

Town of Franklin



Zoning Board of Appeals Municipal Building

TOWN OF FRANKLIN
TOWN CLERK

2025 NOV -5 A 9:29

RECEIVED

Deny

Mrs. Nancy Danello
Municipal Building
355 East Central St.
Franklin, MA 02038

Re: Applicant, Vertex Towers, LLC is seeking to construct a wireless communication facility, consisting of a 100' monopole tower (104' to the highest appurtenance) within a 35'x60' fenced in compound that is less than 30' to the rear yard setback requirement at **1034 Pond Street** (Map="222" and Lot='044-000-000'). The building permit is denied without a Variance from the ZBA.

Hearing No ZBA#140927

DETAILED RECORD AND DECISION

November 5, 2025

Franklin Board of Appeals, hereby certifies that the following is a detailed record of the board's proceedings and decision regarding the above captioned application regarding the property located at Map='222' and Lot='044-000-000' which property is affected by this decision.

The above captioned application requests a Variance under Massachusetts General Laws Chapter 40A, Section 9, Town of Franklin Bylaw ("Bylaw") Article III Section 185-44(B) and 185-44(D) Use Restrictions, Article III Section 185 Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Requirements of the Town of Franklin Code.

A true copy of the application is on file in the Clerk's Office.

A notice of public hearing on this application, a true copy of which is on file in the Office of the City Clerk was:

1. Posted in a conspicuous place in the Town of Franklin on September 29, 2025 which was at least 14 days prior to the hearing; and
2. Mailed, postpaid on September 22, 2025 which is at least 14 days before the hearing to the Petitioner, abutters, owners of land directly opposite the property in question on any public Or private street or way, abutters to abutters within 300 feet of the subject property, the Planning boards of the abutting towns. The notice was mailed to the names and addresses Shown on the most recent tax list provided by the assessor's office.

The public hearing was opened on October 23, 2025, at 7:30 PM at which time opportunity was given to

all those interested to be heard in favor or opposition to the application.

The public hearing was originally closed October 23, 2025.

Based on the evidence and testimony presented remotely at the public hearing and the documents included with the application, the Zoning Board of Appeals entertained a motion by Robert Acevedo to:

1. To grant a Variance request for 1034 Pond Street for VertexTowers, LLC. Motion seconded by Ginelle Lang. Vote: Acevedo-NO; Lang-NO; Hunchard-YES.
2. A literal enforcement of the Bylaw would be a substantial hardship to the owner in that the "Variance" may be granted without a substantial detriment to the public good.
3. There will not be a substantial derogation from the intent and purpose of the bylaw because the "Variance" may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law.

Any person aggrieved by a decision of the Board of Appeals may file an appeal pursuant to General Laws C.40A, S.17. Such appeal must be filed within twenty (20) days after the date of filing of the notice of the Board's decision with the Clerk's Office.

The following members were present and voted as follows:

Bruce Hunchard votes to Grant

Robert Acevedo votes to Deny

Ginelle Lang votes to Deny

Signatures:






