

February 23, 2015

Town of Boxford, MA
Zoning Board of Appeals
7 Spofford Road
Boxford, MA 01921

RE: Substantial Evidence In Support of Denial of 12 Mortimer Application: Safety Concerns

Dear Boxford Zoning Board of Appeals,

The Town of Boxford bylaws state in 196-45 D. *special permits should be granted only upon written determination by the special permit granting authority that the use for which such special permit is requested is in harmony with the intent and purpose of this bylaw.* The intent and purpose referenced herein, is stated in 196-1 and 196-30 in that the bylaw *secures safety from fire, flood, panic or other dangers by restricting, prohibiting or regulating use of the land to protect the legitimate interests of adjoining property owners.*

As an adjoining property owner to 12 Mortimer Rd, we have serious safety and liability concerns with erecting a 156' cell tower and 3000 sq. foot commercial compound supported by a 500lb propane tank(s), generator(s), and the storage of hazardous materials and back up batteries, in close proximity to our backyard and neighborhood. The safety concerns we have are specific to this site, the BTA/BOLT trails and our home and easement at 25 Berry Patch Lane and are not general in nature. The BTA/BOLT trail system is a publically accessible area, that spans many acres behind Berry Patch Lane and Mortimer Road. From time to time, hikers park in the cul-de-sac in front of our home and enter the trail along an easement on our property line, which winds along the back of our home. When purchasing our home, we were made aware of and signed off on the easement for the trail. We were pleased to be a part of one of Boxford's trails, and viewed our close proximity as an asset to our property. This has certainly changed as we contemplate and confront the potential risks and dangers associated with this facility and proposed site.

A primary concern for our family is that this proposed commercial facility will bring unwanted people and activity in close proximity to our home, backyard and neighborhood through the easement on our property. Our fear is that ill intended people may be accessing the cell tower site by way of our yard to either get a closer look at the tallest structure in Boxford, to capitalize on an opportunity to steal materials from the site, or worse; possess intent to tamper with the materials and equipment. Because the proposed site abuts the BTA/BOLT trail, and our yard is the gateway to that access; we are concerned that this may change the traffic and clientele that visits our cul-de-sac, our side yard (easement) and the trails. I can say with certainty that if this proposed use existed at the time we purchased our home, we would have not have approved and signed off on the easement that would provide general public access to the cell tower site. We have already noted many more hikers and curious people walking the trail to investigate the proposed site, which increases the number of unknown persons who have access to the backside of our home and likely interaction with neighborhood children. We can only assume that if the tower is constructed, many more will come to view the structure and supporting facility with potentially malicious or devious intentions. It would be impossible for us to ascertain any hikers intent based on a visual assessment, but the increase in traffic flow and lack of controlled access to the Mortimer site is very troubling.

Additionally, the BTA/BOLT property line is just 154' from the facility, tower, and supporting commercial equipment. The entire facility will be in clear view from the trail and Old Mortimer Rd. And because the trails and land are open to the general public, we are concerned unchecked access could result in criminal activity. In our research, we have located articles discussing this type of criminal activity at cell sites because of the opportunity to steal materials such as copper (Appendix 1). We also have concerns that because the site is accessible to the public via the trail, we may have vandalism, tampering of the stored equipment and materials at the tower site, climbing of the tower or other dangerous unwanted nuisances to our neighborhood. Additionally, it is possible that open access to this tower will attract local teenagers, who may engage in antics or mischievous actions. With the location of this proposed site in close proximity to to the general public, we also would like the Board to consider the danger of fires and potential explosions. (Appendix 2) It is also reasonable to assume that 156' cell towers could collect ice during harsh winters, which could fall off the structure and on to propane tanks, generators, hikers or children below in high winds. (Appendix 3) Monopine branches could also become dislodged during high winds and injure hikers below or damage neighboring properties. (Appendix 3)

We thank the Board for their attention to these concerns. We feel these are not general safety concerns about cell towers and the commercial facilities and materials that support them, but specific to our home, children, BTA/BOLT land and the easement on our property that connects the two. The TCA allows for Boards to base denials on the mandate to preserve local Bylaws and on the intent and purpose of those Bylaws. In this instance, the preservation of our safety and security should be considered by the ZBA and included as substantial evidence in your denial of Special Permit for the proposed structure at 12 Mortimer Rd.

Thank you,

The Cassidy Family
25 Berry Patch Lane

CC: Planning Board

Appendix 1. Criminal Activity

Copper thieves wreak havoc on cell towers

Will Sites | Posted: Monday, January 26, 2009 12:00 am

Sullivan Journal

SULLIVAN – The emergency call came last Wednesday afternoon. Firefighters, an ambulance, police and even a helicopter were notified. A man stuck on a cell phone tower. It seemed like a big deal – a really big deal.

And it is. But to you, not the man on the tower. That's because the man on the tower was fixing the damage left behind by copper thieves – a problem that threatens local cell phone traffic and maybe even national security. Although copper theft has been a problem since the commodity began spiking upwards several years ago, most of the thefts have been from construction companies or building sites and abandoned buildings. But as those entities either beefed up security or resources ran out, **thieves turned their attention to an unprotected copper mother lode – cell towers.**

And Wednesday's mistaken call concerning an Oak Grove tower site is understandable and predictable, given the fact that cell tower theft is no surprise to local law enforcement – including the sheriff.

"The theft of copper is a continuing problem," Franklin County Sheriff Gary Toelke told the Sullivan Journal last week. The county's top law enforcement official said that copper thieves go anywhere and everywhere to find the metal, which has been trading lower in recent months. But that isn't much of a deterrent, said Toelke. "The theft from cell towers is relatively new," Toelke said. "But they've hit about every tower in the county."

In fact, the tower workers who came to town last week were part of an out-of-state crew replacing grounding copper at cell tower sites across the area. **"We just came here from a tower in Lonedell," said one of the tower employees, who asked not to be identified because of an investigation into the tower thefts. "And that one was right next to some houses – it's incredible how brave they are getting."** The copper, he said, is minor in value compared to the damage (and potential damage) that the thieves do.

The copper comes from a lightning-protection grounding grid that is used to protect the cell tower from lightning strikes. The copper is underneath gravel pads and along the tower, protecting the delicate and expensive computer and switching mechanisms housed next to the tower. When the copper is stripped and stolen, the tower is unprotected. "One lightning strike (when the copper is missing or cut) and someone's cell phone just went out or got a lot weaker," said the tower worker. Although an AT&T document relating to the matter says that copper thieves are a threat to the industry, it's the cell phone user who pays the price for the costly repairs.

And it's the price of the damage left behind that can be enormous. Cell phone companies estimate that a simple strip-and-run may leave \$5,000 in damages; breaking into the actual system or a lightning strike could result in hundreds of thousands of losses at one site.

Fighting Back

When thieves began targeting cell tower sites several years ago, many local law enforcement agencies treated the incidents as isolated. **But when the FBI got involved, it was soon learned that tower site thefts had quickly become widespread.** The FBI? Absolutely. Two reasons: cell towers transmit emergency and interstate communications and rings of copper thieves began moving their stolen loot across state lines to thwart detection. The selling of stolen copper to scrappers has become more difficult as police and new laws are taking a bite out of the destructive crime.

Last March a Virginia man plead guilty to federal conspiracy and malicious destruction of communication systems charges – he's doing federal time. Keith Pickens told the court that he stole copper grounding bars and wires from cell phone towers and sold the metal to salvage dealers. Pickens said he entered over 130 cell tower sites in two states; cell companies put the damage he left behind at \$270,000. But Pickens is the exception – he got caught.

But that tide is turning. Many cell tower companies – including U.S. West and AT&T – are employing a host of surveillance techniques. A Kansas-based company, SNC, is working with AT&T to set up wireless video and alarm monitoring at sites throughout the Midwest. According to a memo released by SNC, a pilot program in Texas was very successful (five arrests) at deterring cell tower copper thefts. Unlike closed-circuit systems, the SNC service sends alarms and images of the tower site through the cellular network.

"I'm not sure what will keep the thieves out of the towers around here," said the worker at the Oak Grove tower, noting that cell towers are dangerous places to be stealing from. "But one wrong snip of a wire could be the last snip they'll ever take."

(If you have information concerning copper theft or cell tower tampering, call 911 or the Franklin County Sheriff's Office at 636-83-2560)

Two men accused of stealing copper from seven Scotland County cell towers

http://www.fayobserver.com/crime/article_84105af4-cc01-5b8b-9a54-d4b502c7c402.html?mode=jqm

Two men accused of stealing copper from seven Scotland County cell towers

By Nancy McCleary Staff writer | Updated Nov 21, 2013

LAURINBURG - Two men suspected of stealing copper from seven cell towers in Scotland County are believed to be current or former contractors, authorities said.

The men were caught on video Tuesday at a tower on U.S. 501 near Hoke and Moore counties, said Lt. Jon Edwards of the Scotland County Sheriff's Office.

Cameras showed the two men entering the fenced area around the tower's base without forcing the locked gate open.

"The subjects had the codes to the gates," Edwards said, "so we know that they are current or former employees."

Most of the towers are in rural areas where the men could enter and leave without being noticed, Edwards said.

The video shows one man, wearing tan coveralls over blue jeans, a toboggan and sunglasses, climbing on a piece of equipment to reach copper wires.

The second man, who is wearing a blue sweatshirt or jacket over another shirt, is seen carrying bolt cutters.

The men likely take the copper and sell it as scrap metal, Edwards said.

Damage estimates range between \$6,000 and \$8,000 at each site, Edwards said.

The men were last seen driving a white Chevrolet four-door pickup truck and were traveling north on U.S.501, Edwards said.



2014: Copper thefts on the rise: "Since Jan. 1 in Olathe, KS, alone there have been five reports of cell phone tower break-ins and thefts. Sources say the damage being done to the towers is in the hundreds of thousands of dollars. The copper is part of the grounding component and without it, if there's a lightning strike, it could fry all the electronics inside and make the tower useless. That means an entire area could be left without service.

<http://www.kctv5.com/story/24790956/authorities-make-200000-bust-in-cell-phone-tower-thefts>

Authorities make \$200,000 bust in cell phone tower thefts

Posted: Feb 21, 2014 6:40 PM EST Updated: Mar 23, 2014 6:50 PM EDT

By Laura McCallister, Multimedia Produce

By Jeanene Kiesling, Reporter

JOHNSON COUNTY, KS (KCTV) -

A search of a home uncovered at least \$200,000 in stolen parts and copper, according to sources, all believed to be from cell phone towers.

Sources involved in the investigation said the crime is wreaking havoc on both sides of the state line.

It's a problem that was so bad authorities in Johnson County and Miami County, KS, and Cass County, MO, formed a task force which so far has led to the arrest and charges against two men.

"They do whatever it takes to get access to them, whether that's going through fences or anything else," said Johnson County district attorney Steve Howe.

A YouTube video shows two suspects breaking into a secure area which houses a cell phone tower. Authorities put the video on the internet in hopes of figuring out who the men were.

Now Anthony Bryan and James Obannon are in custody, each charged with felony theft and criminal damage to property, among other charges.

Their arrests could be just the beginning.

"I think it's naive to think those are the only two individuals that are committing these crimes," Howe said.

Since Jan. 1 in Olathe, KS, alone there have been five reports of cell phone tower break-ins and thefts. Sources say the damage being done to the towers is in the hundreds of thousands of dollars.

After the arrest of Bryan and Obannon, a search conducted at a home connected to the men uncovered \$200,000 in computer parts and copper, sources say. Howe won't discuss the details of the case involving the two men, but said what's happening here is happening everywhere.

"Some of the electronic components used in cell phone towers are made out of copper and the price of copper is going through the roof making it more attractive for thieves," he said.

In addition to the costly damage done to the towers, Howe said the copper is part of the grounding component and without it, if there's a lightning strike, it could fry all the electronics inside and make the tower useless. That means an entire area could be left without service.

"It has an impact on the community and we take it seriously," he said.

More charges could come against Bryan and Obannon as the investigation is continuing.

KCTV5 contacted Sprint to find out if the thefts are having an impact on service, but we haven't heard back from them. Read more:

<http://www.kctv5.com/story/24790956/authorities-make-200000-bust-in-cell-phone-tower-thefts#ixzz3SU5Hcd0M>

Copper ground wire and a copper bus breaker were stolen from the AT&T cell tower on Cool Spring Church Road

<http://www.sharonherald.com/policefirecourts/x1450995057/Police-Fire-for-March-25-2012>

State police

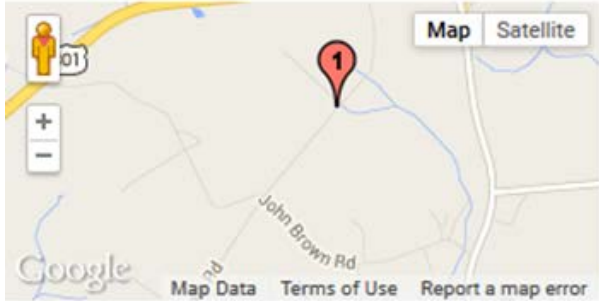
•Copper ground wire and a copper bus breaker were stolen from the AT&T cell tower on Coolspring Church Road, Coolspring Township, between Feb. 28 and Wednesday, police said. No value for the copper was given.

hBusbars stolen from Centreville MD cell phone tower June 2014

http://www.myeasternshoremmd.com/news/queen_annes_county/article_d47bb777-6d9b-592d-b0b0-7cd7669bc9fc.html

Story Comments Share Print Font Size: - +

Location



Posted: Tuesday, June 17, 2014 1:11 pm | Updated: 2:12 pm, Thu Jun 19, 2014.

CENTREVILLE — Two busbars were stolen from a cell phone tower in the 2300 block of Bloomingdale Road in Centreville, an AT&T Wireless manager reported to the Queen Anne's County Sheriff's Office June 5.

The manager said that an unknown person cut a gate lock, went into a building on the tower site and took two 18-inch by 3.25-inch busbars valued at \$1,500, police said. A busbar is a strip of metal used to conduct electricity.

The theft allegedly took place sometime after mid-April, according to police.

INSULATE TODAY, SAVE TOMORROW!

Arrests made for alleged cell tower diesel fuel thefts in Anne Arundel County

<http://www.wjla.com/articles/2013/09/robert-murphy-daniel-padgett-arrested-for-alleged-diesel-fuel-thefts-in-anne-arundel-county-93692.html#ixzz3EYFr3gev>

ANNE ARUNDEL COUNTY, Md. (WJLA) - Anne Arundel County police arrested two men in connection with a two-month investigation into diesel fuel thefts in the county, including from cell phone tower back-up generators.



Robert Murphy and Daniel Padgett were arrested in connection with fuel thefts. (Photo: Anne Arundel County Police)

Police arrested Robert Douglas Murphy and Daniel Guy Padgett on Aug. 31, who police learned about after receiving a tip. Murphy is accused of stealing hundreds of gallons of diesel fuel from the generators.

Both men are facing charges of theft and destruction of property, among others.

Police say Murphy was seen stealing diesel fuel from an AT&T tower back-up generator in the 8200 block of Veterans Highway in Millersville using large plastic containers, a generator and a Ford F-250 truck.

On Aug. 31, Murphy was again seen stealing fuel, this time from a Verizon cell tower back-up generator in the 600 block of Ritchie Highway in Severna, police say..

Police say they served warrants on Padgett and Murphy's residences and discovered a cache of weapons. Police found a Tech 9 loaded at Murphy's bedside with a rubbed out serial number.

Sandy Arnett is a spokesperson for Verizon, a frequent victim.

"Even in the last month, we've had two of our locations right here in Anne Arundel that were hit," Arnett says. "If we're not able to fuel our backup generators there's a good chance our customers will lose service if the power goes out."

Read More: [Maryland, Anne Arundel County, Theft, NewsChannel 8](#)

Copper stolen from cell tower in Millington MD : Six copper electrical connectors

http://www.stardem.com/news/local_news/article_02d3b6e2-61d2-56eb-b52c-4ac85a7440f7.html

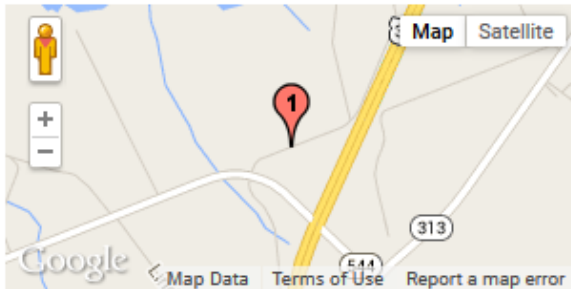
Copper stolen from cell tower in Millington

Story Comments

Print  Font Size:  

Location

Posted: Wednesday, January 29, 2014 1:00 pm |
Updated: 3:51 pm, Thu Jan 30, 2014.



100 Chester River Heights Road Millington MD

MILLINGTON — The Queen Anne's County Sheriff's Office is investigating the theft of six copper electrical connectors from an AT&T cell phone tower in the 100-block of Chester River Heights Road.

An AT&T employee checking on the tower found that the connectors were missing at about 2:45 p.m. on Tuesday, Dec. 31. The six connectors are valued at \$500 each, and repair

costs are estimated to be \$3,000, police said.

MD State Police 10/2013 to 12/2013, the Easton Barrack was contacted regarding the theft of copper-rich batteries from several cell tower locations in Dorchester County.

<https://www.mdsp.org/Organization/FieldOperationsBureau/Barracks/BarrackIEaston/IMPACTINCAROLINEDORCHESTERALBOTCOUNTIES.aspx>

Theft over \$10,000: From October through December 2013, the Easton Barrack was contacted regarding the theft of copper-rich batteries from several cell tower locations in Dorchester County. CED investigators began gathering information and located related crimes among Dorchester, Caroline, Talbot and Wicomico counties, as well as Sussex County, Delaware. Investigators worked jointly with the involved jurisdictions and one suspect was identified and was arrested. The total loss is estimated in excess of \$150,000.

Appendix 2 Fires

School Football Field Cell phone tower catches fire in Grandview, Ohio.

<http://www.dispatch.com/content/stories/local/2014/07/15/0715-grandview-cellphone-tower-fire.html>

Sept 13, 2014 Cell tower fire at Thurston High sends up smoky plume.

<http://www.kval.com/news/local/Cell-tower-fire-near-Thurston-High-sends-up-smoky-plume-275018241.html>

Cell tower at Risk of Falling after Fire Atlanta Georgia.

<http://www.wsbtv.com/videos/news/emergency-crews-worry-cell-tower-may-fall-after/vFQDs/>

Pennsylvania Fire results in Collapse Fears: Collapse Zone created at base and they vacated the buildings:

<http://www.nbcphiladelphia.com/news/breaking/Cell-Phone-Tower-Fire-Collapse-Bucks-County-212501221.html>

Cell tower fire closes Rockbridge Road, evacuates day care.

<http://www.gwinnettdaily.com/news/2011/dec/02/fire-closes-rockbridge-road/>

New Jersey Cell Tower Fire:

http://www.nj.com/monmouth/index.ssf/2013/05/cell_tower_fire_knocks_out_main_middletown_police_communications.html

Explosion near cell tower likely caused by propane leak,

<http://www.lemarssentinel.com/story/1641878.html>

Cell phone tower to be taken down following fire, Georgia

<http://www.ajc.com/news/news/local/cell-phone-tower-to-be-taken-down-following-fire/nQPC6/>

Cell phone tower catches fire near U.S. 95 Las Vegas,

<http://www.fox5vegas.com/story/20959950/cell-phone-tower-catches-fire-near-us-95>

Maryland Cell Tower Destroyed by Fire

<http://www.firehouse.com/news/10500668/maryland-cell-tower-destroyed-by-fire>

Cell tower catches fire, nearby buildings evacuated, San Bernardino County, California

<http://www.dailybulletin.com/20110113/cell-tower-catches-fire-nearby-buildings-evacuated>

Kansas City Cell Tower Fire closes Interstate 435

<https://screen.yahoo.com/raw-video-cell-tower-fire-213100571.html>

Osprey nest, electrical problem sparked Poulsbo cell tower fire Washington State

<http://www.northkitsapherald.com/news/124300644.ht>

The following are statements from the operating manual for a propane generator:

FUEL IS FLAMMABLE AND EXPLOSIVE

- Do not smoke or turn electric switches ON or OFF where fuel fumes are present or in areas sharing ventilation with fuel tanks or equipment. Keep flame, sparks, pilot lights, arc-producing equipment and all other sources of ignition well away.
- Fuel lines must be secured, free of leaks and separated or shielded from electrical wiring.
- Leaks can lead to explosive accumulations of gas. Flames, sparks or arcing at the battery terminals, light switches or other equipment can ignite battery gas causing severe personal injury. Do not smoke - Ventilate the area before working on or near a battery - Wear safety glasses. Switch work lamps ON and OFF away from the battery - Do not disconnect battery cables while the genset is running or a battery charger is on-Always disconnect the negative (-) cable first and reconnect it last.



Appendix 3 Falling Ice/ Branches

Tower Ice Falling Video

<http://www.youtube.com/watch?v=aqy32tzTRkA>

Giant Icicles Fall From Sky, Smash Cars

<http://www.theblaze.com/stories/2011/01/12/giant-icicles-fall-from-sky-smash-cars/>

Falling Debris Feb 13, 2012 El Paso Texas, Decorative Frond Falls From Palm Tree Cell Phone Tower, slices through man's car.

<http://www.kvia.com/video/Decorative-Frond-Falls-From-Palm-Tree-Cell-Phone-Tower-slices-through-man-s-car/17445784>

St. Peters residents raise safety concerns about new cell phone tower: Debris coming in every storm.

<http://www.kmov.com/news/st-charles-county-news/St-Peters-residents-raise-safety-concerns-about-new-cell-phone-tower-246722471.html>

2/20/2014 Crescenta CAAT&T Withdraws Cell Tower Application: Debris fall off cell tower onto residence.

<http://www.crescentvalleyweekly.com/news/02/20/2014/att-withdraws-cell-tower-application>