

Franklin Zoning Board of Appeals  
For Meeting Held On  
Thursday, September 25, 2008  
355 East Central Street  
Franklin, MA 02038

Members Present  
Bruce Hunchard  
Bernard Mullaney  
Robert Acevedo  
Todd Alexander  
Seth Jackson

**7:30pm- 17 Charles Drive**—Joanne Williams - No Abutters Present - **Applicant is seeking a building permit to construct an addition. This permit is denied without a special permit/variance to extend a non-conforming structure.** Appearing before the board is Vin Gadoury contractor here on behalf of Joanne Williams. Proposing a one-story addition off the back of the property. The present deck will be coming off and putting in a patio. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a 17 foot sideline setback "Variance" down to 23' where 40' is required for the proposed one story addition for the property located at 17 Charles Drive Franklin, MA as shown on a plan entitled Proposed Addition & Deck Plan of Land in Franklin, MA dated August 21, 2008 by Colonial Engineering, Inc. Seconded by Bernard Mullaney. Unanimous by the board.

**7:40pm-163 West Central St**—Lou Critelli-No Abutters Present— **Applicant has applied for a building permit for a deck that has been constructed. This building permit is denied without a special permit/variance from the ZBA.** Appearing before the board is Lou Critelli with a revised plot plan. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Robert Acevedo to grant a four foot sideline setback "Variance" down to 16' where 20' is required for the open deck 19.4 by 11.2 for the property located at 163 West Central Street as shown on a plan entitled Plot Plan of Land in Franklin, MA dated March 5, 2007 Revised 9/19/08 by Colonial Engineering, Inc. Seconded by Bernard Mullaney. Unanimous by the board.

**7:40pm-60 Earl's Way**—MetroPCS Massachusetts, LLC- No Abutters Present **Applicant is seeking a building permit to install additional antennas and ground equipment to an existing tower used for wireless communication. This building permit is denied without a variance/special permit from the ZBA.** Appearing before the board is Joe Giammarco an attorney with Prince, Lobel, Glovsk & Tye along with Gerry Squires Site Acquisition Specialist for MetroPCS of Massachusetts and AJ a Radio Frequency Engineer for MetroPCS. Existing 135' monopole on the site, MetroPCS proposes to mount their antennas at a 92' centerline mark. There will be three antennas close mounted to the pole. Equipment proposed to be located within the existing fence compound within 7 ½' of a side lot line where 30' is required and we are asking for a dimensional variance for that as well. The panel antennas will be mounted at the centerline height of 92'. On the ground will be four equipment cabinets, two will be battery cabinets and the other two are base transmission. Six cables, two for each antenna, inside the tower. No backup generator on site, back up battery for eight hours. Consultant Howard Epstein is in favor of the application. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to "Take Under Advisement". Seconded by Robert Acevedo. Unanimous by the board.

**7:50pm-Upper Union St**—No Abutters- Upper Union St (Town Water Tank)—New Cingular Wireless PCS, LLC—**Applicant is seeking a building permit to install new cellular communication equipment on the town water tank. This building permit is denied without**

**a variance/special permit from the ZBA.** Appearing before the board is Martin Cohen from Anderson & Kreiger LLP. Antennas are not screened they are visible. Consultant Howard Epstein states his questions were answered. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to "Take Under Advisement". Seconded by Robert Acevedo. Unanimous by the board.

**7:55pm 60 Earl's Way--No Abutters--New Cingular Wireless PCS, LLC-Applicant is seeking a building permit to add wireless equipment to an existing facility. This building permit is denied without a modification of the variance and special permit from the ZBA.** Appearing before the board is Martin Cohen attorney for AT&T with a firm of Anderson & Kreiger LLP. There has been a change, we reduced the scope of work and the reason for that is we now confirm there are six antennas attached to the tower. We have rights under the variance that was granted in September of 2004 for these antennas but as it turns out there are six dual antennas so there is no need to change them. The only work we are proposing is to add within the equipment cabinet, no exterior work. The board has been provided a letter from Martin Cohen from Anderson & Kreiger LLP regarding the application for Cingular Wireless PCS (AT&T) 60 Earl's Way requesting a "Withdrawal Without Prejudice". Motion by Bernard Mullaney to allow the applicant to "Withdraw Without Prejudice" to add wireless equipment to an existing facility. Seconded by Robert Acevedo. Unanimous by the board.

**8:15pm--Daniels St-No Abutters Present- Lot 32A, 33A, 35A, 38A, 40A Daniels St-Capital Funding Corporation-Applicant is appealing a decision from the Building Inspector to issue building permits based on previous variances issued on Lots 32A, 33A, 35A, 38A, and 40A Daniels St.** Appearing before the board is Attorney Shelmerdine in regards to Lot 32A, 33A, 35A, 38A and 40A Daniels Street. Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to "Take Under Advisement" till the end of the meeting. Motion by Bernard Mullaney that the Applicant "exercised" such rights under the Variance, that the decision of the Building Inspector should be reversed and found that in light of the facts referenced above, the Variance has been "exercised" and has not lapsed. Seconded by Robert Acevedo. Unanimous by the board.

#### **General Business:**

The board is in receipt of a letter dated September 25, 2008 from LaJero LLC requesting an extension in time for the Variance and Special Permit granted October 25, 2008. Motion by Bernard Mullaney to grant an extension in time not to exceed six months for the property located at 122 Chestnut Street for the previous variance that was granted and the Special Permit needs no action. Seconded by Robert Acevedo. Unanimous by the board.

Appearing before the board is Martin Cohen representing AT&T in regards to 121 Longhill Road looking for some guidance. Board-You will need to apply to the Zoning Board of Appeals.

Board is in receipt of a letter dated September 25, 2008 from J. Lee Consulting in regards to the pending application for MetroPCS Massachusetts, LLC for the location 887 Lincoln Street for collocation of antennas and related ground equipment. Requesting the board vote on consultant fees and a consultant. Motion by Bernard Mullaney that the applicant put on deposit with the ZBA an amount not to exceed \$5,000.00 for the Board to hire a consultant to review the application. Seconded by Robert Acevedo. Unanimous by the board. Motion by Bernard Mullaney to hire Consolidated Spectrum Services to review the application but not until such time as the funds have been deposited with the Zoning Board of Appeals. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to approve the minutes of September 11, 2008. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Bernard Mullaney to close the public hearing. Seconded by Robert Acevedo.  
Unanimous by the board.