



Planning Department

TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
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**MEMORANDUM**

**To:** Planning Board **Date:** August 24, 2007  
**From:** Roland Bartl, AICP, Town Planner *R.B.*  
**Subject:** Verizon Wireless, 820 Main Street – Withdrawal of Application

Attached is the application withdrawal letter from Attorney Valeriani on behalf of Verizon. It is essentially in the form and with the terms as you have previously seen:

1. No final action, including acceptance of letter, before 8/28/07.
2. No repeat Verizon filing at 820 Main Street before 9/1/2009.
3. Agreement that withdrawal has, for purposes of repeat filings without substantial change, the same effect as a Board's denial of application (*similar effect as item 2*).

I recommend acceptance.

August 8, 2007

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

RE: Verizon Wireless (the "Applicant");  
820 Main Street, Acton, Mass. Assessor Map C5, Lot 60 (the "Property");  
Agreement for Withdrawal of Application for Special Permit for Wireless  
Communications Facility.

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

Dear Chairman Niemyski:

I am writing to inform the Planning Board that Verizon Wireless is willing to withdraw its Application for the above-referenced Special Permit at the subject Property (a/k/a the "Capizzi Site"), on the following terms and conditions:

- 1) The Planning Board shall not make a decision or otherwise take final action on the Application until the earliest occurrence of the following two events: 1) The fiber optic upgrades are installed by Verizon New England and successfully connected to the Verizon Wireless base station facility located at 982 Main Street (the McKay/Crown Tower Site) or 2) August 28, 2007. The Applicant agrees to extend the deadline for final action by the Planning Board, accordingly.
- 2) The Applicant agrees that it will not file a new application for Property owned by Capizzi at 820 Main Street, Acton, prior to September 1, 2009.
- 3) The Applicant acknowledges and agrees that for purposes of M.G.L. Ch. 40, S. 16 the terms of this withdrawal shall have the same effect as a denial of the Application by the Planning Board, with the denial effective August 31, 2007.
- 4) This withdrawal agreement shall be filed in the Town Clerk's Office.

Please feel free to contact me with any questions or comments you may have on this withdrawal.

Sincerely,  
  
James A. Valeriani  
Attorney for the Applicant  
Verizon Wireless

Agreed and Accepted  
Acton Planning Board  
Affirmative Vote Dated \_\_\_\_\_

- \_\_\_\_\_ (Chairman Niemyski)
- \_\_\_\_\_ (Vice Chairman Schaffner)
- \_\_\_\_\_ (Clerk Starzec)
- \_\_\_\_\_ (Member Martin)
- \_\_\_\_\_ (Member Densen)
- \_\_\_\_\_ (Member Mertz)

Copies to: Mr. Daniel Fitzpatrick, Real Estate Manager, Verizon Wireless  
Mr. David Velez, Vitalsite Services  
Mr. Wayne Pastel, Esquire, Attorney for Property Owner, Orlando P. Capizzi, Trustee, Main Street Realty Trust.