

January 20, 2010

Jim and Kathy Quinn
299 School St.
Acton, MA 01720



Dear Planning Board,

We are writing to you with some comments regarding the proposed Wireless Communications Facility for the property located at 5 Craig Rd. We would like you to consider each of the points mentioned below carefully when you decide whether or not to grant this Special Permit request. Our hope is that you will find that per the Acton By-Laws, you are unable to grant the Special Permit because of your duty to protect our residential neighborhood from adverse impacts of the proposed cell tower.

- 1.) In The Beacon and on the notice that the Planning Board sent via certified mail, the property in question is mentioned as "5-7 Craig Rd". The application submitted by SBA Tower II, LLC is for 5 Craig Rd, only. The Engineering Affidavit, the Affidavit of Site Acquisition Specialist, and the Affidavit of Radio Frequency Expert all refer only to 5 Craig Rd. For the record, we would like you to clarify that this Special Permit application would refer to 5 Craig Rd. only and not 5-7 Craig Rd. Otherwise, certainly more cell towers will appear on 7 Craig Rd.
- 2.) We request that you deny this Special Permit application because there are existing Facilities with available space and capacity to satisfy the "significant gap". The Existing Coverage (T-Mobile) map provided by SBA Tower II, LLC fails to identify at least one very close facility at 40Y Annursnac Hill Rd., Concord. We can see the multiple monopole towers across Rt. 2 easily and clearly from the head of Craig Rd. We know that they have existing capacity because we visited the Concord Planning Board and also read the following in The Concord Journal on January the 14th, 2010. Metro PCS is "proposing to install new wireless telecommunications antennas on an existing 120ft. monopole tower" (AD#12153633 CJ 1/14/10). We would like to point out that this very important information (e.g. the location of a very close and available monopole) has been omitted from the information provided to the Planning Board by SBA Tower II, LLC. If indeed these omissions are accidental, then we request that the Planning Board deny their request for a Special Permit based on the applicant's failure to provide information required by the Acton By-Laws. If the Planning Board finds that all of these omissions are not accidental, then the Planning Board should promptly deny the request for Special Permit and associated waivers and consider the mountain of false testimony to be perjury. More importantly we ask the Planning Board to uphold Acton By-Law 3.10.1.5 "To promote shared USE of Facilities to reduce the need for new Facilities" and deny SBA's request based on the availability of suitable cell tower space at Annursnac Hill Rd. It is not our burden to prove, but rather the applicants and they have failed in their duty.

- 3.) This property is located next to John Palmer Moving and Storage. It is the current parking lot for the John Palmer moving trucks. Today there were 16 moving trucks, two dumpsters, and a truck weigh station occupying the parcel of land referred to as 5 Craig Rd. Recently the town of Acton also OK'd a Special Permit for this same location to have five rental trucks on the property. Our question to you is this, if the Planning Board OK's the proposed Wireless Communications Facility, and it is built to specifications and landscaping and equipment buildings are added, as suggested in SBA's plans, where will the 16 moving trucks, two dumpsters, the truck weigh station and the five rental trucks be located? The specifics of the other Special Permit should be reviewed since 5 Craig Rd. cannot physically hold all of the above mentioned.
- 4.) Also, we remember that the town denied John Palmer the ability to build in the 1990's because of the property's proximity to wetlands (please see enclosed photo). Those wetland conditions have not changed since that ruling and building that close to wetlands is certainly regulated and must be addressed as part of this Special Permit.
- 5.) Twenty-four Eastern Red Cedar with a maturity height of 25 feet are to be used as landscaping screen according to the applicant. How, specifically, will that block the visibility of a 170 foot tower? Per the pictures I am submitting, you can see that we and our neighbors will have clear views of the tower that two dozen trees that are 1/7 of the tower's height are not going to be able to mitigate. Also, if Rt. 2 is a National Scenic Byway, is an unscreened cell tower, not even a CAM if you grant their waiver, permitted, desired, or legal?
- 6.) With respect to the locus plan showing the proposed tower facility and a 1 mile diameter circle around the site, we would like to strongly point out that while this map is stamped and sealed by a professional engineer on 10/2/09, it conveniently leaves off the map five residences that would be directly affected by the proposed tower. The addresses omitted from the map are 316 School St., 311 School St., 309 School St., 307 School St. and 303 School St., all of which are residential homes with a clear view of the proposed monopole. If the applicant "accidentally" left these properties off of their map, then you should deny the Special Permit because the applicant has not done the necessary work to prepare their application. If they are found to have intentionally left the omitted properties from their map, they should be charged with perjury.
- 7.) With regards to the site plan map that shows the nearest residential property located approximately 625' from the proposed tower, we would like the Planning Board to note that within the 500' tower radius is the residence at 316 School St. It is the fully shaded building in the lower right of the map in the circle and it is the home for multiple handicapped residents. We would like to remind the Planning Board that per M.G.L. Ch. 40A, section 3, 3rd paragraph "by-laws and decisions of a city or town shall not discriminate against a disabled person. Imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination." Again, we believe the Planning Board should deny the Special Permit in question because at best the

applicant has not done the necessary work to prepare their application and at worst has once again committed perjury.

- 8.) We also wonder then, if this residence at 316 School St., per Acton By-Law 3.10.6.7 is separated by at least 350' from the proposed monopole. We used the measurement tool on the Town of Acton's web site and found the distance to be 325'.
- 9.) The Affidavit of Site Acquisition Specialist John-Markus Pinard states that, "(i)n this instance, the illustrated area is located in the residential areas of Acton and has approximately .5 mile radius contingent on terrain and tree coverage in a given location." Craig Rd. sits low in a valley or bowl that will prevent a cell tower's signal from reaching even up to a half mile. The largely forested area will also keep this tower from providing much of a signal. And then if one is to look at our neighborhood, there are few residences in that .5 mile radius. The majority of land behind the proposed monopole tower (looking at it from Craig Rd.) is farm land, water department land, soccer fields, forest, prison land, auto auction and Acton Town dump, none of which will ever be developed or need "In Building Coverage" as alleged by T-Mobil. T-Mobil already acknowledges sufficient automobile coverage, so despite the close proximity to Rt. 2, that should not be a factor because they are not deficient in that area. Also, Mr. Pinard states that he found our neighborhood to be "largely residential". If this is so, then why is SBA Tower II, LLC asking for a waiver of Acton By-Law Section 3.10.6.4 when their own specialist recognizes how close this tower would be to residential homes?
- 10.) Acton By-Law 3.10.6.17 e). states that "(t)he applicant shall have the burden of showing what alternative sites and technologies it considered and why such sites and technologies are not practicably available". The Site Acquisition Specialist only states, "every other candidate was a new build in a zone not suitable for a tower location." No alternative sites are identified, despite that being a requirement of the Acton By-Law and no site specific reasons for why any location was unacceptable is described. The applicant once again has shown their reluctance or inability to provide what is required by law for a decision to be made at this Special Permit meeting which they requested. This alone should be enough for the Planning Board to deny the Special Permit.
- 11.) In the correspondence to the Planning Board from the attorney, Kevin Eriksen, SBA Tower II, LLC is "requesting waivers of the following section of the Acton Bylaw: Section 3.10.6.4: The tower as proposed is a Monopole tower with external standard Antenna mounting frames. Given the industrial nature of the area, and for other practical and technical reasons, a CAM tower is not ideal." SBA Tower II, LLC's own Site Acquisition Specialist refers to our neighborhood as "largely residential". Despite the fact that the engineer Peter Jernigan provided incorrect or falsified maps that conveniently leave off the 5 residences that would be most affected by this monopole, those homes do exist and their inhabitants deserve to be protected from the building of this cell tower as well as from the relief sought by SBA Tower II, LLC because such relief would be "detriment (al) to the neighborhood and. . .(would)

denigrat(e) from the intent and purpose of this Bylaw (3.10.6.18.b). In layman's terms, the area is not just industrial. Multiple residences in close proximity to the site will have a monopole as the main feature of the view from their homes. Therefore, every effort to beautify the proposed monopole allowed by Acton By-Laws should apply to this case and the tower should minimally remain a CAM and the applicants waiver to the Special Permit be denied. We ask that the Planning Board also note that the abutting land currently farmed by the Nelson Family is often photographed and was recently featured on the front page of The Beacon overflowing with picturesque pumpkins. It is also a National Scenic Byway and should therefore be protected as such. It would be a shame to lose this lovely view due to a poorly designed and ill concealed monopole. Almost every other property in the area has tall bordering trees, except 5 Craig Rd., and so we request that any mitigation of screening and pole coloring that the Planning Board can approve be so approved should the Planning Board approve this Special Permit. We request that should the Planning Board approve this project, the resulting pole be disguised as a grain silo, a flag pole, a clock tower, a pine tree, a water tower or something equally agreeable and suited to the site (please see examples of disguised cell towers included with our packet). Of the approximately 200,000 cell towers in existence in 2006, fully one in four (1/4, 25%) were camouflaged to fit in with their communities. Even in the fields of the Midwest, where there are no homes in sight, cell towers are disguised to protect the beauty of the land. We as abutters do not think that this is too much to ask for, given the specifics of this situation.

- 12.) Per the Acton By-Law 3.10.1.4, we know that you wish to limit the overall number and height of Personal Wireless Towers to what is essential to serve the public convenience and necessity. With this law in mind we would like to ask why SBA Tower II, LLC is requesting a pole height of 170 feet when their application includes an Engineering Affidavit which in the first paragraph calls for equipment "at approximately 160 feet above ground level". Again point 9.) of the Engineering Affidavit specifies that they "would be able to alleviate this significant gap in coverage...(with) antennas at an approximate height of (160') feet". We request that per the above mentioned Acton By-Law, the pole height, if the Special Permit is granted, be limited to the requirement mentioned twice in the Engineering Affidavit, 160 feet, instead of the 170 feet mentioned in the request from Kevin Eriksen, the attorney representing SBA Towers, II, LLC in their application.
- 13.) No plans for lighting the tower were mentioned in the packet presented by SBA Tower II, LLC. Would the Planning Board please confirm that the tower will not be lit or that if it is, it is done so in a manner that is in compliance with the Outdoor Lighting Regulations of the Acton By-Law, Section 10.6. We believe this information should also have been provided to the Planning Board prior to the Special Permit hearing and because so much information required by law is missing the Planning Board should deny this application for Special Permit.
- 14.) We did not see in the packet supplied by SBA Tower II, LCC a map showing areas where the proposed Facility will be visible when there is foliage and when there

is not. Such a map is required per the Acton By-Law 3.10.6.16 and would be very useful to the neighborhood as we try to envision the proposed tower. Please add this to the already lengthy list of information required by law and yet omitted from this application.

- 15.) Don Nguyen, T-Mobile's RF Engineer states that the proposed facility has radio frequency emissions that "are substantially below the maximum allowable health and safety standards established by the FCC." We as affected residents would like to hear this substantiated in laymen's terms by the Planning Board at the Feb. 2nd meeting. We also request plans for how the tower's safety will be tested on an ongoing basis.
- 16.) The majority of my neighbors had no notice of the balloon test. This test should have been mentioned in The Beacon so that residents could view the test, which was only conducted for 4 hours. The test itself was very poor because the day was very windy and the balloon swayed back and forth by 50 feet or more. If the Planning Board wanted to properly evaluate what a 170' pole would truly look like at that site, they should have a crane come to the site for a second test. This would provide a more accurate evaluation of what the final tower might look like.

In summary, my family lives in a neighborhood that happens to abut a street which is designated as Light Industrial. I have actually lived in my home since before the industrial park was built, when it was still just a working sand pit. We none the less live in a residential zone and request that the Planning Board does not issue a Special Permit to SBA Tower II, LLC unless the facility is designed to minimize any adverse visual or economic impacts on abutters, the applicant bears the burden of demonstrating, by clear and convincing evidence, the existence of . . .(a) Significant Gap, the applicant (has) the burden of showing what alternative sites and technologies it considered and why such sites and technologies are not practicably available, the facility is sited in such a manner that it is suitably screened, the facility is colored so that it will as much as possible blend with or be compatible with its surroundings (again see enclosed photos of disguised cell towers), and the facility is (proven) necessary because there is no other existing Facility. . .with available space or capacity available to satisfy the Significant Gap. We feel that since much of the material required by law is missing and or not proven in this application the Planning Board should waste no more of its time and must simply deny this Special Permit request. We thank you very much for your time and attention and are confident in your desire to uphold Acton's By-Laws.

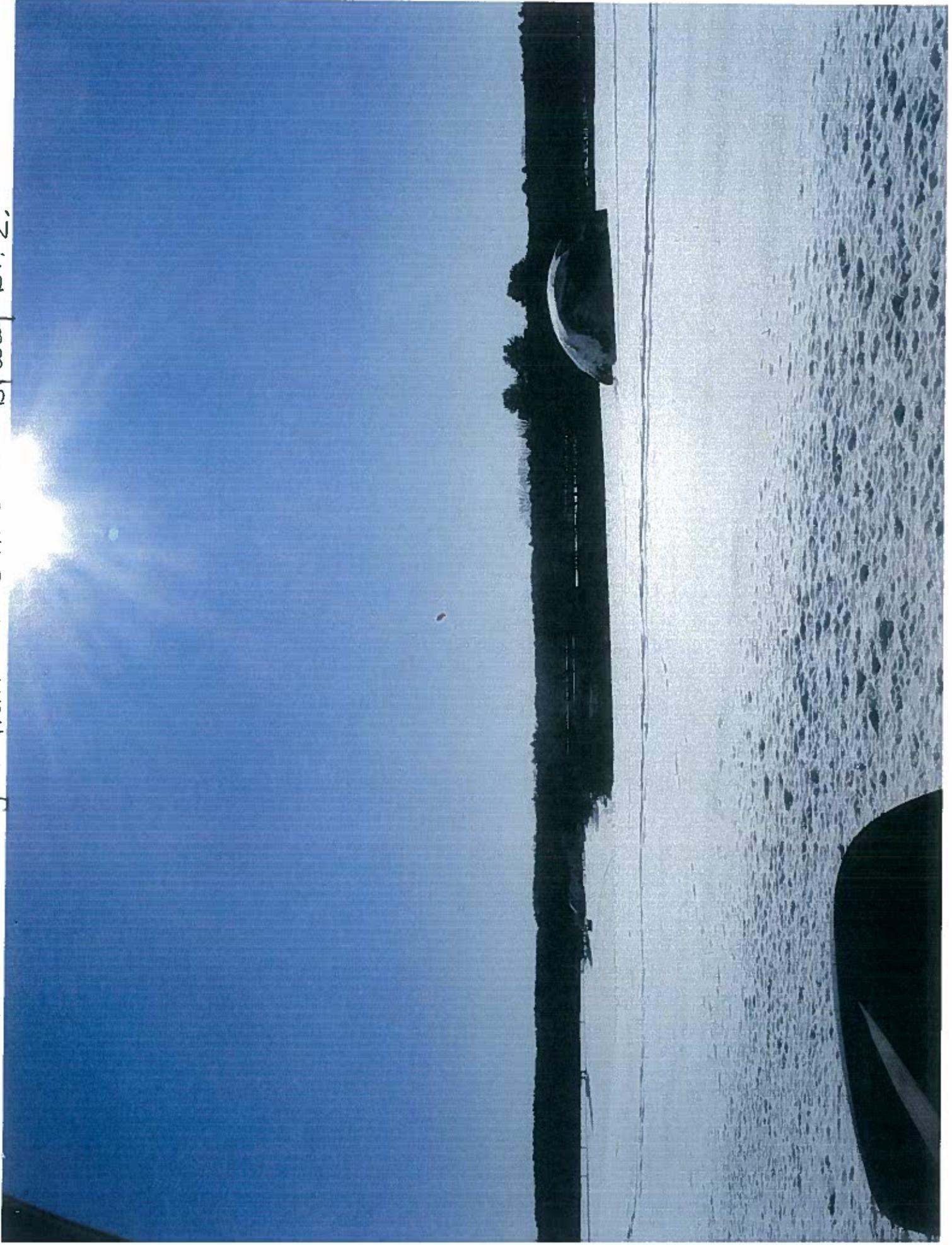
Sincerely,

Handwritten signatures of Jim and Kathy Quinn. The signature for Jim is on the left, followed by the word "and" in the middle, and the signature for Kathy is on the right.

Jim and Kathy Quinn

*Enclosed, please see pictures of balloon test, wetlands behind 5 Craig Rd., .5 mile radius map and examples of disguised cell towers.

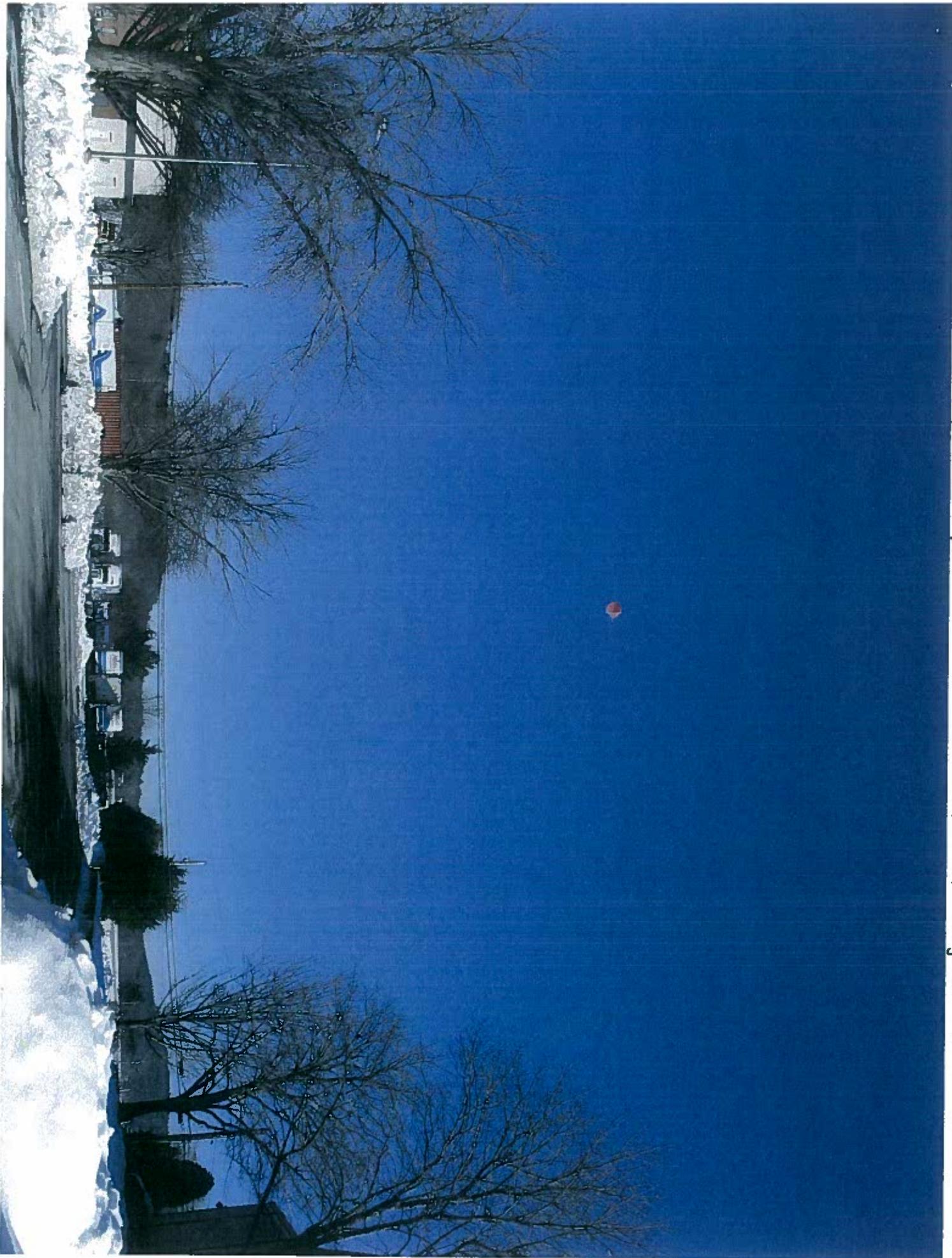
11/23/10 View of cell tower height from Scenic Americans By way Rt. 2.



1/23/10 View from Rt. 2 of Balloon test for 5 Craig Rd.



1/23/10 Balloon test, 5 Craig Rd. note trucks, dumpsters, weigh station, wetlands.



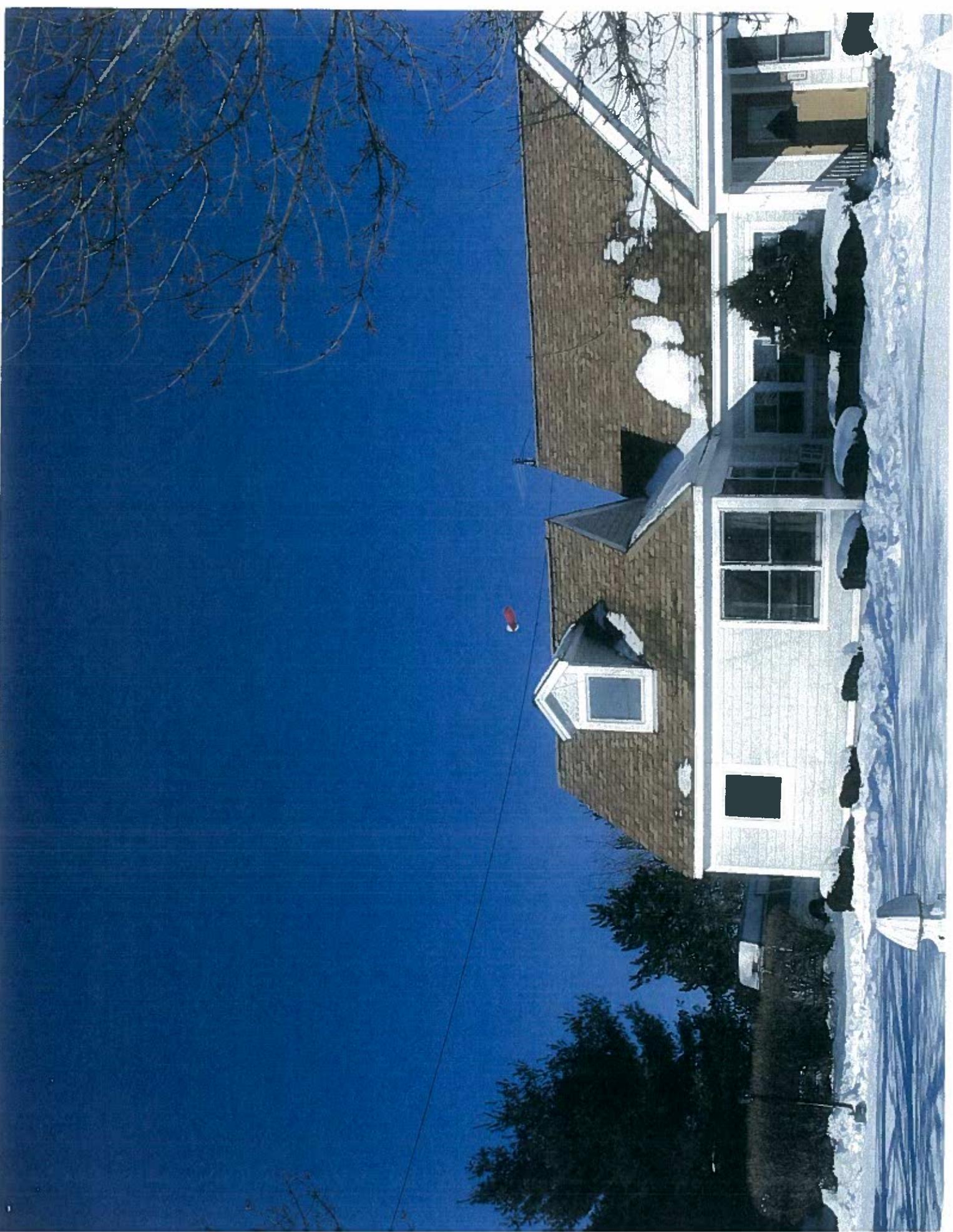
1/23/10 View from neighbor's driveway of balloon test for proposed cell tower.

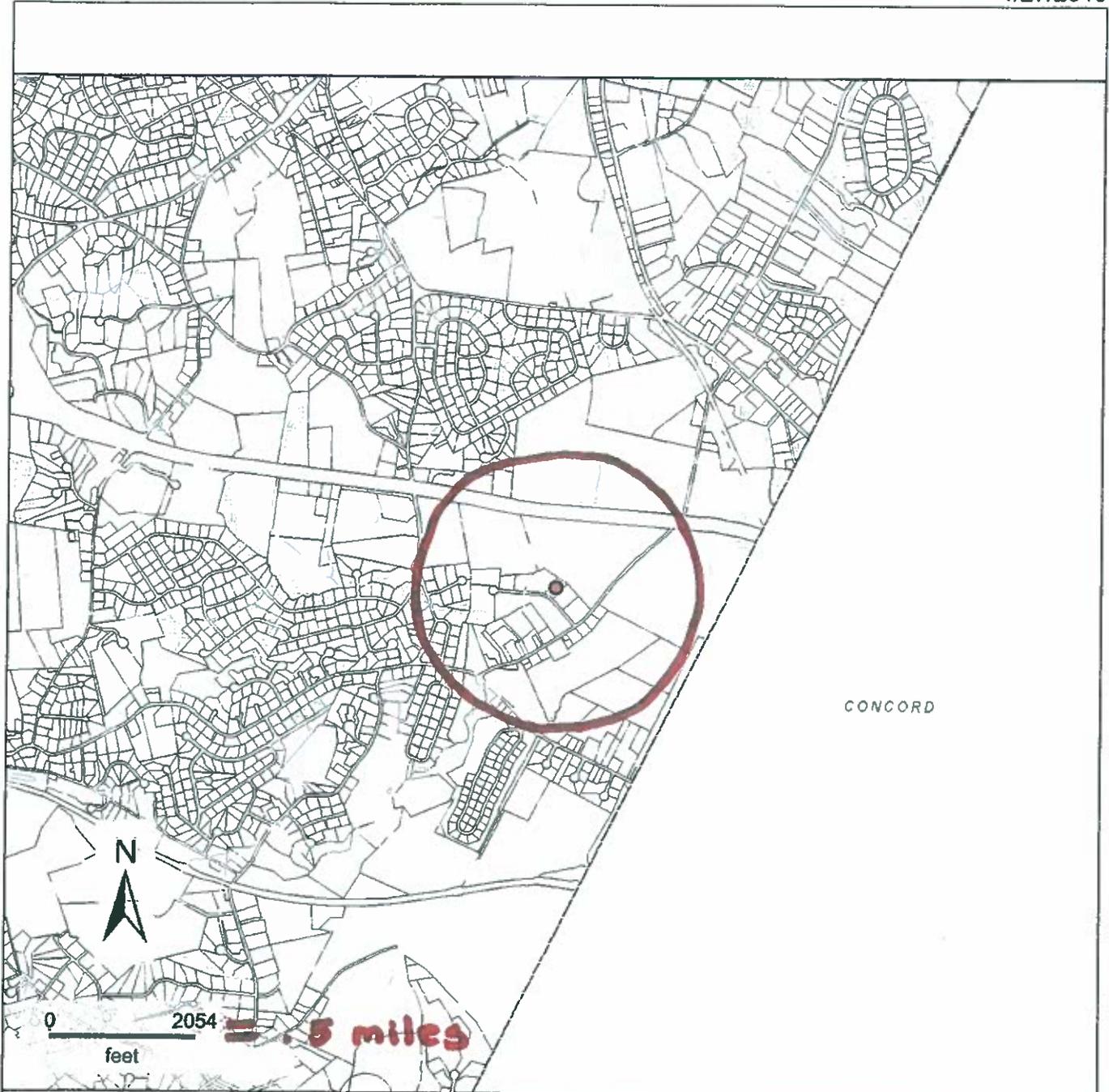


1/23/10 View from neighbors driveway for balloon test/proposed cell tower @ Scraig Rd.



1123110 View of balloon test for S Craig Rd.





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To see all the details that are visible on the screen, use the "Print" link next to the map.



Note primarily open space in area that the applicant's carriers are trying to increase "In-Building" coverage.

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.



area identified
as wetlands in
1992 building decision.

