

ZARR Limited Partnership
37 ½ Forrester Street
Newburyport, MA 01950

Mr. Glenn Richards, Chair
Newburyport Historical Commission
60 Pleasant Street
Newburyport, MA 01950

To: Members of NHC

I am the owner of the Professional Building, 37 ½ Forrester Street, Newburyport. One of my tenants, T-Mobile is proposing to upgrade their existing equipment. The existing equipment is located in the building's basement and within the 'stealth' structures on the roof. The upgraded equipment will be housed in the existing basement space and the existing roof 'stealth' structures. In other words, there will be no changes to the existing interior, but more importantly the exterior of the building.

The modifications to the roof, done in 2010, were approved by the Trust for Architectural Easements and the City of Newburyport Planning Board, copies attached. There have been no changes, additions, or deletions to what was approved and completed. The equipment upgrades include no changes to the building exterior and/or roof structures.

It is my understanding that the Commissions (NHC) is requesting the Trust for Architectural Easements confirm that no changes to the exterior of the building will be made. The 'Trust' does not own the building. They can't guarantee or confirm anything. Their role is to annually evaluate any changes made to the exterior of the property and require the owner(s) to take any corrective action as per the terms of the "easement". Only T-Mobile and I can guarantee/confirm the work to be performed.

Therefore, I am requesting that the Commission reevaluate its request of the Trust and let this project move ahead. The Commission will have every opportunity to review the work in progress to assure that no changes to the building exterior are made.


Zachary Longley, General Partner/Owner
ZARR LTD Partnership



July 30, 2010

Zachary Longley
Forrester Street Professional Condominium
6 Illsley Hill Road
West Newburyport, MA 01985

Re.: 37 ½ Forrester Street Exterior Modification Request

Dear Mr. Longley:

This letter serves as a response to your application, dated April 27, 2010, to modify the exterior of 37 ½ Forrester Street (the "Property") under the terms of the Conservation Deed of Easement (the "Easement") donated to the Trust for Architectural Easements (the "Trust") in 2003.

In addition to a completed Proposed Modification Request Form, the Trust received the following materials, illustrating work to be performed on portions of your Property:

1. Application to the Newburyport Planning Board for Site Plan Review
2. City of Newburyport Planning Board Site Plan Approval Findings & Decision
3. Affidavit of Radio Frequency Expert
4. Visual Analysis for T-Mobile Northeast LLC created by Bay State Design
5. Architectural Drawings created by Bay State Design:
 - a. C-1 Radius and Plot Map
 - b. C-2 Abutters List
 - c. Z-1 Rooftop Plans with Equipment Layout Detail
 - d. Z-2 Elevation Details

You have requested that the Trust review the following alterations, over which the Trust has jurisdiction according to the terms of the Easement:

1. Install wireless communications equipment on the roof.

Based upon the Trust's review of the above-referenced materials, we **do not object** to the alterations listed above. The Trust does not object based upon our assessment that the proposed alterations to the protected exterior will be consistent with the historic character of the Property and are consistent with the terms and purpose of the Easement. Should your plans change, please submit the updated plans for review prior to the commencement of construction.

2003-MA-0103

Please be advised that a Property owner must independently ensure that any construction conforms to all applicable zoning and building codes and any federal, state and local historic preservation statutes to which the property may be subject. The consent of the Trust shall not imply that these conditions have been met.

Sincerely,

A handwritten signature in black ink, appearing to read "S. McClain". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven McClain
President



CITY OF NEWBURYPORT
 PLANNING BOARD
 60 PLEASANT STREET • P.O. BOX 550
 NEWBURYPORT, MA 01950
 (978) 465-4400 • (978) 465-4452 (FAX)

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2010 APR 15 A 8: 54

SITE PLAN APPROVAL FINDINGS & DECISION

APPLICATION & DECISION SUMMARY

DECISION DATE: 4/07/2010

APPLICATION DATE: 3/18/2010

FILE NO: 2010-SPR-03

APPLICANT: T-Mobile Northeast, LLC

APPLICANT ADDRESS: 15 Commerce Way, Norton, MA 02776

PROPERTY ADDRESS: 37 1/2 Forrester Street

MAP/PARCEL: 62-35-A/N

BOOK/PAGE: 9192-447

ZONING DISTRICT: R3

BRIEF DESCRIPTION: install stealth wireless communications facility on the roof of subject building.

PUBLIC MEETING: A public meeting was held on the above application on 4/7/2010 at Newburyport City Hall.

DECISION: After the close of the public meeting, upon a motion made by member Don Walters and seconded by Henry Coo, the Planning Board voted to approve the site plan.

The motion having received a majority vote of all the members of the Planning Board, in accordance with Section XV-I of the Newburyport Zoning Ordinance, the application for Minot Site Plan Approval was therefore **granted**.

RECORD OF VOTE: The following members of the Planning Board voted as follows with respect to the petition for a site plan approval subject to the agreed-upon terms and conditions stated below:

Susan Grolnic	Yes	Bonnie Sontag	Yes	James McCarthy	Yes
Don Walters	Yes	Julia Godtfredsen	Absent	Brian Tierney	Absent
Anne Gardner	Yes	Henry Coo	Yes	Daniel Bowie	Yes

PROCEDURAL HISTORY

1. Application for Minor Site Plan Review pursuant to Section XV of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Planning Board on 3/18/2010. The Board deemed the application complete on 4/7/2010.
2. A public meeting on the Site Plan application was held on 4/7/2010.
3. This site plan application is accompanied and augmented by the following plans, drawings, and documents:
 - a. Legal Brief, prepared by Jackie Slaga, Esq., 95 Indian Trail, Saunderstown, RI.
 - b. Radio Frequency Affidavit, Propagation Maps and Radio Frequency Reports, prepared by Dinesh Dasani, RF Engineer, T-Mobile USA, INC., 15 Commerce Way, Suite B, Norton, MA, dated March 5, 2010.
 - c. Plans entitled, "Forrester Street Professional Building, 37.5 Forrester Street, Newburyport, MA," prepared by Maxton Technology, Inc., Bay State Design, 241 Boston Post Road, West Marlborough, MA, Sheets T-1, C-1, 2, Z-1, 2, dated March 9, 2010 and revised through March 15, 2010.
 - d. Photographic Simulations, provided by Bay State Design, Pages 1-9, February 2010.
 - e. FCC License.
 - f. Rooftop Lease with Option, signed by Forrester Street Professional Condominium and T-Mobile Northeast LLC.
4. The plans and submission material were reviewed by the Planning Board. Throughout its deliberations the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public meeting.

FINDINGS

T-Mobile Northeast, LLC filed an application for minor site plan review to install a wireless communications facility on the roof of an existing office building, known as the Forrester Street Professional Building, using stealth technology. The installation includes up to six (6) antennas inside three extensions of the existing chimneys that will be designed to match the color of the building façade. Equipment cabinets will be located in the center of the roof and concealed from view by a screen wall, also fabricated to match the building façade. Once complete, the antenna will require on average one to two monthly maintenance visits.

WAIVERS

As the installation utilizes an existing structure to provide wireless service and does not necessitate any changes to the site itself, the Board grants all necessary waivers from its submission requirements and performance and development standards.

DECISION

In view of the foregoing, the Planning Board hereby decides to **grant** Minor Site Plan Approval in accordance with the terms and conditions stated below.

Conditions

1. The applicant shall file this Decision with the Southern Essex County Registry of Deeds or registry of the Land Court if registered land and a copy of the decision stamped with the recording information (Book/Page or Land Court document number) shall be included with the application for a Building Permit. The final site/construction plans shall also make reference to the decision date and conditions of approval.

DATE OF FILING OF DECISION

Filed with the Newburyport City Clerk on:

SIGNATURE OF THE BOARD



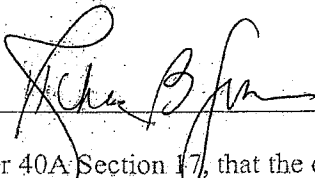
Daniel T. Bowie, Chair, Newburyport Planning Board

Date 4/14/10

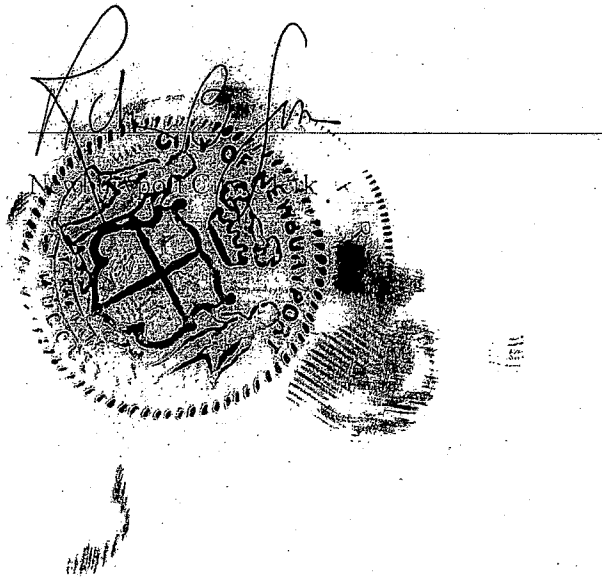
NOTICE OF APPELLATE RIGHTS

As per Section XV-J of the Newburyport Zoning Ordinance, appeals shall be made directly to a court of competent jurisdiction in accordance with the provision of M.G.L. Chapter 40A Section 17.

**CITY OF NEWBURYPORT PLANNING BOARD
RECORD OF PROCEEDINGS AND DECISION FOR SITE PLAN REVIEW**

Certification of the City Clerk: I, , City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A Section 17, that the decision for the property known as: 37 1/2 Forrester Street was filed in the Office of the City Clerk on .

This decision was also filed in the Office of Planning and Development on and that twenty days have elapsed after the decision was filed and NO APPEAL has been filed. Appeals shall be made pursuant to Newburyport Zoning Ordinance Section XV-J and M.G.L. Chapter 40A Section 17 and made within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.



Date 5/10/10