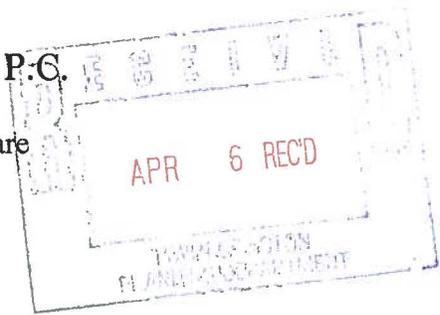


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April 6, 2010

Acton Planning Board  
Ryan Bettez, Chairman  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

RE: Special Permit Application  
Craig Road, Acton, MA

Dear Members of the Board:

As you are aware, this office represents SBA Towers II, LLC regarding a proposed wireless telecommunication facility to be located at 5-7 Craig Road in Acton, Massachusetts. Please allow this letter to serve as the Applicant's response to the comments made in the Planning Department's letter dated January 26, 2010 and revised March 12, 2010 (the "Planning Dept. Comments"). Also, please allow this letter to serve as the Applicant's response to the comments made by the Town of Acton's radio frequency consultant, Broadcast Signal Lab, in its letter dated March 12, 2010 (the "Broadcast Signal Lab Comments"). The Applicant will be prepared to speak to all of the below points in more detail as needed at the hearing scheduled for May 4, 2010.

Sincerely,

Kevin S. Eriksen

**Response to the Planning Dept. Comments:**

4. ZBL 3.10.6.5 – The tower is proposed at the maximum allowed height. There are currently two carriers with the intent to locate equipment on the tower. The plans show accommodations for three more antenna arrays for a total of five. Why not at least six? How does a CAM affect the tower's co-locator capacity? What is the minimum feasible vertical space needed for an antenna array in a CAM and what is the minimum feasible vertical separation needed to between the antenna arrays of different carriers.

**This comment has not been addressed to staffs satisfaction. The application should discuss these issued in more detail. Also see comment #12, bullet 2, below.**

***Response:** The applicant has revised their proposal as of 3/16/2010. The proposal is for a 140' monopine or flush mount tower. The applicant has suggested, as recommended by David Maxson, that if such a height were approved, the Special Permit be conditioned so as to allow additional height on the tower up to 175' provided need can be established. This would be in line with the Acton Zoning Bylaw to design WCFs so as to maximize collocation opportunities. The applicant has suggested five carriers on this tower based on experience. It is rare that a tower of this height will have more than 5 carriers on it. Nonetheless, if six or seven carriers ultimately wish to locate on the tower, and if technically feasible, the applicant would be amenable to leasing space to accommodate same. Regarding the issue pertaining to the CAM, please see the document provided by RF Engineer Chris Fagas at the 3/16/2010 hearing discussing the technical limitations of a CAM. Often, a single carrier will require two spots within a CAM due to space constraints and will therefore ultimately decrease the maximum potential collocation of the site.*

6. The plan shows adequate fencing. But I did not see a specific installation to prevent unauthorized climbing as required in this section. The Board should review the proposed landscape and evaluate if the proposed fence & plantings are sufficient to meet the 3.10.6.10 standard.

**I cannot locate the information that discusses preventing unauthorized climbing of the tower in the new application materials received from the applicant. The applicant should provide the Board with this information or identify where it is located in the application materials so staff can review it.**

***Response:** As discussed at the public hearing on 3/16/2010, the Applicant is proposing to prevent unauthorized climbing of the tower by installing a six*

*foot tall fence. In addition, the fencing detail in the plans indicate that there will be barb wire along the top of the fence to prevent scaling of the fence by unauthorized individuals. Finally, as discussed on 3/16/2010, the climbing pegs to access the tower will be set at approximately 10'-12' on the tower.*

8. ZBL 3.10.6.11 – I have not received requests for Town owned devices to be placed on this tower. Fire and Police defer to IT. IT comments are outstanding. The applicant has not requested approval for the placement on the proposed tower of any equipment that is not associated with a Personal wireless Service.

**The Towns IT Director, Mark Hald, has requested to place Town owned devices on the top of the tower (see IT memo dated 1/25/10). If the special permit is approved, this should be a condition of the decision.**

***Response:*** *The Applicant is in receipt of the letter from IT dated 1/25/10. Please note that IT has suggested that, even if the Board does not grant a waiver to the Applicant and the proposed tower is ultimately designed as a CAM, they will require space on the outside of the tower. Given that if approved, the Town will likely have an external presence on the Tower regardless, this perhaps lends additional justification to an alternative design such as a flush mount as opposed to a CAM. Also, the Applicant requests additional details from the IT Dept. regarding what size Whip antennas they are proposing and what associated equipment will they need to locate within the ground compound. Please note that IT has requested "space within the tower to hold two floor mounted, steel communication cabinets 24" x 24" each." The Applicant assumes that IT is requesting ground space, but requests clarification in that regard. Also, IT has requested fiber optic cabling and a generator backup. The Applicant is unable to supply back up power and fiber optic cabling. Nonetheless, the Applicant is amenable to the Town locating on existing space of an approved tower.*

11. ZBL 3.10.6.16 – A balloon test took place in 1/23/10. The date was announced in the newspaper and on the Town web site. From this test, the applicant will prepare a visibility report as required in this section. At the present this report is still outstanding.

The applicant provided a balloon test report (1/25/10).

**In my opinion, the balloon test results show the tower would be highly visible from the following properties: 309 School Street, 311 School Street, 316 School Street, and along Route 2 from all directions. A CAM should be used. An abutter to the project asked if the tower can be designed as a silo structure to fit in with the adjacent farmland setting. This alternative design may reduce visible impact. Has the applicant**

considered this idea? The applicant should explain the pros and cons of silo design?

***Response:*** The silo design alternative was considered. Unfortunately, this design is not feasible for the site in question. In addition to having significant site constraints due to existing wetland buffers and the existing use of the site by the property owner, the property owner has expressly stated to the Applicant that this would not be an allowed alternative for the current property. In addition, the height required by the carriers for this site is 140'. It is the Applicant's opinion that a silo built to this height, adjacent to industrial buildings, would create an increased negative visual impact to the surrounding viewscape. As an alternative, to mitigate the aesthetic impact of the site, the applicant has proposed a reduction in height to 140' and proposed to employ either a monopine stealth technology or a flushmount pole as suggested by the Town's consultant, David Maxson. Attached are photosimulations of the monopine, flushmount and silo design. The photosimulation of the silo design is limited to the view from Route 2. As discussed above, because the silo design is not possible for this site, the cost of a full photosimulation was too high for the Applicant to incur in this instance. Nonetheless, the Applicant did want to provide the Board with an idea of what a silo-tower would look like as requested at the hearing on 3/16/2010.

12. ZBL 3.10.6.17 b) through e) – At the hearing the applicant should be prepared to:

- explain the rationale and process for selecting this particular site;

***Response:*** The Applicant has submitted multiple affidavits from Site Acquisition Specialists discussing the process and rationale for selecting the subject site. In addition, at the hearing on 3/16/10, Site Acquisition Specialists John-Markus Pinard and Peter LaMontagne discussed the process of selecting a site which includes, amongst other things, establishing whether the use and site design comply with local zoning requirements, whether the site provides coverage necessary for the carriers and whether a lease is obtainable. Please note that at the hearing on 3/16/10, the Planning Board, as well as neighbors, suggested additional sites to evaluate. These sites will be reviewed and analyzed prior to next hearing.

- demonstrate that there exists a significant gap for the proposed carriers that this facility can address;

**Staff is still unclear whether there exists a significant gap for the proposes carriers. We defer to David Maxson on this issue.**

**Response:** *The Applicant has submitted RF Affidavits and Coverage Maps prepared by two separate carriers, Clearwire and T-Mobile, describing the need for coverage in this area of Acton. Currently, Clearwire has no existing coverage for this area. At the hearings on 2/2/10 and 3/16/10, Clearwire's RF Engineer Anoop Jai Kumar presented coverage maps and discussed the need for the proposed WCF in detail with David Maxson. David Maxson has requested some additional information from Mr. Jai Kumar which, to date, has been provided by Clearwire to the Town and David Maxson for his review. It is our hope that Mr. Maxson will provide us with any comments or questions regarding this additional information by 4/20/10.*

*On 3/16/10, RF Engineer Chris Fagas presented the T-Mobile coverage maps and described the need for the proposed location in order to provide adequate coverage to the defined area shown on the maps.*

- explain how the proposed facility provides service coverage to the significant gap;

**The applicant submitted a letter with supplemental coverage maps for Clearwire Wireless Broadband showing the coverage area with the tower as proposed; without the tower; and with the tower at 160', 135', and 100' high (Eriksen letter, 2/18/10). The applicant also submitted 135' and 100' high tower coverage maps for T-Mobile (Eriksen letter, 3/11/10). The 2/18/10 letter states that an RF Engineer from Clearwire New England will attend the 3/16/10 hearing to discuss the maps in more detail. Staff wants to know at the hearing whether a shorter tower would satisfy the applicant and two carriers' coverage needs. A shorter tower is preferred as long as it can support at least five to six carriers and/or be built to extend to 175' in the future to host additional carriers.**

**Response:** *At the hearing on 3/16/10 the Applicant stated that a tower built to 140' would satisfy the coverage needs of the carriers. The Applicant would request that, if a permit is granted to allow the construction of a 140' tower, the Board condition said permit on the extension of the tower height up to 175' upon a showing of need. This would be consistent with the affirmative mandate in the Town of Acton Zoning Bylaws to construct towers so as to maximize collocation.*

- address the availability/feasibility of co-location on existing towers in Acton or Concord by the proposed carriers;

**Did Clearwire New England investigate co-locating on the Knox Trail tower in Acton?**

**Response:** *As discussed at the hearing on 3/16/10, Clearwire is in the process of negotiating, or has negotiated, lease agreements on nearly all existing towers in Acton. The Knox Trail tower, however, is not currently within the Clearwire build plan. This tower is situated too far from the gap area to provide the coverage needed. In fact, even if Clearwire were to locate on the Knox Trail tower, the tower currently being proposed on Craig Road would still be necessary to fill a significant gap in coverage. Clearwire's RF Engineer, Anoop Jai Kumar, will be available at the hearing scheduled for 5/4/10 to discuss this location in more detail if needed.*

**Did either carrier investigate co-locating on the Annursnac Hill Tower in Concord?**

**Response:** *Clearwire is in the process of negotiating/permitting a location on the Annursnac Hill Tower in Concord. As shown on the Clearwire Coverage maps however, even if this site is obtained, which is anticipated, Clearwire will still be in need of the proposed WCF on Craig Road.*

- report on investigations of other potentially suitable sites for this tower; and

**It appears the site acquisition specialist for the project identified five potential locations in Acton for the proposed tower (including the proposed site). The other four Acton locations were dismissed for various reasons (see LaMontagne letter, 2/2/10, revised 2/11/10).**

- a) Citizens have asked whether the applicant has investigated locating a tower on the Acton Water District land east of School Street (across from Craig Road) and/or the Wetherbee Street land with the existing group of towers (owned by C.Moritz). These sites should be investigated by the applicant.**

**Response:** *At the hearing on 3/16/10, site acquisition specialists John-Markus Pinard and Peter LaMontagne stated that these properties would be evaluated and a response would be provided prior to the hearing on 5/4/10.*

- b) Since the proposed site is close to the town line, did the specialist investigate any potential locations in Concord? Locations in Concord should have been considered as well.**

**Response:** *Locations in Concord have been considered. As can be seen from the Clearwire Coverage Maps, Clearwire is either located on, or in the process of locating on, three*

*existing towers in Concord near the Acton line. As shown on the Clearwire Coverage maps however, even if these sites are obtained, which is anticipated, Clearwire will still be in need of the proposed WCF on Craig Road.*

*Furthermore, as shown from the T-Mobile coverage maps, T-Mobile is currently located on the existing Concord tower shown on the maps as 4BS0293E.*

*In addition, numerous locations were suggested to the Applicant by an abutter at the 3/16/10 hearing. A number of these locations are in Concord. These locations are being evaluated by site acquisition specialists John-Markus Pinard and Peter LaMontagne.*

13. ZBL. 3.10.6.17 g) – The plans for the proposed tower specify galvanized steel or other color. The color should be specified; typically a light gray works best. Galvanized steel might be too shiny, at least in the beginning.

**The applicant should change Structural Note 3 on plan sheet C-3 to state: “The tower will be painted a light gray.”**

**Response:** *The Applicant is amenable to changing Structural Note 3 on plan sheet C-3 to state; “ The tower will be painted a light gray.” However, given the recent alternatives proposed by the Applicant (140’ Monopine/ 140’ Flushmount) the Board may desire to alter the color of the tower if either of these methods are accepted. This can be discussed at the hearing scheduled for 5/4/10.*

14. ZBL 3.10.6.17 j) The application contains a copy of an FCC webpage site. I am not clear whether or not it actually represents the FCC license for Clearwire and T-Mobile. The Town’s file on this application should have copies of actual FCC licenses for both carriers as Personal Wireless Services for this region as defined in section 3.10.3.9. The applicant should provide evidence that the facility complies with Mass DPH regulations.

**I cannot locate this information in the new application materials received from the applicant. The applicant should provide the Board with this information or identify where it is located in the application materials so staff can review it.**

**Response:** *Attached, please find copies of the FCC licenses for T-Mobile. The Applicant has requested copies of same from Clearwire as well.*

*It is the Applicants understanding that DPH no longer issues formal letters of compliance regarding wireless communication facilities (See attached document entitled "Advisories and Policies" from the Office of Health and Human Services). Also, please see the attached email response from the Department of Public Health regarding the WCF application. As stated by Christina McSheffery of the Massachusetts DPH, a cellular tower of this type would not exceed DPH's regulatory requirements.*

15. Aerial views indicate, and a site drive by confirms, that the area where the tower and equipment compound are proposed is presently used for truck parking by the property owner, who runs a warehouse/distribution/moving business. The owner should explain how this proposed change will affect truck operations, and particularly whether or not any changes will spill over into Craig Road, a public way.

**This comment still needs to be addressed.**

***Response:*** *The proposed WCF and equipment compound will not have any adverse impact on the current operation of the property owners business. As discussed at the hearing on 3/16/10, at the property owners request, the location of the tower was relocated approximately 15' to the southeast. This was done to further ensure that there would be no impact to the existing use on the site and no impact regarding spill over into Craig Road.*

ZBL Section 10.3, the general section of the zoning bylaw for special permits, provides that the special permit granting authority may require the installation of a sidewalk along the entire frontage. In this case, if the special permit is granted, I recommend that the applicant be given the alternative choice to contribute to the town of Acton sidewalk fund: \$50/linear foot x 445 feet = \$22, 250.00

**Staff still recommends a sidewalk contribution.**

***Response:*** *The Applicant would request a reduction in this contribution amount given that the proposal will not be creating a greater need for sidewalk space within the Town of Acton and Craig Road currently has no existing sidewalk.*

## Response the Broadcast Signal Lab Comments:

- 1) Missing 500-ft radius documentation of average elevation.

***Response:*** *Plan has been amended to include this information. The revised plan has been submitted to the Town of Acton Planning Board as of March 12, 2010.*

- 2) Further information on the structural, visual, and antenna/cable space impacts of CAM vs. Flush Mount vs. proposed design is necessary to answer questions about design appropriate for the site. We have not seen any further information on the question.

***Response:*** *Please refer to the document presented by RF Engineer Chris Fagas at the hearing on March 16, 2010. At that hearing, Anoop Jai Kumar, RF Engineer for Clearwire, also discussed the severe technical limitations of a CAM design for Clearwire Equipment. To date, the applicant has proposed construction of a 140' Monopine Tower or a 140' Flush Mount tower as a way to mitigate the aesthetic impact of the tower on surrounding properties while maintaining technical practicability.*

- 3) Documentation [to support] rejecting the possibility of using a shorter tower that could be increased in height in the future if proven necessary by the Board. Boards discretion to consider this question. Applicant should be prepared to support answer with documented evidence.

***Response:*** *Applicant has proposed a reduction in height to 140'. This height would be an acceptable height for the carriers in question while maintaining some existing co-location ability. The Applicant requests that if this height is approved, that the Board condition the permit on the ability to increase the height of the tower to 170' in the future should the need arise for additional collocations.*

- 4) Consider allowing one or more shorter towers on the site, if and when necessary, if the resulting lesser tower heights provide a substantial reduction in objectionable visual impact. Based on the T-Mobile coverage analysis, the penalty for reducing to 100 feet does not appear fatal to the objectives of the facility. Co-location would be reduced. If substantial visual improvement is obtained with lesser height, it might outweigh the detriments of such a reduction.

***Response:*** *At the hearing on March 16, 2010, both Clearwire and T-Mobile stated the importance of maintaining a height of 140'. This is particularly important for Clearwire, a new entrant into the market for this area, who, under the revised proposal, will be locating its equipment at 125' as opposed to the 155' originally proposed by the Applicant. A second tower would not be feasible for this location from a leasing standpoint or from a site*

*conditions standpoint. In addition, the Applicant believes that the visual improvement achieved by a reduction in height from 140' to 100' would be negligible compared to the negative visual impacts of an additional tower at another location nearby. The Applicant would also like to note that the Town of Acton Zoning Bylaws emphasize the importance of maximizing collocations and a 100' tower would be detrimental to achieving this goal.*

- 5) Documentation of any technical reasons (including RF engineering calculations or other data if applicable) for requiring changes to the 10-foot spacing or to the number of carriers able to use the tower if Flush Mount or CAM is required instead of the proposed platform arrays. No documentation received.

**Response:** *The Applicant has not suggested a change to the 10 foot spacing between carriers. The technical hardships associated with a CAM have been detailed through the submission of Chris Fagas at the March 16, 2010 hearing as well as through the testimony of both Mr. Fagas and Mr. Jai Kumar. As discussed above the Applicant has proposed a 140' flush mount.*

- 6) Applicant should explain what changes are necessary to achieve 6-7 carrier capacity on the tower. [as proposed with the platform mounted arrays]. No documentation received.

**Response:** *Applicant discussed this matter at the hearing on March 16, 2010. Also, please refer to the response above to the similar inquiry from Town Planning regarding same.*

- 7) Clearwire could explain the possibility of sharing its proposed space on the tower with Sprint if Sprint were to join the site in the future. No response provided.

**Response:** *At this time, Clearwire has no plans to share space with Sprint at this location and the prospect of doing so is unlikely in the foreseeable future.*

- 8) Coverage Analysis needs additional information: proposed only coverage plots (both carriers); Clearwire prospective coverage south and east of the proposed facility; published signal level thresholds and detailed rationalization for these thresholds instead of the -90 dBm presumption. No documentation received.

**Response:** *Clearwire has provided supplemental coverage maps showing the proposed coverage from the site. Clearwire has also provided coverage maps showing all current "prospective" coverage from other sites in the area. The issue of signal level thresholds was discussed by Anoop Jai Kumar at the hearing on 2/2/10 as well as at the hearing on 3/16/10. In addition, at the hearing on 3/16/10, Mr. Maxson requested specific additional*

*information from Clearwire. As stated above, to date, Clearwire has submitted this supplemental information for Mr. Maxson's review .*

*In addition, it is the Applicant's understanding that thresholds are different for each operator as each operator utilizes different technologies and provides different levels of service in different areas. In addition, it is the Applicant's understanding through speaking with radio frequency experts representing both Clearwire and T-Mobile that individual operator thresholds have changed numerous times over the years to support changing usage trends. Therefore, wireless communication operators such as Clearwire and T-Mobile are in the best position to determine what will provide sufficient coverage for a service area as opposed to a specific threshold number that often times can be viewed out of context.*

- 9) Evaluate (coverage, availability, visual impact, zoning compliance) potential alternative facility at the industrial area west of Hosmer Rd. and south of Rt. 2 (also, is the wooded area east of Hosmer Rd. and south of Rt. 2 available?.) Provide applicant and consultant with suggestions for other sites (could be more than one site to jointly substitute for proposed) that might be more desirable for the community. Some discussion of alternatives occurred at the previous hearing. Boards discretion whether to pursue any prospective locations.

***Response:** As discussed through supplemental materials, site acquisition affidavits and at the hearing on March 16, 2010, the above sites referenced by Mr. Maxson were not available or viable alternatives for this application. At the hearing on 3/16/10 the town and abutters suggested additional sites for site acquisition to review. The Applicant and carriers are in the process of reviewing same and anticipate the ability to report on these alternatives prior to the hearing scheduled for May 4, 2010.*