

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, January 12, 2012
355 East Central Street
Franklin, MA 02038**

**Members Present
Bruce Hunchard
Robert Acevedo
Timothy Twardowski**

7:30pm – 101 Forge Hill Road – Sprint Spectrum LP

Applicant is seeking a building permit to replace six antennas and add coax cables and associated ground equipment. This building permit is denied without an amendment to the special permit from ZBA

No Abutters Present

Appearing before the board is Carmen DeMarco and Leo DeMarco proposing an upgrade so the equipment can utilize both the 3G and 4G network. Taking six antennas down and replacing with six. We don't have the specification sheets for the previous antennas. There is a structural under Exhibit 6. We have the spec sheets for the proposed antennas and the new ones are under Exhibit 2. Antennas will be 140 feet to the center; they will tilt with motors in them. Board-What's the structural report say? Response: It says that the structural did not pass. Modifications will be needed prior to construction of the site which our thinking would be that it would be a condition in applying for the building permit. Will add three to the base cabinet, to replace two and distribution box will be added. We are removing six and replacing six, the application is incorrect but the correct is stated in the drawings. Who owns tower? Response: David Maddox DMD Properties. Motion by Timothy Twardowski to continue the public hearing till February 9th at 7:50pm to review a draft decision for the Board to act on. Seconded by Robert Acevedo. Unanimous by the board.

7:40pm – 121 Longhill Road – New Cingular Wireless LLC

Applicant is seeking a building permit to remove and replace tower antennas and add related ground equipment. This building permit is denied without a special permit modification from the ZBA.

Abutters Present

Appearing before the board is Joseph Giammarco with Brown Rudnick, LLP representing the applicant AT&T. Essentially, what they are doing is removing the existing antennas on the lattice tower and replacing them with three new panel antennas. The new panel antennas will be 8' in height mounted at the 75' center line with the tops of the antennas reaching the 79' mark on the tower. The tower itself is 90' high so the antennas will not exceed the height of the tower. Down below in the existing equipment fence compound, the proposed is to put one equipment cabinet on a 2 by 3' concrete pad right up against the existing concrete pad. That's the installation, there is no expansion of the equipment compound proposed, no increase in the tower height, there is no additional lighting proposed at the site, no additional generators at the site. There's a letter in the application material testifying that there will be no additional noise at the site with the improvements that are to be made. The traffic is limited to usually telecom one to two trips per month. The tower itself, we did have a structural and I apologize for not getting it to you earlier. The structural came back in early December and there are some improvements that need to be made to this tower with the proposed additions to the tower. The tower would be over stressed from the zero foot to 25' foot above ground elevation. We didn't get the solution to that until yesterday so I did not submit the structural showing a failure without the solution in hand. So with your permission I'd like to submit those to the board for the record. Board-Accepts the structural and it's placed under Tab 12. Plans that are coming along with them are the structural modifications that need to be made prior to the antennas going on the tower. Of course those improvements will be done prior to any

placement of antennas or cables on the tower. Include that among the conditions that may be placed on an approval. Mr. Giammarco reviews the structural report stating that with the recommended changes the structural modifications to the zero to 25 foot on legs of the tower that they recommend then it will be able to support the weight of the proposed antennas. Board-How much bigger is the proposed from what was there? Response: Believe, the existing antennas are the five foot variety and this is the eight foot variety antenna so it's an additional 3 feet mounted at the same center line so these will extend up to 79' as opposed to 77 1/2 feet. Are you at the top? No, someone is above us. How much of a rebuild? Response: It wasn't a rebuild, it was mostly brackets and clamps that info is contained on the modification drawings that were submitted and stamped by a registered professional engineer. Taking down three of the existing antennas and replacing three antennas. One equipment cabinet down below and an additional GPS unit. Mr. Giammarco provides abutters with report. Abutter Joy Callan 393 Old Farm Road were the improvements done? Mr. Giammarco, it's to my understanding that the improvements to the tower were completed. Board-We gave an approval based upon conditions and it's out of our hands, we are not an enforcing authority so if they didn't do what they were suppose to it's up to the building commissioner to follow up. Abutter says the noise has improved and the traffic comes and goes. Abutter Kathy Ryan 391 Old Farm Road, one of the things I want to say is we received notification from the town hall to look at the application and Section 12 was not available till now, I don't feel comfortable reading this quickly and saying if I have questions. Second, there was a lot of reference to the esthetics of it, the vegetation and all of this. Over a year ago there was some tree topping that was done, a huge pine tree that was up there. I called the building inspector about the tree being topped and the tree is now dead. I would like that tree to be replaced or the vegetation to be put into the state it was before additional things are added. I don't know who is responsible for this. Board-The land owner has the right to cut his trees down if he wishes. Kathy Ryan-not when the entire tower and all the reference in these things if you read what their proposal says it indicates that there is vegetation around and none of this is necessary because nothing is being disrupted. Well yes it has been disrupted and I think it needs to be addressed. Is it part of this, I'm not sure, or is it a Dave Roche thing, then I need direction on who's door I need to knock on. Board-The building commissioner in Franklin is the zoning enforcement officer so if there's something in there that was part of the previous decisions about trees not so sure the tower people have control. Kathy Ryan-I took the time to read all of the sections minus Section 12; it does reference on many instances the look and what's to be with the tower. As an abutting homeowner I'm not happy with the changes so whoever owns making that change is a concern to me, that's for the record. Mr. Giammarco-as far as mitigating any potential ascetic impacts of the new facility goes, we can certainly I remember in past decisions the option was given to the building inspector that the antennas be painted to match the color of the structure of the tower. These antennas do not exceed the height of the existing tower; we are not increasing the profile of it on the horizon so perhaps painting it a galvanized gray might reduce visual impact of the antennas. Board-I don't think that's exactly what she was talking about. Mr. Giammarco-We don't even own the tower on this one, we don't have control over the existing screening and in fact we are swapping out three antennas and yes they are slightly larger than the other antennas but the antennas are mounted at the same center line as the existing. Board asks Kathy Ryan if the vegetation she is speaking of is it outside the fenced in area? Response: Yes, this particular tree. Kathy said there were many trees that were topped so one day I called Dave Roche and the rest of it stopped. Don't know if there were plans for more. Board-What did Dave Roche tell you? Response: I don't know, but it stopped, he didn't come knocking at my door. This was probably two years ago, but all I'm saying is these things reference in every section about the existing fence. As an abutter I'm not happy with the changes as a result the property owner made so I'm looking for change from someone. I don't know who it is. Board - What they are talking about is what currently exists. But you're saying the tree was cut down two years ago, they didn't have anything to do with it and if they reference it here, it currently exists. Correct, but as an abutter everything changes based upon this whole cell tower and been with you since day one on this so I don't know who's door I knock on but there has been changes that were not done in the

right way in my opinion. Because there were many instances in all of these things I read about what exists and nothing is necessary in my opinion. Someone needs to correct the damage that was done so it doesn't look like such an eye soar as it is. Board-If there is anything in previous decision in what was approved that's been done to the property that was in part of the decision then the right door to knock on would be the zoning enforcement officer which is the building commissioner. If you don't get any satisfaction with him then call the town administrator. Mr. French states this structure has been there since 1983. Board-Due to the fact we just received the structural analysis and we will have the abutters have some time to look at the report. Motion by Timothy Twardowski to continue the public hearing till February 9 at 8:00pm. Seconded by Robert Acevedo. Unanimous by the board.

General Discussion:

Daniels St –Mr. & Mrs. Hoffman asking for some guidance in applying for a variance to put a single dwelling on this property. Board-You need a variance because you don't have the required frontage. You would need two variances and will have to show a hardship. You need to show on a plan that you could actually put a road in, with appropriate drainage, show a cul-de-sac big enough for a fire truck to turn around, they have the requirement in the book. If you show all that then go to the Planning Board and ask for a waiver from the subdivision control laws and make it a private road then you would create a lot. Hire an engineer and talk with the Planning Dept. Otherwise you could apply to the Zoning Board of Appeals for a variance for frontage relief but you would need to show a hardship and I'm not sure you would be successful. So the alternative approach would be the Planning Board.

16 Jefferson – James Sbordon – Live on a corner lot, looking to add a two story addition but would need sideline relief. Board-Where's the hardship? Board explains the hardship criteria. Option change garage into family room then put a garage off the side. The board gave some guidance since the homeowner has no hardship.

The Board read two letters dated December 22, 2011 and January 4, 2012 into the minutes from CHAPA (see attached).

Motion by Timothy Twardowski to approve the minutes of December 1, 2011. Seconded by Robert Acevedo. Unanimous by the board.

Motion by Timothy Twardowski to adjourn. Seconded by Robert Acevedo. Unanimous by the board.

Signature _____

Date _____