility for the Board to render an informed decision. To the extent that the Plans do not strictly comply with the Weymouth Board of Appeals Rules and Regulations (the "Regulations"), AT&T requests any waivers necessary.

Section 6.6 Soil Survey and Percolation Tests

Soil survey data is required for the area within the plan shall be shown by a copy of the appropriate section of the Weymouth, Norfolk Soil Map.

Test borings and / or test pits are required for all projects where there is:

A. Proposed excavation for any building parking, driveway or utility installation where the soil map indicated a shallow depth to bedrock, a ledge outcropping or vegetated wetland is found within 10 feet of the right of way;

B. Noted already; and

C. Location of any drainage detention/retention structure whether above or below grade.

AT&T's temporary ballast Monopole will not require any significant excavation. Standard electric and telephone service will run underground from an existing utility pole to the temporary Facility. AT&T respectfully asserts that, given the scope of this project, no soil survey data or test pits are required and AT&T requests a waiver from this provision of the Regulations requiring a soil survey and percolation test.

Section 6.7 Landscape Plans Note: A landscaping plan is required for any project except a single-family dwelling.

Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

Landscape plans shall be superimposed on the site plan and contain the following items at a minimum:

A. The name and address of the person preparing the Landscape Plan;
B. The locations, dimensions and areas for proposed landscaping areas;
C. Differentiate between developed and undeveloped / natural areas of a parcel, and areas set aside for future development;
D. Existing and proposed walls and fences (type and height, with details as applicable);
E. The location and / or arrangement of proposed plantings, showing actual location for each plant (show ground cover planting limits instead of individual plants);
F. Existing natural vegetation to be incorporated into formal landscaped areas;
G. Cross-sections of typical planting and berm areas; and
H. Stormwater management ponds, basins and swales, if the side slopes of these stormwater management facilities are proposed to contain some of the required landscaping materials.

A planting schedule of proposed plants shall include the following:

A. Plant types, with both common name and botanical names;
B. Amounts / number of plants;
C. Caliper size of deciduous trees measured at 6 inches above grade (nursery standard), and caliper size of evergreen trees measured at 3 feet above grade (forestry standard);

D. Proposed minimum heights of conifer trees and plantings;
E. Spacing of proposed plantings/shrubs, and other relevant conditions of the plants; and
F. Gallon sizes of shrubs and groundcover.

AT&T's Facility is a temporary installation. AT&T respectfully asserts that the existing vegetation on the Site will be sufficient to partially screen the proposed temporary ballast Monopole from view, particularly given the significant reduction in height when compared with the Smokestack and requests a waiver from this provision of the Regulations requiring a landscaping plan.

Section 6.8 Lighting Plans

Note: A lighting plan is required for any project except for a single family-dwelling.

Lighting plans shall contain the following information:

A. Location and mounting information for each light. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, etc.;

B. Illumination calculations showing light levels in foot-candles at points located on a 10 foot on center grid; which demonstrates 0.0 foot-candles at the property lines;

C. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture;

D. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods; and

E. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

AT&T does not propose any additional exterior lighting on the Site as a result of its temporary Facility and requests a waiver from this provision of the Regulations requiring a lighting plan.

Section 6.9 Storm Drainage Design / Stormwater Reports

All applications shall comply with the current Department of Public Works (DPW) Rules, Regulations, and Construction Specifications (DPWRRCS). All stormwater management systems shall be designed, installed and maintained in accordance with the Regulations herein to provide adequate disposal of surface water with regard to quantity and quality, including control of erosion, sedimentation, flooding, and standing water from or in the site development and adjacent lands. All stormwater management systems shall be subject to approval by the Board of Zoning Appeals and / or the Department of Public Works (DPW), as applicable, and shall adhere to the standards set forth below.

A. Drainage Design and Construction

1. **All design and construction shall be in accordance with the current specifications of the DPW and DEP Stormwater Management Standards and any amendments thereto.**
2. **Adequate provision using site planning, source controls and pollution prevention, as well as DEP Best Management Practices, shall be made for the disposal of all stormwater collected on streets, roofs or other impervious surfaces through a stormwater management system which will not have adverse impacts on abutting or downstream properties.**
3. **The current versions of the Massachusetts DEP Stormwater Management Policy Handbook and Stormwater Management Standards adopted by the DEP for controlling stormwater are incorporated into these Rules and Regulations, by reference.**
4. **The biological and chemical properties of the receiving waters will not be degraded by the stormwater run-off from the development site, using the best practicable measures. Provision for attenuation of runoff pollutants shall be incorporated into the stormwater management design. Every stormwater management system shall demonstrate that it shall provide a minimum of 80% Total Suspended Solid (TSS) removal.**
5. **An Operation and Maintenance Plan (OMP) shall be provided for the proper maintenance of the stormwater management system and to ensure that systems function as designed, in accordance with DEP Best Management Practices. All components of the stormwater management system located on the project site shall be the responsibility of the property owner as to its long-term maintenance.**
6. **A Long-Term Pollution Prevention Plan shall be provided (as required by the Massachusetts Stormwater Management Policy Manual, Standard 4). The plan shall include measures to prevent illicit discharges to the stormwater management system, including wastewater discharges and discharges of stormwater contaminated by contact with process wastes, raw materials, toxic pollutants, hazardous substances, oil, or grease.**

7. **If required, connections with any existing drains owned by the Town of Weymouth shall require a Drain Connection Permit issued by the DPW and shall be constructed in accordance with current DPW specifications. Connections shall only be made to storm drain facilities which are deemed adequate by the DPW, and to which the Town has adequate maintenance access. The applicant shall show on the site development plan the size and location of existing storm drain facilities that the project site will connect to. If, during construction, any drainage provisions should be found to be inadequate or omitted, because of conditions encountered during actual construction, the DPW shall require that such additional drainage facilities as are necessary be constructed by the developer at his expense. All field changes to the stormwater management system must be reviewed and approved by the DPW and the Town Engineer.**
8. **The proposed site development will not increase the rates, concentration or velocity of runoff, and it will minimize the volume increase of runoff from the project site to the Town's drainage system or adjoining properties, to the satisfaction of the Town Engineer and the DPW. The design of every stormwater management system shall demonstrate that no increase in off-site runoff rates or flooding for the 2, 10, 25 and 100-year storm events shall occur.**
9. **A sufficient number of soil evaluations shall be performed in areas to be used for infiltration, detention and retention to determine the seasonal high ground water elevation, soil types and percolation rates. The soil evaluations must be performed by a Massachusetts Approved Soil Evaluator.**
10. **Project sites shall be graded as to prevent low spots that will not drain and create a public nuisance and to prevent excessive erosion. Where low spots cannot be avoided, they shall be drained by means of a drain pipe no smaller than 12 inches in diameter, and catch basins or other approved inlet structure.**
11. **Manholes shall be located at any change in direction or slope of a drain pipe. Catch basins shall be connected to manholes and not to other catch basins.**

B. Drainage Calculation Report

The drainage calculation report shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, calculation of the size and area of any existing impervious areas to remain as well as any proposed impervious areas, and proposed best management practices for the permanent management and treatment of stormwater. The drainage calculation report shall also contain sufficient information for the BZA and DPW to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The drainage calculation report shall contain drawings and narratives that fully describe the project and shall be in

accordance with the criteria established in the Regulations and must be submitted with the stamp and signature of a Licensed Professional Engineer(PE) licensed in the Commonwealth of Massachusetts.

1. **Drainage Calculations are required for:**
   a. **All applications having 7,500 square feet or more of impervious area. (This is the total amount of impervious area on the property counting any existing impervious area to remain as well as proposed impervious area.)**
   b. **Any application showing a proposed stormwater management system.**

2. **Drainage calculations shall be based upon the following:**

   a. **Soil Runoff Curve Number(s) (RCN) shall be based on land use and type of land cover, and soil hydrologic group for each watershed area or sub-watershed area. Soil types shall be determined by creating (and providing with the application) a plan showing the site and the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil classifications that exist on the site. TR-55 shall be used for calculating RCNs and/or weighted average RCNs if applicable.**
   b. **TR-55 shall be used for calculating the Tc for sheet flow, shallow concentrated flow, & channel flow.**
   c. **The model TR-20 shall be used for developing hydrographs for the required design storms and for determining peak discharge rates and runoff volumes. Analysis shall be provided for the 2-year, 10-year, 25-year, and 100-year 24- hour storms. The specified design storms shall be defined as a 24-hour storm using the rainfall distribution recommended by the Northeast Regional Climate Center "Atlas of Precipitation Extremes for the Northeastern United State and Southeastern Canada", and selection of data shall be specific to the South Shore of Massachusetts.**
   d. **Infiltration structures shall be placed only in type A, B or C soils as designated by the United States Soil Conservation Service. The systems shall be sized based on Rawls Infiltration Rates (see Table 2.3.3 under Volume 3 of the Massachusetts Stormwater Management Standards).**

3. **A Drainage Calculation Report shall be bound and include the following information:**

   An applicant shall provide two (2) copies of the Drainage Calculation Report to the Weymouth Board of Zoning Appeals (BZA) to allow the BZA and DPW to evaluate the design of the proposed stormwater management system.

a. Project Narrative that includes, at a minimum, a description of existing and proposed site conditions; existing and proposed stormwater management systems; SCS soils information; field test results and a summary of calculation methods.

b. Hydrologic and hydraulic design calculations for the pre-development and post development conditions for the design storms specified in the Regulations. Such calculations shall include:

- **i. Description of the design storm frequency, intensity and duration;**
- **ii. Time of concentration for each watershed area;**
- **iii. Soil Runoff Curve Number(s) based on land use and soil hydrologic group for each watershed area;**
- **iv. Peak runoff rates and total runoff volumes for each watershed area;**
- **v. Runoff and routing hydrographs together with the input and structure data;**
- **vi. Infiltration rates, where applicable;**
- **vii. Culvert capacities; and**
- **viii. Flow velocities.**

c. Separate drainage area plans at a suitable readable scale shall be submitted with all stormwater calculations, one for pre-development conditions, and one for post-development conditions. These plans shall show sub-watersheds, flow paths for calculating Tc, NRCS soils, and land cover types. The drainage area plans shall include any offsite area, which flows onto the site.

d. Soil Evaluation reports, if required.
e. Summary of all assumptions used to develop the data.
f. References used to develop the report and justify assumptions used.
g. A summary table indicating pre and post development peak discharge rates and total volume of runoff at each control point and flood elevations as applicable shall be included in the report.
h. TSS Removal Calculation Worksheets.
i. Operation and Maintenance Plan.
j. Long Term Pollution Prevention Plan.
k. DEP Checklist for Stormwater Report.

AT&T's Facility will comply with the applicable Department of Public Works (DPW) Rules, Regulations, and Construction Specifications (DPWRRCS). AT&T will be installing a temporary ballast Monopole with a 400 square foot ballast. AT&T does not

propose to install or alter any existing stormwater management systems on the Site as a result of its temporary Facility and respectfully asserts that no Drainage Calculation Report is necessary given the temporary nature of this project. To the extent necessary, respectfully requests a waiver from this provision of the Regulations.

Section 6.10 Traffic Impact Study & Analysis

A traffic impact study shall be required for any application that meets or exceeds the threshold criteria of this section. All traffic criteria may be modified by the Director of Planning and Community Development to best meet the traffic issues of a particular application. A preliminary meeting with the Planning Department is recommended to define the traffic study elements that are required for a specific project.

A. On a state numbered route:

1. All commercial (any land use that is not single or two-family residential, usually owned or operated for profit).
2. Residential greater than 10 units.

B. Within 100 feet of a principal or minor arterial (nearest corner radius point of tangency):

1. All commercial (any land use that is not single or two-family residential, usually owned or operated for profit).
2. Residential greater than 10 units.

C. All other locations:

1. Any project with drive-through window service.
2. All commercial uses with retail sales and/or services
3. Any commercial without retail sales and/or services containing 5,000 or more square feet gross floor area.
4. Any residential use greater than 20 units.

Study Area

A. Define the study area to include all roadways and intersections that would be significantly impacted by the proposed development.

B. Include a scale plan of the study area showing all the intersections and roadways included in the study.

Data Collection and Analysis

A. Traffic counts - Existing A.M. and P.M. peak hour traffic volumes (and Saturday peak hour volume counts if needed).

B. Traffic counts - Existing Average Weekday Daily Traffic (AWDT) volumes, obtained either from automatic traffic recorders or from peak hour projections.

C. Vehicle classification counts and pedestrian volumes must be obtained in all cases.

Trip Generation

A. Develop existing and proposed No-Build volumes. For future traffic volumes, an annual increase in volumes must be applied if necessary. Future No-Build volumes should include traffic generated by committed future projects.

B. The trip generations for Build conditions must include site generated traffic using Institute of Traffic Engineers (ITE) Trip Generations.

Intersection Analysis

A. Analyze all signalized and unsignalized intersections within the study area for existing and proposed No-Build conditions and proposed Build conditions. Use latest HCS and/or Synchro analysis software as appropriate.

B. The intersection queue analyses (95 percentile and average) should be included with the capacity analyses.

Signal Warrant Analysis

A. A signal warrant analysis should be performed for all major existing and proposed unsignalized intersections within the study area that will be significantly impacted by the project.

B. Existing and proposed unsignalized intersections that satisfy signal warrants should be identified for possible signalization.

Parking and Site Circulation (Vehicles and Pedestrians)

A. Traffic circulation and parking within the site must be addressed.

B. Indicate design vehicle used in the study.

C. Identify parking needs. All parking requirements must be met (including accessible parking spaces).

D. Indicate and identify pedestrian access and circulation areas including sidewalks, walkways, ramps, and bicycle parking or paths.

Truck Circulation

The study should address details of truck circulation within the proposed development and loading/unloading and waste removal within the site as necessary.
Accident Analysis

A. Analyze the previous 3 years of accident reports and calculate the crash rates according to Mass Highway guidelines.

B. Compare crash rates with district-wide or state-wide averages.

C. Produce accident collision diagrams where necessary to provide additional information.

D. Discuss mitigation measures to alleviate existing and future accident conditions.

Driveway Sight Distance

A sight distance analysis must be done for existing, relocated or proposed driveways / roadways if necessary. Both horizontal and vertical sight lines should be considered where sight distances are at issue, the analysis should include a scale plan showing sight lines.

Traffic Mitigation

Mitigation must be provided wherever existing or potential deficiencies including failing intersections, inadequate sight distances, high accident locations, construction impacts, etc. that are identified.

AT&T's temporary Facility will be unmanned and will not generate significant amounts of traffic. Trips to and from the Site will average one or two per month by maintenance personnel who will access the Site via existing ways and who will park their SUV near the temporary Monopole and not on the street. There will be no change to existing sight distance as a result of AT&T's temporary Facility. No additional traffic control measures will be installed

on or near the Site as a result of the temporary Monopole and there will be no changes to existing circulation patterns on the Site and AT&T respectfully asserts that a Traffic Impact Study and Analysis is not necessary. Given the scope of the proposed project, AT&T requests a waiver from this provision of the Regulations.

THE TELECOMMUNICATIONS ACT OF 1996 - THE TCA

The Federal TCA provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the FCC's Declaratory Ruling commonly referred to as the "Shot Clock".

CONCLUSION

As evidenced by the materials submitted with the Application and as will be further demonstrated by AT&T through evidence submitted to the Board at the public hearing(s) in connection herewith, in light of the TCA the Facility satisfies the intent and objectives of the Bylaw. The Facility will not have any adverse effect on property values in the area. The Facility will not be dangerous to the public health or safety as it is designed to comply with all applicable FCC requirements relating to radio frequency emissions and will comply with all applicable requirements of the Massachusetts building code. Indeed, the maximum radio frequency output per channel for this facility will be well below the maximum radio frequency exposure levels established by the FCC. The Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. Further, the Facility will continue to improve communication coverage to residents, commercial establishments and travelers through the area and improves network connections in this area of the Town of Weymouth. The Facility will maintain emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. In fact, published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless communications have been the only form of reliable communication. These services further the public interest of health and safety as they will continue to provide wireless 911 services to the community and communication services for the public. According to published reports, more than 240 million 911 calls, or nearly 80% of all calls received by the 911 centers nationwide, are made annually from mobile devices in the United States. Today, wireless infrastructure is required to assist with public safety needs. Lastly, the installation of the Facility at the Site will assist the Town of Weymouth in complying with its obligations under the TCA.

AT&T respectfully requests that the Board grant all necessary relief to install, operate and maintain the temporary Facility. For the foregoing reasons, as well as to satisfy the mandate of the Federal Government to facilitate competition in the telecommunications industry as set forth in the TCA, AT&T respectfully requests that the Board grant the foregoing zoning relief. We respectfully submit that the standards for relief as set forth in the Bylaw as well as Massachusetts law relating to zoning must be interpreted and applied such that the decision issued by the Board is in conformance with the TCA. Accordingly, a denial of the foregoing petition would effectively prohibit AT&T from providing adequate service to the Town of Weymouth and thus would be contrary to the purpose and intent of the TCA.

Sincerely,

BROWN RUDNICK LLP

/s/Edward D. Pare, Jr.
Edward D. Pare, Jr., Esq.

ATTACHMENTS

1. Application Forms
2. Letter of Authorization
3. RF Report
4. Coverage Maps
5. FAA Report
6. MPE Report
7. DPH Memorandum
8. Color Photograph/Simulation
9. Plans