

**Franklin Zoning Board of Appeals
For Meeting Held On
Thursday, April 11, 2013
355 East Central Street
Franklin, MA 02038**

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

**119 Dean Ave – Global Tower Assets, LLC, MetroPCS AWS, LLC and New Cingular
Wireless PCS, LLC (AT & T)**

Applicant is seeking a building permit to install a 150' Wireless Communication Facility with an antenna array for MetroPCS and AT & T. This building permit is denied without a Variance from ZBA.

Abutters Present – See List.

Elizabeth Thompson, Attorney Duval & Klasnick LLC, representing Global Tower Assets, LLC, MetroPCS AWS, LLC and New Cingular Wireless PCS, LLC (AT & T) with me are Jesse Marino from ProTerra Design Group, Project Engineer, Ryan Ramos who is the RF Engineer from AT&T, also in the audience on our team we have Steven Kelliger who is the Site Acquisition Manager for Global Towers and Doug Chenell of Modeling Specialties who prepared the Sound Impact Assessment Study for the site. Board: Should we just handle the letter of withdrawal first? Atty. Elizabeth Thompson: Yes that would be great. Our initial filing included a request for a use variance for the proposed facility in addition to two other dimensional variances. After our initial submittal we were looking at some issues in conjunction with the Building Inspector related to impervious surface coverage and to be safe we had filed an additional request for a Special Permit for impervious surface coverage between 50 and 60% of the site. After the surface coverage was reviewed and based upon adding crushed stone and other mitigation measures we came to the conclusion that there would be no net change as a result of our facility. After having a conversation with the Building Commissioner we respectfully withdraw the application for the special permit. We are leaving intact the request for the variances before you. Board: Specifically the withdrawal will be for the special permit for impervious surface? Atty. Thompson: Yes correct. Board: Which is still leaving in tact the special permit for the facility itself? Atty. Thompson: No, we are not requesting a special permit for the facility because our request is outside of the wireless communication services district. So as such we are requesting a use variance for the facility and not a special permit. We don't fall within that district. Board: Special permits are only granted in the wireless communication service district. So it is your position that to the extent that you are not in the wireless district the special permit criteria that would apply there doesn't apply? Atty. Thompson: Well it is our position that the appropriate relief is not a special permit it is a use variance. As far as the rest of the criteria go we will go through each one and show you that we have done our best to meet each of those criteria and where we don't we have specifically asked for additional variances for height and one setback. Board: Historically this is the way they have been handling anything outside the wireless overlay district is considered a use variance and they don't really need to follow the criteria for the towers as it relates to the wireless overlay district. Atty. Thompson: Again it is our full intent to show that we understand and appreciate the sighting preferences that the town has set forth. Our position is not that. Simply because we are outside of that district we do not intend to follow what the town has set forth as preferences. It is that according to your bylaw our reading is that the special permit is required in that

district. Since we are not in that district we require a more astringent form of relief which is a use variance. Board: They actually did most of the things that are required under a special permit they did a 500' abutters list, as opposed to a 300' which would be under a general variance. Atty. Thompson: We are requesting a 150' monopole type telecommunications facility at 119 Dean Ave. MetroPCS is proposing to collocate a 9 panel antennae array at 147' above ground level and AT&T is proposing a 12 panel array at 136' above ground level. Both carriers will place the ground equipment at the base of the tower in a 58 x 58' fence compound area. The compound itself will be enclosed by an 8 foot high chain link fence. For aesthetic value and again in accordance with the towns wireless bylaw that fence compound will be surrounded by a row of 8' high evergreen or arborvitae trees and beyond that a row of continuous hedge for aesthetic value. The proposed tower itself we are proposing a monopole type tower painted sky blue above the top of the average tree canopy and foliage green below to blend in to the natural environment. The tower can withstand a major wind event of over a hundred miles per hour and in a very, very rare event that the tower should have some sort of structural issue it is designed so that it breaks at specified break points, so in essence the tower folds into itself which again is an additional safety measure should that very rare and natural event should occur. Access will be from Dean Avenue over a 15' wide access easement. Once operational the facility is completely unmanned, a visit will occur once to twice a month with one parking spot for the facility which will be rarely used. The reason why it is outside the wireless overlay district is that the two carriers have identified that there is a significant gap in their wireless services in Franklin and the surrounding community. The second form of relief we are requesting is for the height of the tower. The proposed 150' tower has been determined as the minimum height necessary to close that significant gap in coverage. In addition this tower can accommodate 4 wireless service providers so that in the future 2 additional wireless providers could collocate on this facility. The final form of relief we are requesting is for the setback which says that the distance to the property line needs to be at least the vertical height of the tower in this case 150 feet. The closest we are is 115 feet. We are proposing that based being in an Industrial Zoning District; the nearest residence is over 500' from this location and with the design and the industry standard for the proposed tower that we are requesting relief from that particular setback requirement. Jesse Marino (Project Engineer): Illustration of points that were made by Atty. Thompson (see plans attached) A backup generator at the facility the two different types that are normally used are batteries or a generator or a combination of the two. AT&T based on the type of provider it includes all different types of technologies they feel the best way is to have a backup generator system. Board: What is the backup fuel for the generator? Jesse: Diesel. Board: How many gallons will be stored there? Jesse: I believe 210 gallons located in secondary containment. Board: No outside spill containment? Jesse: No, generator will only be used if power is lost. Ryan Ramos RF Engineer from AT&T: Explaining coverage gaps and signal levels for AT&T. Board: Is there an analysis for Metro? Atty. Thompson: **See Exhibit K # 6** (attached) Steven Kelliger: Explaining coverage and gaps for MetroPCS we have least amount of coverage. Atty. Thompson: I would like to add that we have a sound study for the proposed. The radio frequency emission will be less than 2/10ths of 1 percent of the allowable by the FCC. Michael Polito of 126 Dean Ave (abutter): Concerns regarding radio frequency, Micro waves coming off of the tower and noise made by the running of the generator. Questions asked and answered by Atty. Elizabeth Thompson and Doug Chenell. When the generator is running 50 – 60 KW range if they were both running simultaneously without noise mitigation you would not notice them during the train events. That would be about the loudness of the generators. The trains are substantial intrusion into the world of our neighbors, during there activity and when those trains are gone it is relatively quiet and with the noise mitigation behind the shelters, inside the shelters these generators are designed to be 2 orders of magnitude quieter than they were before, its like a truck idling at the lumberyard. You would not hear it. Board: We have never had any complaints about the generators running that service these towers. It is located in an Industrial District even though you are residential. Michael Polito (Abutter):

For the record clearly my neighbors and I are completely opposed to this. There are so many facets, and maybe I didn't articulate them all as well as I could have this evening. A lot of things like the whole RF frequency; I am a little concerned because its something we do not know much about. Crystel Arzigian (Abutter) 124 Dean Ave: I have been a resident for 14 years. I am not really concerned about the noise. I am more concerned about the radiation whether it is going to affect us or not nobody knows. It will affect the sale of my house. Elizabeth Thompson: closest abutter is 510 feet. When the search ring is identified each carrier first looks at existing buildings, and then existing towers its only that third scenario when those are not available that they go to raw land alternatives, and you could understand why purely from a financial perspective it makes sense to go onto an existing building or an existing tower before building a new tower and paying the fees and rents associated with building, it is a requirement under Federal law it is done each time and this was determined to be the best and only feasible alternative to fill this coverage gap. Atty. Thompson explains the balloon test that was done on February 26, 2013. Board: If anybody is concerned with the RF we have the ability to hire a consultant in all the years that I have been here and all the towers that have been approved they always conclude that the RF information that we get from the carrier is sufficient and accurate so all it does is delay the project for 4-6 weeks until we get the information. Board made determination that hiring a consultant is not necessary. Motion by Tim Twardowski to close public hearing. Second by Robert Acevedo. Unanimous by board. "Deliberations and possible vote" will be on April 25th ZBA Agenda under general discussion.

General Discussion:

Appearing before the Board is Gerry Squires and Ricardo Sousa from Prince Lobel representing MetroPCS. Metro PCS has some existing antennas on an existing telecommunications tower, we are not proposing to add any new equipment rather we are requesting fiber which provides fiber to our antennae installation has filed for bankruptcy so we are simply requesting permission to install a 2 inch conduit within the existing compound not outside of it in any way and then bring new fiber to a new provider so that we can continue to service our customers. We feel that is still within the terms of the existing 2008 zoning decision and we respectfully request a finding from this board to allow us to simply file for a building permit or an electrical permit whichever you feel is appropriate. Board: Could you fill me in on the location of this tower? Ricardo Sousa: The location of the tower is 60 Earls Way. Motion by Tim Twardowski to grant a "Finding" that there is "no action" needed by the Board for MetroPCS to proceed with the installation of conduit at 60 Earls Way, Franklin, MA. Second by Robert Acevedo. Unanimous by the board.

Appearing before the Board is Gerry Squires representing T-Mobile Northeast LLC formerly Omnipoint Communications. We are proposing to remove and replace an equipment cabinet from an existing wireless communication facility at 82 West Central St a/k/a First Methodist Episcopal Church of Franklin. Looking back at the Zoning decision that was granted back in 2001 it is that same language, no new equipment added. We are not adding. We are swapping out. Motion by Tim Twardowski to grant a finding that there is "No Action" needed by the Board for T-Mobile Northeast to proceed with the replacement of the equipment cabinet at 82 West Central Street. Second by Robert Acevedo. Unanimous by the board.

- Motion by Tim Twardowski to approve minutes of February 7, 2013. Second by Robert Acevedo. Unanimous by Board.

Signature _____

Date _____