



MEMORANDUM

JAV

TO: Gregory Niemyski, Chairman, Acton Planning Board
Roland Bartl, Town Planner
Kristin Alexander, Assistant Town Planner

FR: James Valeriani, Attorney for Verizon Wireless

CC: David Velez, Vital Site Services for Verizon Wireless
Michael Creamer, Radio Frequency Engineer, Verizon Wireless
Eva K. Taylor, Town Clerk, Acton
David Maxson, Broadcast Signal Labs

DA: January 6, 2007

RE: 820 Main Street; Verizon Wireless; Proposed WCF

VIA: Federal Express and Email

I am in receipt Ms. Alexander's email memo of December 22, 2006 (copy enclosed), and have cut/paste the contents of that memo into this Memorandum so that I could more easily respond to the various items in that memo. Verizon Wireless would like to proceed with its continued hearing on Tuesday, January 9th, to present further information on its application, to respond to the vast majority of the items indicated below, and to determine which additional items may need to be further addressed prior to a meeting after January 9th. I understand that this information, although not overly detailed, may need to be further reviewed by the various Town Department's and the Planning Board's consultant, David Maxson, and so, after making a brief presentation on January 9th, Verizon Wireless would be willing to continue the hearing so that any of these additional items can be reviewed and explored to the satisfaction of the planning board and the applicant, whichever the case may be, as required under MGL Chapter 40A and the applicable provisions of the Acton Zoning Bylaw.

K. Alexander: Just a reminder - the 820 Main Street Verizon Wireless Communication Facility hearing was continued to 1/9/07. The Planning Board asked you to provide answers and/or information related to the following questions/issues raised by Mr. David Maxson, the Planning Board, and the abutters to 820 Main Street at the 11/28/06 Planning Board hearing (that you did not already answer at the hearing).

(issues/questions from Mr. David Maxson of Broadcast Signal Lab – the Town's consultant)

- Has the applicant considered other locations, especially the existing towers at Post Office Square, where there are vacancies. **Response:** Verizon Wireless has a lease agreement signed with T-Mobile for the use of one of the two stick-pole-towers previously permitted/approved by T-Mobile (Omnipoint) at the Post Office Square site (533 Main Street). The proposed Acton North site would be in addition to, not in place of, the Post Office Square site. Please refer to copy of recorded notice of lease between Omnipoint and Verizon Wireless for this additional site at "Post Office Square".
- Has the applicant negotiated directly with the landowner at 982 Main Street? **Response:** The Applicant assigned its lease and permit rights in the 982 Main Street site to Crown in 1999 and the Applicant now subleases that site from Crown, which leases it from McKay (the landowner). The Applicant and Sprint PCS have requested, but has not received, the necessary telco fiber-optic facilities at this site. The Applicant has no "privity of estate" or "privity of contract" with the underlying landowner of that property. Under the Applicant's sublease with Crown, Crown is required, and it is Crown's responsibility, to provide the necessary right-of-way for utilities to the site. Crown's request for same were rejected by the underlying property owner. Crown's effort to obtain the necessary right-of-way were rejected by the landowner and Crown was unsuccessful in its lawsuit on the right-of-way matter (Please refer to copies of litigation documents retrieved from the archives of the Middlesex Superior Court, Docket # MICV2003-2512; note that not all documents from the docket file are enclosed herewith; this case was dismissed without prejudice in September of 2004). In order for the applicant to further explore this matter with Crown and/or the underlying landowner, a continuation will be necessary beyond the hearing date of January 9th.
- The applicant should define the surrounding tree height and model the coverage area for a transmission array at a height of 90 feet. Conversely, what would the coverage area look like for an array at the full extended tower height of 175 feet, which is the bylaw maximum? **Response:** The applicant is seeking a height of 120 feet because that height 1) provides for the coverage it needs for North Acton and 2) is the same height as the existing Capizzi tower which the applicant is seeking to remove and reconstruct in the rear of the property. Additional plots will be provided at the next hearing showing coverage from various heights; although there are a few clusters of high-height pine trees on the Capizzi property, these pines are estimated to be between sixty and eight-feet in height; photo of these trees are enclosed, but given the applicant's proposal is for 120 feet to obtain the coverage it desires, the height of nearby pines is not considered relevant.
- The Board may consider the applicants offer for an expandable structure. **Response:** The Applicant is willing to design the tower/pole structure so that it is extendable to a height above 120 feet.
- He advised the Board that it may be prudent to obtain a legal opinion if data messaging is a covered item under the Federal Telecommunications Act, since the purported need for the proposed facility seems arise from an inability to upgrade equipment at an existing nearby tower. **Response:** The Applicant's legal counsel will research this item further, but it is notable that the Telecommunications Act of 1996 (codified at 47 U.S.C.A S332) defines "personal wireless services" to mean **commercial mobile services**, **unlicensed wireless services** and **common carrier wireless exchange access services** and defines "personal wireless service facilities" as facilities for the provision of personal wireless services. The Federal Communications Commission has codified in 47 CFR that "cellular radiotelephone service" and "personal communications services" are a

“commercial mobile service” (see 47 CFR 20.9). Furthermore, “cellular radiotelephone service” is a mobile service of any type, and may include two way radiotelephone, dispatch, one way or two way paging and personal communication services (see 47 CFR 22.901). Furthermore, “PCS licensees may provide any mobile communications service on their assigned spectrum” (see 47 CFR 24.3). Furthermore, “personal communications services” are defined as “radio communications that encompass mobile and ancillary fixed communication that provide services to individuals and businesses and can be integrated with a variety of competing networks” (see 47 CFR 24.5).

- Is the problem to upgrade the existing site a violation of the special permit there? **Response:** The Applicant has reviewed the zoning relief that was granted for the construction of the wireless communication tower facility (copy enclosed) and it does not appear that the decision, the benefits of which have been assigned to Crown and are controlled by Crown, does not appear to contain anything specific to the right-of-way issues for utility upgrades at that site. In any case, the special permit governs Crown’s use and control of that facility (not the underlying landowner’s), and Crown has failed to obtain the necessary right-of-way rights for the utility upgrades from the underlying landlord.

(issues/questions from the Planning Board)

- Are there better locations? **Response:** The Applicant is not aware of any “better” locations. The Applicant is seeking to remove/replace an existing 120 foot tower with a rebuilt 120 foot tower in the rear of the property; there are no other high-height structures nearby; the Applicant has already leased the T-Mobile/Omnipoint site at Post Office Square (see enclosed notice of lease document); the Town Water Tank site accessed off of Wyndcliff drive is not considered desirable and/or feasible due to: 1) it’s residential zoning, 2) it’s very close proximity to residential structures; 3) use restrictions and easement restrictions contained in title documents to the site.
- Will the access road be paved? **Response:** The Applicant will not be paving the access road; it will be maintained as necessary to provide reasonable access to the site.
- At what height would there be an issue with ground object interference? **Response:** The Applicant’s antennas at 120 feet will not be interfered-with by ground objects.
- What coverage expectation and capacity is there? **Response:** The plots and RF affidavit provide a response to this item; additional plots and discussion are being done in connection with the inquiries made by the Town’s Consultant, David Maxson.
- What other wireless carriers are interested? **Response:** The Applicant has not been approached by any other carriers on this site, but the applicant is confident that other PCS carriers will be interested in the use of the site in the future.
- Is there room for expansion? **Response:** Yes; the tower/pole can be designed to be increased in height; the 40 x 60 lease area can accommodate the equipment of four wireless carriers with a small area for police/fire communications.

(issues/questions from the abutters in attendance)

- Visibility of the monopole. **Response:** A photosimulation package was done and available for viewing at the last hearing showing the visibility of the pole from various locations. Additional photos taken during the "balloon visibility study" are enclosed and can be presented at the next hearing for viewing.
- Has the town been approached regarding placing the tower on town land? **Response:** No. The applicant is unaware of any high-height structures on any nearby town-owned land; the watertank structure accessed off of Wyndcliff drive is not considered desirable and/or feasible due to: 1) it's residential zoning, 2) it's close proximity to residential structures; 3) use restrictions and easement restrictions contained in title documents to the site.
- Will the cell tower interfere with electronics inside abutter's homes? **Response:** Please refer to the RF Affidavit submitted with the application. The Applicant shall comply with all applicable FCC regulations and licenses on this topic and the FCC has exclusive jurisdiction on these matters.
- Safety of children. **Response:** The site is located in an industrial area, on private property, approximately 400 feet from the nearest residential property, which is across busy Main Street (Route 27); the tower will be constructed in accordance with the state building code.
- Potential noise from the monopole. **Response:** No noise will be generated from the pole.
- Any clearing of trees? **Response:** One or two low-height pine trees may need to be removed, none of which would significantly screen the monopole from view anyway; the applicant is willing to replant the few trees that may need to be removed provided the property owner agrees to the locations/types of plantings.
- Could a house be expanded within the buffer zone? **Response:** Yes.
- Home values if the tower is constructed? **Response:** Given that the applicant is seeking to remove and replace an existing 120 foot tower, located in an industrial area, and relocated to the rear of a large tract of land, approximately 400 feet from the nearest residential property, the applicant's proposal will have no affect on home values or the values of any other nearby property.
- Health effects from the tower? **Response:** Please refer to the Radio Frequency Affidavit submitted with the original application. Section (7) (B) (iv) of 47 U.S.C.A §332, states that "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent such facilities comply with the Commission's regulations concerning such emissions.
- What is the legal status of the existing radio tower? **Response:** The applicant understands that the existing radio tower has been in-place since at least 1988, the date of a special permit decision that allowed the expansion of the landscaping building

facility, and the radio-tower was referenced in that decision. The decision noted that "at the time of its installation it (the existing tower) was in conformance with the existing regulation at the time (of its installation)".

- There is an alleged residence on abutting land. **Response:** It has been brought to the applicant's attention that the structure in the front of the abutting property at 836 Main Street was previously used as a residence, but that use has been discontinued and the structure was recently reclassified as a business use by the Town Assessor. The applicant has conducted additional research on the use of this structure and is prepared to provide the results of that research if there are any further questions on the historical and current use of that structure in an Industrial Zone.
- Request for an opaque fence towards the abutter's land. **Response:** The applicant is willing to erect an opaque or solid fence along the easterly side of its facility to better screen the ground-based equipment from the abutter.

All staff comments should also be addressed (**Response:** Please see handwritten comments to the internal staff memoranda previously supplied to the Applicant).

Please submit the information as soon as you can so staff has enough time to review it prior to the 1/9/06 hearing continuation (**Response:** Brief information is contained herein and in the enclosed documents and supplementary material. The Applicant acknowledges that the Planning Board, its consultants, and the Planning Department and other Town Department's may need additional time beyond January 9th to review this information and, accordingly, the Applicant is willing to continue the hearing process beyond January 9th), as necessary.

END OF TEXT

James A. Valeriani
Jan 6, 2007



ACTON PLANNING DEPARTMENT

472 Main Street
Acton, MA 01720

978-264-9636
Fax 978-264-9630
planning@acton-ma.gov

FAX TRANSMISSION COVER SHEET

DATE: 11/21/06

Please deliver attached to:

NAME: James Valeriani

FIRM: Attorney at Law

FAX # (781) 587-0207

This message is being sent from:

NAME: Kim DelNigro_

We are transmitting 12_ pages, including this cover sheet.

MESSAGE: Hi James.

Attached are the staff comments for 820 Main Street for your review. I have also emailed them to you as well.

Please don't hesitate to contact me if anything else is needed. The Planning Board Meeting is for Tuesday, 11/28/06 @ 8:30pm.

It will be held at the Acton Police Dept. at 365 Main Street (which is just down the street from the Town Hall).

Have a great Thanksgiving!!!

Thanks

Kim



TOWN OF ACTON
 472 Main Street
 Acton, Massachusetts 01720
 Telephone (978) 264-9636
 Fax (978) 264-9630

Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board **Date:** November 16, 2006
From: Kristin K. Alexander, AICP, Assistant Town Planner *KKA*
Subject: 820 Main Street – Verizon Wireless Communications Facility Proposal

Attached is the application for the Verizon Wireless Communications Facility (cell tower) proposed for 820 Main Street. The applicant is requesting a special permit to construct a 120' high wireless communications facility to replace an existing 120' high lattice tower on-site. The existing tower is currently used by Capizzi Landscaping for radio communications. The new facility would be placed in the rear of the property (in a different location than the existing facility).

Below is general information about the proposed special permit and the Planning Department's comments. I've also attached other department/agency comments on the application. The applicant should address all departmental and agency comments.

Location:	820 Main Street
Map:	C-5
Parcel:	60
Zoning:	Small Manufacturing (SM) Groundwater Prot. District (GPD) Zone 3
Proposed Tower Height:	120 feet
Applicant:	Bell Atlantic Mobile of Massachusetts Corp., Ltd., d/b/a Verizon Wireless and Cellco Partnership, Westborough, MA
Owner:	Orlando P. Capizzi, Trustee, Main Street Realty Trust
Engineer:	Bay State Design Associates, Inc., Woburn, MA
Public Hearing:	October 10, 2006 – <i>opened & immediately cont'd w/out discussion</i> November 28, 2006 (8:30 PM)
Decision Due:	January 9, 2007

Planning Department Comments

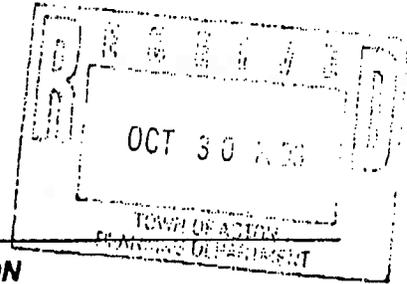
1. The application form does not contain the addresses for: the applicant, the record owner, or the record owner's contact person. The applicant should add this information to the application form and resubmit it to the Planning Department. *Revised Application enclosed.*
2. The Quitclaim Deed refers to an "easement of way" on the property? If any easements are located on the Capizzi property, they should be shown on the Plan (Wireless Communications Facility Special Permit Rules and Regulations (Rules) Section 3.7.3.2).

Response - This easement reference though contained in the current deed, dates back to 1867 and that deed involved a 27 acre parcel, therefore this easement either does not exist on the subject parcel or 2) can be considered abandoned

3. Acton Zoning Bylaw (Bylaw) Section 3.10.6.9c) and Rules Section 3.6.3 require an alternative locations analysis. Verizon Wireless has addressed in their application why they are not proposing to locate on the existing monopole at 982 Main Street and the existing lattice tower at Capizzi Landscaping (820 Main Street). Does the Planning Board want the applicant to explore constructing the wireless communication facility on any other alternative locations? *Response - see enclosed memo of 1-6-07 addressing alternative sites.*
4. Bylaw Section 3.10 is intended to be exclusively for wireless telecommunications services. Therefore, it is a judgment call for the Planning Board to make to allow Capizzi Landscaping to co-locate their equipment on the proposed pole as long as its equipment does not interfere with maximizing wireless communications capacity. *Response - Applicant's proposal is to collocate on an existing structure by moving/rebuilding that structure.*
5. The Plan and photo simulations show an array on the top of the proposed pole. Generally, a stealth monopole is preferred. However, in this industrial location, external arrays may be acceptable to maximize capacity as they require less vertical space. *Response - Applicant believes a standard monopole w/ triangular arrays is best for this site.*
6. Would there be three additional arrays on the proposed pole if three other carriers occupied the pole? If so, the photo simulations do not accurately portray the proposal. *Response - The Applicant's tower elevations shall be revised to show 3 other arrays.*
7. If approved, the Town of Acton wants to install communications equipment on the top of the pole (Bylaw Section 3.10.6.8). Please refer to the 10/4/06 e-mail from Police Chief Frank Widmayer, the 10/4/06 e-mail from Information Technology Director Mark Hald, and the 10/10/06 memo from Fire Chief Robert Craig. *Response - The Applicant agrees to allow use of the monopole & equipment compound by municipal public-safety depts.*
8. The applicant proposes a 120' high pole for four carriers. The maximum pole height allowed in the Bylaw is 175 feet which includes any Town communications equipment at the top. If the proposed location seems appropriate and acceptable, the Planning Board may want to consider requiring an increase to the proposed height if that improves service coverage, capacity, and/or co-location potential. Staff trusts that Broadcast Signal Lab can advise further on this question. *Response - The applicant is willing to design/build a 120-pole that is expandable in height.*
9. It appears that Verizon's equipment would occupy much of the proposed 40'x60' lease area. Would there be adequate space in the lease area for three other carriers' equipment? *Response - Yes - space for 3 other carriers and public safety depts. is feasible.*
10. On Plan Sheet C-1, under "Zoning Information", change the minimum lot frontage requirement to 200 feet. *Response - The Applicant shall make this change prior to final drawings being generated.*
11. The facility should be shifted slightly west to be located in between the two existing gravel drives (see Plan Sheet C-1). Shifting the facility slightly west should allow some small trees and vegetation to remain to provide a little screening between the facility and adjacent property. *Response - The Applicant only leased the proposed 40x60 area. Only 2-3 small pines will be affected.*
12. Place a note on the Plan that states all structures associated with the wireless communication facilities shall be removed within one year of cessation of use (Bylaw Section 3.10.4.2). *Response - Will Do.*
13. Specify the color of the proposed pole on Plan Sheet A-2. *Response - Will Do.*
14. Show the flood zone and all wetlands buffers on Plan Sheet A-1 (Rules Sections 3.7.3.4 and 3.7.4.4). *Response - To be done on final plans.*
15. Plan Sheet C-1 shows the dimensions of the proposed compound as 40'x38'. Sheet A-1 shows the dimensions of the proposed compound as 58'x38'. Please clarify and make the information on all Plan sheets consistent. *Response - lease area is 40x60.*

16. Are any site improvements proposed other than the equipment compound and pole? If so, they should be shown clearly on the Plan. *Response - NO.*
17. On the Plan, show the locations, general wording, and dimensions of all proposed signs (Rules Sections 3.7.5.3 and 3.7.5.9). *Response - will do on final plans.*
18. The applicant requested a waiver from contributing to the Town's sidewalk system (Rules Section 3.7.5.5). Just as with any other special permit proposal, staff recommends that the applicant contribute to the Town's sidewalk system by constructing a sidewalk along the site's frontage on Main Street. Sidewalks exist in front of the adjacent property to the south and two properties away to the north. As part of the Capizzi & Co., Inc. Site Plan Special Permit approval in 1988 (application #11/25/87-292), Capizzi & Co., Inc. agreed that it will at the direction of the Board of Selectmen either install a sidewalk at its expense or contribute to the Town sidewalk fund (letter from Capizzi & Co., Inc. to the Board of Selectmen, 9/14/88). Both documents are attached. If the Capizzi & Co., Inc. sidewalk contribution has never been utilized, then possibly that contribution can also be used and a sidewalk can be constructed that extends as far as the northern sidewalk to make one continuous sidewalk in that area along Main Street. *Response - Applicant to use existing curb-cut for its 1 or 2 monthly visits.*
19. On Plan Sheet A-1, specify the utilities that will be placed underground (telephone and electric). *Response - will do - utilities to be telco + elec - underground.*
20. Change "Plan Note" 5 on Sheet A-3 to describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (Rules Section 3.7.14). *Response - To be done.*
21. It appears that the 70 watt low intensity security lights proposed do not comply with Bylaw Section 10.6.7, Table I, "A - SHIELDED" values. The applicant should propose lights that meet this Bylaw requirement. *Response - Proper lighting will be specified for board approval.*
22. The applicant is requesting waivers from submitting drainage and water balance calculations (Rules Sections 3.8 and 3.9). If the only site improvements proposed by the applicant are to construct the pole and the equipment compound, staff does not have an issue with granting these waivers. However, the Plan should show crushed stone or similar material in the compound to facilitate quick infiltration. *Response - This waiver is requested given small area affected for foundations of approx 20x20 for monopole; however, this can be done if required.*

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
Fax (978) 264-9630



Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: September 28, 2006

From: Engineering Department

Subject: **Wireless Communication Facility Special Permit- 820 Main Street, Acton MA
Verizon Wireless**

We have reviewed the above referenced Wireless Communication Facility site plan for 820 Main Street dated August 29 2006, submitted as a petition for special permit and have the following comments.

1. Prior to the start of construction, the applicant should be required to hire a land surveyor to stakeout the proposed facility in order to certify the property line setbacks are in accordance with the plans. According to the plan notes, the proposed plans are a compilation of data from the Town's Assessor's Maps and the recorded land court plans. The property lines, buildings, etc shown on these plans are only approximate and are not the result of a boundary survey. *Response - This can be done.*
2. A note should be added to the plans requiring the existing survey monuments such as the stone bounds to be marked in the field prior to construction. This note should also state that if these property markers are damaged or destroyed during construction that the applicant will hire a registered land surveyor to reset the monuments and certify the new locations. *Response - This can be done.*
3. The contractor will be required to apply for a permit to construct within a public way for any potential work in the right of way for Main Street. *Response - This can be done.*
4. We have the following comments in regards to the list of waivers requested by the applicant as part of this submission:
 - The engineer should show the existing 120-foot lattice type tower on the plans. *Response - This can be done.*
 - The applicant has not proposed any sidewalks in conjunction with this project. There is an existing sidewalk on Main Street in front of the adjacent property (personal storage facility) located at 816 Main Street (Town Map C-5, Parcel 59). A sidewalk could be constructed along the frontage of this lot extending the sidewalk toward Eastern Road. There is an existing sidewalk on Main Street by Eastern Road that ends about 700 feet north of this property. *Response - very infrequent site visits of 1 or 2 per month using existing curbcut.*
 - Given the existing condition of the gravel access road on the property, the applicant might need to propose some modifications to improve accessibility to the new

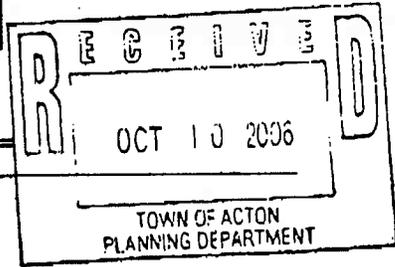
monopole location. *Response - Applicant will properly maintain its access road to the tower site.*

- The engineer should show the existing driveway access on Main Street on the plans.
- The engineer should show and dimension any required parking spaces on the plans for the proposed wireless facility. *Response - very infrequent visits.*
- The Fire Chief will need to review the plans to ensure a fire truck can safely maneuver within the existing system of interior driveways to access the proposed facility. The Fire Department will also need to review the plans to determine whether or not they are providing sufficient fire protection for the new facility. *Response - see enclosed memo from Fire Chief.*
- The applicant requests waivers from the drainage and water balance calculations. We do not recommend granting this waiver. The engineer should demonstrate that the peak runoff rates from the site will not be increased and the recharge to groundwater will not be reduced due to the proposed facility. *Response - This can be done if required by Planning Board.*
- 5. A note should be added to the plans requiring survey monuments to be marked prior to start of construction. The note should also state that any damaged or destroyed property markers will be reset and certified by a registered land surveyor. *Response - This can be done.*
- 6. The engineer should add details on the plans to specify the construction requirements for items such as but not limited to a typical driveway cross section, ground treatment within the proposed fenced area, etc... *Response - This can be done on final plans.*
- 7. The engineer should be required to submit an as-built plan to certify that the project is constructed in accordance with the approved plans. *Response - This can be done.*

ACTON PLANNING DEPARTMENT

Inter-departmental Memo

978-264-9636



Date: September 6, 2006

To: Assessors
Conservation Commission
~~Fire Department~~
Municipal Properties
Water District
Building Commissioner
Engineering Administrator
Health Department
Police Department, fyl

From: Kim DeNigro, Secretary *(KD)*

Subject: Review of a Wireless Communications Facility Special Permit at 820 Main Street

Attached is an application for a Special Permit for a Wireless Communications Facility – 820 Main Street. General information about the address is as follows:

Location: 820 Main Street
Applicant & Owners: Bell Atlantic Mobile of Massachusetts Corporation, Ltd.
d/b/a Verizon Wireless and Cellco Partnership
Address: 400 Friberg Parkway
Westborough, MA 01581
Record Owners: Orlando P. Capizzi
820 Main Street
Acton, MA 01720
Attorney for Applicant: James A. Valeriani, Esq.
Area of site: 3.86 acres
Map: C-5
Parcel: 60
Zoning: SM
Decision Date: December 27, 2006

Please review the enclosed application and send your comments to the Planning Department no later than **October 2, 2006**. The public hearing is scheduled for **October 10, 2006 at 7:45 PM**.

If you have any questions, please call the Planning Department at 264-9636

Review Comments: ① L P Gas Tank may need to be protected by bollards.

② Lock-box or suitable alternative required to gain emergency access.

③ Request standard access provisions for public safety antennas.

Responses
Okay
Okay
Okay

Signature: Robert P. Long, Fire Chief Date: 10/10/06

Roland Bartl

From: Mark Hald
Sent: Wednesday, October 04, 2006 11:22 AM
To: Frank Widmayer; Roland Bartl; Don Palma
Cc: Robert Craig; Kevin Lyons; John Surette
Subject: RE: Cell towers

To elaborate on Frank's point, we need the following:

- Space at the highest point on the tower for approximately six antennas.
- An independent and Town-secured structure of dimensions large enough to hold public safety communications equipment (10 foot square).
- A six-strand fiber optic cable run from the structure to the Memorial Library (or the closest municipal building on the I-net would suffice) at the fire alarm level on the poles.
- Electricity to the structure, preferably generator backed-up (we would also install batteries of our own).

Responses may - w / standard monopole only.

Space in compound will be provided (10' or similar) - Responsibility of Verizon handle only

Electricity can be provided

If they refuse to install a dedicated structure or are unable to physically place one, space in theirs would be sufficient provided we have unencumbered access by way of combinations, keys and alarm codes provided to the Town at construction and at any time they are changed. We continue to have a significant issue where we can no longer access our radio equipment on Great Hill because keys have changed.

Space inside the fenced compound can be provided by Applicant.

From: Frank Widmayer
Sent: Wednesday, October 04, 2006 11:07 AM
To: Roland Bartl; Don Palma
Cc: Robert Craig; Kevin Lyons; Mark Hald; John Surette
Subject: Cell towers

Roland,

I am requesting space for public safety communications equipment on any new cellular towers proposed in the town in order to enhance our communications capability.

Regards,
Frank

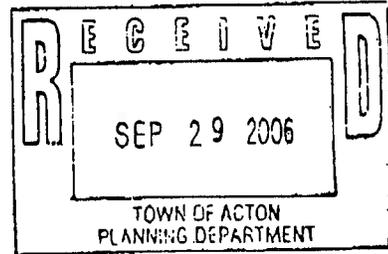
Frank J. Widmayer III
Chief of Police
(978) 263-2911

Kim DelNigro

From: Doug Halley
Sent: Friday, September 29, 2006 9:26 AM
To: Kim DelNigro
Subject: Wireless Communications Facility Special Permit at 820 Main Street

Health records indicate a private well may be located near the work area. It should be shown on the plans. This facility will require a hazardous materials control permit from the Health Department.

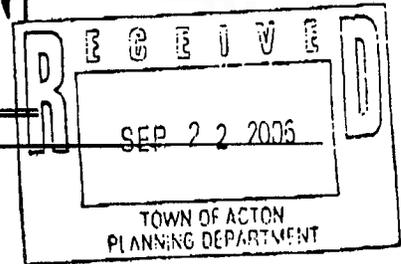
*Response
→ To be done upon approval of special permit.*



ACTON PLANNING DEPARTMENT

Inter-departmental Memo

978-264-9636



Date: September 6, 2006

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
[Redacted]
Engineering Administrator
Health Department
Police Department, fyi

From: Kim DeNigro, Secretary *LD*

Subject: Review of a Wireless Communications Facility Special Permit at 820 Main Street

Attached is an application for a Special Permit for a Wireless Communications Facility - 820 Main Street. General information about the address is as follows:

Location: 820 Main Street
Applicant & Owners: Bell Atlantic Mobile of Massachusetts Corporation, Ltd.
d/b/a Verizon Wireless and Celco Partnership
Address: 400 Friberg Parkway
Westborough, MA 01581
Record Owners: Orlando P. Capizzi
820 Main Street
Acton, MA 01720
Attorney for Applicant: James A. Valeriani, Esq.
Area of site: 3.86 acres
Map: C-5
Parcel: 60
Zoning: SM
Decision Date: December 27, 2006

No response required

Please review the enclosed application and send your comments to the Planning Department no later than **October 2, 2006**. The public hearing is scheduled for **October 10, 2006** at 7:45 PM.

If you have any questions, please call the Planning Department at 264-9636

Review Comments: no comments ✓

Signature: *Raymond* Date: 9/21/06

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Kim DelNigro, Planning Department

Date: 9/8/06

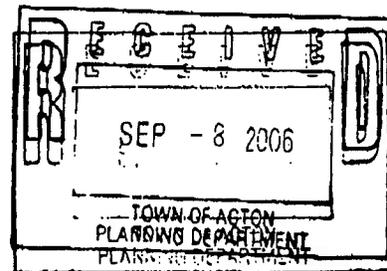
From: Dean A. Charter, Municipal Properties Director *(DAC)*

Subject: Wireless communication Facility, 820 Main Street

I have reviewed the plans and visited the site of the proposed cell tower. The base of the tower and the support building will be well shielded from the street by existing buildings and landscaping, and there is no practical way to provide landscaping to obscure a 120 foot tower, although retaining some of the existing trees will break up the visual lines.

I have no further recommendation to make on this application.

No response required



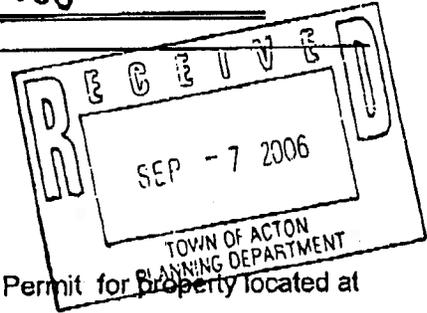


ACTON PLANNING DEPARTMENT

Inter-departmental Memo

978-264-9636

Date: September 6, 2006
To: Steve Barrett, Finance Director
From: Kim DeNigro, Planning Department Secretary *LD*
Subject: Review of a Wireless Communications Facility Special Permit for Property located at 820 Main Street - C-5/60



The Planning Board has received an application for the above referenced application and is scheduled to hold a public hearing on October 10, 2006. Please advise the Board of any delinquent taxes owed on the property at this time. If any property taxes are overdue, the Planning Board will include a condition requiring tax payment in their decision.

- No property taxes due at this time.
- The following property taxes are overdue at this time:

Alanna Faldany

Signature

9/7/06

Date

Thank you for your attention to this request.

No response required

jamesvaleriani

From: Kristin Alexander [kalexander@acton-ma.gov]
Sent: Friday, December 22, 2006 10:37 AM
To: jamesvaleriani
Subject: 820 Main St. Verizon Proposal
Importance: High

Hi Jim:

Just a reminder - the 820 Main Street Verizon Wireless Communication Facility hearing was continued to 1/9/07. The Planning Board asked you to provide answers and/or information related to the following questions/issues raised by Mr. David Maxson, the Planning Board, and the abutters to 820 Main Street at the 11/28/06 Planning Board hearing (that you did not already answer at the hearing).

(issues/questions from Mr. David Maxson of Broadcast Signal Lab – the Town's consultant)

- Has the applicant considered other locations, especially the existing towers at Post Office Square, where there are vacancies.
- Has the applicant negotiated directly with the landowner at 982 Main Street?
- The applicant should define the surrounding tree height and model the coverage area for a transmission array at a height of 90 feet. Conversely, what would the coverage area look like for an array at the full extended tower height of 175 feet, which is the bylaw maximum.
- The Board may consider the applicants offer for an expandable structure.
- He advised the Board that it may be prudent to obtain a legal opinion if data messaging is a covered item under the Federal Telecommunications Act, since the purported need for the proposed facility seems arise from an inability to upgrade equipment at an existing nearby tower.
- Is the problem to upgrade the existing site a violation of the special permit there?

(issues/questions from the Planning Board)

- Are there better locations?
- Will the access road be paved?
- At what height would there be an issue with ground object interference?
- What coverage expectation and capacity is there?
- What other wireless carriers are interested?
- Is there room for expansion?

(issues/questions from the abutters in attendance)

- Visibility of the monopole.
- Has the town been approached regarding placing the tower on town land?
- Will the cell tower interfere with electronics inside abutter's homes?
- Safety of children.
- Potential noise from the monopole.
- Any clearing of trees?
- Could a house be expanded within the buffer zone?
- Home values if the tower is constructed?
- Health effects from the tower?
- What is the legal status of the existing radio tower.
- There is an alleged residence on abutting land.
- Request for an opaque fence towards the abutter's land.

All staff comments should also be addressed. Please submit the information as soon as you can so staff has enough time to review it prior to the 1/9/06 hearing continuation.

12/22/2006

Thank you. Have a great holiday!

Kristin

Kristin Alexander, AICP
Assistant Town Planner
Acton Planning Department
472 Main Street
Acton, MA 01720
Phone: (978) 264-9636
Fax: (978) 264-9630
e-mail: kalexander@acton-ma.gov