

February 17, 2015

Dear Boxford Planning Board members,

We have the same goals.

Your board, our family, our neighbors, the BTA/Bolt, the Historical Society, our town officials, current Boxford residents, and potential future Boxford residents.¹ We all love the rural charm and scenic nature of Boxford, and aim to protect it and preserve it. We all live in a supportive, engaged, wholesome community and aim to nurture it.

We are in this together, shaping this deeply beautiful place, and can work cooperatively to make smart, strategic decisions that are harmonious with our unique, beloved town.

We believe that the building of a cell tower and facility at 12 Mortimer would be in conflict with all of our common goals, and that the application should be denied with prejudice. As part of our cooperative effort, we will illustrate this assertion here with three key points, to be considered in conjunction with other substantial evidence.

1. General Aesthetics
2. Specific Aesthetics
3. NIMBY vs. ACTION

GENERAL AESTHETICS²

The term *aesthetics* refers to the study and philosophy of visual principles that help us to analyze our response to something we see. It is a broad field encompassing visual aspects of almost anything—from art to homes to objects to nature.

With a Master of Fine Arts degree, and as a former professor of design and art theory, my experience has been that *aesthetics* is not a superficial field at all, but one as deeply meaningful as language itself. Human beings are extremely sophisticated in our ability to perceive nuance, recognize patterns, and sense visual distinction. Our visual sense is tied to both our logical thought and our instinctual emotional responses.

Here we will highlight two significant aspects of aesthetics: *Unity* and *the Sublime*.

Unity

A major factor in the feeling of *good* aesthetics is one's sense of cohesion: that certain qualities (elements, colors, materials, etc.) belong together, enhancing and reinforcing one another in support of the whole. This is a principle known as *unity* and is related not only to pure visual sensation, but to our knowledge and understanding of what we are looking at.³

The Sublime

For centuries, people have used the concept of *sublime* to describe something of great magnitude that goes beyond our sense of beauty, and extends into a feeling of "greatness beyond all possibility of calculation, measurement, or imitation."⁴

We have all experienced the sublime.

When we stand and look up at the glorious grandeur of a white pine tree, we not only see it, but we experience its sublime greatness, and we are in awe. The emotion goes beyond

breath-taking aesthetic beauty—beyond vocabulary—and we are elevated by a comprehension of something so great, so full, so pure and true, that we cannot ever measure, calculate or understand it.

This is what our Boxford community stands for: a dedication to nature's sublime beauty.

But while the meaning of the sublime is often used in a positive sense— an experience that ignites a certain quiet or splendid wonder— there is no denying that there also exists an inverse experience to the magnificent sublime. Philosopher of Aesthetics Immanuel Kant called this inverse the “terrifying sublime.”⁵ It is equally immeasurable, and incalculable, but instead of filling us with a sense of wonderful awe, we are overwhelmed with a sense of terrible dread.

If we stand among marvelous pine, maple and oak trees, breathing in tandem with their photosynthesis, we can be fully present in the sublime beauty surrounding us. But if, in that moment, we look upon a 156-foot faux pine tree, thick metal with pseudo branches between “toaster oven” antennae boxes, a mutation of some earlier plan⁶, and look out over a field of industrial boxes, tanks, generators, pipes, and cables—a compound twice the footprint of a Boxford home, all fueling this huge, imposing, disturbingly unnatural monster—the sensation, for any of us, will be truly terrible.

In this situation, we will feel the horror of realizing that the thing we are looking at is not what it first appeared to be. We will feel the shocking discord of seeing a mutant imposter towering over true, glorious trees. Our sense of cohesion will be violated by this disturbing metallic dagger, as it slices through the visual and conceptual unity of our scenic rural town. And we will be awed by the immense perceptual fact of it all, humongous and monstrous in our presence.

And, inextricably tied to this experience is the menacing, unfathomable knowledge that someone, some people, decided to do this to us—to impose this upon us, here.

It is beyond vocabulary, this realization that something is terribly wrong. A wrong with “greatness beyond all possibility of calculation, measurement, or imitation.” But we all know this feeling.

And you must know, dear board members, that this feeling—this immeasurably negative, terrifying sublime—has been virtually inescapable for the families closest to this proposed structure since its first public notice. We are scared by this, as much as we are scared of it, in a way that can not be fully expressed in words.

Which brings us to our next point: Specific Aesthetics⁷

SPECIFIC AESTHETICS

“Oh, Berry Patch Lane? I love that spot! What a gorgeous and charming little neighborhood.”

I can't tell you how many times we have heard this since moving here from Montreal a year and a half ago. And our Berry Patch neighbors hear this all the time, too. It is the reaction from anyone who knows the locale. And why wouldn't they say this? From the historic home and rolling farm land on the first corner, to the enchanting *Berry Patch Trail* through BTA/BOLT Ericson Woods, and all the well-designed, well-maintained homes along the

graceful, curving, tree-lined lane in between. What is not to love? Even the Berry Patch Pond provided the idyllic rural atmosphere for a recent Bruins video series "Back Outdoors."

It is the quintessential Boxford neighborhood, and everything about this precious little pocket of our town says "I am pure and good; please keep me safe."

I mean, seriously, it's Berry Patch Lane. When I give people my address, I could swear I hear them ever-so quietly go "awwwww...."

The sounds one hears along our lane, throughout our neighborhood, are joyous and heart-warming, to say the least. From the singing chickadees, chattering squirrels, and peeping wrens protecting their nests, to the chirping and bellowing frogs, squeaking bats, and hooting owls... to the giggling laughter and enthusiastic play of our youngsters: splashing in pools, climbing in trees, bouncing basketballs, biking and scooting around ... to the sporty calls and friendly camaraderie of our teenagers as they toss a ball back and forth on the lawn, setting up nets and gatherings with smiles and waves at passers-by.

On our lane, the younger children are ages 4, 6, 6, 7, 8 and 12. They all know each other, play together, swim together, bike together, sing together and trick-or-treat together. The older kids are 13, 15, 16, 17, and they often baby-sit and entertain (or vice-versa) the younger ones. Five are beyond high school, and two are parents themselves, bringing grandchildren by to play in the gardens, or snow-piles.

Many of us are new to the town, finding support in one another, and our more seasoned neighbors, as we nestle into our lives here in Boxford. We are happy here, and even our smiles are part of the wholesome, unified aesthetic.

19 Berry Patch Lane

At 19 Berry Patch Lane, upon entering our home, the dominant visual aesthetic is our large arched set of picture windows in our cathedral ceiling living room, which let in the dramatic natural light and scenery of our back yard. Accompanying these is the adjacent 8-pane bay-window breakfast nook, connected to the kitchen, also drawing into our home the natural vista of our back yard, and the playful swimming pool and patio area. Our first-floor master bedroom also boasts almost two full walls full of eight windows, facing the back (north) and west yard.

All of these windows, which basically make up the entire back walls of the house, are a huge part of why we fell in love with this home. Their purpose, and their effect, is to essentially bring the outdoors into our home. As we sit for our meals, our chats, our fireplace, our piano, our movies, or stand at work in the kitchen ~or run playfully throughout the house~ we are fully aware of being among the trees outdoors.

And through the glass door to our back patio, just a few steps away, we spend copious happy hours at our patio table, barbecue, or in the pool, appreciating the nature that immediately surrounds us. We are frequently entranced by the sublime beauty, and count our blessings as high as the trees are tall.

The problem, as I'm sure you realize, is that the proposed cell tower site is just a few hundred feet away. The center of the monopine tower would be less than 400 feet from our pool, and the edge of our home. From our back patio, our pool, our garden on the west side,

our pond, and the playful forest along the stream, the view of the tower and the massive industrial compound at its base would be inescapable.

And, in our home, all of our most glorious windows—at least 18 different panes of glass—face precisely toward the direction of the proposed tower site at 12 Mortimer Road. Those windows, so expertly designed to bring our natural surroundings into our home, would unwittingly allow the nearby industrial behemoth to infiltrate and harm the aesthetics of our home's interior, too.

Other Homes and Properties

The proposed tower would have a negative specific aesthetic impact on several homes. All eight properties along Berry Patch Lane, as well as others on Mortimer, Main Street, and all the way up on Baynes Hill, would be aesthetically compromised. This proposed tower is a heartbreaking threat to the views from our windows, doors, pools, patios, driveways and yards.

Our share website presents photos, videos, and descriptions of the impact on these various specific locations, exemplified by the balloon test, maps and other images. We invite you to view these online using our account access at:

<https://boxfordaction.shutterfly.com>

Username: boxford.action@yahoo.com

Password: Unity (the "U" is capitalized)

As you can see, the specific negative aesthetic impact is not limited to our homes. There will also be nature trails, scenic roads, and vistas in Boxford that will have their specific aesthetics compromised.

Trails and Vistas

The aesthetic appeal of the BTA/BOLT *Berry Patch Trail* through Ericson Woods and into Lord Woods would be significantly violated.

Recommended for walking, cross country skiing, snowshoeing, horseback riding and wildlife watching, this scenic trek is described as a level trail "through woods, over streams, past wetlands and beaver pond, through a residential area, through a field, ending at another stream." It begins "in hardwood forest with abundant wildflowers and leads through wetlands to a recently built beaver dam." And at the other end is a bountiful field where wildflowers, ferns, honeysuckle, small willows, and now small birches and crabapples, thrive. Along this trail, a licensed raptor expert has installed a barred owl nesting box high in a tree.⁸

But the proposed tower site at 12 Mortimer comes crushingly close to this beautiful nature trail, with the gargantuan monopine less than 200 feet from BTA property, and under 250 feet from the trail. These woods are a higher elevation than the tower's base, so its vista looks out over the site, with an unshielded view of the 3,000+ sq. ft. compound full of hideously un-aesthetic industrial equipment.

The juxtaposition of this sublimely beautiful, passionately protected, nature trail with such a grotesque monstrosity, will surely do irreparable damage to the specific aesthetics of this scenic trail.

NIMBY vs. ACTION

Cell Tower Siting procedures are familiar with the “NIMBY” situation, where home owners say “Not In My Back Yard!” But we contend that Boxford is different. Because we are so uniquely passionate about preserving our natural aesthetic and rural charm, we are also bonded and united by this. We identify with one another in this realm, and believe that, in Boxford, this should not be in *anyone’s* back yard.⁹ Instead of NIMBY, our town’s acronym on this topic is “ACTION” for “Against Cell Towers In Our Neighborhoods.” We are sensitive to the aesthetic atmosphere of Boxford, the dignity of our neighborhoods, and we care about nurturing our cohesive, wholesome unity.

If it is determined, with proper assessment measures, that our cell phone service coverage does need improvement, it will benefit everyone—and our town as a whole—if we invite reputable providers to present us with the variety of alternative options that would, in fact, be the least intrusive and with minimal aesthetic damage.

We urge you to consider these points about Boxford’s aesthetics and unity, as part of our community’s substantial evidence to deny construction of a cell tower and facility at 12 Mortimer Road.

With Our Sincere Thanks,

Bonnie and Glen Thornborough
19 Berry Patch Lane

END NOTES

¹ We have the same goals: The Zoning Board's purpose is, in part, "the development of the natural, scenic, historic and aesthetic qualities of the community," which works in conjunction with the Boxford Master Plan to "maintain Boxford's unique character and rural feel as a community."

The town's website describes Boxford as "a rural, geographically large town with almost no commercial development... Heavily forested with many scenic hiking trails, Boxford is also home to numerous lakes, ponds, streams, wildlife, flora and fauna and has received the prestigious Tree City USA award for the fifth consecutive year." Similarly, BTA/BOLT's mission is to "preserve, protect and acquire natural and aesthetically important land including fields, wetlands, woodlands and trails in order to preserve the rural and agricultural character of Boxford."

The mission of the Boxford Historical Society is "To preserve, promote, and interpret the history of Boxford in order to foster a deeper appreciation of the town's heritage." And, in our town survey on cell tower perception, many comment on their appreciation for Boxford's rural character and scenic beauty, and the desire to protect these defining qualities of our town.

As for future Boxford residents, one of the town's top realtors, Mary Rossi of Coldwell Banker, states in her letter, attached, that buyers who choose to reside in Boxford do so for "the school systems, its land and 2-acre zoning, strong sense of community and for the beauty, tranquility, ponds and trails."

² Section 704 of the Telecommunications Act of 1996 requires compliance with local zoning bylaws (with parameters), and in Boxford this includes an emphasis on "aesthetic qualities of the community." Case Law also demonstrates that local zoning boards can be entitled to deny an application on aesthetic grounds:

In Green Mountain Realty Corp. v. Leonard, 688 F.3d 40 (1st Cir. 2012) "The district court upheld the denial on aesthetic grounds" and affirmed by United States Court of Appeals for the First Circuit.

In Southwestern Bell Mobile Systems v. Todd, 244 F.3d 51 (1st Cir. 2001)

The Zoning Board of Appeals denied the application for a permit, the district court upheld the denial on aesthetic grounds, and the First Circuit affirmed. The Court also rejected provider arguments that aesthetics alone cannot justify denial without a "quantifiable examination of the issue demonstrating, for example, the economic impact associated with the tower's appearance." Instead the court ruled that the city "was entitled to make an aesthetic judgment about whether that [visual] impact was minimal without ... reference to an economic or other quantifiable impact."

Wireless Towers, LLC v. City of Jacksonville, Florida, 712 F.Supp.2d 1294 (M.D. Fl 2010) The Planning Commission denied the permit on aesthetic grounds, and the district court upheld the Commission decision.

³ *Unity* is an important concept in design education, and can be found in various books on art, design, philosophy and aesthetics, including *Art Fundamentals: Theory and Practice*. Ocvirk, Stinson, Wigg.

⁴ Sublime is used in aesthetic philosophy, most simply defined here by Wikipedia: [http://en.wikipedia.org/wiki/Sublime_\(philosophy\)](http://en.wikipedia.org/wiki/Sublime_(philosophy))

⁵ Immanuel Kant, in *Observations on the Feeling of the Beautiful and Sublime*, 1764, subdivided the sublime into three kinds: The feeling of the "noble sublime" was accompanied by quiet wonder. The feeling of the "splendid sublime" was associated with beauty. The feeling of the "terrifying sublime" was often accompanied by a certain dread or melancholy.

⁶ In the *Middle Class Tax Relief and Job Creation Act of 2012*, section 6409 states that “Notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” Which means that local zoning bylaws could be preempted, allowing additional antennas, and thus removal of monopine “branches,” resulting in a variety of possible mutations from the original design, without ZBA approval. The description “toaster oven” was used by Varsity to describe the antennas in the ZBA meeting on 1/22/15.

⁷ Case Law demonstrates that some denials are issued and decisions upheld when the aesthetic argument goes beyond general aesthetics, but is grounded in the specific aesthetics of the case:

VoiceStream Minneapolis, Inc. v. St. Croix County, 342 F.3d 818, 831 (7th Cir. 2003)

“[B]ecause ‘few people would argue that telecommunications towers are aesthetically pleasing, ‘a local zoning board’s ‘aesthetic judgment must be grounded in the specifics of the case.’” (quoting *Sw. Bell*, 244 F.3d at 61);

Helcher v. Dearborn Cty., 595 F.3d 710, 723 (7th Cir. 2010) (“[a]lthough local governments are entitled to weigh the aesthetic effect of a wireless tower in deciding whether to permit its construction, generalized aesthetic concerns are not alone sufficient to justify the denial of a permit.” Rather, an “aesthetic judgment must be grounded in the specifics of the case.”)

T-Mobile Northeast LLC v. The Town of Islip, Long Island, F.Supp.3d, 2012 WL 4344172 (E.D.Y. September 21, 2012) Quote from case record:

Three of the Board's five grounds for denying the Application were premised on the adverse aesthetic impact of the Proposed Facility. Specifically, the Board's second reason for denying the Application was that the Proposed Facility "was not in keeping with the nature and character of the area" and its fifth reason for denying the Application was that "[t]here were significant adverse aesthetic impacts to nearby residential properties." Furthermore, although not clearly stated in the Denial, the Defendants assert that the Board's third reason for denial based on the Proposed Facility's "impact on park uses" included "the public's use of the Sans Souci Lake Preserve, and whose ability to enjoy its natural and undisturbed beauty would be substantially and deleteriously impacted." (Defs.' Opp. at 9.)

⁸ Quoted from “Boxford Trail Guide” BTA/BOLT Copyright 1997, 2005, 2012.

⁹ To support this point about town unity and aesthetics, we have numerous informal conversations with fellow residents, our ACTION facebook page “likes,” as well as our ongoing town survey on Cell Tower Perception. The survey does not close until February 23, but thus far approximately 65-70% of residents say they would feel uneasy living near a cell tower and facility, find it visually disturbing to see a tower extending above trees in Boxford, and that their perception of Boxford would be adversely affected if a 156-foot cell tower and facility were built in a residential neighborhood of the town.