



TOWN OF HAMILTON

STAFF MEMORANDUM

TO: Planning Board members
FROM: Mark Connors, Planning Director
RE: Small Wireless Facility (located in Walnut Road public right-of-way adjacent to 18 Walnut Road Special Permit Application)
FOR: April 1, 2025

APPLICATION DESCRIPTION & BACKGROUND

The applicant proposes to replace an existing 25'8" tall utility pole in the Town's right-of-way for Walnut Road with a replacement utility pole measuring 34' in height with a wireless antenna mounted on its top (bringing the entire facility, inclusive of the antennae, to a height of 37'. This application is governed under Section 7.3 of the Bylaw and is classified as a Small Wireless Facility (such facilities are often referred to as 'small cell' facilities) designed to improve and enhance wireless coverage for AT&T in the vicinity. Small wireless facilities have been encouraged by several jurisdictions in recent decades as a manner to improve wireless coverage that is less visually intrusive than traditional cell towers. Hamilton's Small Wireless Facilities bylaw was adopted at Town Meeting in 2019. The Zoning Bylaw permits Small Wireless Facilities located within right-of-ways by Special Permit. The definition of a Small Wireless Facility under the Bylaw is included at the end of the staff memo.

This application, if executed, would replace an existing utility pole, so it would not result in an additional pole in the right-of-way, however the pole would be taller than the pole it replaces and many poles in the immediate vicinity. This application is somewhat unique as it is located within a roadway right-of-way and not on private or public property, and because it is a telecommunications facility. In addition to municipal land use regulations, telecommunications facilities are governed under the federal Telecommunications Act of 1996 (see separate section of staff memo) which limits certain areas of the application that are under the Planning Board's jurisdiction.

Development Standards

In addition to the regular Special Permit criteria found in Section 10.5 (and found at the end of the staff memo), the Zoning Bylaw includes Development Standards unique to Small Wireless Facilities. Those are outlined for additional discussion below. Because several of the standards are applicable to facilities mounted on buildings or are otherwise not applicable, only the relevant standards are included for additional analysis below:

1. Only small wireless facilities are permitted to be installed within a State or Town right-of-way on new or existing utility poles or wireless support structures. All small wireless facilities eligible for a special permit under this section shall not exceed the size dimensions of the small wireless

facility definitions and shall be designed as concealed facilities and shall be subject to applicable development standards and procedures as required by local, state and federal laws.

The Small Wireless Facility is located within a Town right-of-way, on a replacement utility pole, and is less than 50-feet tall as required under the definition (the full definition is included in the appendix of this staff memo). The definition also requires that the facility's antenna not exceed 3 cubic feet in volume. The plans show the antenna measuring 2.3 cubic feet in conformance with the requirement. The definition also requires that all other associated equipment not exceed 28 cubic feet in aggregate. The equipment cabinet is the largest other piece of equipment associated with the facility and measures 13.33 cubic feet. A meter socket and power supply unit will add 1.2 cubic feet for a total of 14.53 cubic feet. The plans include details for RRU facilities (believed to stand for Remote Radio Units) and a Distribution Panel but only the panel is shown on the elevation provided. The applicant should clarify if these pieces of equipment will be mounted to the pole and if so revise the plans to include cubic feet measurements. However, it appears reasonably clear that all associated equipment, including the panel and RRU would measure less than 28 cubic feet in conformance with the requirement.

2. New utility poles or wireless support structures shall be designed to match the design parameters established by the SPGA by regulation or in the absence of such design guidance, match the size, girth and design of any existing utility poles or other vertical structures located in the surrounding area. See comments under #3.

3. The applicant shall include with its application sufficient evidence, consistent with industry standards, to justify its requested placement.

The applicant has submitted a significant number of materials with its application, including a Site Selection Analysis, a Radio Frequency emissions analysis by a radiation safety expert, photo simulations depicting existing conditions and photo simulations depicting the location with the facility in place, and maps depicting current AT&T coverage and anticipated coverage once the facility is in place. The maps are relatively small scale and show a fairly large geographic area so it may be helpful to the Board's review, particularly for existing conditions, to view larger, more finely grained maps or be provided an electronic link to view such maps.

The photo simulations depict a pole that largely mirrors the mirrors of other utility poles in its girth, design, materials and placement, however it would be taller than poles in the vicinity.

4. Small wireless facilities must be placed in a right-of-way with residential or commercial uses on the opposite side of the right-of-way from such uses whenever possible. All small wireless facilities shall be located in such a way that they do not interfere with views from residential structures.

The pole is proposed for the north side of Walnut Road abutting residential uses. The shopping center (The Shoppes at Hamilton Crossing) is located directly across the street. The telecommunications facility would be filling a coverage gap in the Town Center where there are relatively few stretches without commercial and residential uses.

The applicant submitted a Site Selection Analysis with its application, which examined 24 other potential utility pole locations in the vicinity of the Town Center within a 500-foot radius of the proposed pole's location. According to the applicant, 20 of those locations are not viable because the pole owner would not permit the facility. The four remaining options are not favored because, according to the applicant, they would provide less coverage to address capacity needs. Of those four, two are located on Cummings Avenue, which is toward the far extent of the 500-foot radius and in a residential area. The third pole is located near the corner of Bay Road and Walnut Road in

an area where it would be quite visually prominent. The fourth location is adjacent to the parking lot for the Shoppes at Hamilton Crossing. This location would be more visually prominent to those in the Town Center, but would be more proximate to commercial uses.

5. All small wireless facilities shall be located so as to minimize adverse visual effects on the landscape.

The applicant has submitted photo simulations of the proposed tower on Walnut Road. From the renderings, the pole will be relatively unremarkable in the context of a neighborhood with a fair number of existing utility poles, however the pole will be taller than abutting poles. The pole will be approximately 32 percent taller than the pole is replacing and approximately 40 percent taller if the mounted antenna is factored into the height. The Board may discuss the potential for reducing the height of the pole with the applicant. However a shorter pole would likely reduce the area of the coverage gap that the facility would service, potentially creating the need for additional facilities in the vicinity to fill the gap.

9. The Planning Board shall determine if sufficient area exists immediate to the proposed small wireless facility so that landscape improvements would be aesthetically beneficial it shall request a landscape plan from the applicant. Said plan will seek to screen or buffer the public view of the proposed small wireless facility.

Although the Board could certainly discuss the potential for landscaping mitigation, the proposed utility pole would be located immediately adjacent to the curb with Walnut Road such that it does not appear likely that there sufficient space for landscaping between the pole and the roadway.

10. Any small wireless facility shall be painted so as to visually blend into nearby vegetation or a light gray or light blue hue that blends with sky and clouds.

This standard is somewhat subjective in nature so it is recommended that the Planning Board engage in a discussion with the applicant regarding the surroundings and the ideal color scheme for camouflaging purposes. A brown or green color might help the antenna blend in with nearby vegetation, which at least under growing conditions appears very expansive in the area, however a grey or blue hue might help it blend in with atmospheric conditions.

Telecommunications Act of 1996

The federal Telecommunications Act of 1996 preserves the ability of local governments to regulate telecommunications facilities, however it places significant limits on these powers. The Planning Board cannot regulate the environmental/health impacts of telecommunication facilities provided that the application meets FCC limits for radio frequency (RF) emissions. The applicant has submitted a report with its application from a radiation safety expert concluding that the facility would comply with the FCC's guidelines for RF exposure. That report indicated that RF emissions would be limited to, at their peak a short distance from the facility, 7.9 percent of the maximum threshold that the FCC has determined is safe. The Planning Board does have the option to hire an independent third party expert to validate this conclusion.

The Telecommunications Act also requires the regulating body to approve an application in cases where there is a significant gap in telecommunications coverage and the proposed facility represents the least intrusive method to reasonably fill the coverage gap. The burden falls on the applicant to meet the burden of proof on these measures. The Planning Board must also issue a decision in a reasonable timeframe and cannot discriminate among telecommunications providers. Due to the

protections afforded telecommunications facilities under federal law, many appeals of unfavorable decisions are filed in federal courts.

ACTIONS OF THE BOARD

The Planning Board has the option to acquire an independent supplemental review by a technical expert of the application. This would likely include a Radio Frequency expert to validate the applicant's RF analysis and/or to potentially identify alternative pole locations that would reasonably fill the coverage gap and may be less intrusive.

The Board may also request supplemental materials from the applicant to assist its review. Of course the Board has the option to issue a decision on the application if it chooses and staff will be available to assist with recommended conditions if the Board selects that path.

Small Wireless Facility Definition from Zoning Bylaw (Section 7.3)

Small wireless facility - facilities that meet each of the following conditions:

- (1) The facilities — (i) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
 - (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under part 17 of this chapter;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).

Special Permits (Section 10.5 of the Zoning Bylaw)

10.5 SPECIAL PERMITS

10.5.1 Special Permit Granting Authority. The Zoning Board of Appeals, Planning Board, and the Board of Selectmen shall be the SPGA as specified in the various sections of this By-law and shall hear and decide applications for special permits. Those uses requiring a special permit and the SPGA assigned to review the application are set forth in the Table of Use Regulations.

10.5.2 Criteria. Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific requirements and factors that may be set forth in this By-law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, property values in the same or adjoining districts, and employment taking into account any proposed mitigation.

10.5.3 Application. The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits. The application shall be subject to any general or specific rules contained in this By-law and subject to any appropriate conditions, safeguards and limitations imposed by the SPGA. A special permit shall be issued only following public hearing held within sixty-five (65) days after filing of an application with the Town Clerk, who shall transmit a copy thereof to the SPGA forthwith.

10.5.4 Conditions. The SPGA may impose additional conditions and limitations as it may deem necessary.

10.5.5 Regulations. The SPGA may adopt rules and regulations for the administration of this Section.

10.5.6 Fees. The SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

10.5.7 Lapse. Except as otherwise expressly provided in this By-law, special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twenty-four (24) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk. (Note that the Small Wireless Facility bylaw requires Special Permits under that section to be renewed every year).

RECEIVED BY TOWN CLERK: 3/13/25 @ 1:47 PM



**Town of Hamilton Planning Board
650 Asbury Street (P.O. Box 429)
Hamilton, MA 01936
978-626-5248**

Notice of Planning Board Public Hearing

SPECIAL PERMIT APPLICATION - The Hamilton Planning Board will review a Special Permit application on April 1, 2025 at meeting starting at 6:00 pm at the Hamilton-Wenham Library, 14 Union Street in the main meeting room, in accordance with MGL Chapter 40A, Section 10, and the Hamilton Zoning Bylaw, relative to a Special Permit application, under Section 7.3 of the Bylaw, for a proposed small wireless facility within the public right-of-way for Walnut Road near 18 Walnut Road. The applicant, New Cingular Wireless PCS, LLC d/b/a AT&T, proposes to replace an existing utility pole with a new 37-foot tall utility pole retrofitted to include a wireless antenna. The project is proposed within the Residence – 1A (R-1A) zoning district. Anyone wishing to speak on the matter is invited to attend the hearing.

Applications and plan materials are on file and available for review electronically or in person by contacting the Hamilton Planning Department.

**Mark Connors
Director of Planning**



300 feet Abutters List Report

Hamilton, MA
February 25, 2025

Subject Property:

Parcel Number: 61-0049
CAMA Number: 61-000-0049
Property Address: 24 WALNUT RD

Mailing Address: DWYER SHAUN W ONDINE M TE
24 WALNUT RD
SOUTH HAMILTON, MA 01982

Abutters:

Parcel Number: 55-0227
CAMA Number: 55-000-0227
Property Address: 169 BAY RD

Mailing Address: BUFFALO HEAD LLC
161 BAY RD
SOUTH HAMILTON, MA 01982

Parcel Number: 55-0228
CAMA Number: 55-000-0228
Property Address: 191 BAY RD

Mailing Address: SMALL TOWN RE LLC
27R WATER ST
ESSEX, MA 01929

Parcel Number: 55-0229
CAMA Number: 55-000-0229
Property Address: 209 BAY RD

Mailing Address: LEARY KEVIN J THERESA
209 BAY RD
SOUTH HAMILTON, MA 01982

Parcel Number: 56-0032
CAMA Number: 56-000-0032
Property Address: 265 BAY RD

Mailing Address: HAMILTON TOWN OF POLICE & FIRE
STATION
265 BAY RD
SOUTH HAMILTON, MA 01982

Parcel Number: 56-0034
CAMA Number: 56-000-0034
Property Address: 4 CARRIAGE LN

Mailing Address: NEWBOLD STEPHEN M MEREDITH D
4 CARRIAGE LN
SOUTH HAMILTON, MA 01982

Parcel Number: 56-0035
CAMA Number: 56-000-0035
Property Address: 6 CARRIAGE LN

Mailing Address: WALSH PATRICK WALSH ANNE
6 CARRIAGE LN
SOUTH HAMILTON, MA 01982

Parcel Number: 56-0036
CAMA Number: 56-000-0036
Property Address: 7 CARRIAGE LN

Mailing Address: LANI ERIC BARTTER CHARLOTTE
7 CARRIAGE LN
SOUTH HAMILTON, MA 01982

Parcel Number: 56-0037
CAMA Number: 56-000-0037
Property Address: 5 CARRIAGE LN

Mailing Address: HAYWOOD CARIN J TRUSTEE
5 CARRIAGE LN
SOUTH HAMILTON, MA 01982

Parcel Number: 56-032B
CAMA Number: 56-000-032B
Property Address: 325 BAY RD

Mailing Address: HAMILTON TOWN OF WINTHROP
SCHOOL
325 BAY RD
SOUTH HAMILTON, MA 01982

Parcel Number: 61-0046
CAMA Number: 61-000-0046
Property Address: 161 BAY RD

Mailing Address: BUFFALO HEAD LLC
161 BAY RD
SOUTH HAMILTON, MA 01982



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2/25/2025

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300 feet Abutters List Report

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February 25, 2025

Parcel Number: 61-0047 CAMA Number: 61-000-0047 Property Address: 121 BAY RD	Mailing Address: OBSIDIAN ML 6 LLC 11995 EL CAMINO REAL SAN DIEGO, CA 92130
Parcel Number: 61-0048 CAMA Number: 61-000-0048 Property Address: 18 WALNUT RD	Mailing Address: KASSABIAN STEPHANIE LEE TRUSTE 18 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 61-0050 CAMA Number: 61-000-0050 Property Address: 23 WALNUT RD	Mailing Address: 129 EMERY REALTY TRUST O`CONNOR JAYNE M TRUSTEE 23 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 61-0051 CAMA Number: 61-000-0051 Property Address: 15 WALNUT RD	Mailing Address: HAMILTON/WENHAM LLC C/O SSG COMMERCIAL LLC 204 N HOWARD AVE TAMPA, FL 33606
Parcel Number: 61-0056 CAMA Number: 61-000-0056 Property Address: 1 FAIRFIELD DR	Mailing Address: SMITH DOUGLAS P MARCIA G 1 FAIRFIELD DR SOUTH HAMILTON, MA 01982
Parcel Number: 62-0007 CAMA Number: 62-000-0007 Property Address: 39 WALNUT RD	Mailing Address: FRINK PAUL ELLSMORE CHRISTINE 39 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 62-0008 CAMA Number: 62-000-0008 Property Address: 33 WALNUT RD	Mailing Address: MELICAN PAUL DONACHIE MADELEINE 33 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 62-0009 CAMA Number: 62-000-0009 Property Address: 27 WALNUT RD	Mailing Address: CURTIS CHARLES FOWLER SAMPLE JUDIBROWN BOWERMAN 27 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 62-0010 CAMA Number: 62-000-0010 Property Address: 26 WALNUT RD	Mailing Address: WISSER WILLIAM KATHERINE 26 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 62-0011 CAMA Number: 62-000-0011 Property Address: 36 WALNUT RD	Mailing Address: CAMPBELL JULIA R CAMPBELL TIMOTHY 36 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 62-0012 CAMA Number: 62-000-0012 Property Address: 38 WALNUT RD	Mailing Address: NOSTRAND STEPHEN DUDLEY & ALEX 38 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 62-0013 CAMA Number: 62-000-0013 Property Address: 42 WALNUT RD	Mailing Address: STELTENPOHL JAMES THEODORA TR 42 WALNUT RD SOUTH HAMILTON, MA 01982



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300 feet Abutters List Report

Hamilton, MA
February 24, 2025

Subject Property:

Parcel Number: 61-0048
CAMA Number: 61-000-0048
Property Address: 18 WALNUT RD

Mailing Address: KASSABIAN STEPHANIE LEE TRUSTE
18 WALNUT RD
SOUTH HAMILTON, MA 01982

Abutters:

Parcel Number: 55-0226
CAMA Number: 55-000-0226
Property Address: 164 BAY RD

Mailing Address: 164-176 BAY ROAD, LLC
1 INN STREET-SUITE 5
NEWBURYPORT, MA 01950

Parcel Number: 55-0227
CAMA Number: 55-000-0227
Property Address: 169 BAY RD

Mailing Address: BUFFALO HEAD LLC
161 BAY RD
SOUTH HAMILTON, MA 01982

Parcel Number: 55-0228
CAMA Number: 55-000-0228
Property Address: 191 BAY RD

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ESSEX, MA 01929

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CAMA Number: 55-000-0229
Property Address: 209 BAY RD

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SOUTH HAMILTON, MA 01982

Parcel Number: 56-0036
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7 CARRIAGE LN
SOUTH HAMILTON, MA 01982

Parcel Number: 56-0037
CAMA Number: 56-000-0037
Property Address: 5 CARRIAGE LN

Mailing Address: HAYWOOD CARIN J TRUSTEE
5 CARRIAGE LN
SOUTH HAMILTON, MA 01982

Parcel Number: 61-0045
CAMA Number: 61-000-0045
Property Address: 71 CUMMINGS AV

Mailing Address: CAROLINA JOSEPH P CAROLINA
ANTIONETTE M
71 CUMMINGS AVE
SOUTH HAMILTON, MA 01982

Parcel Number: 61-0046
CAMA Number: 61-000-0046
Property Address: 161 BAY RD

Mailing Address: BUFFALO HEAD LLC
161 BAY RD
SOUTH HAMILTON, MA 01982

Parcel Number: 61-0047
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Property Address: 121 BAY RD

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11995 EL CAMINO REAL
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SOUTH HAMILTON, MA 01982



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Parcel Number: 61-0056 CAMA Number: 61-000-0056 Property Address: 1 FAIRFIELD DR	Mailing Address: SMITH DOUGLAS P MARCIA G 1 FAIRFIELD DR SOUTH HAMILTON, MA 01982
Parcel Number: 61-0057 CAMA Number: 61-000-0057 Property Address: RR BAY RD	Mailing Address: MBTA RE MANAGEMENT DIVISION 10 PARK PLAZA BOSTON, MA 02116
Parcel Number: 61-0058 CAMA Number: 61-000-0058 Property Address: RR BAY RD	Mailing Address: MBTA RE MANAGEMENT DIVISION 10 PARK PLAZA BOSTON, MA 02116
Parcel Number: 61-0059 CAMA Number: 61-000-0059 Property Address: 45 BAY RD/DEPOT SQ	Mailing Address: MARC-AURELE DREW & OLEARY JANE 30 CENTRAL ST IPSWICH, MA 01938
Parcel Number: 61-0043 CAMA Number: 61-001-0043 Property Address: 25 RAILROAD AV	Mailing Address: C/O M&T BANK CORPORATE SERVICES 18TH FLOOR ONE M&T PLAZA BUFFALO, NY 14203
Parcel Number: 61-0043 CAMA Number: 61-002-0043 Property Address: 31 RAILROAD AV	Mailing Address: R.A.J. PROPERTIES LLC 31 RAILROAD AV SOUTH HAMILTON, MA 01982
Parcel Number: 61-0043 CAMA Number: 61-003-0043 Property Address: 19 RAILROAD AV	Mailing Address: CUTTER DAVID A & SARAH S 15-19 RAILROAD REALTY TR PO BOX 1136 GLOUCESTER, MA 01931
Parcel Number: 61-0043 CAMA Number: 61-004-0043 Property Address: 15 RAILROAD AV	Mailing Address: CUTTER DAVID A & SARAH S 15-19 RAILROAD REALTY TR PO BOX 1136 GLOUCESTER, MA 01931
Parcel Number: 62-0008 CAMA Number: 62-000-0008 Property Address: 33 WALNUT RD	Mailing Address: MELICAN PAUL DONACHIE MADELEINE 33 WALNUT RD SOUTH HAMILTON, MA 01982
Parcel Number: 62-0009 CAMA Number: 62-000-0009 Property Address: 27 WALNUT RD	Mailing Address: CURTIS CHARLES FOWLER SAMPLE JUDIBROWN BOWERMAN 27 WALNUT RD SOUTH HAMILTON, MA 01982



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Hamilton, MA
February 24, 2025

Parcel Number: 62-0010
CAMA Number: 62-000-0010
Property Address: 26 WALNUT RD

Mailing Address: WISSER WILLIAM KATHERINE
26 WALNUT RD
SOUTH HAMILTON, MA 01982

Parcel Number: 62-0011
CAMA Number: 62-000-0011
Property Address: 36 WALNUT RD

Mailing Address: CAMPBELL JULIA R CAMPBELL
TIMOTHY
36 WALNUT RD
SOUTH HAMILTON, MA 01982



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2/24/2025

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