

IV

Kristin Alexander

From: Don Johnson
Sent: Thursday, February 24, 2005 4:06 PM
To: Roland Bartl; Planning Board
Cc: Stephen Anderson; Garry Rhodes
Subject: FW: Amateur Radios - new/revised draft article

Roland:

As you have already gleaned, from my years of experience as Building Commissioner I think the approach suggested by this amended version of the Warrant Article is incorrect. That having been said, I see some apparent technical issues that I wanted to bring to your attention.

If I read your comment with respect to setbacks correctly, you seem to have gone the other way here and potentially, in certain cases, have required a greater setback with respect to the front setback than currently exists. If I read the bylaw correctly, the current wording would require a front setback at least equal to the minimum front setback as established in the bylaw and, at most, equal to the height of the tower. With the new wording, it seems that nothing can be placed in the "Front Yard", which seems to be the entire area of the lot in front of the primary structure (between the structure and the front lot line and extending across the entire width of the property. If I am correct, a 45' tower under today's bylaw would need a 45 foot setback from the front lot line - no matter where the primary structure is located. Under the new requirement, it would appear that the same tower would need a 150' setback if the principal building on the lot is set back 150'. Conversely, the same tower, located in a Side or Rear Yard, would require a 45' setback today (the height of the tower) from side or rear property lines and, under the new wording, might be as close as 10' (or even 0') to the side or rear property lines. Moreover, it would appear that a tower of any size could be located immediately adjacent to the public way if there is no principal building on the site. Are these the intended results?

Don

-----Original Message-----

From: Roland Bartl
Sent: Thursday, February 24, 2005 2:58 PM
To: Planning Board
Cc: Stephen Anderson; Don Johnson
Subject: Amateur Radios - new/revised draft article

Hi:

Following the Board's vote after the close of the public hearing on 2/22 to propose no requirements or restrictions on ham operators, I have redrafted the article as attached. A thorough review revealed the need for several changes in the bylaw in order to accomplish the stated objective. Please note the following:

1. The article establishes amateur radio installations as a stand-alone principal use since we learned that they can be operated from a remote location.
2. The new defining words are "antennas and antenna structures". Antenna structures is the term used in the exemption of in Ch. 40A, S. 3.
3. I have retained the prohibition from the front yard of buildings, as it seemed that everybody during the hearing thought this to be reasonable. I assumed that to be part of the Planning Board's intentions. If that is in error, let me know.
4. As drafted, the article will also retain the standard setback requirements for structures. According to the Building commissioner, guy anchors would not be considered a structure and therefore not subject to setbacks. If this is not the outcome you thought the Board had intended please let me know.

I am copying this to Town Counsel for review and comment, and to the Town Manager as FYI.

3/4/2005

*Rolland Barr, AICP
Town Planner, Town of Acorn
470 Main Street
Acorn, MA 01720
978-264-5636*