April 12, 2017

Mr. Robert Sepucha, Chair
Concord Zoning Board of Appeals
Concord, MA 01742

Subject: Application of Industrial Tower and Wireless LLC for a Special Permit and Site Plan Approval to relocate antenna and equipment to a new 120-foot monopole telecommunications tower at Middlesex School

Dear Chair Sepucha and members of the Zoning Board of Appeals,

Although it has been suggested that only the residents of the Bartkus Farm neighborhood are opposed to the above-referenced project proposal, I wish to submit some considerations of the permit application, although I reside elsewhere. These considerations are based upon a close-reading of the Bylaw relating to wireless communication facilties.

A. The intent of Section 7.8, relating to Wireless Communications Facilities, includes the encouragement of existing structures and towers, minimization of the total number and height of towers, and the minimization of any adverse impacts on the residents of the Town. The proposed project is inconsistent with Section 7.8.1 of the Concord Zoning Bylaws.

B. Justification for the proposed new tower should demonstrate, per Section 7.8.4.1, that existing sites do not presently provide adequate coverage and/or adequate capacity or that existing sites could not provide such by adjusting the existing facility. Further, the justification should

demonstrate that there exists a significant gap in coverage and that the proposed tower reduces the gap in the least intrusive manner. The proposed project does not comply with Section 7.8.4.1.

C. The proposed tower should not exceed twenty (20) feet above the average height of the existing tree canopy, per Section 7.8.4.2 (e). This is in contrast to the representation made by applicant that the tower needed to be twenty (20) higher than the tallest tree. At the Planning Board, the project's consultant stated that the average height of the existing canopy is seventy-five (75) feet; therefore a proposal that complied with Section 7.8.4.2 (e) would be a tower of ninety-five (95) feet rather than the one hundred twenty (120) feet currently proposed. The proposed project does not comply with Section 7.8.4.2 (e).

D. Section 7.8.4.2 (j) requires that no new tower be situated within one thousand (1000) feet of any habitable structure on the property of a school or any single-family dwelling. The proposed project does not comply with Section 7.8.4.2 (j).

E. Section 7.8.4.2 (l) gives preference to sites that are the most distant from single-family dwellings and schools. In this regard, it is worth noting that the proposed project would be placed on a parcel (Parcel #1533) that contains 289.85 acres, most of which are located well away from both residential and school structures, but that the project site as proposed is roughly as close to both existing residential and school structures as possible. The proposed project does not comply with Section 7.8.4.2 (l)(i).

F. Section 7.8.4.2 (l) then gives preference to existing facilities. The applicant has failed to adequately explain why the existing facility is not viable and does not appear to have considered any options to continue use of the current site. The proposed project <u>does not comply</u> with Section 7.8.4.2 (l)(v).

G. In regards to items C. through F. above, the Board may grant relief from such requirements if the Board finds that there is an existing significant gap in coverage; if the relief provides the minimally intrusive means of reducing that existing, significant gap; and where the relief would not do substantial detriment to the neighborhood and does not derogate from the intent and purpose of this Bylaw. As far as I am aware, there is no existing, significant gap in coverage; the proposed project is not the least intrusive means of existing said non-existent gap; and the applicant has not adequately demonstrated that their would be no attendant, substantial impact to the neighborhood. In addition, items A. through F. above demonstrate that the proposed project is derogatory from the Bylaw. As the proposed project <u>does not comply</u> with Section 7.8.4.5, the Board should not grant relief from the requirements of Section 7.8.4.2.

H. Per Section 7.8.4.6, approval of the proposed project is predicated upon a finding that adequate coverage and/or capacity does not currently exist and that a significant gap in coverage does exist. Approval further requires demonstration that the applicant is not able to use the existing facility (with filler sites) to provide said coverage/capacity. And, finally, that the proposed project site has

been selected so as to be most distant from existing, single-family dwellings. None of the above has been demonstrated and thus the project does not comply with Section 7.8.4.6.

I believe that the above analysis demonstrates that the proposed project in no way meets the requirements for the approval of the Special Permit or Site Plan approval sought and that the Zoning Board of Appeals is well justified in not granting approval of this proposed action.

Thank you for your consideration.

Sincerely,

Matthew M. Slepin
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Concord, MA