



PROPOSED WIRELESS COMMUNICATIONS FACILITY

820 MAIN STREET, NORTH ACTON

PETITION FOR SPECIAL PERMIT

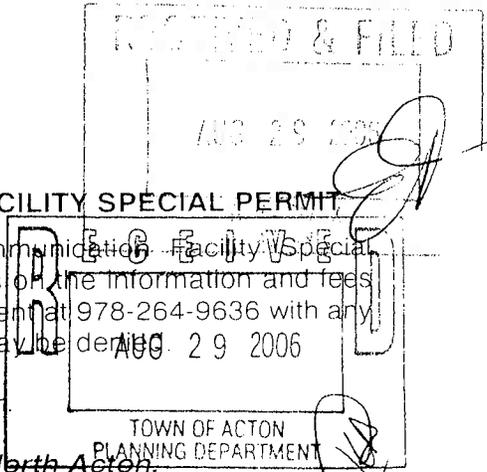
ACTON PLANNING BOARD

ACTON PLANNING BOARD

APPLICATION for a WIRELESS COMMUNICATION FACILITY SPECIAL PERMIT

Refer to the "Rules and Regulations for Wireless Communication Facility Special Permits" available from the Planning Department for details of the information and fees required for this application. Contact the Planning Department at 978-264-9636 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.



1. Location and Street Address of Site: 820 Main Street, North Acton.

Area of Site: Area of host property is approximately 3.86 acres.
Area of proposed WCF is approximately 2,400 sq. ft.

2. Applicant's Name & Address: Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless and Celco Partnership.

Telephone: 508 330 3331 (Verizon Wireless Real Estate)
781 587 0206 (Verizon Wireless Attorney, James Valeriani)

3. Record Owner's Name & Address: Orlando P. Capizzi, Trustee, Main Street Realty Trust; Contact Anthony Capizzi; Owner's authorization letter attached hereto.

Telephone: Anthony Capizzi at (978) 263 3726

4. Zoning District(s) of Parcel(s): Small Manufacturing (SM); Town Atlas Map & Parcel Number(s): Assessor Map C5, Lot 60.

5. Describe why the proposed Wireless Communication Facility cannot be accommodated on an existing facility (use additional sheets as necessary).

The proposed WCF is being accommodated by removing an existing 120-foot lattice-tower at the front of the host property and replacing/relocating it with a new 120-foot monopole type tower in the rear location of the host property. Refer to additional sheets in the narrative attached hereto.

The undersigned hereby apply to the Planning Board for a public hearing and a Wireless Communication Facility Special Permit under Section 3.10 of the Zoning Bylaw.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of his/her knowledge.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with MGL Ch. 268, Section 1-A.

8/29/06
Date

James D. Valeriani
Signature of Applicant

ACTON PLANNING BOARD

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ACTON PLANNING BOARD

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August 31, 2006

HAND DELIVER ON 8/31/06

Gregory Niemyski, Chairman
Acton Planning Board
472 Main Street
Acton, MA 01720

RE: Verizon Wireless, Wireless Communications Facility; Special Permit Application
820 Main Street, North Acton.

ATTN: Kristen Alexander, Assistant Town Planner

Dear Chairman Niemsyski:

Dear Kristen

On Tuesday August 29th I filed the special permit petition for the above-referenced WCF with the Acton Town Clerk and the Clerk's office date-stamped three application sets, two of which I left with the Planning Department office along with ten other application sets and the filing fee of \$2,500. Please let me know if the 12 application sets (each set included a 24 x 36 inch set of plans and an 11 x 17 inch set of plans) are enough or whether more sets are necessary.

Please note that although I indicated in my written materials that the proposed WCF would include an above-ground 500 gallon propane tank to fuel the auxiliary generator that is stored inside the Verizon Wireless Shelter, the plans that I submitted on Tuesday did not show the location of the propane tank inside the fenced compound. I have enclosed 12 full size and 12 reduced sets of sheets A-1 and A-2 and both sheets show the propane tank in the rear corner of the compound. I'd like to kindly request that your office simply insert these revised sheets into the application binders. Alternatively, my assistant who is delivering these revised sheets would be willing to do that if you would like.

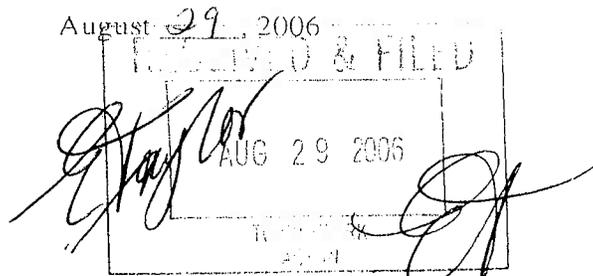
I understand that the Town of Acton shall arrange for the notices to be mailed to abutters and for the notice to be posted in the town hall and for the proper notices to be run in a local newspaper.

Thank you for your cooperative efforts on this matter.

Sincerely,

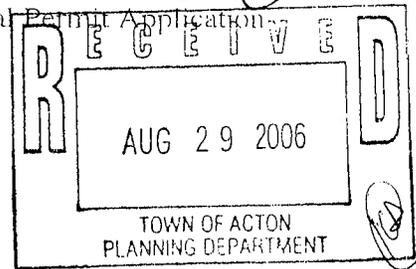
James A. Valeriani
James A. Valeriani
Attorney for Applicant

Gregory Niemyski, Chairman
Acton Planning Board
472 Main Street
Acton, MA 01720



RE: Verizon Wireless, Wireless Communications Facility; Special Permit Application
820 Main Street, North Acton.

ATTN: Roland Bartl, Town Planner
Kristen Alexander, Assistant Town Planner
Eva K. Taylor, Town Clerk



Dear Chairman Niemyski:

Please find enclosed the special permit application/petition being filed this day by Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless and Celco Partnership, (the "Applicant" or "Petitioner"), for a wireless communications facility ("WCF"). The application consists of twelve original application sets (each set including a full size set of plans at 24x36 and a reduced set of plans at 11x17) (one original for filing with Acton Town Clerk) and additional copies of the application. A filing fee in the amount of \$2,500.00, payable to the Town of Acton and a certified abutter's list prepared by the Acton Assessing Office are also enclosed.

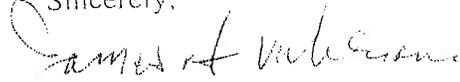
This filing is made pursuant to the Town of Acton's "Rules and Regulations for a Wireless Communications Facility Special Permit, Planning Board, Town of Acton", Adopted April 14, 1997 and Revised February 11, 2003, and pursuant to "Section 3.10 of the Acton Zoning Bylaw on Special Requirements for Wireless Communications Facilities", and pursuant to Section 10.3 on Special Permits under the Acton Zoning Bylaw. The application addresses each and every provision of the regulations and bylaw in the enclosed narrative and in the related exhibits. Several waivers from the regulations are being requested, and the reasons for each waiver are identified in the narrative. Any additional information which may develop during the hearing process will be addressed at that hearing.

The proposed WCF involves the removal of an existing 120-foot lattice-type tower and the installation of a new 120-foot monopole-type tower in the rear of the property within a 40' x 60' fenced compound. The proposed tower is designed to accommodate the equipment of Verizon Wireless and three additional wireless communications service providers. The fenced-compound will enclose a single-story 12-foot by 30-foot equipment shelter, an auxiliary generator inside the equipment shelter, an accessory propane tank to fuel the interior generator, utility equipment and other

accessory equipment, and equipment areas for up to three other wireless carriers. Verizon Wireless believes that the proposed WCF complies in every respect with the requirements of both the Planning Board Regulations and Section 3.10 of the Zoning Bylaw as well as any other applicable provisions of the Town Bylaws.

Verizon Wireless looks forward to improving its wireless communications service to this area of Acton and we look forward to presenting this application to the Planning Board.

Sincerely,



James A. Valeriani

Attorney for Applicant

Copies to: Ellen Dalmus, Real Estate Manager, Verizon Wireless, Westborough.
Daniel Fitzpatrick, Real Estate Manager, Verizon Wireless, Westborough.
David Velez, Real Estate Consultant to Verizon Wireless.

FR: Orlando P. Capizzi, Trustee of the Main Street Realty Trust

RE: Proposed Wireless Communications Facility by Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, at 820 Main Street, Acton, Mass.; Assessor ID Map C-5, Lot 60; Certificate of Title # 194984.

TO: Whom it May Concern.

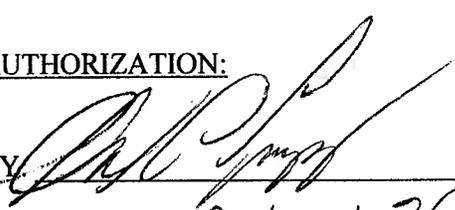
Please be advised that Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, has a leasehold interest in a portion of the above-referenced property, owned by Orlando P. Capizzi as Trustee of the Main Street Realty Trust, for the purpose of planning, permitting, constructing, operating and maintaining a wireless communications facility, including a tower structure and equipment shelter(s), antenna systems and associated appurtenances for one or more wireless carriers.

Verizon Wireless is authorized to apply-for, pursue and obtain any and all permits, approvals, licenses, zoning relief and any other decisions that may be required by any municipal, state or federal governmental entity.

All costs associated with this process shall be at the expense of Verizon Wireless.

A copy of this document shall be regarded as having the same effect as the original.

AUTHORIZATION:

BY: 

PRINT NAME: Orlando P. Capizzi

TITLE: Trustee

DATE: 8/22/05



Bk: 1105 Pg: 34 Cert#: 194984
Doc: LEASE 08/11/2005 03:48 PM

LSE

NOTICE OF LEASE AGREEMENT

In accordance with the provisions of M.G.L. Ch. 183, S. 4, as amended, notice is hereby given of the following described lease:

PARTIES TO THE LEASE:

LESSOR: Orlando P. Capizzi, Trustee of the Main Street Realty Trust, under a declaration of trust dated March 2, 1992, and filed as document number 890853 under certificate of title number 194984 in Registration Book 1105, Page 34, in the Land Court Division of Middlesex County, with its mailing address located at 820 Main Street, Acton, Massachusetts, 01720, Massachusetts.

LESSEE: Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, with its principal office located at 180 Washington Valley Road, Bedminster, New Jersey 07921, hereinafter designated LESSEE.

DATE OF EXECUTION OF LEASE AGREEMENT: July 26, 2005

DESCRIPTION OF LEASED PREMISES: LESSOR hereby leases to LESSEE a portion of that certain parcel of property (the entirety of LESSOR's property is referred to hereinafter as the Property), located at 820 Main Street, Acton, Massachusetts, 01720, said portion being described as an approximately forty (40) foot by sixty (60) foot parcel containing approximately 2,400 square feet on LESSOR's Property, which Property is shown on the Town of Acton Tax Map Number C-5 as Lot 60, and which Property is further described in a deed dated November 2, 1992, filed as document number 890853 under Certificate of Title number ~~194767~~ *194984* at Registration Book ~~804~~ *1105*, Page ~~17~~ *34* in the Land Court Division of Middlesex County, together with the non-exclusive right for ingress and egress, seven (7) days a week twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for parking of several vehicles adjacent to LESSEE's demised premises, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along a twelve (12) foot wide right-of-way extending from the nearest public right-of-way, Main Street, to the demised premises, said demised premises and rights-of-ways for access and utilities and adjacent parking areas being substantially as described herein (hereinafter collectively referred to as the "Premises") and further described in Exhibit "A" attached hereto and made a part hereof.

*part 10+14
book 802
page 100*

In the event any public utility is unable to use the aforementioned right-of-way, the LESSOR hereby agrees to grant an additional right-of-way either to the LESSEE or to the public utility at no cost to the LESSEE.

*order of court
890852

TERM(S) OF LEASE: This Agreement shall be effective as of the date of execution by both parties, provided, however, the initial term shall be for five (5) years and shall commence on the Commencement Date, which is defined as the first (1st) day of the month following the date this Agreement is executed by the parties or the first (1st) day of the month following the date LESSEE is granted a building permit by the governmental agency charged with issuing such permits, whichever event occurs last.

This Agreement shall automatically be extended for four (4) additional five (5) year terms unless the LESSEE terminates it at the end of the then current term by giving the LESSOR written notice of the intent to terminate at least six (6) months prior to the end of the then current term.

RIGHTS OF EXTENSIONS: If at the end of the fourth (4th) five (5) year extension term this Agreement has not been terminated by either Party by giving to the other written notice of an intention to terminate it at least six (6) months prior to the end of such term, this Agreement shall continue in force upon the same covenants, terms and conditions for a further term of five (5) years and for five (5) year terms thereafter until terminated by either Party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of such term.

RIGHTS UPON SALE: Should the LESSOR, at any time during the term of this Agreement, decide to sell all or any part of the Property to a purchaser other than LESSEE, such sale shall be under and subject to this Agreement and LESSEE's rights hereunder, and any sale by the LESSOR of the portion of this Property underlying the right-of-way herein granted shall be under and subject to the right of the LESSEE in and to such right-of-way.

The Lease Agreement is on file with the LESSOR and LESSEE at the addressed listed above.

This Notice of Lease has been executed pursuant to the Lease Agreement for recording purposes only, does not purport to include all the provisions of the Agreement, and is not intended nor deemed to amend, supplement or vary the terms and provisions of the Lease Agreement. In the event of any conflict between the provisions of this Notice of Lease and the provisions of the Lease Agreement, the provisions of the Lease Agreement shall control.

END OF TEXT; SIGNATURES OF THE PARTIES APPEAR ON THE NEXT TWO PAGES

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LESSOR: Orlando P. Capizzi, Trustee of the Main Street Realty Trust, u/d/t dated March 2, 1992

BY: [Signature]

PRINT NAME: ORLANDO P. CAPIZZI

TITLE: trustee

DATE: 5/13/05

WITNESS: [Signature]

WITNESS NAME: Wayne Pastel

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

May 13, 2005

On this 13th day of May, 2005, before me, the undersigned notary public, personally appeared _____, Orlando P. Capizzi, Trustee of the Main Street Realty Trust, proved to me through satisfactory evidence of identification, which were MA Driver's License (identify type of evidence), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public Wayne Pastel
My commission expires: 2/2007

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LESSEE: Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless

By: [Signature]

Print Name: David R. Heverling
Area Vice President

Title: Network
Northeast Area
Date: _____

Date: 7-26-05

Witness: [Signature]

Witness Name: Diane Gazzola

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss 7-26, 2005

On this 26 day of JULY, 2005, before me, the undersigned notary public, personally appeared David R. Heverling, Vice President, Network, Northeast Area, of Bell Atlantic Mobile of Massachusetts Corporation, Ltd., proved to me through satisfactory evidence of identification, which were personally known (identify type of evidence), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public

My commission expires: 11/13, 2009

Diane Gazzola
Notary Public
My Commission Expires
November 13, 2009

Exhibit A

See Lease Exhibits L-1 and L-2 prepared by Bay State Engineering, dated March 1, 2005, with a final revision date of April 29, 2005, showing LESSEE's Premises.

Part lot 14

book 802 page 100

plan no. 6327F

certificate 194984

book 1105 page 34

Transfer Certificate of Title.

BK.1105 PG.34

No. 194984

From Transfer Certificate No. 134767 in Registration Book 804, Page 17
Originally Registered May 13, 1971 for the South Registry District of
Middlesex County

This is to Certify that

Orlando P. Capizzi, of Newton in the County of Middlesex and
Commonwealth of Massachusetts, Trustee of Main Street Realty Trust under a
Declaration of Trust dated March 2, 1992, and registered December 21, 1992
being Document No. 890853, filed in the Land Registration Office for the South
Registry District of Middlesex County,

is the owner in fee simple,

of that certain parcel of land situate in Acton

in the County of Middlesex and said Commonwealth, described as follows:

Southeasterly by Main Street, four hundred one and 74/100 feet;
Westerly by lots 5 and 4 as shown on plan hereinafter mentioned,
five hundred forty-six and 64/100 feet;
Northerly by lot 1 on said plan, three hundred ninety
and 66/100 feet; and
Easterly by lot 10 on said plan, three hundred twenty-seven
and 53/100 feet.

Said parcel is shown as lot 14 on said plan, (Plan No. 6327^P).

All of said boundaries are determined by the Court to be located as shown on
a subdivision plan, as approved by the Court, filed in the Land Registration
Office, a copy of which is filed in the Registry of Deeds for the South
Registry District of Middlesex County in Registration Book 802, Page 100, with
Certificate 134450.

The above described land is subject to an easement of way as set forth in a
deed given by James Harris to Frances Robbins, dated February 19, 1867 duly
recorded in Book 1004, Page 371.

And it is further certified that said land is under the operation and
provisions of Chapter 185 of the General Laws and any amendments thereto, and
that the title of said

Orlando P. Capizzi, Trustee as aforesaid,

to said land is registered under said Chapter subject, however, to any of the
encumbrances mentioned in Section forty-six of said Chapter, and any
amendments thereto, which may be subsisting, and subject also as aforesaid.

Witness JOHN E. FENTON, JR., Chief Justice of the Land Court, Department
of the Trial Court, at Cambridge in said County of Middlesex

the twenty-first day of December the year nineteen hundred and ninety-two

at 1 o'clock and 46 minutes in the after-noon.

Attest, with the Seal of said Court,

Assistant Recorder

Address of owner: 22 Pine Street, Newton, MA 02156

Land Court Case No. 6327

ID# 2828

QUITCLAIM DEED

I, ORLANDO P. CAPIZZI, of Newton, Middlesex County, Massachusetts, Trustee of the Capizzi Family Trust II, under a Declaration of Trust dated April 1, 1971, recorded with Middlesex County Land Registration Office Document Number 485142 for consideration of ONE (\$1.00) DOLLAR grant to ORLANDO P. CAPIZZI, Trustee of the Main Street Realty Trust, 820 Main Street, Acton, Massachusetts, under a Declaration of Trust dated March 2, 1992 and recorded herewith

WITH QUITCLAIM COVENANTS

A certain parcel of land situated in Acton, in the County of Middlesex and said Commonwealth, bounded and described as follows:

SOUTHEASTERLY: by Main Street, by three bounds, four hundred one and 74/100 (401.74) feet;

WESTERLY: by lots 5 and 4 as shown on plan hereinafter mentioned, five hundred forty-six and 64/100 (546.64) feet;

NORTHERLY: by lot 1 on said plan, three hundred ninety and 66/100 (390.66) feet; and

EASTERLY: by lot 10 on said plan, three hundred twenty-seven and 53/100 (327.53) feet.

Said parcel is shown as lot 14 on said plan, (Plan No. 6327P).

All of said boundaries are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, to be filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 802, Page 100 with Certificate 134450.

The above described land is subject to an easement of way as set forth in a deed given by James Harris to Frances Robbins, dated February 19, 1867, duly recorded in Book 1004, Page 371.

This deed is conveyed subject to a first mortgage held by the Bank of New England-North, NA dated February 14, 1989 and recorded as Document Number 485142 which the Grantee assumes and agrees to pay in accordance with its terms and conditions.

For Grantor's title see Certificate of Title Number 134767 recorded in Book 804, Page 17.

WITNESS my hand and seal this 2nd day of November, 1992

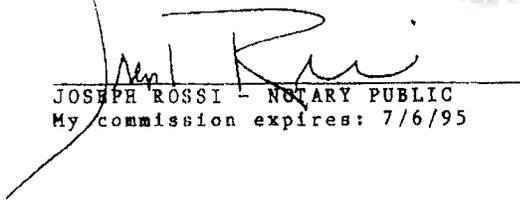

ORLANDO P. CAPIZZI, TRUSTEE OF THE
CAPIZZI FAMILY TRUST II

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

November 2, 1992

Then personally appeared the above named ORLANDO P. CAPIZZI, TRUSTEE and acknowledged the foregoing instrument to be his free act and deed, before me

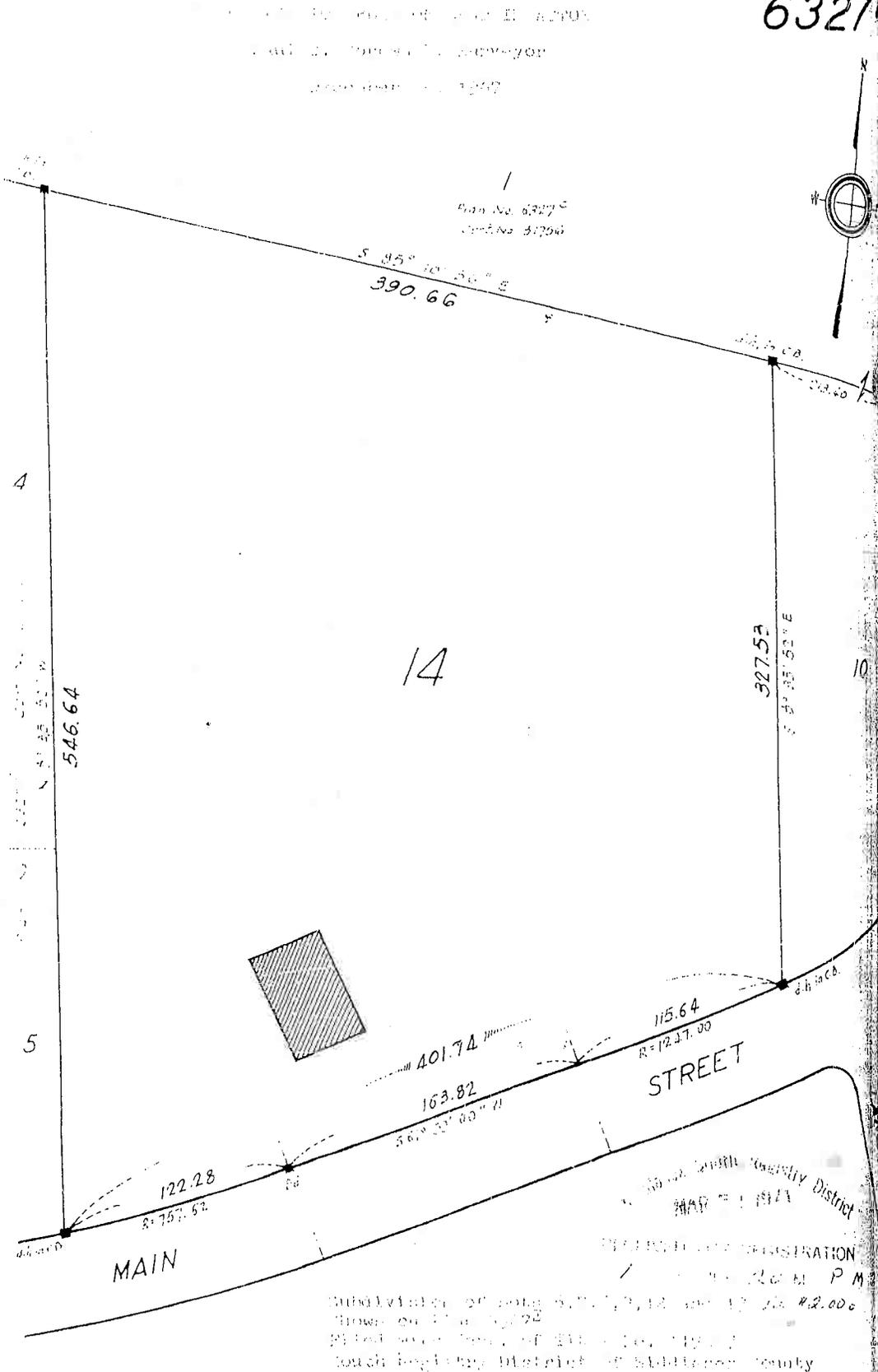

JOSEPH ROSSI - NOTARY PUBLIC
My commission expires: 7/6/95

PROPERTY ADDRESS 820 MAIN STREET, ACTON, MASSACHUSETTS

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6327

From
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Separate certificates of title may be issued for land shown hereon as lot 14. By the Court.

Copy of part of plat filed in
LAND REGISTRATION DISTRICT
MAY 22 1968

Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 264-9822
 Fax (978) 264-9830



Brian McMullen
 Assistant Assessor

820 MAIN ST
 C5-60

Parcel:

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
9 LEDGE ROCK WY	C5-38-1	REX LUMBER CO		840 MAIN STREET	ACTON	MA	01720
848 MAIN ST	C5-39	DH PROPERTIES LLC	C/O GILBRIDE TUSA LAST + SPELL	980 MAIN ST	ACTON	MA	01720
1-3 REX LN	C5-49	REDMOND JAMES JR TRUSTEE	REDMOND JENNINE M TRUSTEE	7 LEDGE ROCK WAY REALTY T 5	ACTON	MA	01720
840 MAIN ST	C5-50	REX LUMBER COMPANY INC		840 MAIN ST	ACTON	MA	01720
816 MAIN ST	C5-59	ACTON BLOCK COMPANY INC		198 GREAT RD	ACTON	MA	01720
886 MAIN ST	C5-81	MUSHROOM INVESTMENTS LLC	C/O ROBERT MORAN	PO BOX 2786	ACTON	MA	01720
898 MAIN ST	C5-81-1	MUSHROOM INVESTMENTS LLC	C/O CONCORP INC	PO BOX 2786	ACTON	MA	01720
4 WHEELER LN	C5-82	JOHN J FLANNERY INC		544 MASSACHUSETTS AV	ACTON	MA	01720
8 WHEELER LN	C5-82-1	JOHN J FLANNERY INC		544 MASSACHUSETTS AV	ACTON	MA	01720
8 WHEELER LN	C5-82-2	JOHN J FLANNERY INC		544 MASSACHUSETTS AV	ACTON	MA	01720
9 WHEELER LN	C5-81	COTE QUENTIN P		9 WHEELER LN	ACTON	MA	01720
829 MAIN ST	C5-81-1	KELLY ANDREW T	MCWEEN KELLY A	5 WHEELER LN	ACTON	MA	01720
825 MAIN ST	C5-81-2	JOHNSON BRADLEY A	BROWN LISA KARIN	829 MAIN ST	ACTON	MA	01720
815 MAIN ST	C5-81-3	DAWSON MICHAEL K	JOHNSON KATHY J	825 MAIN STREET	ACTON	MA	01720
817 MAIN ST	C5-81-5	SRINIVASAN MADHAVAN	DAWSON DONNA M	821 MAIN ST	ACTON	MA	01720
4 TILL DR	C5-94	GARR DAVID	VENKATRAMAN SHANTI	P.O. BOX 2788	ACTON	MA	01720
6 TILL DR	C5-94-1	GRIERSON EDWIN A	GAIL A	817 MAIN ST	ACTON	MA	01720
2 NORTHBRIAR RD	C5-102-1	LANDERS THERESA	LAI I-HUI	4 TILL DR	ACTON	MA	01720
8 TILL DR	C5-102-4	LAI CHOUNG-HOUNG	REICHLEN CATHERINE A	6 TILL DR	ACTON	MA	01720
		REICHLEN BRUCE A	MUSACCHIO JOYCE B	2 NORTHBRIAR RD	ACTON	MA	01720
		MUSACCHIO JOHN E		8 TILL DR	ACTON	MA	01720
			DEPUTY DIRECTOR	45 HIGH ST 9TH FLOOR	BOSTON	MA	02110

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Buxborough, MA 01729
 Carlisle, MA 01741
 Maynard, MA 01754
 Shrewsbury, MA 01775
 Concord, MA 01742
 Westford, MA 01886
 Littleton, MA 01460
 Sudbury, MA 01776

Kimberly Hoyt
 Kimberly Hoyt
 Assessing Clerk
 Acton Assessors Office
 1/Aug-08

ATTORNEY JAMES A. VALERIANI
95 SPRING STREET PH. 781-587-0206
WAKEFIELD, MA 01880-3664

53-179/113
0402616130

1589

DATE August 29, 2006

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Verizon Wireless - Special Permit
MEMO @ 20 Main St - Planning Board Room

James A. Valeriani

⑆011301798⑆ 04 02616130 1589

SPECIALTY GRAY

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APPLICANT'S (VERIZON WIRELESS) RESPONSES TO REQUIREMENTS OF SECTION 3.10 OF THE ACTON ZONING BYLAW IN NARRATIVE FORMAT; PROPOSED WCF AT 820 MAIN STREET, ACTON.

3.10 Special Requirements for Wireless Communication Facilities

3.10.1 Purpose – The purpose of this section is as follows:

3.10.1.1 to minimize adverse impacts of wireless communication facilities, satellite dishes and antennae on adjacent properties, local historic districts and residential neighborhoods;

Response: Applicant's WCF involves the removal/replacement/relocation of an existing tower structure with a new tower structure in the rear of the host property; host property is located in a small manufacturing district; no local historic district is located nearby; monopole is approximately 400 feet distant from the nearest residential property located across Main Street, near Wheeler Lane; Applicant's replacement pole will be further from residential property than existing lattice-style tower in front of host property.

3.10.1.2 to limit the overall number and height of such facilities to what is essential to serve the public convenience and necessity. **Response: Applicant is not adding to the overall number and height of such facilities since Applicant is**

removing/relocating an existing 120 tower with a new 120 tower; also, Applicant's proposed WCF will improve its service to North Acton, thereby serving the public convenience and necessity.

3.10.1.3 to promote shared USE of facilities to reduce the need for new facilities. **Response: Shared use is proposed for four wireless carriers.**

3.10.2 No Wireless Communication Facility shall be erected or installed except in compliance with the provisions of this Section 3.10. **Response: Applicant believes it complies with these provisions.**

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit a tower or antenna installed solely for use by a federally licensed amateur radio operator. For regulations on Amateur Radio Towers see section 3.8.3.6 of this Bylaw. **Response: Applicant is a personal wireless services provider and the proposed WCF is a personal wireless communications reception and transmission facility.**

3.10.4 General Requirements.

3.10.4.1 Lattice style towers and similar facilities requiring more than one leg or guy wires for support are prohibited, provided, however, additional equipment may be added to an existing lattice tower, and such a tower may be extended in height, by a special permit from the Planning Board under section 3.10.6, if the facility otherwise complies with that section and, in addition, the Planning Board finds that such addition or extension better

serves the purposes of section 3.10 than a new facility. **Response: Applicant proposes to remove an existing lattice-style tower and replace/relocate it with the installation of a new 120-foot monopole structure in the rear of the host property.**

3.10.4.2 All STRUCTURES associated with wireless communication facilities shall be removed within one year of cessation of USE. **Response: Applicant shall comply with this requirement.**

3.10.4.3 Night lighting of Wireless Communication Facilities is prohibited except for low intensity security lights installed at or near ground level. **Response: No lighting is required for the proposed monopole; low intensity security lights (motion-activated) shall be installed over the equipment shelter doors at ground level.**

3.10.4.4 Section 6 of the Acton Zoning Bylaw shall not apply to Wireless Communication Facilities. **Response: Not applicable.**

3.10.4.5 At least one sign shall be installed in a visible location at the base of, or otherwise near, every Wireless Communication Facility that provides the telephone number where the operator in charge can be reached on a 24-hour basis. **Response: Applicant will comply with this provision.**

3.10.4.6 Nothing in this Bylaw shall be construed to regulate or prohibit a wireless communication facility on the basis of the environmental effects of radio frequency radiation (RFR) emissions, provided the facility complies with regulations of the Federal Communications Commission concerning such emissions. **Response: Applicant shall comply with this provision and Applicant shall comply with Federal Communications Commission ("FCC") Regulations; see affidavit from Applicant's Radio Frequency Engineer.**

3.10.5 Categorical Exemptions: **Response: Not applicable to Applicant's proposed monopole.**

3.10.5.1 In all zoning districts, a Wireless Communication Facility shall be allowed and no special permit shall be required,

a) if the Wireless Communication Facility does not exceed 3 feet in diameter and 12 feet in height and is otherwise in compliance with applicable dimensional requirements of this Bylaw, or

b) if the Wireless Communication Facility is located entirely, except for necessary wiring, within a BUILDING or STRUCTURE that is occupied or used primarily for other purposes.

c) In addition, any new equipment owned by a personal wireless communication service provider may be mounted on a previously approved Wireless Communication Facility without a special permit, if there is no increase in height.

Note: Although the existing 120-foot lattice-style tower operated by the host property owner in connection with two-way radio communications may not be a "previously approved WCF", the Applicant is substantially complying with this "as-of-right" exemption by simply removing, replacing and relocating the existing tower.

3.10.5.2 In the Office Districts (OP-1, OP-2), the Industrial Districts (LI, GI, LI-1, IP, SM), the Powder Mill District (PM), and the Limited Business District (LB), a Wireless

Communication Facility shall be allowed and no special permit shall be required, if its height does not exceed applicable height limitations and, if freestanding, it is set back from all LOT lines at least the distance equal to the height of the facility, but not less than the otherwise applicable minimum yard requirement. **Response: Not applicable as Applicant's proposal is made under Section 3.10.6 immediately below.**

3.10.6 In all other cases, any new Wireless Communication Facility, and any increase in height or size, or reconstruction or replacement of an existing Wireless Communication Facility shall not be allowed without a special permit from the Planning Board in accordance with M.G.L. ch. 40A, s.9, subject to the following regulations, conditions and limitations: **Note: Applicant is proceeding under this provision.**

3.10.6.1 The Wireless Communication Facility shall not exceed a height of 175 feet from ground level, or to a height that requires it to be illuminated at night under Federal Aviation Administration or Massachusetts Aeronautics Commission regulations, whichever is less. **Response: The Applicant's new tower, replacing the existing 120-foot lattice tower in the front, shall be 120-feet in height (with one or more "whip" antennas extending approximately ten feet above the 120 foot pole) and the proposed new pole-type tower will not require any lighting pursuant to FCC or FAA regulations.**

3.10.6.2 In all Residential Districts, the Wireless Communication Facility shall be set back from all LOT lines at least the distance equal to the height of the facility, but not less than the otherwise applicable minimum yard requirement. **Response: The Applicant's proposed WCF is located in a small manufacturing (SM) zone.**

3.10.6.3 The Wireless Communication Facility shall be located a minimum of 500 feet away from a Local Historic District boundary. **Response: The Applicant is not aware of any Local Historic District boundary within 500 feet of the proposed WCF. In any event, the Applicant's proposed WCF was reviewed by the Massachusetts State Historical Preservation Office (SHPO) and was deemed by the SHPO to have no adverse effect on historic or archaeological resources.**

3.10.6.4 The Wireless Communication Facility shall be separated from any existing residential BUILDING by a horizontal distance that is at least twice the height of the facility, unless the residential BUILDING and the facility are located on the same LOT. **Response: There are no residential buildings on the host property, which is located in a small manufacturing zone, or within four hundred feet of the proposed 120 foot pole.**

3.10.6.5 Any Wireless Communication Facility that is not located in or on a BUILDING or STRUCTURE occupied or used for some other PRINCIPAL USE shall be designed to accommodate the maximum feasible number of users. **Response: The proposed WCF monopole is 120 feet in height and shall be designed to accommodate four wireless carriers at ten-foot height increments and several whip-type antennas for municipal and other purposes.**

a) The Planning Board may require the employment of all available technologies and antenna arrangements to minimize vertical space consumption, and require sufficient room and structural capacity for all necessary cables and antenna arrays. **Response: The proposed 120-foot WCF monopole is designed to accommodate four major wireless carriers with sufficient space inside the**

pole for cables and sufficient space on the ground for equipment shelters or pads. The antenna plans shown at a height of 120 feet on the pole for Verizon Wireless are consistent with customary mounting procedures in the wireless carrier and tower industry to maximize collocation and RF Engineering objectives at a site.

b) The Planning Board may require the owner of such Facility to permit other wireless communication service providers to locate equipment on such facility upon payment of a reasonable charge, which shall be determined by the Planning Board if the parties cannot agree. **Response: The Applicant will comply with this provision and is designing the pole to accommodate four major wireless carriers.**

c) The Planning Board may require that the equipment of all users of a Wireless Communications Facility shall be subject to rearrangement on the facility if so directed by the Planning Board at a later time in its effort to maximize co-location of wireless service antennae. This may result in different vertical antennae locations, reduced vertical separation of antennae, and changes of antenna arrangements. **Response: The Applicant understands this provision and reiterates that the proposed new WCF monopole shall be built to a height of 120 feet to accommodate up to four major wireless carriers. It is also possible to design the monopole to accommodate future extensions to the height of the pole structure.**

d) The Planning Board may require that the equipment of all users of a Wireless Communications Facility shall be subject to relocation to another nearby facility if so directed by the Planning Board at a later time in its effort to maximize co-location of wireless service antennae. It may then order the removal of a facility after the relocation is completed. **Response: It is difficult, if not impossible, to respond to or address this provision due to the inability to plan for future or unforeseen needs for wireless carriers operating in the area, and future and unforeseen real estate and zoning requirements. However, given that the proposed pole is being designed to accommodate up to four major wireless carriers and given that the pole can be designed to accept an extension, it is unlikely that this provision will need to be invoked.**

3.10.6.6 Fencing shall be provided to control unauthorized entry to the Wireless Communication Facility. **Response: The entire WCF facility will be fenced and will comply with this provision.**

3.10.6.7 The Special Permit application for a Wireless Communication Facility shall be accompanied by a plan showing the location of such Facility in relation to lot lines and all BUILDINGS within 500 feet, and plans for the installation or construction of the facility adequate to show compliance with the provisions of this section, and such supplemental information as may be required by the Planning Board in the Rules and Regulations for a Special Permit for Wireless Communication Facilities. The application shall also include maps showing areas where the proposed top of the Wireless Communication Facility will be visible when there is vegetation and when there is not. **Response: A set of "zoning drawings" prepared by BayState Engineering with a final revision date of August 1, 2006, are enclosed and these plans show the information required in this bylaw and the planning board regulations. Additionally, a map showing the locations from where photosimulations were**

done to show the visibility and appearance of the proposed WCF tower are enclosed.

3.10.6.8 No Wireless Communication Facility approved hereunder shall be used for the transmission of signals other than for personal wireless communication services, except that the Planning Board may approve or require the installation of other transmission devices owned, operated, or used by the Town of Acton or any of its agencies.

Response: The Applicant's proposed WCF tower is designed to be used for the transmission of wireless signals and to allow for additional antennas of governmental agencies. The existing 120 foot lattice-style tower located at the front of the host property is currently utilized for two-radio operations, properly licensed by the FCC, for Capizzi and Company. Rather than to take significant steps to accommodate collocation of the proposed WCF antennas on this existing structure, which would have allowed for the continued use of Capizzi's two-radio system to coexist with the proposed WCF, but which would involve tower-bracing or tower-replacement in a very small working area and significant disruption of Capizzi's business operations, the Applicant is proposing to replace the existing tower with a new tower to be located in the rear of the host property and the existing radio antennas whips utilized by Capizzi are to be relocated to the replacement monopole.

3.10.6.9 Mandatory Findings – The Planning Board shall not issue a special permit for a Wireless Communication Facility unless it finds that the Wireless Communication Facility:

a) is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s.11: Response: The Applicant's proposed WCF involves the removal of an existing 120-foot monopole lattice-type tower located in the front of the host property on Main Street and its replacement and relocation in the rear of the host property, thereby eliminating the need to construct another tower in the area. The proposed WCF is located in a non-residential zoning district, meets all dimensional requirements for set-back and height, is approximately 400 feet from the nearest residence and is not believed to be any more visible than the existing tower at the site.

b) cannot for technical or physical reasons be located on an existing Wireless Communication Facility that provides similar coverage. Response: Verizon Wireless is in compliance with this provision in that it is utilizing an existing high-height structure to provide for its required coverage objective. The applicant is proposing to replace the existing structure with a replacement pole to be placed in the rear of the property, thereby minimizing disruptions to the larger host parcel and helping to minimize the visibility of the pole. Verizon Wireless has an existing installation at the existing monopole structure owned by Crown Castle (a national tower management and development company), located in the northern-most corner of North Acton at 982 Main Street, on property owned by the McKay's. This existing facility at 982 Main Street has reached its capacity limit technology wise and backhaul wise. Verizon Wireless has been unable to connect additional T1s or fiber optic cable to the site, thereby preventing any sort of technology or capacity upgrades. The surrounding communication sites have received technology and capacity upgrades (such as 2G to 3G conversions, additional RF carriers, and the additional of a high-speed data carrier, know as EVDO) and these surrounding sites will continue to receive upgrades as the network and technology grow. The 982 Main Street location

presents a problem in that neighboring sites in the network must communicate with each other on the same technology standard; however, when one site does not get the appropriate technology or capacity upgrades, it creates a coverage and capacity hole in the network, which creates a significant gap in the network. The goal of the newly proposed wireless communications facility at the Capizzi Property at 820 Main Street is to fill this capacity and coverage hole, and Verizon Wireless believes that making an effort to merge the existing 120-foot two-way radio tower use with the Verizon Wireless facility by means of a replacement tower is a sensible approach that minimizes the visibility of the replacement tower and that does not increase the number of towers in the area of North Acton and that is in compliance with the requirements of the zoning bylaw.

- c) cannot be located at any other practicably available site that is less visible to the general public due to technical requirements, topography or other unique circumstances. The applicant shall have the burden of showing what alternative sites it considered and why such sites are not practicably available. **Response: Please refer to the response to item b above.**

- d) is not designed and constructed any larger or higher than the minimum height and size necessary to accommodate its anticipated future USE and cannot be further reduced in height due to technical requirements, topography or other unique circumstances. **Response: Please refer to item b above and to the RF Engineering affidavit and plots included with the application filing.**

- e) is sited in such a manner that it is suitably screened and, to the extent possible, not visible from residential BUILDINGS or public STREETS within 500 feet. **Response: The proposed facility is being placed in the rear northeast corner of the host property in order to minimize its visibility from Main Street and the residential area on the eastern side of Main Street. Utilizing the existing high-height structure by rebuilding it in the rear of the property will mean no net gain in high-height structures in the area. The subject site will meet all dimensional requirements of the bylaw and will be set back almost 300 feet from Main Street and approximately 400 feet from the nearest residential property on the eastern side of Main Street.**

- f) is colored so that it will as much as possible blend in with its surroundings when viewed from residential BUILDINGS or public STREETS within 500 feet. **Response: See response to item e above. Note that the monopole color will be a light shade of gray which is typical for these types of structures and this will help to decrease the visibility, in addition to placing it in the rear of the property and in addition to the cluster of high-height pines in this area.**

- g) is designed to accommodate the maximum number of users technologically feasible. **Response: The facility is designed to support the equipment of Verizon Wireless as the applicant as well as up to three other major wireless communications carriers.**

- h) is necessary because there is no other Wireless Communications Facility with available space or capacity, or within the targeted coverage area. **Response: Please see the response to item b above.**

- i) is in compliance with applicable Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health regulations. **Response: The facility will meet these requirements. Refer to the affidavit prepared by Verizon Wireless's Radio Frequency Engineering Department.**

- j) complies with all applicable requirements of this Bylaw, including section 10.3. **Response: The applicant believes its petition completely complies with all applicable requirements of the Bylaw, including Section 10.3.**

END OF NARRATIVE RESPONSES TO SECTION 3.10 OF THE BYLAW

APPLICANT'S (VERIZON WIRELESS) RESPONSES TO REQUIREMENTS OF SECTION 10.3 OF THE ACTON ZONING BYLAW IN NARRATIVE FORMAT; PROPOSED WCF AT 820 MAIN STREET, ACTON.

10.3.5 Mandatory Findings by Special Permit Granting Authority – Except for a Site Plan Special Permit, the Special Permit Granting Authority shall not issue a special permit unless without exception it shall find that the proposed USE:

10.3.5.1 Is consistent with the Master Plan: **Response: The Applicant's proposed WCF is allowed by special permit by the Planning Board pursuant to Section 3.10 of the Zoning Bylaw on Special Requirements for Wireless Communications Facilities and pursuant to Section 3 under the Table of Uses of the Zoning Bylaw.**

10.3.5.2 Is in harmony with the purpose and intent of this Bylaw. **Response: The Applicant believes that the proposed WCF, which is allowed by Special Permit by the Planning Board and is identified in the Table of Uses, complies in all respects with the intent of the Bylaw. Refer to the narrative and supplementary information enclosed with the application.**

10.3.5.3 Will not be detrimental or injurious to the neighborhood in which it is to take place. **Response: The host property is in a small manufacturing district along busy Route 27 (Main Street) and is set-back almost 300 feet from Main Street and approximately 400 feet from the nearest residential property. The Applicant is proposing to replace an existing 120 foot tower located near the front of the property and replace it with a 120 foot monopole in the rear northeast corner of the property, thereby not increasing the number of towers on site while at the same time lessening the visibility of the replacement tower. The 120 monopole will allow for improved and enhances services offered by Verizon Wireless, an FCC licensed personal service provider, that will benefit the residential, business, governmental and other users of Verizon Wireless's personal communications service in this area of Acton for everyday uses and emergency uses.**

10.3.5.4 Is appropriate for the site in question. **Response: Refer to response to Section 10.3.5.3 which indicates it is a manufacturing zone, meeting dimensional requirements, allowed by special permit under table of uses, less visible, and of benefit to the users in the area. Refer to the narrative and supplementary information enclosed with this application.**

10.3.5.5 Complies with all applicable requirements of this Bylaw. **Response: The Applicant believes that its proposed WCF complies with all applicable requirements of this Bylaw. Refer to the narrative and supplementary information enclosed with this application.**

VERIZON WIRELESS (APPLICANT)
PROPOSED WCF AT 820 MAIN STREET, ACTON
APPLICANT'S NARRATIVE RESPONSES TO RULES AND REGULATIONS
FOR A WIRELESS COMMUNICATION FACILITY
SPECIAL PERMIT, PLANNING BOARD, TOWN OF ACTON

1.5 Waiver of RULES

Strict compliance with these RULES may be waived if the BOARD finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the BYLAW and these RULES.

Any request from an APPLICANT for a waiver of these RULES must be submitted, in writing, to the BOARD at the time of submission of the APPLICATION. Such requests must clearly identify the provision(s) of the RULES from which relief is sought and be accompanied by a statement setting forth the reasons why, in the APPLICANT'S opinion, the granting of such a waiver would be in the public interest or the specific information required is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the BYLAW and these RULES.

Response: Due to the small area of land needed for this project (under 2,500 square feet and due to the unmanned nature of the facility, the Applicant is seeking a number of waivers for this project, and each waiver is specifically requested below.

SECTION 2

PRELIMINARY REVIEW

2.1 Preliminary Consultations

Consultations between a prospective APPLICANT and the professional staff of the TOWN prior to the filing of an APPLICATION under these RULES with the BOARD are strongly recommended and can prevent serious delays in the processing of the final APPLICATION.

Response: The Applicant has submitted preliminary information to the Planning Department and a preliminary response was received and the Applicant looks forward to addressing the several items raised in the response during the hearing process.

SECTION 3

CONTENTS OF AN APPLICATION

3.1 APPLICATION Form

An APPLICATION for a PERMIT which lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the APPLICANT to assure the accuracy and completeness of all information submitted to the BOARD as part of an APPLICATION. The APPLICANT shall be responsible for factually supporting all points relied upon in the APPLICATION including references for methodologies used in design calculations.

Response: The Applicant believes it has submitted a complete and comprehensive application that is factually supported.

A complete APPLICATION for a PERMIT shall include the following items.

3.1.1 Any APPLICATION for a PERMIT shall be made in writing and include the completed APPLICATION form entitled "Application for a Wireless Communication Facility Special Permit" attached to these RULES and also available from the office of the BOARD at Town Hall. In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall obtain the owner's signature on this form indicating that the owner has knowledge of and consents to the APPLICATION. If the APPLICANT is acting in the name of a trust, corporation or company, an authorizing vote shall be attached.

Response: A complete application with accompanying narrative and supplementary information is enclosed herewith.

3.1.2 Twelve (12) full size copies of the APPLICATION (including plan sheets) and twelve (12) reduced size (11" x 17") copies of the plan sheets shall be required at the time of submission of an APPLICATION. Each copy of the APPLICATION shall be folded so that it will fit neatly into a letter sized file folder.

Response: The Applicant has complied with this requirement.

3.2 Certified Abutters List

List of abutters and abutters to abutters that are PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for the list.

Response: A certified abutters list is enclosed with the application materials.

3.3 Other Permits and Variances

A list and copies of variances, permits, and other special permits previously issued by other TOWN boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Conservation Commission, the Board of Appeals, the Planning Board, the State Dept. of Public Works, the Army Corp. of Engineers, and the State Dept. of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

Response: The Applicant shall comply with this requirement. The Applicant is seeking a special permit from the Planning Board pursuant to these rules and regulations and Sections 3.10 and 10.3 of the Acton Zoning Bylaw. The Applicant shall also comply with the use regulations and restrictions under Section 4.3 on the Groundwater Protection District (Applicant's proposed facility is in a Zone 3 Aquifer Protection Area). The Applicant shall also comply with the Town's General Regulation Bylaws, Chapter G, on Earth Removal.

- 3.3.1 NOTE: If any other special permits are required from the BOARD, the APPLICANT is hereby strongly advised to make the applications for such additional permits concurrently with this PERMIT APPLICATION.

Response: The Applicant is not aware of any other special permit requirement.

3.4 Recorded Plans and Deeds

A copy of the most recently recorded plan(s) and deed(s) for the LOT(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

Response: The current title documents are enclosed with this Application.

3.5 Mortgage Holders

A list of mortgage holders which shall be kept current during the period of development.

Response: No mortgage holders known to exist.

3.6 Proof of Need

The BOARD cannot issue a special permit unless it can make numerous mandatory findings (refer to S. 3.10.6.8 of the BYLAW). The APPLICANT shall submit written statements that explain the following:

- 3.6.1 How the proposed Wireless Communication Facility is designed to minimize any adverse visual or economic impacts on abutters and other PARTIES IN INTEREST.

Response: The Applicant's proposed WCF involves the removal of an existing 120-foot lattice-type tower located in the front of the host property on Main Street and its replacement and relocation in the rear of the host property, thereby eliminating the need to construct another tower in the area. The proposed WCF is located in a non-residential zoning district, meets all dimensional requirements for set-back and height, is approximately 400 feet from the nearest residence and is not believed to be any more visible than the existing tower at the site.

- 3.6.2 Why the proposed Wireless Communication Facility cannot be located on an existing Wireless Communication Facility.

Response: Verizon Wireless is in compliance with this provision in that it is utilizing an existing high-height structure to provide for its required coverage objective. The applicant is proposing to replace the existing tower structure with a replacement pole to be placed in the rear of the property, thereby minimizing disruptions to the use of the larger host parcel and helping to minimize the visibility of the pole. Verizon Wireless has an existing installation at the existing monopole structure owned by Crown Castle (a national tower management and development company), located in the northern-most corner of North Acton at 982 Main Street, on property

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owned by the McKay's. This existing facility at 982 Main Street has reached its capacity limit technology wise and backhaul wise. Verizon Wireless has been unable to connect additional T1s or fiber optic cable to the site, thereby preventing any sort of technology or capacity upgrades. The surrounding communication sites have received technology and capacity upgrades (such as 2G to 3G conversions, additional RF carriers, and the additional of a high-speed data carrier, know as EVDO) and these surrounding sites will continue to receive upgrades as the network and technology grow. The 982 Main Street location presents a problem in that neighboring sites in the network must communicate with each other on the same technology standard; however, when one site does not get the appropriate technology or capacity upgrades, it creates a coverage and capacity hole in the network, which creates a significant gap in the network. The goal of the newly proposed wireless communications facility at the Capizzi Property at 820 Main Street is to fill this capacity and coverage hole, and Verizon Wireless believes that making an effort to merge the existing 120-foot two-way radio tower use with the Verizon Wireless facility by means of a replacement tower is a sensible approach that minimizes the visibility of the replacement tower and that does not increase the number of towers in the area of North Acton and that is in compliance with the requirements of the zoning bylaw.

3.6.3 Why the proposed Wireless Communication Facility cannot be located at any other practicable available site that is less visible to the general public due to technical requirements, topography or other unique circumstances.

Response: Please refer to the response to item 3.6.2 above.

3.6.4 That the proposed Wireless Communication Facility is not designed any larger than or higher than the minimum height and size necessary to accommodate its anticipated future USE and cannot be further reduced in height due to technical requirements, topography or other unique circumstances.

Response: Please refer to item 3.6.2 above and to the RF Engineering affidavit and plots included with the application filing.

3.6.5 How the proposed Wireless Communication Facility is sited in such a manner that it is suitably screened and, to the extent possible, not visible from residential buildings or public streets within 500 feet.

Response: The proposed facility is being placed in the rear northeast corner of the host property in order to minimize its visibility from Main Street and the residential area on the southeastern side of Main Street. Utilizing the existing high-height structure by rebuilding it in the rear of the property will mean no net gain in high-height structures in the area. The subject site will meet all dimensional requirements of the bylaw and will be set back almost 300 feet from Main Street and approximately 400 feet from the nearest residential property on the eastern side of Main Street.

3.6.6 That the proposed Wireless Communication Facility is colored so that it will, as much as possible, blend in with its surroundings when viewed from residential BUILDINGS or public STREETS within 500 feet; using, if possible, different colors to blend in the facility as

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invisibly as possible with the landscape or buildings on the ground and the sky above the tree or BUILDING line.

Response: See response to item e above. Note that the monopole color will be a light shade of gray which is typical for these types of structures and this will help to decrease the visibility, in addition to placing it in the rear of the property and in addition to the cluster of high-height pines in this area.

3.6.7 How the proposed Wireless Communication Facility is designed to accommodate the maximum number of users technically practical, but not less than 3.

Response: The facility is designed to support the equipment of Verizon Wireless as the applicant as well as up to three other major wireless communications carriers.

3.6.8 That the proposed Wireless Communication Facility is necessary because the owner of the existing Wireless Communication Facility will not permit the APPLICANT to place an additional Wireless Communication Facility in the same location.

Response: Please refer to item 3.6.2 above and to the RF Engineering affidavit and plots included with the application filing. The Applicant is currently a subtenant at an existing 150 foot WCF located at 982 Main Street in North Acton. Due to the fact that the Applicant lacks privity of estate and privity of contract with the landowner, and given that the Applicant's sub-landlord (Crown Castle) has been unable to obtain, through the appropriate legal channels, the necessary approvals and easement rights to allow the Applicant's necessary upgrades to the utility facilities connected to the site, and due to a history of difficulty experienced by the Applicant at its existing facility, all of which violate the Applicant's right to quiet enjoyment and its rights to use the premises as contracted and leased, and all of which create a significant gap in the Applicant's personal services network, the Applicant is seeking to relocate its facility to 820 Main Street by removing the existing 120 foot lattice-style tower at the front of the host property and replacing it with a 120 foot monopole in the rear northeast corner of the host property, thereby not creating any increase to towers in this area of North Acton and thereby eliminating its gap in coverage and capacity and thereby improving its personal wireless services to its subscribers in this area. The use of the proposed WCF facility at 820 Main Street allows the Applicant to continue to cover North Acton and at the same time allows the Applicant to extend its coverage further south into Acton. The 820 Main Street site may be of interest to other wireless carriers that may desire to extend their coverage further south into Acton from the proposed WCF at 820 Main Street.

3.6.9 That the proposed Wireless Communication Facility is in compliance with applicable Federal Aviation Administration, Federal Communications Commission, Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health regulations.

Response: The Applicant shall comply with these requirements.

3.6.9.1 Compliance shall be demonstrated by submission of letters from the above named entities and by submission of a copy of an FCC license issued to the APPLICANT for the service area that includes Acton.

Response: The Applicant is in compliance with these and relevant information and documentation is included in the Applicant's submittal materials. The Applicant's real estate interest is held by Bell Atlantic Mobile of Massachusetts Corporation,

Ltd., d/b/a Verizon Wireless, and its FCC licensed is held by its affiliate, Cellco Partnership.

3.7 Plans

Plans shall be legibly drawn to fully detail and explain the intentions of the APPLICANT. All plan sheets shall be drawn at a standard scale (1 inch = 20, 40, or 50 feet) and shall include a reasonable numbering system with an appropriate title block, north arrow, and legend identifying any representative symbols used on the sheet in question. The plans shall include at least the following information as prescribed below.

3.7.1 Design Certifications - Each plan sheet shall show the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet.

Response: The enclosed plans meet this requirement.

3.7.2 Locus Plan - A Locus Plan showing an area a minimum of one mile diameter at a scale of 1" = 1200'. Major STREETS, BUILDINGS, brooks, streams, rivers and other landmarks should be shown on the locus plan with sufficient clarity to easily discernible.

Response: The enclosed plans meet this requirement.

3.7.3 General Site Characteristics:

3.7.3.1 All LOT lines and boundaries of the site, with ownership of abutting properties indicated.

Response: Shown on plans.

3.7.3.2. Access and utility easements. **Response: Shown on plans.**

3.7.3.3 All required setbacks for BUILDINGS, STRUCTURES, parking, or loading facilities shall be dimensioned on the plan to demonstrate compliance with zoning requirements.

Response: Shown on plans.

3.7.3.4 All zoning district boundaries, including the boundaries of the Flood Plain and Groundwater Protection Districts, if applicable, shown in their proper location.

Response: Shown on plans.

3.7.3.5 Any special site features including, but not limited to stone walls, fences, wells, historic STRUCTURES, and historic BUILDINGS. **Response: Waiver Requested. Given the small area of 40 x 60 feet needed for the Applicant's facility and located in the northeast corner of the larger host lot, the Applicant believes that showing such items for the entire lot are not necessary. However, the Applicant shows the fencing associated with its facility on the plans. The Applicant's research indicates that there are no historic structures or boundaries nearby.**

3.7.4 Natural Site Characteristics:

3.7.4.1 Site features such as, but not limited to, flood plains, waterways, drainage courses, and ledge outcroppings. **Response: None of these items are present on the Applicant's facility.**

3.7.4.2 Existing and proposed contours of the land shown at two (2) foot intervals unless otherwise required by the Flood Plain Bylaw. Topography shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark plus at least two additional temporary bench marks on the site. **Response:**

Contours are shown on plans.

3.7.4.3 Location and results of any field tests to determine the MAXIMUM GROUNDWATER ELEVATION. **Response: Waiver Requested: Applicant shall not be modifying the current grade-level on the host property.**

3.7.4.4 All wetlands and wetland buffer area boundaries. Wetlands are defined as those areas subject to the provisions of either the "Wetlands Protection Act", MGL, Ch. 131, Section 40, or the "Acton Wetlands Bylaw". **Response: The proposed WCF is not located in a wetland or in a wetland buffer.**

3.7.5 Site Improvements

3.7.5.1 Tabulations - A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable), and the proposed site conditions for the following characteristics: LOT size, total LOT coverage, % of land in any zoning district where the proposed USE is not permitted, OPEN SPACE, UNDISTURBED OPEN SPACE, % wetlands, % flood plain, DEVELOPABLE SITE AREA, front yard/s, side yards, rear yard, any buffers, BUILDING height, minimum distance to groundwater, pre and post development runoff rates and groundwater recharge, NET FLOOR AREA, FLOOR AREA RATIO, and the number of parking spaces with supporting calculations. The table shall give the percentage of reserved parking spaces with respect to the total number of spaces provided. **Response: A Tabulation Table is shown on the Plans, See Sheet C-1.**

3.7.5.2 Outline or footprint of any existing or proposed BUILDING or STRUCTURE with identification and its finished floor elevation. The final disposition of any existing BUILDING or STRUCTURE, whether it is to remain, be removed, or be altered, shall be noted. **Response: the footprint of the equipment shelter and tower are shown on the plans and the grade level is shown as well.**

3.7.5.3 The location of any existing or proposed signs must be shown, and, if existing, their final disposition must be noted. **Response: The only signs shall be those of ownership and those required by government agencies, such as the FCC, and these shall be attached to the fencing around the compound and/or to the shelter structures.**

3.7.5.4 Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately. **Response: Waiver Requested. The Applicant has leased a small area (40 x 60 feet) for its proposed WCF and there are no open space requirements associated with or required of this small area.**

3.7.5.5 Sidewalks with a note on the construction materials to be used. **Response: Waiver Requested. The Applicant has leased a small area (40 x 60 feet) for its proposed WCF and it is to be situated in the northeast rear corner of the host property, approximately 275 feet from the public way; given this distance, and given the infrequent visits to this unmanned facility, a waiver of any requirements to show or provide-for sidewalks is requested.**

3.7.5.6 All driveway entrances dimensioned and a cross-section of the driveway shown so that compliance with the access requirements of the BYLAW may be determined. Any driveway intended to be used as a "common driveway" shall be so identified. The size of the largest truck expected to use the site shall be noted. All of the drives and entrances must be designed to accommodate the designated size of truck. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks may maneuver on the site. **Response: Waiver Requested. The Applicant shall be using an existing driveway leading from Main Street to a paved parking area. From there, the**

Applicant shall utilize an existing dirt-road leading to the northeast rear corner of the subject property.

- 3.7.5.7 Intersections and driveway entrances on other LOTS within 75 feet of the site with the distance between driveways dimensioned. **Response: Waiver Requested. The Applicant shall be using an existing driveway leading from Main Street to a paved parking area. Given the small area that comprises the Applicant's WCF equipment facility and given the infrequent visits to this unmanned facility, the Applicant does not believe showing this information is relevant.**
- 3.7.5.8 All parking facilities with proper dimensions. **Response: The Applicant has shown three parking space alongside the northern section of the WCF compound, which is located within the northeast corner of the host property. The facility is unmanned and requires only periodic maintenance so parking is considered a minor item in connection with the project.**
- 3.7.5.9 Location, dimension and rendering of the required sign that provides the telephone number where the operator in charge can be reached on a 24-hour basis. **Response: The sign shall be placed on the front gate to the compound and shall be approximately 18" x 24" in dimension; given that the facility is located in the rear northeast corner of the host property, a waiver is requested for the rendering of the sign; however, the sign shall comply with applicable laws.**
- 3.7.5.10 Outdoor lighting details for low intensity security lights. **Response: The Applicant will install two 70 Watt motion-activated low-intensity lights over the doorways to the Equipment Shelter and accessory Generator Storage Room which adjoins the shelter. A specification sheet on lighting is included in the application materials.**
- 3.7.6 Site Utilities
- 3.7.6.1 Location and type of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catchbasins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operations of the system can be evaluated. Any drainage ponds intended to be constructed shall be shown fully dimensioned. **Response: Waiver Requested. The WCF shall be covered with stone with mesh fabric below for weed control and the tower foundation shall be set below the grade level and covered with stone. No significant increase in impervious area to the host property.**
- 3.7.6.2 Location of any underground storage tanks for fuel or other chemical storage, including the tank types, capacities, and condition. **Response: No underground storage of fuels or chemicals. Applicant shall install a 500 gallon propane tank within the fenced compound of the WCF in order to fuel the auxiliary generator to be stored inside the Applicant's shelter.**
- 3.7.6.3 Location and type of existing and proposed water services to serve the facility (including abandoned wells). If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any BUILDING, STRUCTURE, or sewage disposal system. If public water services are to be utilized, then the water main which will service the site must be shown and identified. **Response: No water services shall serve the unmanned facility.**
- 3.7.6.4 All fire hydrants on the site or off the site but within 500' of the principal BUILDING on the site. If no fire hydrants are located within 500' of the principal BUILDING on the site, then a note shall appear clearly explaining how the APPLICANT will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or other warning

systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown. **Response: Waiver requested from the requirement to show fire hydrants within 500 feet of the WCF. The facility is unmanned and is a single-story concrete and/or stone type-aggregate, steel shell, equipment shelter. The facility is equipped with heat sensors monitored by the Applicant's Network Operations Control Center.**

3.7.6.5 The location and type of any other underground utilities including but not limited to electric, gas, telephone, or cable television services. Any emergency power facilities should also be shown. **Response: The Applicant is proposing to run telephone and electric utilities to the site from Main Street and these utilities are to run underground. The emergency power on site shall be accomplished with an auxiliary generator stored inside the Applicant's shelter and fueled by an on-site 500 gallon above-ground propane tank inside the fenced compound.**

3.7.7 Construction Details - Typical detail of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structure, if any. In Groundwater Protection Zones 1, 2, and 3, catchbasins must be precast concrete with gas traps (Lebaron I-219, Neenah 3705, or equivalent). Precast catch basins must show gas traps and construction joints sealed with a minimum of 1" butyl-rubber gastight sealant or equivalent caulking material. Response: Waiver requested. Given the small area utilized by this WCF (40 x 60 feet) and given it is an unmanned facility covered with crushed stone, there are no details necessary for this item. **Response: Waiver Requested. The facility is unmanned with no water or sewer services; tower foundation will be below-grade with crushed gravel; compound will be covered with mesh weed fabric and gravel; no significant increase to impervious areas on host site.**

3.7.8 Erosion & Sediment Control Plan

The Plan shall show adequate erosion and sediment control measures during and after construction. Control measures such as hydroseeding, berms, interceptor ditches, terraces, and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process. **Response: Waiver Requested. The facility is unmanned with no water or sewer services; tower foundation will be below-grade with crushed gravel; compound will be covered with mesh weed fabric and gravel; no significant increase to impervious areas on host site.**

a) A note on the Erosion and Sedimentation Plan shall state that the developer is required to clean up any sand, dirt, or debris which erodes from the site onto any public STREET or private property, and to remove silt or debris that enters any existing drainage system including catch basin sumps, pipe lines, manholes and ditches. **Response: This note was made to the plan.**

3.7.9 Landscape Plan - Landscaping information must be shown on a separate plan sheet or sheets. In addition to showing landscape treatments planned for the site the Landscape Plan shall include general site features such as LOT lines, existing and proposed STRUCTURES, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans. **Response: Waiver Requested. The proposed WCF is being placed in the rear northeast corner of a landscaping company yard in a small manufacturing district and will not be visible to the general public. Given this setting, and given the desire to view the compound from the outside of the chain-link fence for security and maintenance purposes, a waiver is requested for this provision.**

- 3.7.9.1 Screening - The Plan shall show the methods, plant materials, fencing and other treatments that will be employed to ensure that the wireless communication facility is not visible from residential BUILDINGS on public STREETS within 500 feet. Parking that faces public ways and residential zones or uses shall also be screened. **Response: Waiver Requested. The proposed WCF is being placed in the rear northeast corner of a landscaping company yard in a small manufacturing district and will not be visible to the general public. Given this setting, and given the desire to view the compound from the outside of the chain-link fence for security and maintenance purposes, a waiver is requested for this provision.**
- 3.7.9.2 Planting Table - The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in a table along with the symbols used to represent the plants on the plan. **Response: Waiver Requested. See waiver request detail under Section 3.7.9.**
- 3.7.9.3 Landscaping Details - A typical detail of a tree well, tree planting, and specialty planting area, if applicable. **Response: Waiver Requested. See waiver request detail under Section 3.7.9.**
- 3.7.9.4 Limits of Work - Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan. **Response: Waiver Requested. See waiver request detail under Section 3.7.9.**
- 3.7.9.5 Perimeter of Trees - The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted. The location, size, and proposed fate of any existing trees larger than 16" in diameter shall be shown. **Response: Waiver requested. The Applicant is not removing any significant trees from this relatively clear area. The Applicant's WCF is to be located in the rear northeast corner of a large host lot and will not be visible to the general public. The Applicant will attempt to minimize any tree removal in the work area.**
- 3.7.10 Camouflage - The Plan shall include a colored rendering of the proposed wireless communications facility legibly drawn at a standard architectural scale, as appropriate, showing the methods and treatments that will be employed to ensure that the Wireless Communications Facility will blend in with its surroundings when viewed from residential BUILDINGS or public STREETS within 500 feet. **Response: A color rendering of the facility is enclosed with the applicant's submittal.**
- 3.7.11 Visibility - The Plan shall include a topographic map showing the areas where the top of the proposed Wireless Communication Facility will be visible. To allow the Board to make its determination, the Applicant shall float a highly visible object at the location and height of the proposed tower and provide photographs to show visibility of the object. Locations of the photographs shall be shown on the map. **Response: The Applicant conducted a visibility study on April 1, 2006. Prior notice of the study was sent to the Planning Department via email. Utilizing a large red weather balloon raised to a height of 120 feet, the Applicant took photos from six different locations around the area and photosimulations were developed to show the expected visibility of the top of the monopole from these locations. The visibility study is enclosed with the Applicant's submittal.**

3.7.12 BUILDING Elevations - The front, sides, and rear elevations of each BUILDING and STRUCTURE shall be shown at an appropriate scale generally not less than 1/8" = 1'. **Response: This information is shown on the plans.**

3.7.13 Floor Plans - A Floor Plan must be shown for each floor of each BUILDING whether such BUILDING is existing or proposed. Each Floor Plan must identify the proposed USE or USES to be conducted on the floor in question. Each Floor Plan must be dimensioned to show the NET FLOOR AREA. The Floor Plan shall be drawn at a scale of 1/4" = 1'. **Response: The footprint of the Applicant's 12 foot x 30 foot equipment shelter is shown on the plans.**

3.7.14 Plan Notes - Plan Notes shall be provided that: 1) forbid the use of fill containing hazardous materials as required by the BYLAW, 2) require the marking of the limits of work in the field prior to the start of construction or site clearing, 3) require the cleaning of catchbasin sumps and stormwater basins following construction and annually thereafter, 4) restrict the hauling of earth to or from the site to the hours between 9 a.m. and 4 p.m. on weekdays if earth materials are intended to be removed from or brought to the site, 5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the BOARD requires 12" or gravel and 3" of bituminous concrete paving laid in two courses). **Response: These notes, where applicable, are shown on the plans.**

3.8 Water Balance Calculations

The portion of the site in each GROUNDWATER Protection District Zone shall be noted. A hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge, and septic flow shall be included. Compliance with all applicable portions of Sect. 4.3 of the BYLAW shall be demonstrated. **Response: Waiver Requested. The Applicant's WCF is located in Zone 3 of the Groundwater Protection District (Aquifer Protection Area) and the Applicant's WCF use is allowed in this district. The Applicant is not modifying the grade level at the site. An earth removal estimation letter is provided as well. Given the facility is unmanned with no water/sewer connections and given that the Applicant is not changing the grade level at the site and is only slightly adding to impervious surface due to the small 12 x 30 shelter area, and given that the only below-grade activity will be for the tower foundation and typical utility conduits, the Applicant requests a Waiver from these provisions.**

3.9 Drainage Calculations

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer and must support the sizing of all drainage structures and pipes. **Response: Waiver Requested. The Applicant's WCF is located in Zone 3 of the Groundwater Protection District (Aquifer Protection Area) and the Applicant's WCF use is allowed in this district. The Applicant is not modifying the grade level at the site. An earth removal estimation letter is provided as well. Given the facility is unmanned with no water/sewer connections and given that the Applicant is not changing the grade level at the site and is only slightly adding to impervious surface due to the 12 x 30 shelter area, and given that the WCF will be covered with mesh fabric and stone, and given that the only below-grade activity will be for the tower foundation and typical utility conduits, the Applicant requests a Waiver from these provisions.**

3.9.1 These calculations must be based on a recognized standard method (usually the Rational or Soil Conservation Service Methods). The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review possible. **Response: Waiver Requested. See Response to 3.9.**

3.9.2 The pre- and post-development runoff rates must be provided. If applicable, the methods used to comply with the "Stormwater Runoff" design standards of the BYLAW shall be described. The use of computer generated reports is acceptable, however, the source of the software should be identified. Design of the storm drainage system can generally be based on a 10-year storm event, however, the system design shall not result in serious flood hazards during a 100-year storm. **Response: Waiver Requested. See Response to 3.9.**

3.10 Earth Removal Calculations

Calculations for determining the amount of earth to be removed or the amount of FILL to be brought into the site shall be prepared by and show the seal of a Registered Professional Engineer. **Response: An earth removal estimate letter has been prepared by the Applicant's Engineering Company and is included in the materials.**

3.11 Additional Information

The APPLICATION may contain whatever additional information the APPLICANT feels is necessary to properly inform the BOARD about the development including legal opinions, copies of deeds, historical data, studies, and reports. **Response: Refer to Application for more details.**

3.11.1 The BOARD is empowered by the BYLAW to require information in addition to that specifically required by the BYLAW or by these RULES. The BOARD will require the APPLICANT to supply additional information if it finds that such information is necessary to properly act upon the APPLICATION in question. **Response: The Applicant will supply additional detail that is applicable to its proposed WCF, as reasonably necessary.**

RF Engineering Report for Proposed Wireless Communications Facility

Site Location: 820 Main Street, North Acton, Mass.

Proposed Facility - Verizon Wireless proposes to install Lucent Modcell 4.0 base station equipment on the ground near the base of the proposed tower. The base station transmits in the 880-890 MHz (cellular) and 1850-1990 MHz (PCS) frequency range. The maximum power generated by the RF amplifiers is 20 watts per channel with a maximum of 7 channels per sector in the 880-890 MHz range and 16 watts per channel with a maximum of 3 channels per sector in the 1850-1990 MHz range. Verizon Wireless will mount panel antennas, four per sector, in a three-sector configuration with an antenna centerline height of 120 feet AGL. The panel antennas, CSS SA13-78 series and MD17-80 series, are 48.4 and 47.1 inches in length respectively. The Maximum Effective Radiated Power (ERP) is 363.94 watts cellular, 430.65 watts PCS, per channel for fully loaded channel. The RF Specifications sheet for the antennas, including antenna gain and patterns, is included as an attachment.

The current Verizon Wireless communications facility (located at 982 Main St., Acton, MA, approximately 1 mile north of the subject site, has reached its capacity limit technology wise and backhaul wise. Verizon Wireless is unable to get additional T1s or fiber optic cable to the site, thereby preventing any sort of technology or capacity upgrades. The surrounding communication sites have received technology and capacity upgrades such as: 2G to 3G conversions, additional RF carriers, and the addition of a high-speed data carrier, known as EVDO. These surrounding sites will continue to receive upgrades as the network and technology develop. The 982 Main St. location essentially being "frozen in time", presents a problem in that neighboring sites in the network communicate with each other on the same technology standard. However, when one site does not get the appropriate technology or capacity upgrades, such as the subject site, it creates a coverage and capacity hole in the network. The goal of this proposed wireless communications facility is to fill this capacity and coverage hole.

Compliance with Federal Emission Standards - Verizon Wireless certifies this site is in compliance with all Federal radio frequency standards and guidelines. The telecommunication transmitting systems to be used at the site operate in the Cellular B-Band and PCS F-Band of frequencies and are subject to FCC Regulation. The FCC radio frequency (RF) exposure guidelines require telecommunication operators to comply with the exposure criteria established by the National Council on Radiation Protection and Measurements (NCRP). The following calculations are made relative to the NCRP criteria. Calculations have been made using conservative methods consistent with the FCC's OET Bulletin 65, and use 1.0 mW/cm^2 , which is the maximum permissible exposure as specified by NCRP for telecommunication carriers.

The following table shows the calculated power density and the percent of the Maximum Permissible Exposure (MPE) assuming the ERP is equal in all directions from the proposed mount. In other words, no power-level

adjustments were made due to the vertical pattern of the antennas, and the full ERP per channel was used (which is a worst-case assumption). In this type analysis, the highest power density is at the base of the installation, which is the closest accessible point to the antennas. For the 120 foot height on the proposed installation, the power density for the Verizon Wireless antennas is 0.0959 mW/cm² and the MPE is 9.59%, which is very low compared to the NCRP standard. These calculations clearly show that Verizon RF signal levels will be over 10 times lower than the FCC-mandated limits in all locations around the tower even with extremely conservative assumptions and therefore in complete compliance with all FCC standards and requirements.

Site Name: Acton North MA Relo

Power Density Table

Operator	Operating Frequency	Number of Trans.	ERP Per Trans.	Total ERP	Distance to Target	Calculated Power Density	Maximum Permissible Exposure ^a	Fraction of MPE
	(MHz)		(watts)	(watts)	(feet)	(mW/cm ²)	(mW/cm ²)	(%)
Verizon Wireless	1900	3	430.65	1291.95	120	0.0323	1	3.23%
Verizon Wireless	850	7	363.94	2547.58	120	0.0636	1	6.36%
Total Percentage of Maximum Permissible Exposure								9.59%

^aGuidelines adopted by the FCC on August 1, 1996, 47 CFR Part 1 based on NCRP Report 86, 1986 and generally on ANSI/IEEE C95.1-1992

MHz = Megahertz

mW/cm² = milliwatts per square centimeter

ERP = Effective Radiated Power

Absolute worst case scenario, maximum values used.

Certification of Non-Interference - Verizon Wireless certifies that the Facility will not cause interference to any lawfully operating emergency communication system, television, telephone or radio, in the surrounding area. The FCC has licensed Verizon Wireless to transmit in the 1970-1975 MHz and 880-890 MHz band as well as to receive within the 1890-1895 MHz and 835-845 MHz band of the frequency spectrum. No emergency communication system, television, telephone, or radio is licensed to operate on these frequencies, and therefore no interference can be caused.

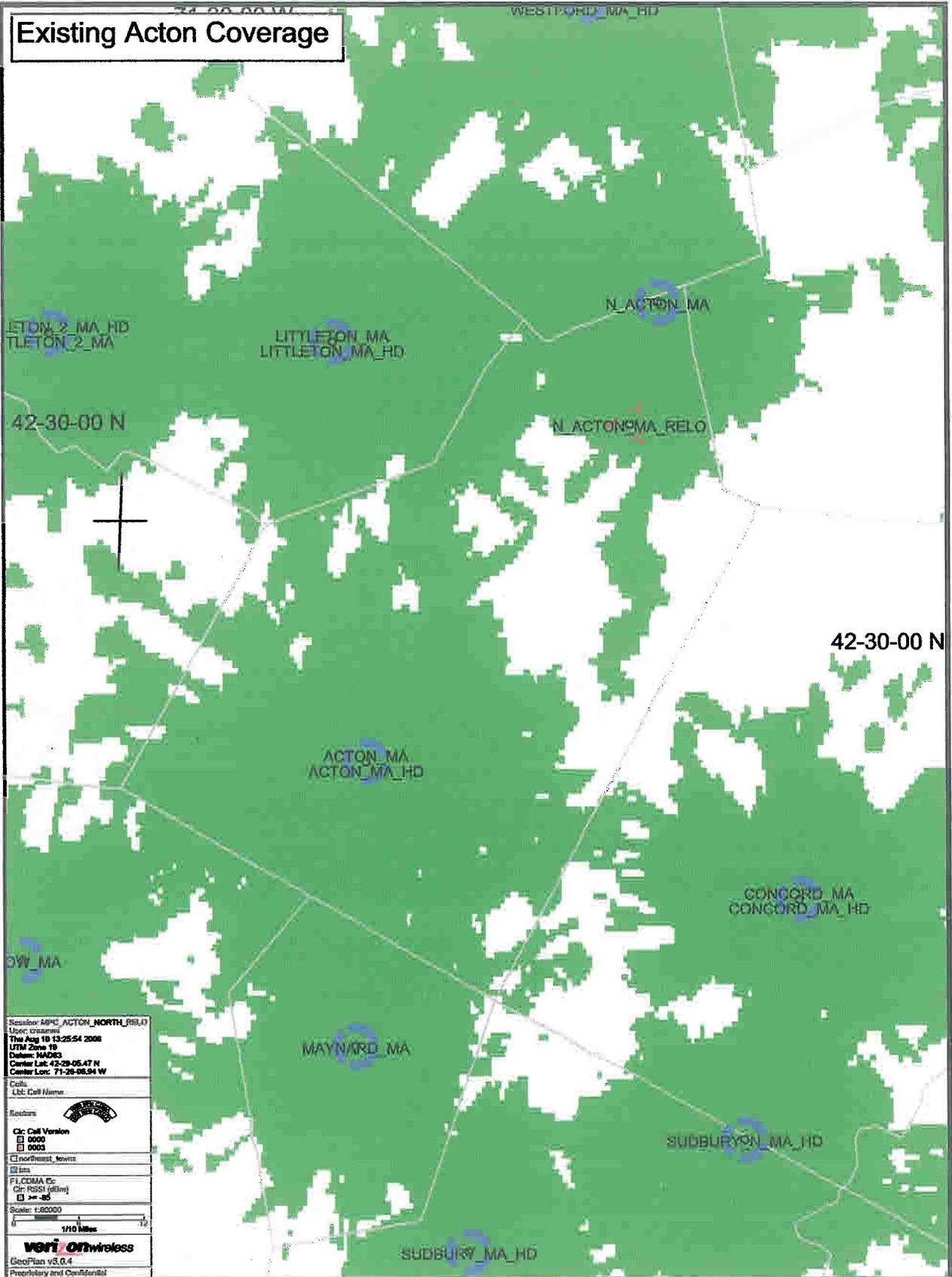
Michael Creamer

RF Engineer

Verizon Wireless

August 10, 2006

Existing Acton Coverage



Session: MPC_ACTON_NORTH_PRR_0
User: rrsarami
This Aug 10 13:25:54 2006
UTM Zone 18
Datum: NAD83
Center Lat: 42-29-05.47 N
Center Lon: 71-25-55.94 W

Cell:
LBE Cell Name:

Features

Cell Version
 0000
 0003

notfound_towers

lta

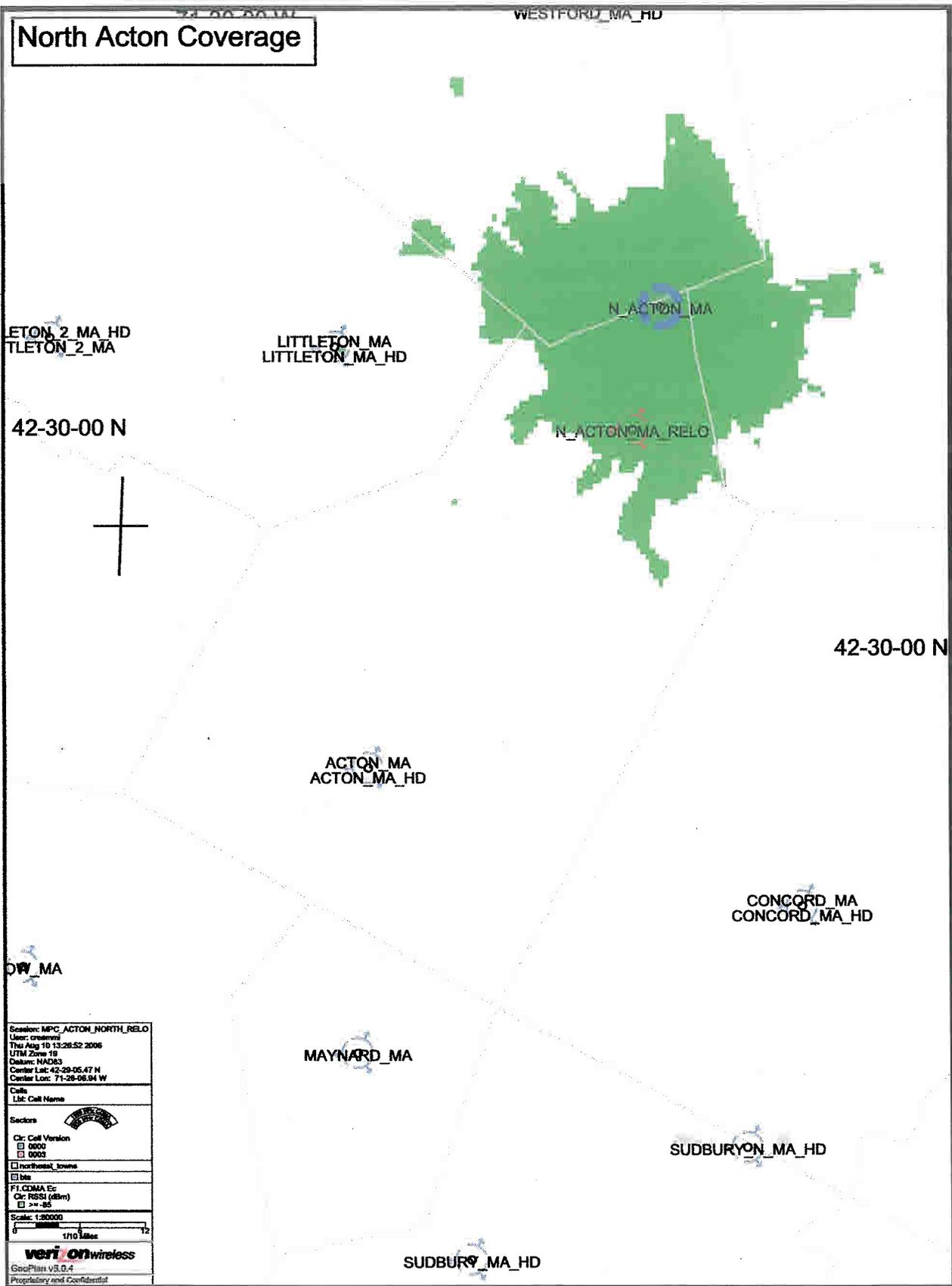
PL CDMA Cr:
Cr: RSSI (dbm)
 >= -85

Scale: 1:80000

1/10 Miles

Veri Wireless
GeoPlan v5.0.4
Proprietary and Confidential

North Acton Coverage



Scale: MPC_ACTON_NORTH_RELO
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 Thu Aug 19 13:28:52 2006
 UTM Zone 18
 Datum: NAD83
 Center Lat: 42-29-05.47 N
 Center Lon: 71-29-08.94 W

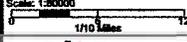
Cells
 List: Cell Name

Sectors


Clr: Cell Version
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 0033

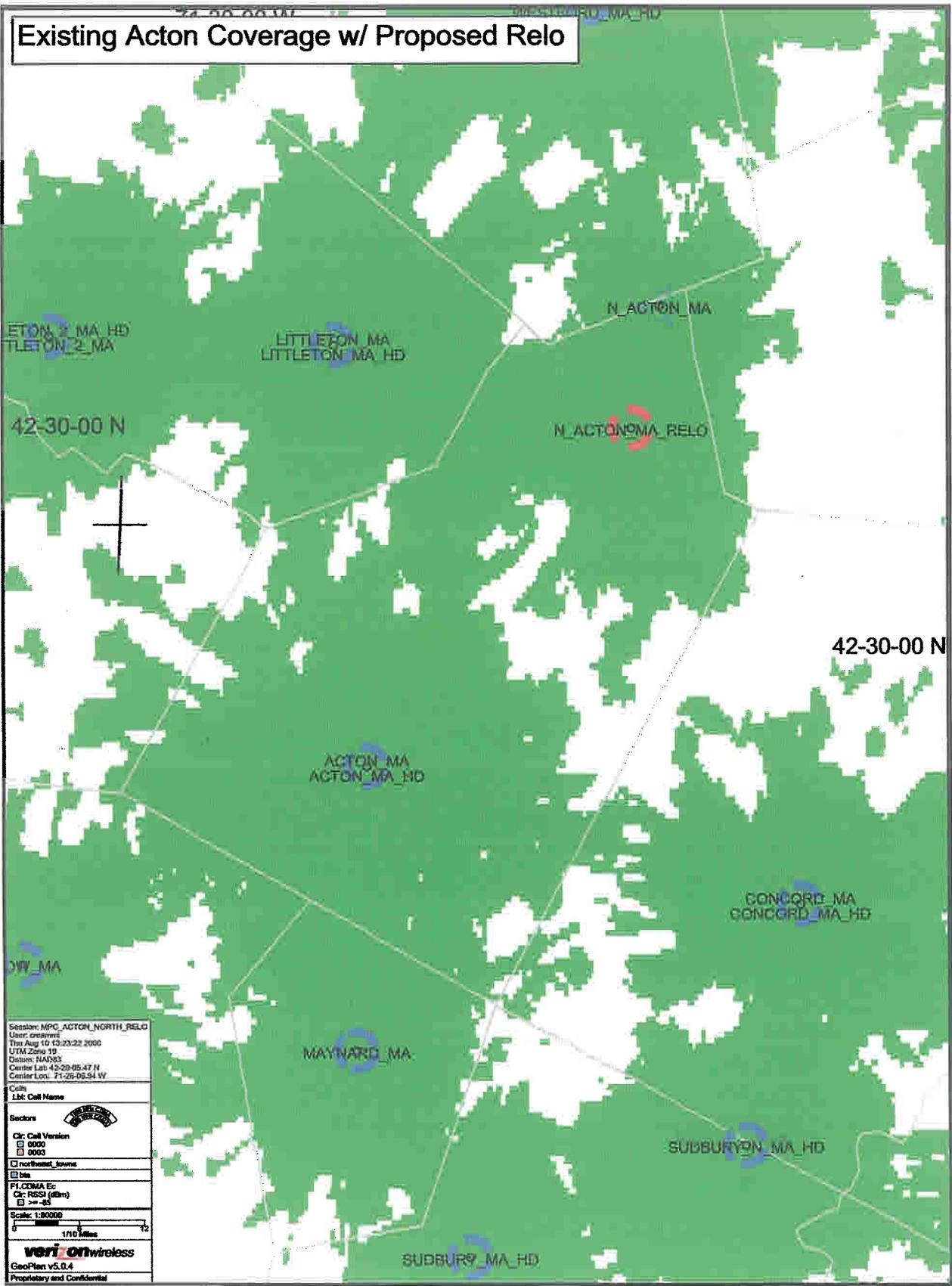
northeast_lowes
 bit

F1 CDMA Ec
 Clr: RSSI (dBm)
 >= -85

Scale: 1:25000


verizonwireless
 GeoPlan v3.0.4
 Proprietary and Confidential

Existing Acton Coverage w/ Proposed Relo



Session: MPC_ACTON_NORTH_RELO
 User: gmsw@v
 Thu Aug 10 13:23:22 2000
 UTM Zone 19
 Datum: NAD83
 Center Lat: 42-29-05.47 N
 Center Lon: 71-25-06.94 W

Cells
 Lbl: Cell Name

Sectors

Cl: Cell Version
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 0001

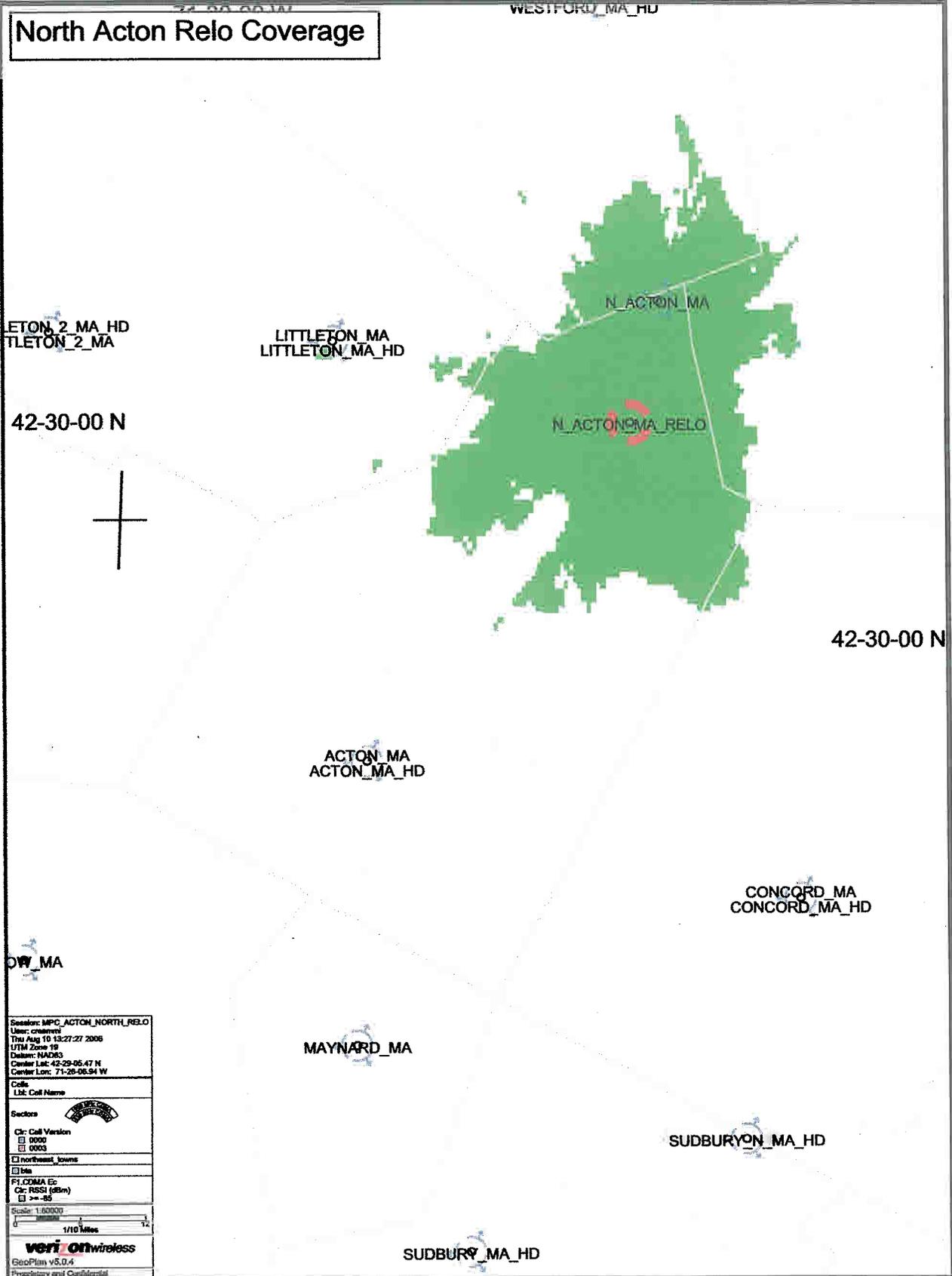
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 bla

P1: CDMA Ec
 Cl: RSSI (dBm)
 >= -85

Scale: 1:30000
 0 1/2 1/4 Miles

verizon wireless
 GeoPlan v5.0.4
 Proprietary and Confidential

North Acton Relo Coverage



Session: MPC_ACTON_NORTH_RELO
 User: cmaseri
 Thu Aug 10 13:27:21 2006
 UTM Zone 18
 Datum: NAD83
 Center Lat: 42-29-05.47 N
 Center Lon: 71-28-05.94 W

Cell:
 LSE Cell Name

Sectors: 

Cir: Cell Version
 0000
 0003

northeast_lowest

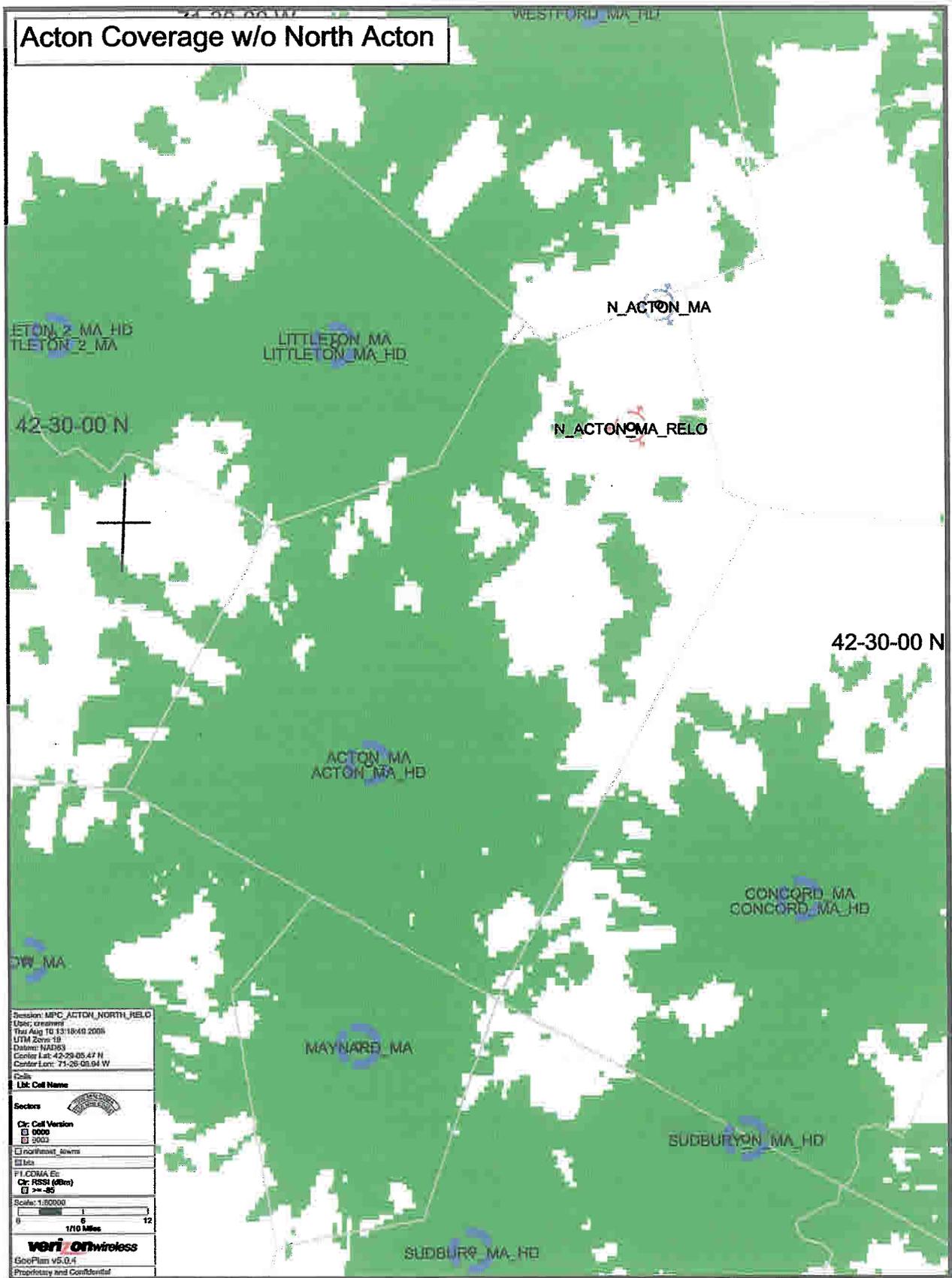
M4

F1 CDMA Eq:
 Cir: RSSI (dBm)
 >= -85

Scale: 1:50000


Veri Wireless
 SitePlan v5.0.4
 Proprietary and Confidential

Acton Coverage w/o North Acton



Session: MPC_ACTON_NORTH_RELO
 User: crennes
 Trac: Aug 10 13:18:49 2006
 UTM Zone: 18
 Datum: NAD83
 Center Lat: 42-28-05.47 N
 Center Long: 71-29-08.94 W
 Scale: 1:80000

UM: Cell Name

Sectors

Cell Version

0000

3002

Northwest_swrms

0000

F1: GSM A Gc

Cell RSSI (dBm)

>= -85

Scale: 1:80000

0 6 12

1/10 Miles

VeriOn Wireless

GeoPlan v5.0.4

Proprietary and Confidential



Directing our energies for you.

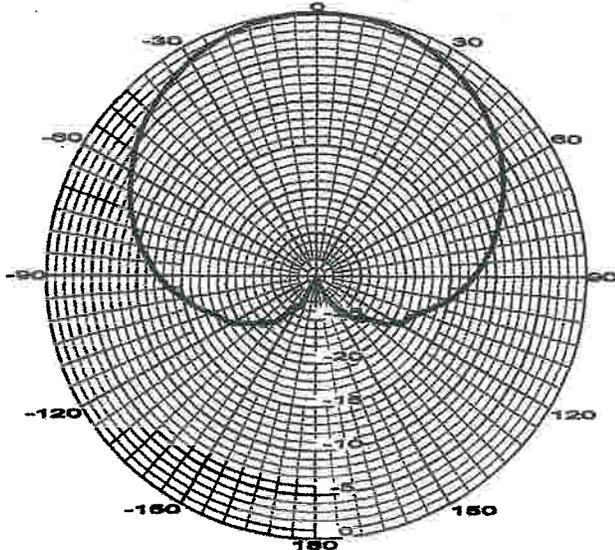
Microstrip Patch MD17-80

80 degree Azimuth Beam and 16.5 dBi Gain

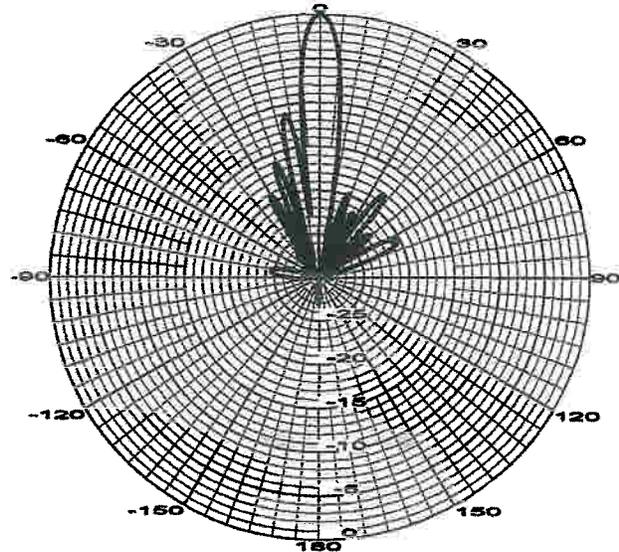
- Vertically Polarized Dipole
- Precision Printed Microstrip Circuitry
- Designed for Superb IM Performance
- Seamless Feed-to-Radiator Interface
- High Thermal Conductivity



Azimuth Beams: 80 degree



Elevation Beams: 7 degree





Directing our energies for you.

Microstrip Patch MD17-80

Electrical Specifications

Frequency Range	1850-1990 MHz
Gain	16.3 dBi
Electrical Downtilt Options	0 or 4 Degrees
VSWR	1.35:1 Maximum
Front-to-Back at Horizon	> 27 dB
Upper Side Lobe Suppression	< -18 dB
Elevation Beam (3-dB Points)	7 Degrees
Azimuth Beam (3-dB Points)	80 Degrees
Polarization	Vertical
Impedance	50 Ohms
Power Input Rating	200 CW
Intermodulation Specification	<-110dBm at 2x10W

Mechanical Specifications

Input Connector (female)	Back Mounted 7/16 DIN or N-Type (Silver Finish)
Antenna Dimensions	47.1 x 6.7 x 4.1 Inches
Antenna Weight	10 lbs
Bracket Weight	12.5 lbs
Lightning Protection	Direct Ground
RF Distribution	Printed Microstrip Substrate
Radome	Ultra High-Strength Luran
Weatherability	UV Stabilized, ASTM D1925
Radome Water Absorption	ASTM D570, 0.45%
Environmental	MIL-STD-810E
Wind Survival	150 mph
Front Wind Load at 100 mph	62 lbs
Front Flat Plate Equivalent	1.27 sq-ft. (C=2)
Mounting Brackets	Fits 2.5 to 3 Inch Schedule 40 Pipe
Mechanical Downtilt Range	0-12 Degrees in 1 Degree Increments
Clamps/Bolts	Hot Dip Galvanized Steel/Stainless Steel

Ordering Information

<u>Model</u>	<u>Options</u>
MD17-80-x	x = Electrical Downtilt

CSS Antenna, Inc.
 Tel: 410-612-0080 Fax: 410-612-0336
 www.cssantenna.com

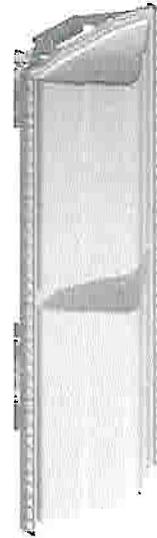


Directing our energies for you.

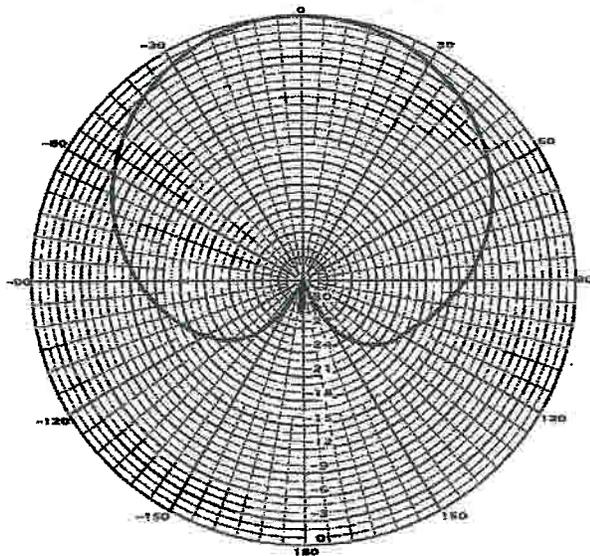
Stripline Array SA13-78

78 degree Azimuth Beam and 12.6 dBd Gain

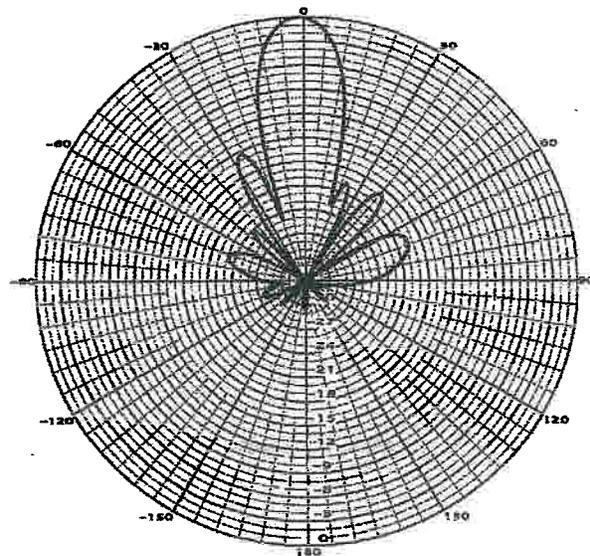
- Vertically Polarized
- Stripline Feed Eliminates Internal Cabling Network
- Anti-Corrosion Design for Superb IM Performance
- Equalized Aerodynamic Design



Azimuth Beam: 78 degree



Elevation Beam: 15 degree





Directing our energies for you.

Stripline Array SA13-78

Electrical Specifications

Frequency Range	806-900 MHz
Gain	12.6 dBd
Electrical Downtilt Options	0, 2, 4 or 6 Degrees
VSWR	1.35:1 Maximum
Front-to-Back at Horizon	> 25 dB
Upper Side Lobe Suppression	< -18 dB
Elevation Beam (3-dB Points)	15 Degrees
Azimuth Beam (3-dB Points)	78 Degrees
Polarization	Vertical
Impedance	50 Ohms
Power Input Rating	500 CW
Intermodulation Specification	<-110dBm at 2x10W

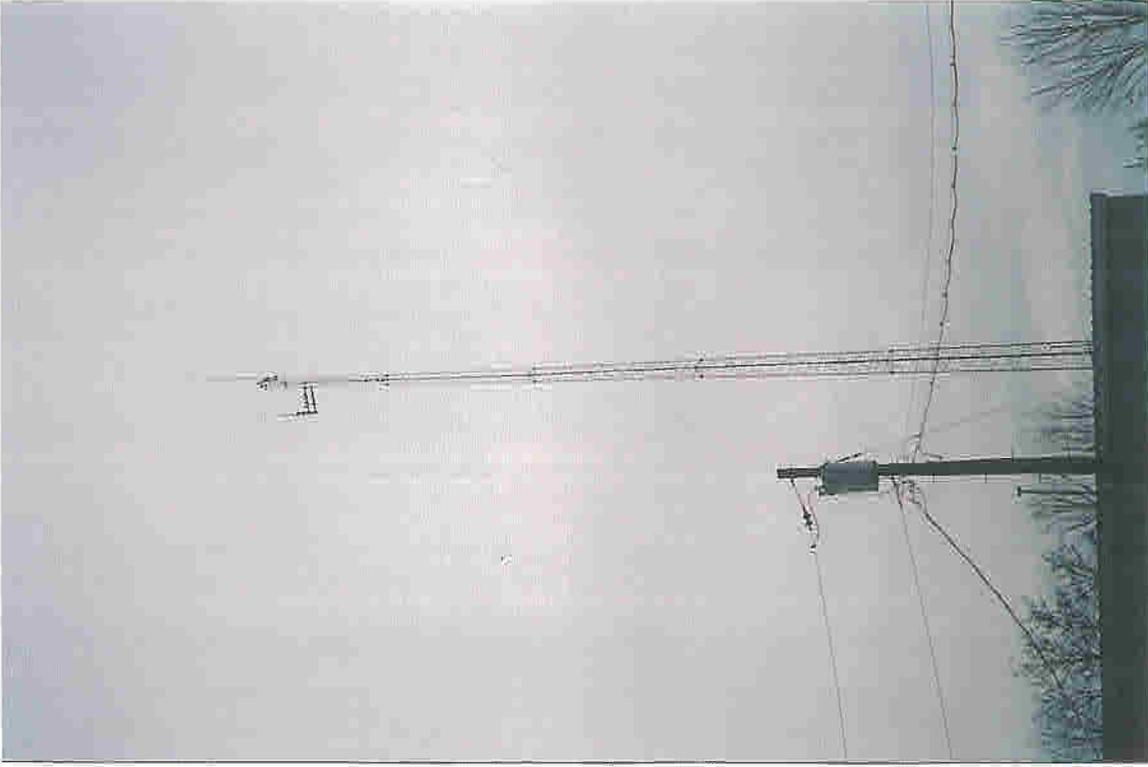
Mechanical Specifications

Input Connector (female)	Back Mounted 7/16 DIN or N-Type (Silver Finish)
Antenna Dimensions	48.4 x 14.5 x 9 Inches
Antenna Weight	18.5 lbs
Bracket Weight	10.5 lbs
Lightning Protection	Direct Ground
RF Distribution	Silver Plated Brass
Radome	Ultra High-Strength Luran
Weatherability	UV Stabilized, ASTM D1925
Radome Water Absorption	ASTM D570, 0.45%
Environmental	MIL-STD-810E
Wind Survival	150 mph
Front Wind Load at 100 mph	127 lbs
Front Flat Plate Equivalent	2.59 sq-ft (c=2)
Mounting Brackets	Fits 2.5 to 3 Inch Schedule 40 Pipe
Mechanical Downtilt Range	0-12 Degrees in 1 Degree Increments
Clamps/Bolts	Hot Dip Galvanized Steel/Stainless Steel

Ordering Information

<u>Model</u>	<u>Options</u>
SA13-78-xD	7/16 DIN Connector, x=Electrical Downtilt in Degrees (0, 2, 4 or 6)
SA13-78-xN	N-Type Connector, x=Electrical Downtilt in Degrees (0, 2, 4 or 6)

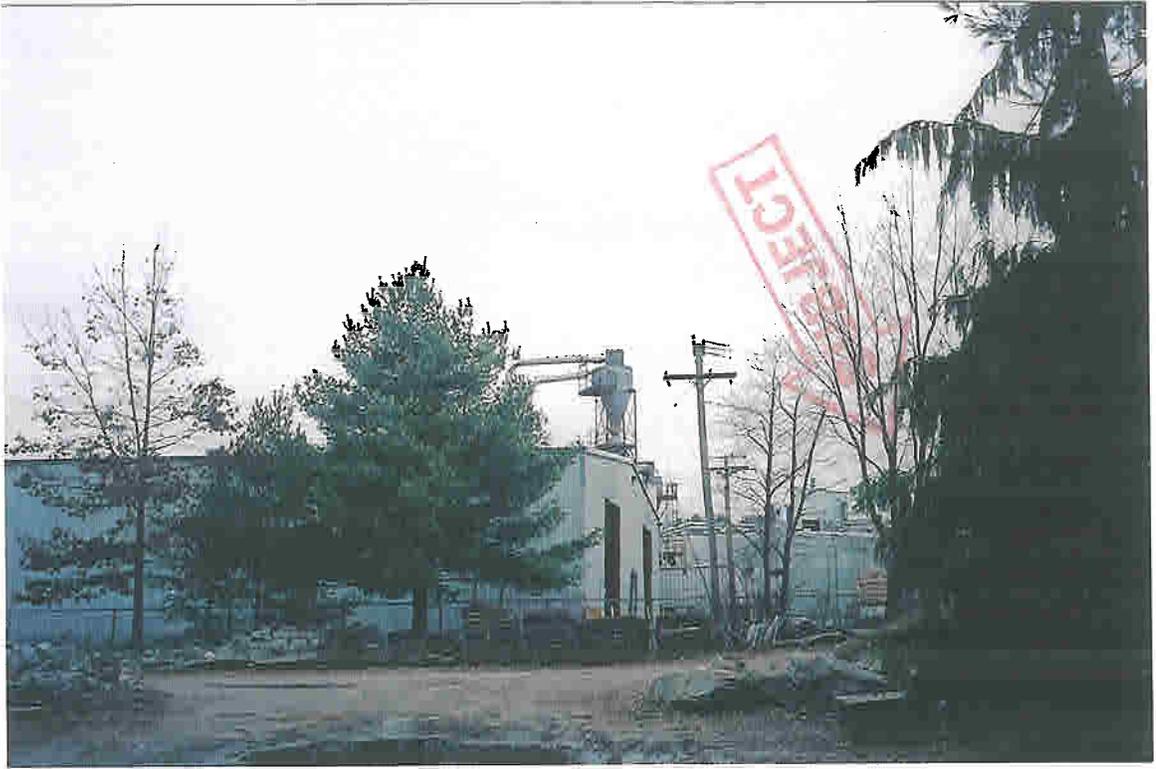
CSS Antenna, Inc.
Tel: 410-612-0080 Fax: 410-612-0336
www.cssantenna.com



THESE PHOTOS SHOW THE EXISTING 120-FOOT LATTICE-STYLE RADIO TOWER AT THE HOST PROPERTY, ADJACENT TO THE EQUIPMENT GARAGE UTILIZED BY CAPIZZI LANDSCAPING. DUE TO LIMITED SPACE AT THE BASE OF THIS TOWER, AND DUE TO THE INSUFFICIENT STRUCTURAL STRENGTH OF THIS TOWER, AND DUE TO THE DESIRE TO UTILIZE A LARGER AREA FOR MULTIPLE COLLOCATION AS REQUIRED BY THE BYLAW, AND DUE TO THE DESIRE TO MINIMIZE THE VISIBILITY OF THE REPLACEMENT TOWER, THE APPLICANT PROPOSES IS TO REMOVE THIS TOWER AND REPLACE IT WITH A 120 MONOPOLE IN THE NORTHEAST CORNER OF THE HOST PROPERTY AND TO RE-INSTALL THE TWO SMALL WHIP ANTENNAS ON THE REPLACEMENT TOWER.



THESE PHOTOS SHOW THE AREA IN THE NORTHEAST CORNER OF THE HOST PROPERTY THAT IS TO BE USED FOR THE VERIZON WIRELESS WCF. THIS AREA IS SET-BACK AS FAR AS POSSIBLE FROM MAIN STREET AND MEETS ALL DIMENSIONAL REQUIREMENTS FOR THE SMALL MANUFACTURING ZONE. UTILIZING THE NORTHEAST CORNER OF THE HOST PROPERTY HELPS TO MINIMIZE VISIBILITY OF THE REPLACEMENT TOWER AND TO MINIMIZE ANY DISRUPTION TO THE ON-GOING USE OF THE HOST PROPERTY AS A LANDSCAPING COMPANY. THE MOUND OF FILL EXISTING IN THIS CORNER WILL BE REMOVED BY THE APPLICANT.



THESE PHOTOS SHOW THE AREA IN THE NORTHEAST CORNER OF THE HOST PROPERTY THAT IS TO BE USED FOR THE VERIZON WIRELESS WCF. THIS AREA IS SET-BACK AS FAR AS POSSIBLE FROM MAIN STREET AND MEETS ALL DIMENSIONAL REQUIREMENTS FOR THE SMALL MANUFACTURING ZONE. UTILIZING THE NORTHEAST CORNER OF THE HOST PROPERTY HELPS TO MINIMIZE VISIBILITY OF THE REPLACEMENT TOWER AND TO MINIMIZE ANY DISRUPTION TO THE ON-GOING USE OF THE HOST PROPERTY AS A LANDSCAPING COMPANY.

OWNERS-EXISTING RELOCATED
2-WAY RADIO WHIP ANTENNA

PROPOSED ANTENNAS (4 PER
SECTOR, TOTAL OF 12)
(PROPOSED SECTOR MOUNTS
SHALL BE 13'-6" WIDE MINIMUM)

PROPOSED COAX RUN INSIDE MONOPOLE

PROPOSED 120'-HIGH MONOPOLE

10'-0"

TOP OF MONOPOLE
OF PROPOSED ANTENNAS
ELEV.=120'-0"± (AGL)
ELEV.=299'-0" (AMSL)

MONOPOLE SHALL
BE DESIGNED FOR
(4) CARRIERS TOTAL
W/ 12 ANTENNAS
PER CARRIER

120'-0" ± OF PROPOSED ANTENNAS & TOP OF PROPOSED MONOPOLE

PROPOSED 4 GANG
METER BANK

PROPOSED CSC
TELCO CABINET

PROPOSED
TRANSFORMER

PROPOSED
BOLLARD
(TYP.)

PROPOSED 11'-6"x30'-0"
EQUIPMENT SHELTER

PROPOSED 8'-0" HIGH
CHAIN LINK FENCE

GROUND LEVEL
ELEV.=0'-0" (AGL)
ELEV.=179'-0" (AMSL)

PREPARED FOR:



VERIZON COMPOUND ELEVATION

ISSUED FOR: 1/16

ACTON NORTH
ACTON, MA

DRAWN BY: JK
CHECKED BY: JS

DESIGN BY:

**BAY STATE
DESIGN**

The Bay State
Association, Inc.
Architects & Engineers
10 West Olinde Park
Acton, MA 01720
Phone: 978.265.2400
Fax: 978.265.2401





THIS PHOTO SHOWS A TYPICAL GROUND-BASED EQUIPMENT COMPOUND INSIDE A FENCED AREA. VERIZON WIRELESS IS SEEKING TO INSTALL A 12 FOOT BY 30 FOOT EQUIPMENT SHELTER WITH AN AUXILIARY GENERATOR INSIDE THE SHELTER AND AN ACCESSORY PROPANE TANK AND OTHER ACCESSORY EQUIPMENT FOR UTILITIES INSIDE THE FENCED COMPOUND. THE FENCED-COMPOUND (40 FEET BY 60 FEET) IS DESIGNED TO SUPPORT THE GROUND-BASED EQUIPMENT OF THREE OTHER MAJOR FCC LICENSED CARRIERS.

Job Name Part Number Fixture Type

CALCUTTA

WALL LIGHTING

- * Bronze Polycarbonate Housing
- * Clear Polycarbonate Diffuser
- * ETL Listed Wet Location
- * Lamp Included

ORDERING INFORMATION

LAMPING	CAT NO	LAMPING	CAT NO
(1) 13w PL*	CA113	35w HPS	CA35
(2) 13w PL*	CA213	50w HPS	CA50
(1) 13w E	CA113E	70w HPS	CA70
(2) 13w E	CA213E		
(1) 18w Q	CA1180E		
(1) 22w Q*	CA1220		
(1) 26w Q	CA1260E		
(1) 28w Q*	CA1280		
(1) 32w TBX	CA132XE		
(1) 42w TBX	CA142XE		

* Magnetic Ballast

OPTIONS:

High Power Factor (Magnetic Only) HPF
 Photocontrol PCL

CODE:

SHADES CUSTOM COLORS AVAILABLE

ACCESSORIES:

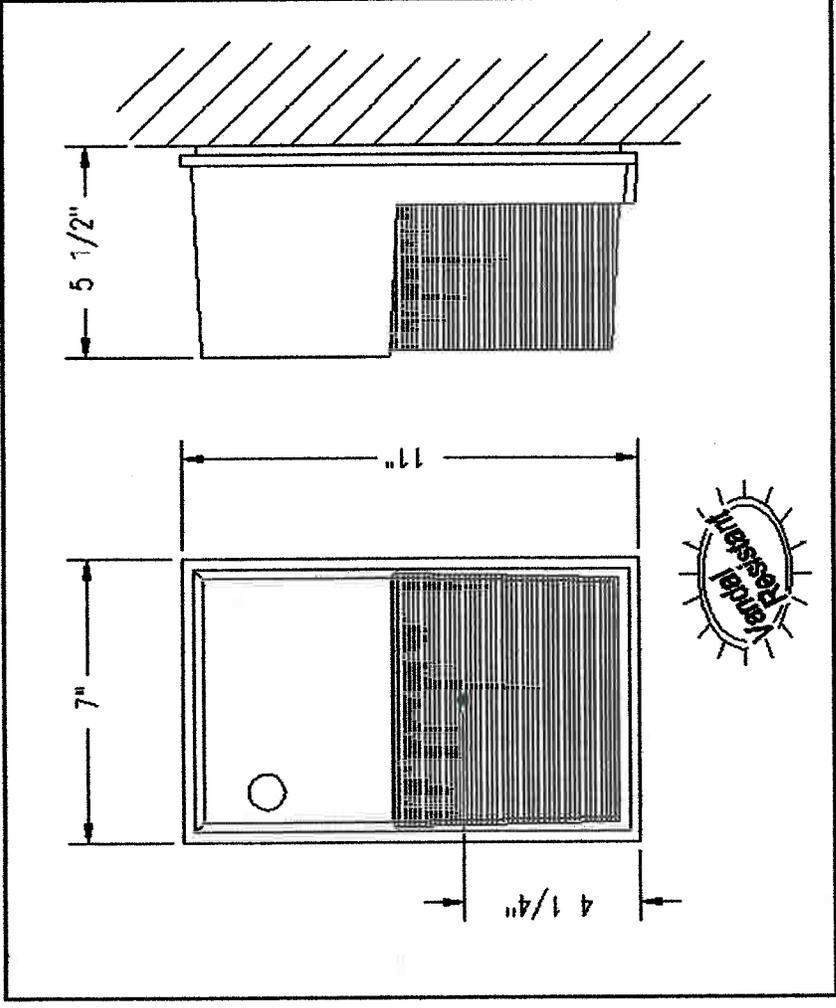
PART NUMBER:

REPLACEMENT PARTS

Replacement Housing/Diffuser

PART NUMBER:

6000003

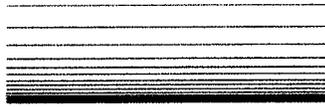


Revised 6/99

Teron Lighting, Inc.
 33 Donald Drive
 Fairfield, OH 45014
 (513) 858-8004 Fax 858-8038
 E-Mail - sales@teronlight.com
 www.teronlight.com



BAY STATE
DESIGN



August 10, 2006

Mr. Bob Hogan
Project Manager
Verizon Wireless
400 Friberg Parkway
Westborough, MA 01581

Re: 120' Monopole soil removal analysis letter.
Site Name: Verizon Wireless - Acton North
820 Main Street, Acton, MA 01720

Dear Mr. Hogan:

I am writing this letter to address the site of the proposed wireless installation for the above referenced site in Acton, MA. The purpose of this letter is to provide a better understanding of the soil to be removed and reused at the above site.

The amount of soil to be removed and reused is insignificant compared to the entire parcel in question. Nevertheless, the amount of soil to be removed due to the installation of the proposed 120' monopole foundation is approximately 80 cubic feet of soil. Verizon Wireless will utilize the majority of this soil and any other mounds of soil near the site to infill the proposed site area as per the zoning drawings provided. The remaining soil will be removed and hauled away as needed.

If you have any questions or need further information, please do not hesitate to call our office at (781) 932-2467.

Sincerely,
BAY STATE DESIGN ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Ronald J. Jackson".

Ronald J. Jackson, P.E.
President



TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude 42-30-55.4 north
Longitude 071-24-27.7 west

Measurements (Meters)

Overall Structure Height (AGL) 39.6 M 130 feet
Support Structure Height (AGL) 36.6 M 120 feet
Site Elevation (AMSL) 54.6 M 179 feet

Structure Type

TOWER - Free standing or Guyed Structure used for Communications Purposes

Tower Construction Notification

Notify Tribes and Historic Preservation Officers of your plans to build a tower.
Note: Notification does NOT replace Section 106 Consultation.

CLOSE WINDOW

ULS License

Cellular License - KNKA201 - Cellco Partnership

Call Sign	KNKA201	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular

Market

Market	CMA006 - Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	Channel Block	B
Submarket	0	Phase	2

Dates

Grant	11/15/2004	Expiration	10/01/2014
Effective	01/26/2006	Cancellation	

Five Year Buildout Date

08/27/1989

Control Points

3 500 W. Dove Rd., TARRANT, Southlake, TX
P: (800)264-6620

Licensee

FRN	0003290673	Type	General Partnership
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Licensee

Cellco Partnership One Verizon Place (MC: GA3B1REG) Alpharetta, GA 30004-8511 ATTN Regulatory	P:(678)339-4277 F:(678)339-8552 E:Network.Regulatory@VerizonWireless.com
--	--

Contact

Verizon Wireless Pamelia Y Hoof One Verizon Place (MC: GA3B1REG) Alpharetta, GA 30004-8511 ATTN Regulatory	P:(678)339-4277 F:(678)339-8552 E:Network.Regulatory@VerizonWireless.com
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Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government?	No
Is the applicant an alien or the representative of an alien?	No
Is the applicant a corporation organized under the laws of any foreign government?	No
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their	No

representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? **Yes**

If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? **Yes**

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

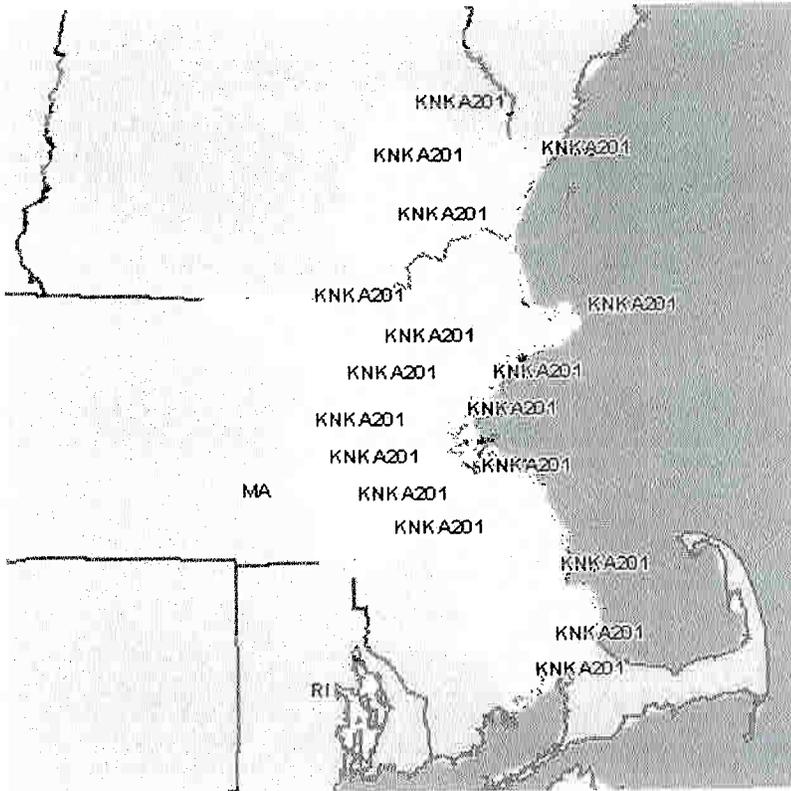
Race

Ethnicity

Gender

Cellular License - KNKA201 - Cellco Partnership

ULS-GIS



Map Options				Map Select use,
Layer Name	Legend	Visible	Labeled	
Streets		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
Counties		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
BTA		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
MTA		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>
CMA		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
BEA		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
MEA		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
EAG		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
REA		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
VPC		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
RPC		<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
USA		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="radio"/>
World1		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>

0 ————— 50,000
m

▶ View Data Table

ULS License

Industrial/Business Pool, Conventional License - KCI868 - CAPIZZI & COMPANY INC

Call Sign	KCI868	Radio Service	IG - Industrial/Business Pool, Conventional
Status	Active	Auth Type	Regular

Dates

Grant	01/12/2002	Expiration	02/19/2012
Effective	01/12/2002	Cancellation	

Control Points

1 820 MAIN ST, ACTON, MA
P: (617)332-2125

Licensee

FRN	0006098776	Type	Corporation
-----	------------	------	-------------

Licensee

CAPIZZI & COMPANY INC PO Box 2233 820 MAIN ST ACTON, MA 01720	P:(617)332-2125
--	-----------------

Contact

Land Mobile Data

Extended Implementation	Assoc.Call Signs
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Eligibility

90.75A1

Ownership and Qualifications

Radio Service Type Mobile

Regulatory Status Interconnected

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government?

Is the applicant an alien or the representative of an alien?

Is the applicant a corporation organized under the laws of any foreign government?

Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a

foreign country?

Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?

If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?

Basic Qualifications

Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license or construction permit denied by the Commission?

Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?

Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?

Demographics

Race

Ethnicity

Gender



Advisories and Policies

Due to personnel and budget reductions imposed upon the Radiation Control Program, we are no longer requiring notification and approval from companies that install radiofrequency antennas or facilities as outlined under 105 CMR 122.021. Companies installing radiofrequency antennas should ensure that they are meeting the FCC requirements for the installation.

A guide for local government officials (June 2, 2000) concerning the FCC requirements which complements the FCC's OET Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", August 1997 is available along with Bulletin 65. To obtain this information, please contact the FCC's Office of Engineering and Technology (phone: 202-418-2464 or e-mail: rf_safety@fcc.gov). Bulletin 65 can also be accessed and downloaded from the FCC's "RF Safety" website.

Since the FCC requirements are now identical to the requirements under 105 CMR 122.021, reporting to the Massachusetts Department of Public Health is no longer necessary. The citation in the regulations will be changed during the next revision of the Radiation Control Program's regulations.

If there are any questions concerning health effects regarding radiofrequency antennas, individuals may contact the Center for Environmental Health Assessment of the Massachusetts Department of Public Health at 617-624-5757.

This information is provided by the Radiation Control Program within the Department of Public Health.

90 § 35A

PUBLIC WAYS AND WORKS

§ 35A. Structures within airport approaches; regulation of location and height

The safety, welfare and protection of persons and property in the air and on the ground requires that the navigable air space overlying the commonwealth in the approaches to, and the air traffic pattern area of, airports approved by the commission be maintained in a reasonably unobstructed condition for the safe flight of aircraft, and therefore, in the exercise of the police power, the location and height of structures and the use of land thereto related is regulated as provided in sections thirty-five B to thirty-five D, inclusive.

Added by St.1960, c. 756, § 1.

Historical and Statutory Notes

St.1960, c. 756, § 1, was approved Nov. 3, 1960.

American Law Reports

Zoning regulations limiting use of property near airport as taking of property. 18 ALR4th 542.
Airport operations or flight of aircraft as constituting taking or damaging of property. 22 ALR4th 863.

Law Review and Journal Commentaries

Airport approaches. 46 Mass.L.Q. No. 1, p. 60.

Library References

Aviation \approx 224, 231.
WESTLAW Topic No. 48B.

C.J.S. Aeronautics and Aerospace §§ 19, 21, 64, 73.

§ 35B. Structures within airport approaches; permits for erection or addition

No person shall erect or add to the height of any structure within a rectangular area lying fifteen hundred feet on either side of the extended center line of a runway or landing strip of an airport approved by the commission for a distance of two miles from the end of such runway or landing strip so that the height thereof will be more than one hundred and fifty feet above the level of such runway or landing strip, nor, within that portion of such area which is within a distance of three thousand feet from the end of such runway or landing strip, so that the height thereof will be greater than a height above the level of such runway or landing strip determined by the ratio of one foot vertically to every twenty feet horizontally measured from the end of such runway or landing strip, unless a permit therefor has been granted by the commission.

The provisions of this section shall not apply (1) to areas subject to airport approach regulations adopted pursuant to sections forty A to forty I, inclusive, (2) to air approaches to the General Edward Lawrence Logan International Airport, nor (3) to structures which will be thirty feet or less in height above ground.

Added by St.1960, c. 756, § 1.

Historical and Statutory Notes

St.1960, c. 756, § 1, was approved Nov. 3, 1960. section one of this act, shall not be construed to prohibit the maintenance, repair or replacement nor to require any change in the height or location of any structure existing on the effective date of this act."

Section 2 of St.1960, c. 756, provides:
 "The provisions of section thirty-five B of chapter ninety of the General Laws, inserted by

American Law Reports

Zoning regulations limiting use of property near airport as taking of property. 18 ALR4th 542.
 Airport operations or flight of aircraft as constituting taking or damaging of property. 22 ALR4th 863.
 Inverse condemnation state court class actions. 49 ALR4th 618.

Library References

Aviation ¶224, 231.
 WESTLAW Topic No. 48B.
 C.J.S. Aeronautics and Aerospace §§ 19, 21, 64, 73.

Texts and Treatises
 8A Am Jur 2d, Aviation §§ 83-107.

§ 35C. Structures within airport approaches; application for permit; notice of denial; hearing

Application for such permit shall be made to the commission on a form furnished by it.

If such application is granted, the permit shall specify the location of such structure or a defined area within which it shall be located, its maximum height, and, in conformity with federal laws and regulations in so far as applicable, the obstruction markers, marking, lighting or other visual identification characteristics to be installed thereon or in its vicinity. If not inconsistent with federal laws and regulations, the permit may require that lights flash at intervals and in a specified pattern.

If such application is denied, notice thereof shall be given the applicant by certified mail at the address specified in the application. The applicant may, within twenty days thereafter, file a written request with the commission for a public hearing. Such hearing shall be subject to the provisions of chapter thirty A.

Added by St.1960, c. 756, § 1.

Historical and Statutory Notes

St.1960, c. 756, § 1, was approved Nov. 3, 1960.

American Law Reports

Zoning regulations limiting use of property near airport as taking of property. 18 ALR4th 542.
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Library References

Aviation ¶224, 231.
 WESTLAW Topic No. 48B.

C.J.S. Aeronautics and Aerospace §§ 19, 21, 64, 73.