

TOWN OF FRANKLIN
INSPECTION DEPARTMENT
Building Inspection – Division of Wires – Division of Gas
Division of Plumbing
MUNICIPAL BUILDING – 355 East Central Street
Franklin, Massachusetts 02038

Lloyd (Gus) Brown
Building Commissioner

Telephone: 508-520-4926
FAX: 508-520-4906

ZONING REVIEW

APPLICANT: KJS Realty, Inc

LOCATION: Bent Street (Map 206 Lot 103)

ZONING DISTRICT: Rural Residential 1

TYPE OF PROJECT: New Wireless Communications Facility

DATE: 10/18/2021

DENY

VARIANCE

ZONING BY LAW SECTIONS: To Construct a wireless communications facility in the Rural Residential 1 zoning district which is outside of the wireless communications overlay district as outlined in section 184-44 & 185-45

REASON FOR DENIAL: Applicant is seeking a building permit to install a 190' cell tower (196' to the highest appurtenance) and wireless communications facility. The building permit is denied without a variance from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

~~PLANNING~~

APPLICANT SIGNATURE  **DATE** 10/18/2021

ZONING OFFICIAL SIGNATURE  **DATE** 10/18/2021

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

RECEIVED
TOWN OF FRANKLIN

OCT 20 2021

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

TOWN OF FRANKLIN
TOWN CLERK

2021 OCT 20 P 3:44

RECEIVED

ZONING BOARD OF APPEALS

ZBA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Zoning Board of Appeals for the following:

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: KJS Realty, Inc

PETITIONER'S ADDRESS: 155 South Street, STE 102 Wrentham, MA 02093 PHONE: 617-817-8564

LOCATION OF PROPERTY: Bent Street

TYPE OF OCCUPANCY: Vacant Land ZONING DISTRICT: Rural Residential 1

ASSESSORS MAP & PARCEL: Map 206 Lot 103

REASON FOR PETITION:

_____ Additions	_____ New Structure
_____ Change in Use/Occupancy	_____ Parking
_____ Conversion to Addi'l Dwelling Unit's	_____ Sign
_____ Dormer	_____ Subdivision
<u>X</u> Other: <u>Use & Dimensional Variance</u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

KJS Realty Hereby applies for a Use Variance & a Dimensional Variance to permit the construction of a wireless Communications Facility in the Rural Residential 1 Zoning District, consisting of 190' tall monopole tower (196' to the top of the highest appurtenance) on which various wireless communication carriers will co-locate antenna and place the necessary ground based telecommunications equipment within a 60' x 60' fenced compound.

SECTIONS OF ZONING ORDINANCE CITED:

Article III Section 185-44 (B) and 185 (D) Use Restrictions

Article III Section 185 Attachement 9 - Schedule of Lots, Area, Frontage, Yard and Height Requirements

Article _____ Section _____

Applicants for a **Variance** must complete Pages 1-5

Applicants for a **Special Permit** must complete Pages 1-4 and 6

Applicants for an **Appeal** to the ZBA pursuant to Zoning Bylaw section 185-45 (D) must attach a statement concerning the reasons for the appeal

Original Signature(s): _____

(Petitioner(s)/Owner)

Stephen Kelleher- President of KJS Realty, Inc

(Print Name)

Address: 155 South Street, Suite 102, Wrentham, MA 02093

Tel. No.: 617-817-8564

E-Mail Address: stephen@vertextowers.com

Date: 10-18-2021

**Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926**

SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: KJS Realty, Inc PRESENT USE/OCCUPANCY: Vacant Land

LOCATION: Bent Street (Map 206 Lot 103) ZONE: Rural Residential I

PHONE: 617-817-8564 REQUESTED USE/OCCUPANCY: Wireless Communications Facility

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>Lot Area:</u>		<u>3.032 +/-</u>	<u>No Change</u>	<u>40,000 sq ft (min.)</u>
<u>Continuous Frontage:</u>		<u>197.22 +/-</u>	<u>No Change</u>	<u>200' (min.)</u>
<u>Size of Lot:</u>	Width	<u>197 +/-</u>	<u>No Change</u>	<u>180' (min.)</u>
	Depth	<u>664 +/-</u>	<u>No Change</u>	<u>200' (min)</u>
<u>Setbacks in Feet:</u>	Front	<u>597'</u>	<u>No Change</u>	<u>40' (min.)</u>
	Rear	<u>40'</u>	<u>No Change</u>	<u>40' (min.)</u>
	Left Side	<u>47'</u>	<u>No Change</u>	<u>40' (min.)</u>
	Right Side	<u>140'</u>	<u>No Change</u>	<u>40' (min.)</u>
<u>Building Height:</u>	Stories	<u>N/A</u>	<u>N/A</u>	<u>3 (max.)</u>
	Feet	<u>N/A</u>	<u>186'</u>	<u>35' (max.)</u>
<u>NO. of Dwelling Units:</u>		<u>0</u>	<u>No Change</u>	<u>1 (max.)</u>
<u>NO. of Parking Spaces:</u>		<u>0</u>	<u>1</u>	<u>1 (min./max)</u>

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

See Attached Project Narrative

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH ZONING BYLAW SECTION 185-45 (D) (2) (6) AND MGL 40A, SECTION 10:

- A) A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

See attached Project Narrative which accompanies this Application

- B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

See attached Project Narrative which accompanies this Application

- C) Desirable relief may be granted without either:

- 1) Substantial detriment to the public good for the following reasons:

See attached Project Narrative which accompanies this Application

- 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:

See attached Project Narrative which accompanies this Application

If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

**APPLICATION FOR USE AND DIMENSIONAL VARIANCES
FOR A WIRELESS COMMUNICATIONS SERVICE FACILITY**

Applicant: KJS Realty, Inc
Property Address: Bent Street
Tax Map and Lot: Map 206 Lot 103
Property Owner: Stephen Kelleher

Date: October 12, 2021

1. Zoning Board Application for a Use and Dimensional Variance with Filing Fees of \$750
2. Signed Denied Zoning Review Form
3. Abutters List
4. Letter of Authorization
5. Deed of Property Owner
6. Project Narrative
7. FAA TOWAIR (FAA Analysis with a No Hazard Determination
8. Affidavits of Radio Frequency Engineer, MPE Report and Coverage Maps
9. Affidavit of Site Acquisition Specialist with Alternatives Analysis and Corresponding Maps
10. Site Plans

1

Zoning Board Application for a Use and Dimensional Variance

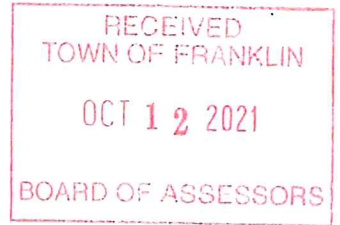
Abutters List

Town of Franklin – Board of Assessors

355 East Central St
Franklin, MA 02038

Tel # 508-520-4920

Fax # 508-520-4923



Abutters List Request Form

Please Note: A \$25.00 Fee PER PARCEL is required to process your request. Payment is due at the time of submission of this form. Please allow 10 days from the date of payment and submission of the form for the Assessors office to complete the processing of your request.

Date of Request 10 / 12 / 2021

Assessors Parcel ID # (12 digits) 206 - 103 - 000 - 000

Property Street Address Bent Street

Distance Required From Parcel # listed above (Circle One) 500 300 100
(Note: if a distance is not circled, we cannot process your request)

Property Owner Stephen Kelleher

Property Owner's Mailing Address 27 Stop River

Town/City Norfolk State MA Zip Code 02056

Property Owner's Telephone # 617 - 817 - 8564

Requestor's Name (if different from Owner) KJS Realty, Inc

Requestor's Address 155 South Street, Suite 102, Wrentham, MA 02093

Requestor's Telephone # 617 - 817 - 8564

Office Use Only: Date Fee Paid 10 / 12 / 21 Paid in Cash \$

Paid by Check \$ 25.00 Check # 1481 Town Receipt # 27414

RETURN TO LEEANNE



BENT ST [206-103-000-000] - 300' ABUTTERS

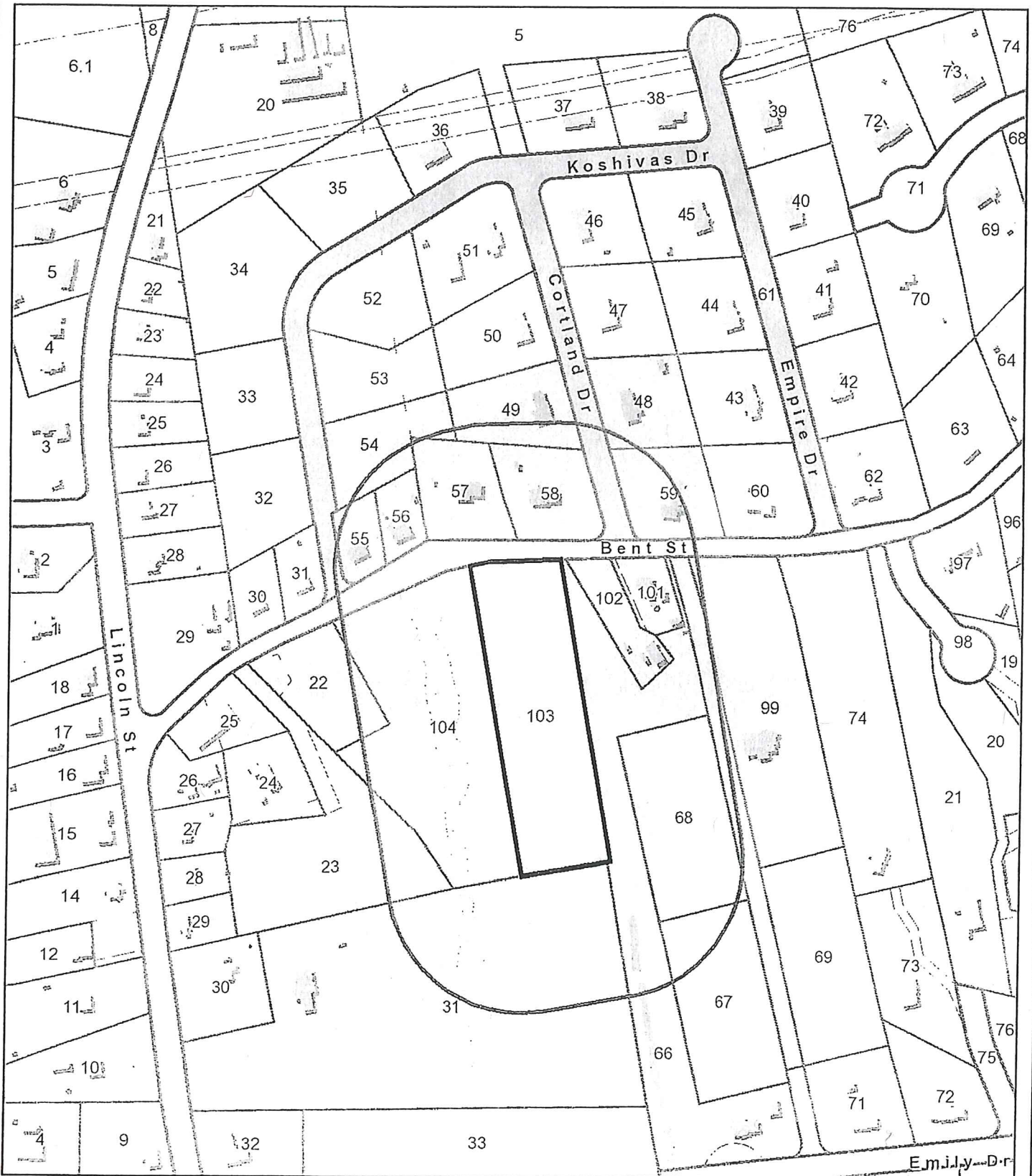
Franklin, MA



1 inch = 300 Feet

October 12, 2021

www.cai-tech.com



This information is believed to be correct but is subject to change and is not warranted.



300 foot Abutters List Report

Franklin, MA
October 12, 2021

Subject Property:

Parcel Number: 206-103-000
CAMA Number: 206-103-000-000
Property Address: BENT ST

Mailing Address: KELLEHER STEPHEN J
3 BRIARWOOD RD
NORFOLK, MA 02056

Abutters:

Parcel Number: 206-048-000 Mailing Address: FENTON JOHN M FENTON THERESA
CAMA Number: 206-048-000-000 MARY
Property Address: 9489 0090 0027 6064 1556 45 7 CORTLAND DR
FRANKLIN, MA 02038

Parcel Number: 206-049-000 Mailing Address: SCHLEICHER KEVIN L SCHLEICHER
CAMA Number: 206-049-000-000 JULIE A
Property Address: 9489 0090 0027 6064 1556 38 8 CORTLAND DR
FRANKLIN, MA 02038

Parcel Number: 206-054-000 Mailing Address: KOSHIVAS CHARLES J KOSHIVAS
CAMA Number: 9489 0090 0027 6064 1554 92 ELIZABETH
Property Address: 887 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 206-055-000 Mailing Address: O'BRIEN JAMES LEVY PAMELA S
CAMA Number: 9489 0090 0027 6064 1555 08
Property Address: 14 BENT ST
FRANKLIN, MA 02038

Parcel Number: 206-056-000 Mailing Address: CONZA MARK D TR 16 BENT ST
CAMA Number: 9489 0090 0027 6064 1555 91 NOMINEE TRUST
Property Address: 16 BENT ST
FRANKLIN, MA 02038

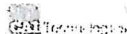
Parcel Number: 206-057-000 Mailing Address: HUMPHREYS JAMES T & ELIZABETH N
CAMA Number: 206-057-000-000 TRS THE JAMES TODD HUMPHREYS
Property Address: 9489 0090 0027 6064 1555 77 TRUST
84 BENT ST
FRANKLIN, MA 02038

Parcel Number: 206-058-000 Mailing Address: BUCKLEY PETER BUCKLEY JENNA
CAMA Number: 9489 0090 0027 6064 1556 07
Property Address: 88 BENT ST
FRANKLIN, MA 02038

Parcel Number: 206-059-000 Mailing Address: DERMECHANT KENNETH D TRAIER
CAMA Number: 206-059-000-000 AMY
Property Address: 9489 0090 0027 6064 1555 60 92 BENT ST
FRANKLIN, MA 02038

Parcel Number: 206-061-000 Mailing Address: CORAS GREGORY J & JASON EASTERN
CAMA Number: 206-061-000-000 MGMT DEV
Property Address: 9489 0090 0027 6064 1555 84 PO BOX 174
NORWOOD, MA 02062

Parcel Number: 206-099-000 Mailing Address: BROCKTON AREA MULTI-SERVICES
CAMA Number: 206-099-000-000
Property Address: 9489 0090 0027 6064 1556 14 10 CHRISTY'S DR
BROCKTON, MA 02301



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This information is believed to be correct but is subject to change and is not warrantied.

10/12/2021

Page 1 of 2

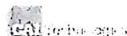


300 foot Abutters List Report

Franklin, MA
October 12, 2021

Parcel Number: 206-100-000 CAMA Number: 206-100-000-000 Property Address: 9489 0090 0027 6064 1555 46	Mailing Address: KELLEHER STEPHEN KACZYNSKI, TADEUSZ & NADZIEJA KJS REALTY INC 3 BRIARWOOD RD FRANKLIN, MA 02038
Parcel Number: 206-101-000 CAMA Number: 206-101-000-000 Property Address: 9489 0090 0027 6064 1555 39	Mailing Address: RYAN ASHLEY DEROY PATRICK S 97 BENT ST FRANKLIN, MA 02038
Parcel Number: 206-102-000 CAMA Number: 206-102-000-000 Property Address: 9489 0090 0027 6064 1554 85	Mailing Address: ZULAWNIK ROMUALD S ZULAWNIK PAULA J 95 BENT ST FRANKLIN, MA 02038
Parcel Number: 206-103-000 CAMA Number: 206-103-000-000 Property Address: BENT ST	Mailing Address: KELLEHER STEPHEN J 3 BRIARWOOD RD NORFOLK, MA 02056
Parcel Number: 206-104-000 CAMA Number: 206-104-000-000 Property Address: BENT ST	Mailing Address: KJS REALTY INC 155 SOUTH ST STE 205 WRENTHAM, MA 02093
Parcel Number: 215-022-000 CAMA Number: 215-022-000-000 Property Address: 9489 0090 0027 6064 1555 53	Mailing Address: KELLEHER STEPHEN J 3 BRIARWOOD RD NORFOLK, MA 02056
Parcel Number: 215-023-000 CAMA Number: 215-023-000-000 Property Address: 9489 0090 0027 6064 1556 21	Mailing Address: ADAMS J PRESCOTT & BARBARA J T C/O BARBARA J ADAMS 328 HIGH ST NORTH ATTLEBORO, MA 02760
Parcel Number: 215-031-000 CAMA Number: 215-031-000-000 Property Address: 9489 0090 0027 6064 1555 15	Mailing Address: PARISEAU, PHILIP W, TR MCKENZIE, WILLIAM A TR PARISEAU & MCKENZIE NOMINEE TR 781 LINCOLN ST FRANKLIN, MA 02038
Parcel Number: 215-066-000 CAMA Number: 215-066-000-000 Property Address: 9489 0090 0027 6064 1555 22	Mailing Address: ROWE ROBERT E ROWE JENNY M 19 EMILY DR FRANKLIN, MA 02038
Parcel Number: 215-067-000 CAMA Number: 215-067-000-000 Property Address: BENT ST 9489 0090 0027 6064 1554 78	Mailing Address: KELLEHER STEPHEN 3 BRIARWOOD RD NORFOLK, MA 02056
Parcel Number: 215-068-000 CAMA Number: 215-068-000-000 Property Address: BENT ST	Mailing Address: KJS REALTY INC 155 SOUTH ST STE 205 WRENTHAM, MA 02093

Kevin W. Doyle, 10-12-2021



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This information is believed to be correct but is subject to change and is not warranted.

10/12/2021

Page 2 of 2

ADAMS J PRESCOTT & BARBAR
C/O BARBARA J ADAMS
328 HIGH ST
NORTH ATTLEBORO, MA 02760

KELLEHER STEPHEN J
3 BRIARWOOD RD
NORFOLK, MA 02056

ZULAWNIK ROMUALD S
ZULAWNIK PAULA J
95 BENT ST
FRANKLIN, MA 02038

BROCKTON AREA MULTI-SERVI
10 CHRISTY'S DR
BROCKTON, MA 02301

KELLEHER STEPHEN J
3 BRIARWOOD RD
NORFOLK, MA 02056

BUCKLEY PETER
BUCKLEY JENNA
88 BENT ST
FRANKLIN, MA 02038

~~KJS REALTY INC
155 SOUTH ST STE 205
WRENTHAM, MA 02093~~

20+6=26

CONZA MARK D TR
16 BENT ST NOMINEE TRUST
16 BENT ST
FRANKLIN, MA 02038

KJS REALTY INC
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WRENTHAM, MA 02093

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KOSHIVAS CHARLES J
KOSHIVAS ELIZABETH
887 LINCOLN ST
FRANKLIN, MA 02038

DERMECHANT KENNETH D
TRAISER AMY
92 BENT ST
FRANKLIN, MA 02038

O'BRIEN JAMES
LEVY PAMELA S
14 BENT ST
FRANKLIN, MA 02038

FENTON JOHN M
FENTON THERESA MARY
7 CORTLAND DR
FRANKLIN, MA 02038

PARISEAU, PHILIP W, TR MC
PARISEAU & MCKENZIE NOMIN
781 LINCOLN ST
FRANKLIN, MA 02038

HUMPHREYS JAMES T & ELIZA
THE JAMES TODD HUMPHREYS
84 BENT ST
FRANKLIN, MA 02038

ROWE ROBERT E
ROWE JENNY M
19 EMILY DR
FRANKLIN, MA 02038

KELLEHER STEPHEN
3 BRIARWOOD RD
NORFOLK, MA 02056

RYAN ASHLEY
DEROY PATRICK S
97 BENT ST
FRANKLIN, MA 02038

KELLEHER STEPHEN
KACZYNSKI, TADEUSZ & NADZ
3 BRIARWOOD RD
FRANKLIN, MA 02038

SCHLEICHER KEVIN L
SCHLEICHER JULIE A
8 CORTLAND DR
FRANKLIN, MA 02038

Letter of Authorization

LETTER OF AUTHORIZATION

I, Stephen Kelleher, am the owner of a certain parcel of land located on Bent Street in the Town of Franklin, Massachusetts, and further described as lot 103 on assessors Map 206, being the same real property conveyed to Stephen Kelleher by that deed recorded in the Norfolk County Registry of Deeds at Book 37568 Page 19 on January 30, 2020 (the "Property").

As owner of the Property, I hereby authorize KJS Realty, Inc and any of its designated agents or assigns, to apply for all necessary municipal, state, federal and other permits necessary to accommodate the installation of a wireless telecommunication facility on the Property.

Sign: 

Date: October 12, 2021

5

Deed of Property Owner

N O T
A N
O F F I C I A L
C O P Y

N O T
A N
O F F I C I A L
C O P Y

QUITCLAIM DEED

ANATOX, INC., a Massachusetts corporation with a principal place of business at 2800 East Heartland Drive, Liberty, Missouri, 64068, for consideration paid and in full consideration of One Dollar and 00/100 (\$1.00) Dollars, grants to

STEPHEN J. KELLEHER, Individually of 3 Briarwood Road, Norfolk, Massachusetts 02056
with Quitclaim Covenants

Certain real property located on Bent Street in the Town of Franklin, Norfolk County, Massachusetts consisting of Lot 3 on a plan entitled "Plan of Land in Franklin, Mass. dated February 3, 1997 prepared by Guerriere & Halnon, Inc., Engineering & Land Surveying, 38 Pond Street, Franklin, MA" which plan is filed with the Norfolk County Registry of Deeds as Plan No. 97 of 1997, Plan Book 445, to which plan reference may be made for a more particular reference.

Lot 3 contains 135,486 square feet of land, more or less.

The transfer of the above described premises does not represent a conveyance of all or substantially all of the assets of the grantor corporation and is made in the ordinary course of business.

Meaning and intending to convey a portion of the premises as set forth in deed of Earl Irons dated November 17, 1969, recorded with the Norfolk County Registry of Deeds in Book 4635, Page 102.

PROPERTY ADDRESS: LOT 3, BENT STREET, FRANKLIN, MA

NOT
AN
OFFICIAL

NOT
AN
OFFICIAL

Witness our hands and Seal this 28 day of January, 2020 COPY

ANATOX, INC.

By: Sharla Swope
Sharla Swope, President

By: ~~Barbara Pilkenton~~
~~Barbara Pilkenton, Treasurer~~

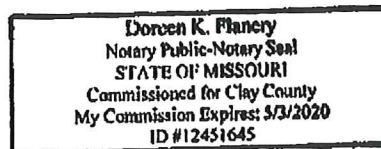
STATE OF MISSOURI

County of CLAY

On this 28 day of January, 2020, before me, the undersigned notary public, personally appeared Sharla Swope, President and ~~Barbara Pilkenton, Treasurer of Anatox, Inc.~~, proved to me through satisfactory evidence of identification, which was DRIVER LIC to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose

Dorcen K. Flanery
Notary Public
My Commission Expires: 5-3-2020

Franklin-Bent Street-Lot 3/chris/deeds



NOT
AN
Witness our hands and Seal this 28th day of January, 2020. OFFICIAL
COPY

ANATOX, INC.

By: [Signature]
Sharla Swope, President

By: [Signature]
Barbara Pilkenton, Treasurer



STATE OF MISSOURI
TEXAS

County of Dallas, Texas

On this 28th day of January, 2020, before me, the undersigned notary public, personally appeared Sharla Swope, President and Barbara Pilkenton, Treasurer of Anatox, Inc., proved to me through satisfactory evidence of identification, which was [Signature] to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose

[Signature]
Notary Public
My Commission Expires:

Project Narrative

APPLICATION FOR USE AND DIMENSIONAL VARIANCES FOR WIRELESS COMMUNICATIONS SERVICE FACILITY

INTRODUCTION

The Applicant KJS Realty, Inc, a Massachusetts corporation ("KJS") is a telecommunications infrastructure developer. KJS develops, manages and owns telecommunications facilities in strategic locations across the region.

KJS is sometimes herein referred to as the "Applicant".

The Applicant's proposed Wireless Communications Service Facility (the "Facility") is shown on plans submitted with this Application (the "Plans"). The Applicant proposes to construct a 190' tall self-support tower (196' to top of highest appurtenance) at 0 Bent Street, Franklin, MA Tax Assessor's Parcel Map 206 Lot 103 (the "Property") that will structurally accommodate at least 4 wireless broadband telecommunications carriers and associated antennas, electronic equipment and cabling; and fence surrounding the base of the tower to accommodate ground-based telecommunications equipment, as shown on the Plans that accompany this Application, which include various telecommunications companies, such as AT&T Wireless, Verizon Wireless, T-Mobile and Dish Networks which will place panel style antennas and required electronic equipment at heights of approximately 145', 135', 125' and 115' (centerline) on the tower, and each will place telecommunications equipment and backup batteries inside equipment shelter(s) and/or weatherproof cabinets to be located immediately adjacent to the base of the tower. Power and telco cabinets will be installed just outside the fenced in compound. Applicant will also reserve space on the tower at heights between 150' to 190' exclusively for installation of governmental (Federal, State and Municipal) related communications systems, antenna and related equipment as well as and space on the ground to accommodate the corresponding base station equipment. Additionally, space provided on the tower to the Town of Franklin to accommodate and support their various departments communication systems and related equipment to will be at no charge provided the town enters into a standard tower use agreement with the Applicant. The proposed Facility is similar to other telecommunication facilities already located in Franklin and the surrounding area and has been designed in accordance with the Town's Bylaw as much as possible.

The Property is an approximately 3.11- acre parcel in the Rural Residential 1 Zoning District on which there are no existing structures and the Facility will be surrounded by heavily undeveloped wooded land on all sides. The most recent survey indicates that the Property has 197.22' of frontage on Bent Street and the zoning requires 200' of frontage. The Applicant owns the abutting parcel (Map 206 Lot 104) which has 332 feet of frontage. The Applicant requests the Board condition the approval of this Application on the Owner of the Property securing the required frontage prior to the Applicants application for a Building Permit.

THE PROJECT

Wireless telecommunications carriers are in the process of independently designing, constructing and upgrading wireless telecommunications networks to serve areas in and around the Town of Franklin. Such a network requires a grid of radio transmitting and receiving cell sites located at varying distances depending on the location of existing and proposed installations in relation to the surrounding topography.

The radio transmitting and receiving facilities require a path from the Facility to the user on the ground. This requires the antennas to be located in a location above the tree line where the signal is not obstructed or degraded by buildings or topographical features.

Once constructed, the proposed Facility will be unmanned and will involve only periodic maintenance visits. The only utilities required to operate the facility are electrical power as well as coax or fiber telephone and data services which are currently available at the Property. The traffic generated by the Facility will be one or two vehicle trips per month by maintenance and technical personnel to ensure the telecommunications site remains in good working order. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character.

The construction of the Applicant's Facility will primarily enhance service coverage in the Town of Franklin with additional benefits to the surrounding communities. The enhancement of service coverage in the Town of Franklin is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. Once constructed, the facility will comply with all applicable local, state and federal safety regulations.

Moreover, and most importantly:

1. The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of the Town of Franklin by enhancing telecommunications services within the Town.
2. The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters.
3. The proposed Facility will preserve and increase the amenities of the Town by enhancing telecommunications services.
4. The proposed Facility will facilitate the adequate provision of transportation by improving mobile telecommunications for business, personal and emergency uses.

Wireless service is important to public safety and convenience. As of the end of 2016, there were an estimated 396 million mobile wireless subscribers in the United States. See FCC's *Twentieth Report to Congress on the State of Competition in the Commercial Mobile Radio Services Marketplace*, p. 5 (September 2017). There are now more wireless subscriptions than landline telephone subscriptions in the United States, and the number of landline telephone subscribers across the nation is declining each year while the number of wireless users increases. Moreover, it is forecasted that wireless connections will become more significant as network service providers facilitate increase connectivity directly between devices, sensors, monitors, etc., and their networks. *Id.*

For many Americans, wireless devices have become an indispensable replacement for traditional landline telephones. Even when Americans maintain both types of telephone service, Americans are opting increasingly to use wireless devices over their landline telephones. For Americans living in "wireless-only" homes and for those others while away from their homes, cell phones are often their only lifeline in emergencies. Over 95% of Americans now own a cellphone of some kind and more than 77% own smartphones; more importantly, more than 50 percent of American households are now "wireless only."

<http://www.pewinternet.org/fact-sheet/mobile/> The FCC estimates that approximately 70% of the millions of 911 calls made daily are placed from cell phones, and that percentage is growing. See <http://www.fcc.gov/guides/wireless-911-services>

COMPLIANCE WITH SITING CRITERIA FOR A WIRELESS COMMUNICATIONS SERVICE FACILITIES

The proposed Facility will be located in the Rural Residential 1 Zoning District, and not within the Wireless Communications Services Overlay District. As is evidenced by the Affidavit of Radio Frequency Engineer, the Affidavit of Site Acquisition Specialist and the supporting materials that accompany this Application, there are no existing wireless towers or any other structure anywhere near the proposed Facility that have the height and structural integrity to support wireless communications antennas and meet the coverage objective of the proposed Facility. Moreover, there is no available land in close proximity to the location of the proposed Facility within the Wireless Communications Services District and no available properties in the area that i) are located at a similar elevation to the Property ii) maximize the additional coverage benefit the residents of Franklin iii) would provide a similar setback distance to residential structures and iv) provide a dense vegetative buffer that limits the visual impact on the area. Given the substantial gap in telecommunications coverage as well as the height and density of the area tree canopy and the area terrain relative to the height and structural capacity of the existing utility infrastructure as well as the technical requirements of wireless carriers, the proposed Facility, given its proximity to abutting residential structures and the dense vegetation surrounding the Facility, represents the best viable alternative to achieve the coverage objectives, and satisfy all of the other requirements of the Bylaw, including facilitating site-sharing and co-location. For the reasons set forth above and herein, the Applicant respectfully requests a USE VARJANCE from § 185-44(B) to permit construction and operation of the Facility as proposed.

Because the proposed Facility will not be located in the Wireless Communications Services Overlay District and, therefore the Applicant must obtain a USE VARIANCE for the proposed Facility, compliance with the remainder of § 185-44 is not required. However, because the proposed Facility will be located within the Rural Residential 1 Zoning District, in which Attachment 9 to the Zoning Bylaw imposes a 35' height restriction upon all structures within said District the Applicant also respectfully requests a DIMENSIONAL VARIANCE from the height restrictions of Attachment 9 to permit construction and operation of the Facility as proposed.

CRITERIA FOR VARIANCES UNDER SECTION 185-45(d)(2)(b)

Pursuant to Section 185-45(d)(2)(b) of the Zoning Bylaw, variances from the terms of this bylaw, including variances for use, may be authorized by the Board of Appeals with respect to particular land or structures, but only in cases where the Board finds all of the following:

1. A literal enforcement of the provisions of this chapter would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
2. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
3. Desirable relief may be granted without either:
 - (a) Substantial detriment to the public good; or
 - (b) Nullifying or substantially derogating from the intent or purpose of this chapter.

The proposed Facility will meet all of the requirements of a Variance under Section 185- 45(d)(2)(b) 9.3.2 and respectfully requests that the Zoning Board of Appeals make the requisite findings to issue the requested Variances under those and such other provisions of the Bylaw, if any, that the Board deems necessary to approve the Facility as proposed. Given technical limitations with respect to:

- (i) the location of the Facility relative to the surrounding neighborhoods and other existing telecommunication sites in and around the Town of Franklin;
- (ii) the topography of the surrounding area;
- (iii) the lack of viable alternatives in the area;
- (iv) the height restrictions of the tower imposed by the Ordinance;
- (v) the Town's requirement to accommodate multiple wireless communications companies;
- (vi) the demand for robust and reliable telecommunications coverage; and
- (vii) the requirement to accommodate rapidly evolving technologies;

the Applicant requires the requested Variances to permit construction of the Facility as proposed.

As the Plans indicate, the proposed Facility has been designed to accommodate the antenna and ground equipment installation for at least 4 wireless broadband co-locators along with reasonable space on the ground and at the top of tower for local police and fire whip antenna and associated base station equipment. There are no existing structures of sufficient height or structural integrity in the area of the proposed Facility, that would be suitable to provide a similar coverage footprint necessary to meet the coverage objective and close the significant gap in coverage as the proposed Facility. The Facility has been proposed to be situated on the Property in such a way to achieve the objectives of the Bylaw by minimizing the visibility from abutting landowners by being setback from the road and abutting residential structures as much as possible.

As has been shown throughout this Project Narrative, the granting of the Variances will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest. The Variances will substantially secure the objectives, standards and requirements of these regulations, and a particular hardship exists and special circumstances warrant the granting of the Waivers.

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104- 104, § 704; 110 Stat. 56 (1996) (the "TCA"). The intent of the TCA enacted by the U.S. Congress was to institute a framework to promote competition and innovation within this telecommunications industry. Under their respective licenses from the FCC, wireless telecommunications providers are obligated to provide a reliable "product" [i.e. wireless communications service] to the population in the metropolitan Boston region, which includes the Town of Franklin. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier's failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. The proposed Facility and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the various wireless carriers' existing network infrastructure.

The Applicant has investigated alternative sites in and around the defined geographic area within which engineers determined that a facility must be located to fill the gap in service coverage and to function effectively within the network of existing and planned facilities. No existing structures or properties in or near the vicinity of the proposed Facility would provide the same level of coverage to accommodate the network requirements while also maintaining similar setbacks to residential structures and a dense vegetative buffer to minimize any potential visual impact to the surrounding area. Additionally, the Property sits at a higher elevation than most of the surrounding properties. As detailed in the attached alternatives analysis, the properties in the area that may be large enough to accommodate a similar installation are downslope to the North and East which, given their elevations, would provide greater additional wireless coverage to the residents of Norfolk, Medway and Millis than to residents of Franklin.

Accordingly, a literal enforcement of the provisions of the Bylaw would prevent the Applicant from eliminating an existing gap in reliable service coverage, resulting in a potential loss of subscribers to its customers and the inability to effectively compete for subscribers with FCC licensed competitors in the market, contrary to the intent of the Bylaw and the U.S. Congress in enacting the TCA.

Moreover, this hardship is owing to the circumstances relating to topography of the surrounding area. The Property is a large, vacant parcel with dense vegetation abutting other large parcels with similar density in its vegetation which will create a visual buffer to mute any potential visual impact. The surrounding area provides no other feasible locations in which to install and operate a similar Facility that would provide the same limited visual impact and setbacks to the immediate residential structures and surrounding abutters. Existing structures and buildings in the area are insufficient in height, structural integrity and elevation to allow wireless carriers install the full macro type installation required to operate thereon and provide adequate coverage to this significant gap. The Property provides a unique opportunity, given its elevation compared to the surrounding properties, the existing vegetation and proximity to abutting residential structures to minimize any adverse visual impacts to the surrounding area while also maximizing the coverage benefit to the residents of Franklin. The proposed design conforms to the existing characteristics of the Property, and utilizes the existing vegetation on the Property to screen the proposed Facility, thereby minimizing potential impacts.

The wireless communications systems being developed by the various telecommunications carriers operating in the Franklin area have been employing the most sophisticated radio frequency engineering methods available. Radio frequency engineers determine the placement of network points-of-presence using computer engineering models that simultaneously evaluate topography and population patterns to identify specific geographic areas to be serviced by each antenna facility in their networks. As a result of this modeling, combined with actual coverage data provided by existing "on air" facilities, the carriers' radio frequency engineers have identified a limited geographic area as a necessary location for a communications facility to remedy an existing significant gap in reliable service coverage in the general vicinity of the Property. Without the requested relief, there would remain a substantial "gap" in reliable service coverage in the carriers' respective networks. Radio frequency coverage maps confirm that a telecommunications facility located at the Property is required to remedy the existing gap in the wireless network coverage in the area. The requested height has been determined by engineers to be the minimum height necessary to connect coverage from the proposed Facility with coverage from adjacent cell sites in each carriers' respective networks (i.e. to remedy the existing "gap" in service and to effect reliable handoffs between adjacent cell sites as a subscriber travels through the area).

Additionally, the requested height will allow future carriers to co-locate on the Facility hereby minimizing the number of new facilities needed to provide coverage to the Town.

In the context of a utility service where the critical criteria in the development of each facility is its ability to integrate with a network of surrounding sites and subsequently, for each cluster of sites to function within a regional/national network, there is an underlying premise that each site chosen by the Applicant for a

facility possesses a unique location and topographical characteristics.

Finally, as noted in *Nextel Communications of the Mid-Atlantic, Inc. v. Town of Wayland*, 231 F. Supp. 2d 396, 406-407 [D. Mass. 2002], the "need for closing a significant gap in coverage, in order to avoid an effective prohibition of wireless services, constitutes another unique circumstance when a zoning variance is required." No existing structure or property in an allowed zoning district is technically suitable to resolve the existing gap in the wireless service coverage in the area. In addition, the existing structures located near the Property are not at a height sufficient to provide adequate coverage to this significant gap in its network. The Facility will be the minimum height necessary to provide coverage for multiple wireless carriers. Given the location and size of the Property, as well as the proposed design of the Facility, the proposed installation will have a minimal visual impact to the surrounding neighborhood while achieving the carriers' requisite coverage.

The proposed Facility will reduce the number of new structures ultimately needed to provide wireless communication services in the surrounding area by providing co-location potential;

- The proposed Facility is designed to be at the minimum height necessary to provide adequate coverage to the area and keep potential visual impacts to a minimum;
- The proposed Facility will comply in all respects with radio frequency emission standards established by the FCC;
- The proposed Facility will not have any adverse effect on the value of land and buildings in the neighborhood or on the amenities thereof.
- The proposed use is passive, requires no employees on the premises, and has no characteristics that are incompatible with the underlying zoning. Specifically, it will generate only about two vehicle trips per month by a service technician for routine maintenance, will be served by standard electrical and telephone service, and requires no water, septic or other town services;
- The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of the Town by enhancing telecommunications services within the town
- The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters;
- The proposed Facility will involve no overcrowding of land or undue concentration of population because it is an unmanned Facility;
- The proposed Facility will preserve and increase the amenities of the Town by enhancing the telecommunications services and will facilitate the adequate provisions of transportation by improving mobile telecommunications for business, personal and emergency uses;
- The proposed Facility will involve no adverse effects on public and private water supplies and indeed will utilize no water at all;
- The proposed Facility will involve no adverse effects on drainage, schools, parks, open space, or other public requirements, and will involve no excessive noise or pollution to the environment;
- The proposed Facility will have no adverse effect on historic sites; and
- The proposed Facility will be an appropriate use of land within the Town.

Due to the unique size, shape, location and elevation of the Property and the topography of the surrounding area as well as the location of the Facility on the Property in relation to abutting residential structures and given the dense vegetation of the surrounding area limiting substantial visual impact to the immediate area, circumstances exist to justify the granting of the requested Variances. Moreover, Applicant's proposed Facility will have no impact on adjoining properties and the surrounding neighborhood in that the proposed Facility will produce no objectionable noise, glare, dust, smoke, fumes, odors, of effluent, and will not have any impact of traffic or circulation.

Accordingly, the Applicant requests findings that:

1. A literal enforcement of the provisions of this chapter would involve a substantial hardship, financial or otherwise, to the Applicant.
2. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
3. Desirable relief may be granted without either:
 - (a) Substantial detriment to the public good; or
 - (b) Nullifying or substantially derogating from the intent or purpose of the zoning bylaw.

In addition (or in the alternative), the Applicant requests a finding that strict compliance would cause a conflict with the Telecommunications Act of 1996.

THE TELECOMMUNICATIONS ACT OF 1996

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104- 104, § 704; 110 Stat. 56 (1996) (the "TCA" or the "Telecommunications Act"). The intent of the TCA as enacted by Congress was to institute a framework to promote competition and innovation within the telecommunications industry. Although this law specifically preserves local zoning authority with respect to the siting of wireless service facilities, it clarifies when the exercise of local zoning authority may be preempted by federal law. Section 704 of the TCA provides, in pertinent part, that

(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) LIMITATIONS-

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

The intent of the TCA enacted by the U.S. Congress was to institute a framework to promote

competition and innovation within this telecommunications industry. Under its respective licenses from the FCC, wireless telecommunications carriers are obligated to provide a reliable "product" [i.e. telecommunications service] to the population in northern New Hampshire, which includes the Town of Franklin. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier's failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. As demonstrated in the Application and supplemental materials provided by the Applicant, the proposed Facility and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the existing network infrastructure.

In a growing number of cases, the federal courts have found that permit denials violate the TCA, even if such denials would be valid under state law. For example, in Omnipoint Communications v. Town of Lincoln, 107 F. Supp. 2d 108 (D. Mass. 2000), the court found that denial of a variance for a location outside of the town's wireless overlay district violated the TCA and ordered the variance to issue despite an Bylaw provision prohibiting use variances. The court in Nextel Communications v. Town of Wayland, 231 F. Supp. 2d 396 (D. Mass 2002) reached the same result. In that case, the court stated: "Although the Board's statement [regarding its lack of authority to issue a use variance] may be correct statement in Massachusetts regarding variances, it is not controlling in the special case of Telecommunications facilities... Under the Telecommunications Act, the Board cannot deny the variance if in so doing it would have the effect of prohibiting wireless services." Wayland at 406-407. Most notably, in Omnipoint Holdings, Inc. v. Town of Cranston, No. 08-2491 (1st Cir. Nov. 3, 2009), the United States Court of Appeals for the First Circuit affirmed a judgment of the United States District Court for the District of Rhode Island, which found that the Cranston Zoning Board of Review violated the TCA by effectively prohibiting the provision of wireless services in Cranston when it denied an application for special use permit and variance to construct a wireless facility in a residential area. The Court noted that "[t]he effective prohibition clause does not stand alone; it is also part of the TCA's larger goal of encouraging competition to provide consumers with cheaper, higher- quality wireless technology. As cell phone use increases, carriers need to build more facilities, especially in populated areas, to continue providing reliable coverage, and local regulations can present serious obstacles." Cranston, p. 25.

The Applicant has investigated alternative sites and around the defined geographic area within which its engineers determined that a wireless facility must be located to fill the significant gap in service coverage and to function effectively within the existing wireless networks and that of future planned facilities. There are no existing structures or properties in this area of Franklin that would be considered equal or superior to the location of the Facility being proposed in this application to provide the appropriate level of coverage while also maintaining both significant setbacks from residential structures and a dense vegetative buffer to limit the visual impact the tower may have on the immediate area.

Accordingly, denial of a permit to construct the Facility would prevent the Applicant from eliminating a significant existing gap in reliable service coverage, resulting in a potential loss of subscribers for its customers and the inability to effectively compete for subscribers with FCC licensed competitors in the market, contrary to the intent of the Bylaw and the U.S. Congress in enacting the TCA.

SUMMARY

Because the proposed Facility meets all of the requirements for a variance under Section 185-45(d)(2)(b) of the Town of Franklin Zoning Bylaw and pursuant to §704(a) of the Federal Telecommunications Act of 1996 which provides, among other things, that wireless facilities may not be prohibited in any particular area and that any denial of zoning relief must be based upon substantial evidence, the Applicant respectfully requests that the Zoning Board of Appeals grant the requested Variances as proposed, and grant such other relief, relief or waivers deemed necessary by the Town of Franklin under the current Bylaw and pending Bylaw amendments, if any, so that the Applicant may construct and operate the Facility as proposed.

Respectfully submitted,



Stephen Kelleher
President of KJS Realty, Inc

FAA TOWAIR (FAA Analysis with a No Hazard Determination)

TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude	42-07-49.5 north
Longitude	071-23-46.2 west

Measurements (Meters)

Overall Structure Height (AGL)	60.7
Support Structure Height (AGL)	57.9
Site Elevation (AMSL)	89.4

Structure Type

LTOWER - Lattice Tower

[Tower Construction Notifications](#)

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW

Affidavits of Radio Frequency Engineer, MPE Report and Coverage Maps

LEGEND
Site Info

Site: Bent St, Franklin
Lat: 42.130353 Lon: -71.396143
Elev: 288 ft

Plot Information
700 MHz LTE

Existing Coverage -95dBm

Symbol Key
Vertex Proposed Site
Existing Site

Map of Franklin, North Carolina, showing existing and proposed 700 MHz LTE coverage. The map includes a legend, site information, plot information, and a symbol key. The legend indicates that green areas represent existing coverage at -95dBm. The site information identifies the location as Bent St, Franklin, with coordinates 42.130353 N and -71.396143 W, and an elevation of 288 ft. The plot information specifies 700 MHz LTE. The symbol key shows that orange stars represent vertex proposed sites and pink circles represent existing sites. The map shows a dense network of streets and green areas representing coverage. A scale bar in the bottom right corner indicates a distance of 1 mile.

Site Info

Lat: 42.130353 Lon: -71.396143

Elev: 288 ft

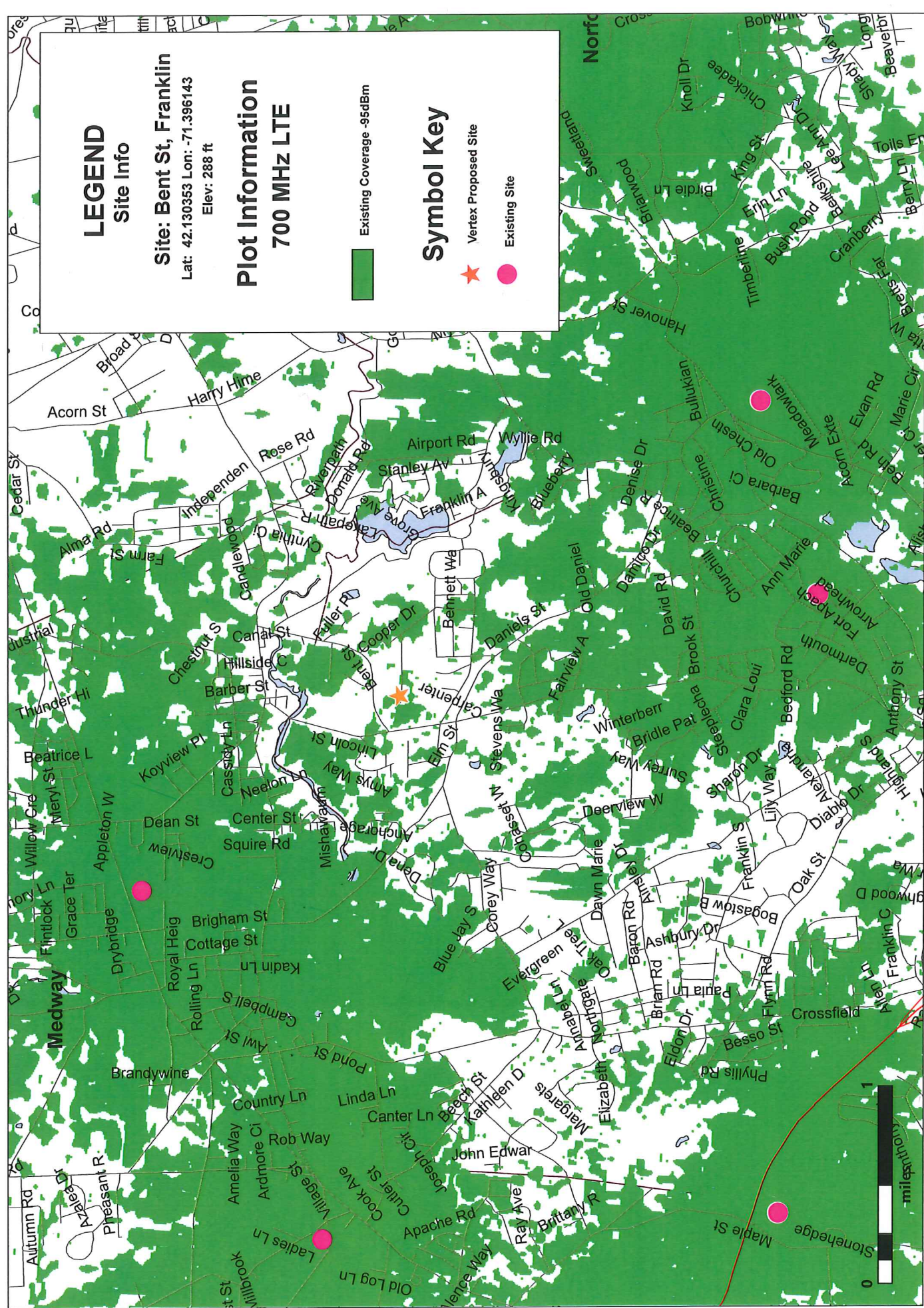
700 MHz LTE

Existing Coverage -95dBm

Symbol Key

Vertex Proposed Site

Existing Site



LEGEND
Site Info

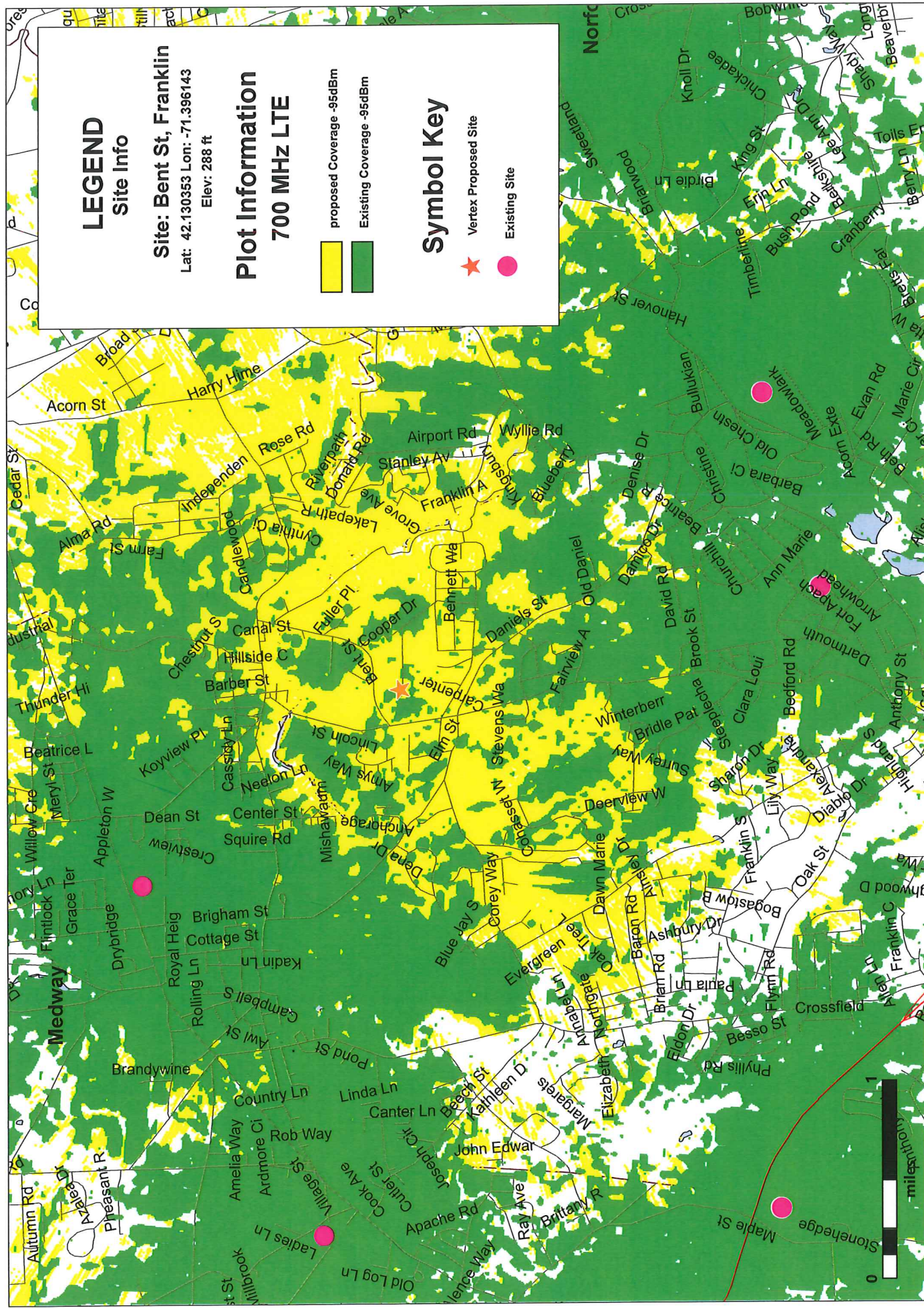
Site: Bent St, Franklin
Lat: 42.130353 Lon: -71.396143
Elev: 288 ft

Plot Information
700 MHz LTE

proposed Coverage -95dBm
Existing Coverage -95dBm

Symbol Key
Vertex Proposed Site
Existing Site

The map shows a dense network of streets in Franklin, North Carolina. The coverage is indicated by yellow and green areas, with yellow representing proposed coverage and green representing existing coverage. A red star marks the vertex proposed site at Bent St, and several pink dots mark existing sites. The map includes a scale bar in the bottom right corner, showing a distance of 1 mile.



LEGEND
Site Info

Site: Bent St, Franklin
Lat: 42.130353 Lon: -71.396143
Elev: 288 ft

Plot Information
700 MHz LTE

Symbol Key
Vertex Proposed Site
Existing Site

proposed Coverage -95dBm

Maple St
Stonehenge
1
0
miles

Site Info

Site: Bent St, Franklin

Lat: 42.130353 Lon: -71.396143

Elev: 288 ft

Plot Information

proposed Coverage -95dBm

Symbol Key

Vertex Proposed Site

Existing Site



AFFIDAVIT OF RF ENGINEER

I, Jose Hernandez hereby state the following in support of the application for KJS REALTY, INC ("KJS") of proposed Monopole at (42.130353, -71.396143), Bent St, Franklin, MA 02038. (the "Site") and the attachment of antennas, cabling and other telecommunications equipment on and at the base of the Monopole by various wireless broadband telecommunications carriers as proposed in the attached application (the "Facility").

1. I am a currently an independent consultant Principal/Manager Radio Frequency Engineer. I have been involved with the wireless telecommunications industry for 20 years, and have held various technical, operational and supervisory positions with Nextel Communications, T-Mobile, AT&T Mobility and Sprint PCS.

2. In order to satisfy its obligations under its radio licenses acquired from the FCC and under the Code of Federal Regulations 47 C.F.R. § 27.14(a), wireless broadband telecommunications carriers must have in place a system of strategically deployed "cell sites" to provide wireless communications services to their subscribers' throughout their licensed area. These cell sites generally consist of an antenna support structure such as a telecommunications tower, building, water tank, or other structures used to elevate the antennas to the height necessary for providing adequate service to the targeted area. The antennas are connected via cabling to radio equipment located near the antennas and/or at the base of the support structure. The cell sites operate by transmitting and receiving low power radio frequency signals to and from their subscribers' portable wireless communication devices such as basic handheld phones, smartphones, PDA's, tablets, and laptop aircards. These wireless voice and data signals are then transferred through ground telephone lines, fiber, microwave or other means of backhaul transport, and routed to their destinations by sophisticated electronic equipment.

3. Cell sites are a vital and necessary part of carriers' network infrastructure. In order to maintain effective, uninterrupted service throughout a given area, there must be a series of cell sites, interconnected to each other with slightly overlapping coverage areas. This allows for the subscribers to move freely about a geographic area while maintaining a consistent and reliable wireless connection to the network.

4. A proposed cell site must consider the locations and coverage provided by the surrounding cell sites in the network, and must be located within a limited geographical area, which is defined by factors such as terrain, land use characteristics, and population density. By locating within this limited area and at a sufficient height, the cell site would have a high probability of meeting the targeted objectives, thereby providing reliable coverage and capacity throughout the cell.

5. In compliance with the requirements of its FCC licenses, carriers are actively building their respective networks to provide coverage throughout its licensed area. In order to meet the responsibility of providing seamless, uninterrupted service, carriers must continue to acquire

interest in sites for additional facilities, and is applying for and obtaining local governmental zoning approvals to construct its sites in order to eliminate deficient service areas due to gaps in coverage or insufficient capacity. Any delays severely curtail carriers' ability to satisfy both mandated time requirements, and to achieve a market position that will allow it to compete for customers with other similar companies also issued licenses to operate in this area.

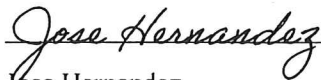
6. Using computer simulations to model radio frequency propagation, Vertex has determined that a wireless transmission facility located at or near to the proposed Facility would facilitate wireless communications within the local area along Bent St, Lincoln St, Elm St and surrounding areas of Bent St, MA. These simulations model characteristics such as antenna types, antenna height, output power, terrain, ground elevations and RF propagation effects of the frequency utilized.

7. In my opinion based upon substantial research and analysis, without a cell site located at or very near the proposed site, this area of Bent St Franklin, MA would not meet the typical coverage requirements for multiple wireless carriers, resulting in a substantial gap in wireless coverage.

8. Based upon the technologies currently being deployed by wireless carriers, it is my opinion that the proposed Facility is at the minimum height necessary to satisfy the coverage objectives of multiple wireless carriers providing in the area.

9. All of the transmitter facilities to be located at the proposed location are required to comply, and when constructed and operational will comply with, all applicable regulations of the FCC regarding radio frequency (RF) exposure as detailed in FCC OET Bulletin 65, Edition 97-1.

Signed and sworn under the pains and penalties of perjury, Aug, 08, 2021.



Jose Hernandez

JNaerowaves.Corp

President / Principal Radio Frequency Engineer

Site Emissions Report For Bent St Franklin, MA

Date Performed: 08/06/2021

This site emissions analysis was created for KJS REALTY, INC. The tower analysis was performed to include all 4 major carriers. According to the analysis, this tower located at Bent St Franklin, MA 02038 (42.130353, -71.396143) does pass the FCC requirements for Radio Frequency emissions. The FCC requirements used in this report were determined from the FCC OET65 documentation and calculations.

The tower assumes the worst-case scenario which would not occur in the real world. It assumes that all 4 carriers are using all frequency bands and are all on the lowest height of the tower.

The approach taken for calculations takes into account the typical antenna used, since a Cell Site antenna is directional and has different gains at different angles.

At the lowest height of 115ft, the highest emissions does not go above $2.10 \mu\text{W}/\text{cm}^2$ which is **0.210%** of the Maximum Permissible Emissions requirements, which is less than 1% of the MPE requirements.

Site Name: Bent St, Franklin, MA

Coordinates: (42.130353/-71.396143)

Location: Bent St Franklin, MA 02038 Carrier

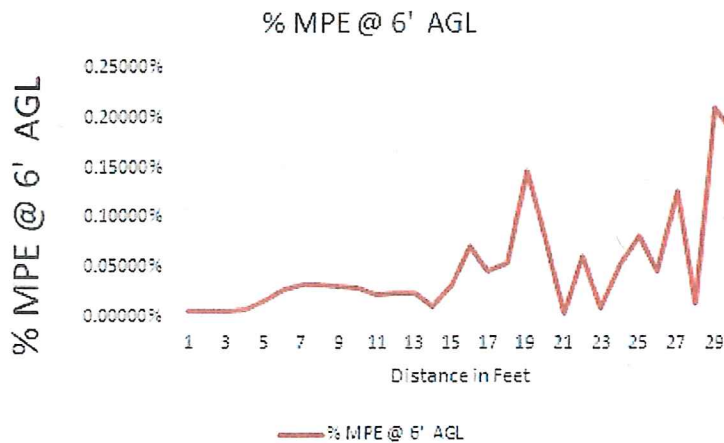
Available Heights (ft): 145,135,125,115

Equation for Predicting RF Fields:

$$S = \frac{EIRP}{4\pi R^2} \quad (4)$$

where: EIRP = equivalent (or effective) isotropically radiated power
S = power density (in appropriate units, e.g. mW/cm^2)

Reference: OET Bulletin 65



Wireless Service Provider	Frequency Band	ERP (Watts)
Carrier 1	1900MHz	1250
Carrier 1	700MHz	1000
Carrier 1	850MHz	1000
Carrier 1	2100MHz	2500
Carrier 2	1900MHz	2000
Carrier 2	700MHz	1000
Carrier 2	850MHz	1000
Carrier 2	2100MHz	1000
Carrier 3	1900MHz	1360
Carrier 3	2100MHz	1360
Carrier 3	700MHz	1000
Carrier 4	850MHz	400
Carrier 4	1900MHz	1360

Analysis Performed by: Jose Hernandez
Jose Hernandez – President / Principal, RF Engineer - JNaerowaves.Corp

Jose Hernandez is an independent Radio Frequency Engineer with 20 years of experience as an engineer in the Wireless Telecommunications field. Jose has performed numerous emissions reports for the Wireless Telecommunications Industry.

08/06/2021

**Affidavit of Site Acquisition Specialist with Alternatives Analysis and
Corresponding Maps**

STATEMENT OF SITE ACQUISITION SPECIALIST BRENDAN GILL

I, Brendan Gill, hereby state the following in support of the application submitted by KJS Realty, Inc for a multi-user Personal Wireless Service Facility ("PWSF") to be located off of Bent Street (Map 206 Lot 103), Franklin, MA (the "Property"), consisting of a 190' Self-Support tower and related ground equipment contained within a fenced compound (the "Site")

1. My name is Brendan Gill and I have worked in the telecommunications industry for 10 years overseeing and assisting in the leasing, zoning, permitting and construction of wireless communications facilities and specifically in the investigation of all feasible alternatives and options locating a wireless communications facility within a search ring which would fill a significant gap in wireless coverage.
2. I have participated directly through my present and past employment in the development and analysis of hundreds of such facilities, including wireless communication facilities similar to the proposed Site.
3. I have personally visited the Property, and the areas surrounding the Property, on numerous occasions. I submit this affidavit based on my personal knowledge of the Property and the surrounding areas, while also working together with the experience and documentation provided by civil and radio frequency engineers, environmental consultants and based on my professional experience in the development of wireless communication facilities.
4. Part of my site acquisition and development duties include identifying potential candidates within an area identified as having a significant gap in coverage. The candidate identification process includes reviewing the applicable zoning ordinance with legal counsel, engineers, wetland scientists, and other professionals to identify areas where the proposed Site is allowed and feasible. First, I explore the area to determine whether there are any existing structures of sufficient height and structural capacity from which an antenna installation on such a structure would provide sufficient coverage. If there are no such existing structures, I identify properties, located within the narrowly defined search area, that appear to be suitable for the installation of a communications facility, while also eliminating certain properties that would not be suitable due various limitations or concerns related but not limited to, parcel size, access issues, landlocked parcels, conservation restrictions, wetlands, visibility, elevation, terrain and constructability. In order to be viable, a candidate must (i) provide adequate coverage to the identified significant gap in coverage and (ii) have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are found within the search area, I attempt to identify other potentially suitable properties, with preference always given to existing structures.
5. In connection with this site, I have provided site acquisition services, including researching the area, and identifying potential alternative candidates to the leased ground space on the Property.
6. I my evaluation of this search area I found no existing structures or properties in or near the vicinity of the proposed PWSF that would provide the same level of new

coverage to the residents of Franklin while also maintaining similar setbacks to residential structures and sustaining a dense vegetative buffer to minimize any potential visual impact to the surrounding area. Additionally, the Property sits at a higher elevation than most of the surrounding properties and any properties in the area that may be large enough to accommodate a similar installation are downslope to the North and East which, given their elevations and locations, would be closer to residential structures, more visible and provide greater additional wireless coverage to the residents of Norfolk, Medway and Millis than to residents of Franklin.

7. Based on my personal knowledge of the proposed Site and the surrounding area, there are no potential alternative candidates located within this geographically driven search ring that would be considered superior to the proposed Site. In addition, based on my experience, in my professional opinion, the proposed PWSF to be located off of Bent Street is the least intrusive and best available and viable alternative to adequately meet the coverage objective to fill this significant gap in coverage while also ma.

Executed this 12th day of October, 2021.



Brendan Gill

Site Plans

RECEIVED
TOWN OF FRANKLIN
OCT 20 2021

ZONING BOARD OF APPEALS

**SITE NAME: FRANKLIN BENT STREET
ADDRESS: BENT STREET
FRANKLIN, MA 02038**

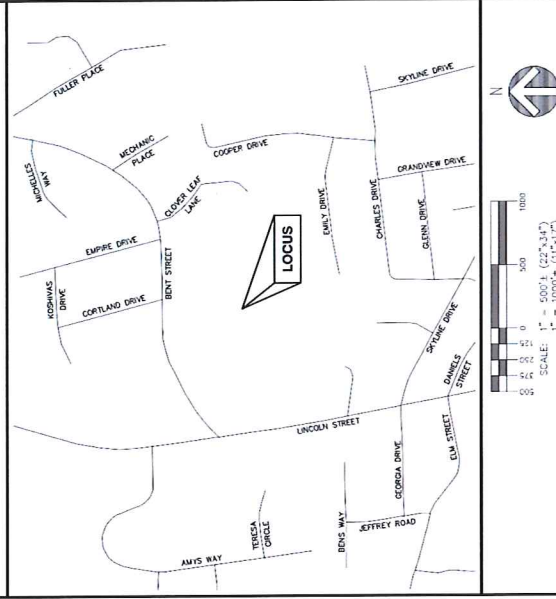
DRAWING INDEX

SHEET	DESCRIPTION	REVISION
T-1	TITLE SHEET	1
C-1	ABUTERS PLAN	A
C-2	EXISTING CONDITIONS	A
A-1	COMPILED PLOT PLAN	1
A-2	COMPOUND PLAN & ELEVATION	1
P-1 TO P-2	DRIVEWAY PLAN & PROFILE	1
D-1	DETAILS	1
EC-1 TO EC-2	EROSION CONTROL DETAILS	1

GENERAL NOTES

1. CONVEYANCE, WITH ALL PLANS AND INSTRUMENTS, AND CONDITIONS ON THE RECORDED STATE, IMMEDIATELY NOTIFY THE ENGINEER & REAL ESTATE REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.
 2. PLANS FOR FENDING PURPOSES ONLY NOT FOR CONSTRUCTION.
 3. FENDING, FENDING TO AND BY (171)171 WILL RESULT IN A HALF-SCALE (1/2) SHEET SET WITH 1/2" VARIATIONS, CONTRAST ALL SCALED DISTANCES WITH GRAPHICAL SCALES SHOWN HEREIN.
 4. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH REAL ESTATE CONSTRUCTION PRACTICES.
 5. CONSTRUCTION INFORMATION WAS DETERMINED FROM SURFACE INVESTIGATIONS AND AVAILABLE PLANS OF RECORD. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO ANY SITE WORK. CALL DIG-5AVE (888) 344-7233 72-HOURS BEFORE CONSTRUCTION BEGINS.
 6. NEW CONSTRUCTION WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
- COUNTY OF MASSACHUSETTS STATE BUILDING CODE 780 CMR - 9TH EDITION (DEC. 2015) AND AMENDMENTS
 ELECTRONIC FILE # 3020 WITH MASSACHUSETTS AMENDMENTS 527
 FILE # 1214

VICINITY MAP



PROJECT INFORMATION

SITE TYPE:	RAW LAND
SCOPE OF WORK:	PROPOSED FENCED COMPOUND CONTAINING 19' TALL SELF-SUPPORT TOWER, UTILITIES FROM EXISTING SOURCES IN PUBLIC RIGHT-OF-WAY, GRAVEL DRIVEWAY FROM PUBLIC RIGHT-OF-WAY.
SITE NAME:	FRANKLIN BENT STREET
SITE ADDRESS:	BENT STREET FRANKLIN, MA 02038
ASSESSOR'S TAX ID#:	206-103 (TOWER), 215-66 & 200-100 (ACCESS)
ZONING DISTRICT(S):	RURAL RESIDENTIAL I
LATITUDE:	42° 07' 49.96" ± N (SURVEY 1A)
LONGITUDE:	71° 23' 46.21" ± W (SURVEY 1A)
(P) ELEVATION:	293.4 ±
DATE:	NAD83/NAV038
TOWNSHIP OWNER:	N/T STEPHEN J. KELLEHER
206-103 (TOWER)	27 STOP RIVER NORFOLK, MA 02056
PROPERTY OWNER:	N/T ROBERT C. & JENNY M. ROWE
215-66 (ACCESS)	19 EMERY DRIVE FRANKLIN, MA 02038
APPLICANT:	WIS REALTY 100 WILSON STREET SUITE 102 WRENTHAM, MA 02093
SITE ENGINEER:	PIOTRERA DESIGN GROUP, LLC 100 WILSON STREET BUILDING SUITE 200 HADLEY, MA 01035
SURVEYOR:	NORTHEAST SURVEY CONSULTANTS STUDIO 11 EAST FRANKLIN, MA 02038 CASHAMPTON, MA 01027
WETLAND SCIENTIST:	LUCAS ENVIRONMENTAL LLC 200 WILSON STREET DORCHESTER, MA 02122

TITLE SHEET

T-1

PERMITTING



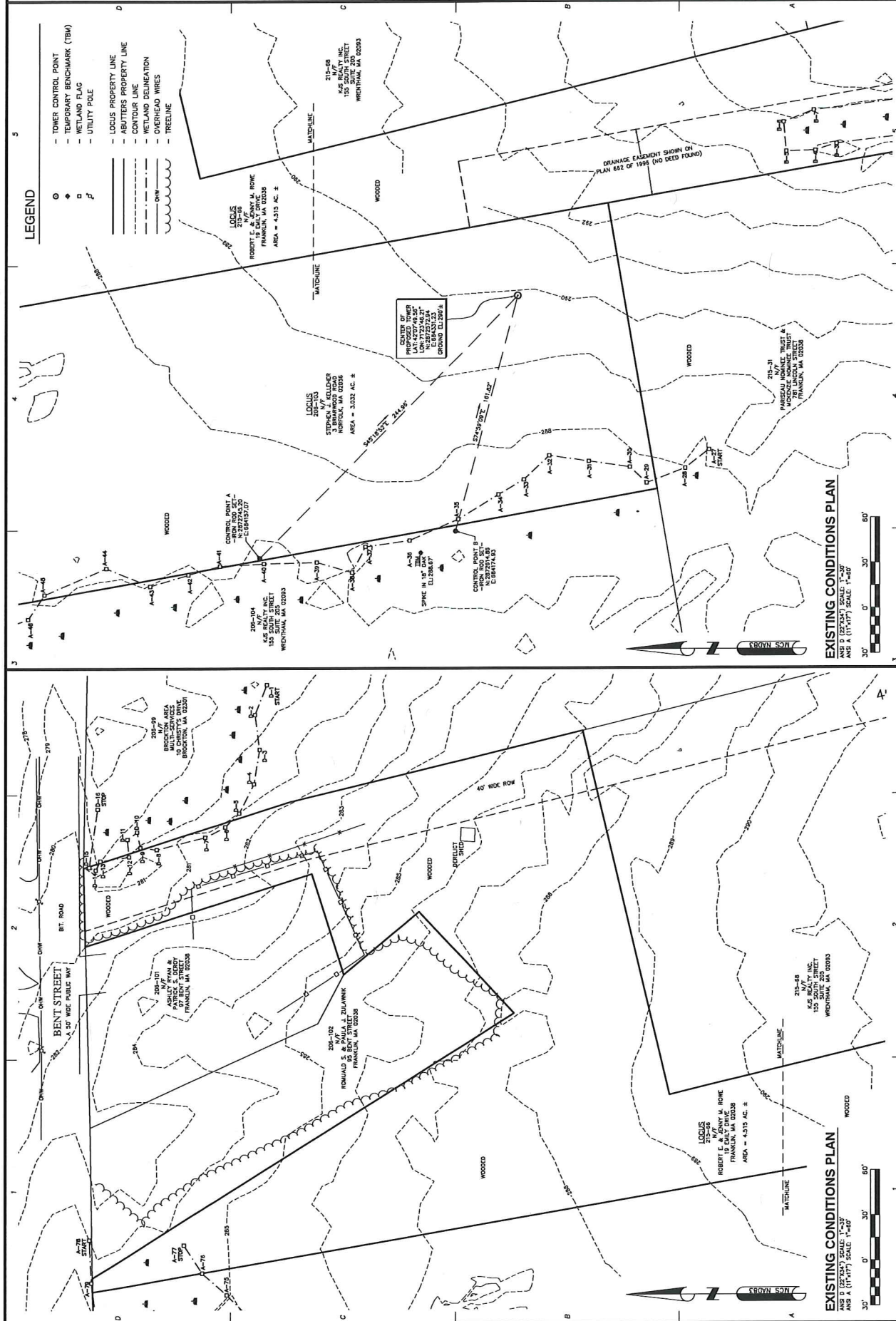
ProTerra
DESIGN GROUP, LLC

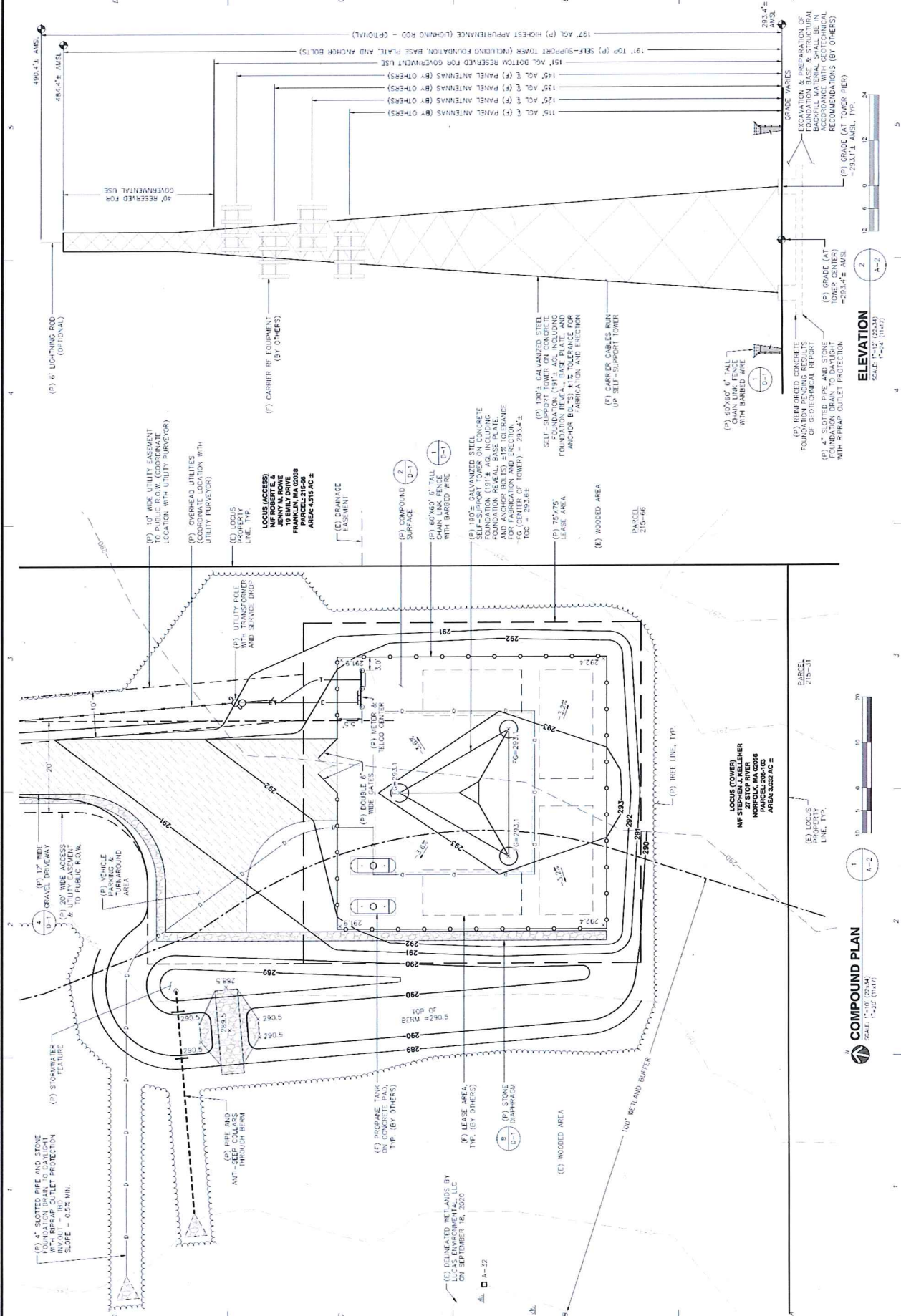
4 Day Road
Building A, Suite 200
Hobey, MA 01035
(413) 320-4918

SITE NAME: FRANKLIN BENT STREET
ADDRESS: BENT STREET
FRANKLIN, MA 02038

[illegible]

DATE:	10/18/2021
DRAWN:	JFB
CHECK:	JMM/TEJ
SCALE:	SEE PLAN
JOB NO.:	18-015
SHEET TITLE:	





[illegible]

NAME: FRANKLIN BENT STREET
ADDRESS: BENT STREET
FRANKLIN, MA 02098

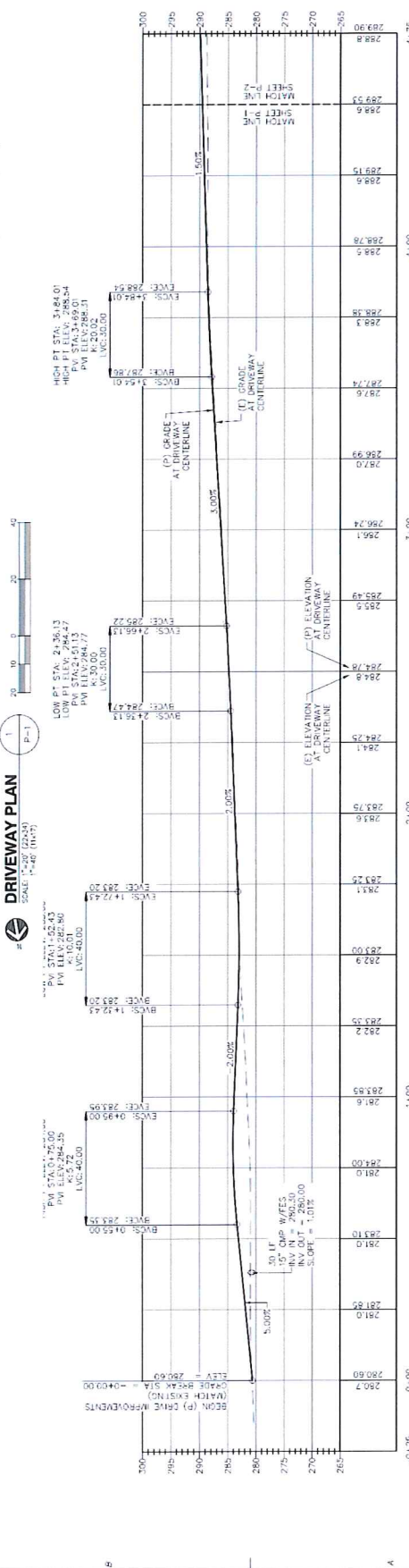
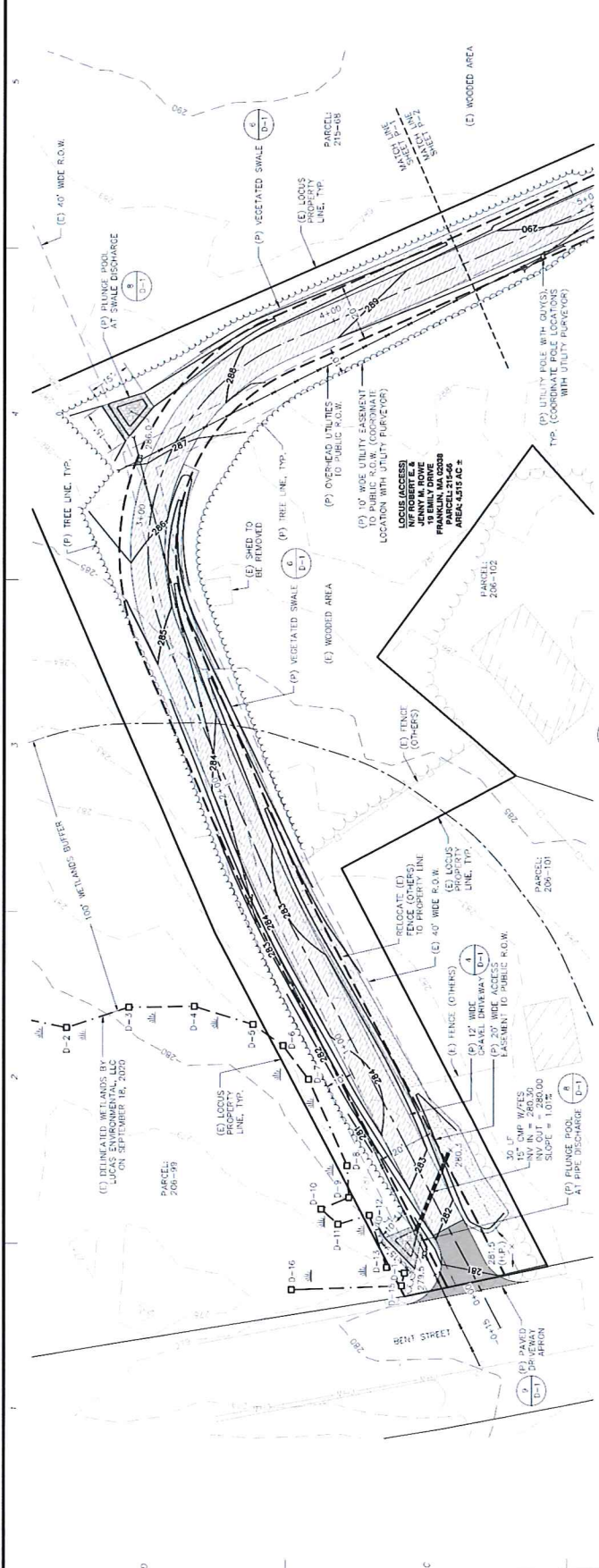
APPLICANT: KJS REALTY



DATE:	10/18/2021
DRAWN:	JEB
CHECK:	JMM/TEJ
SCALE:	SEE PLAN
JOB NO.:	18-015

DRIVEWAY PLAN & PROFILE

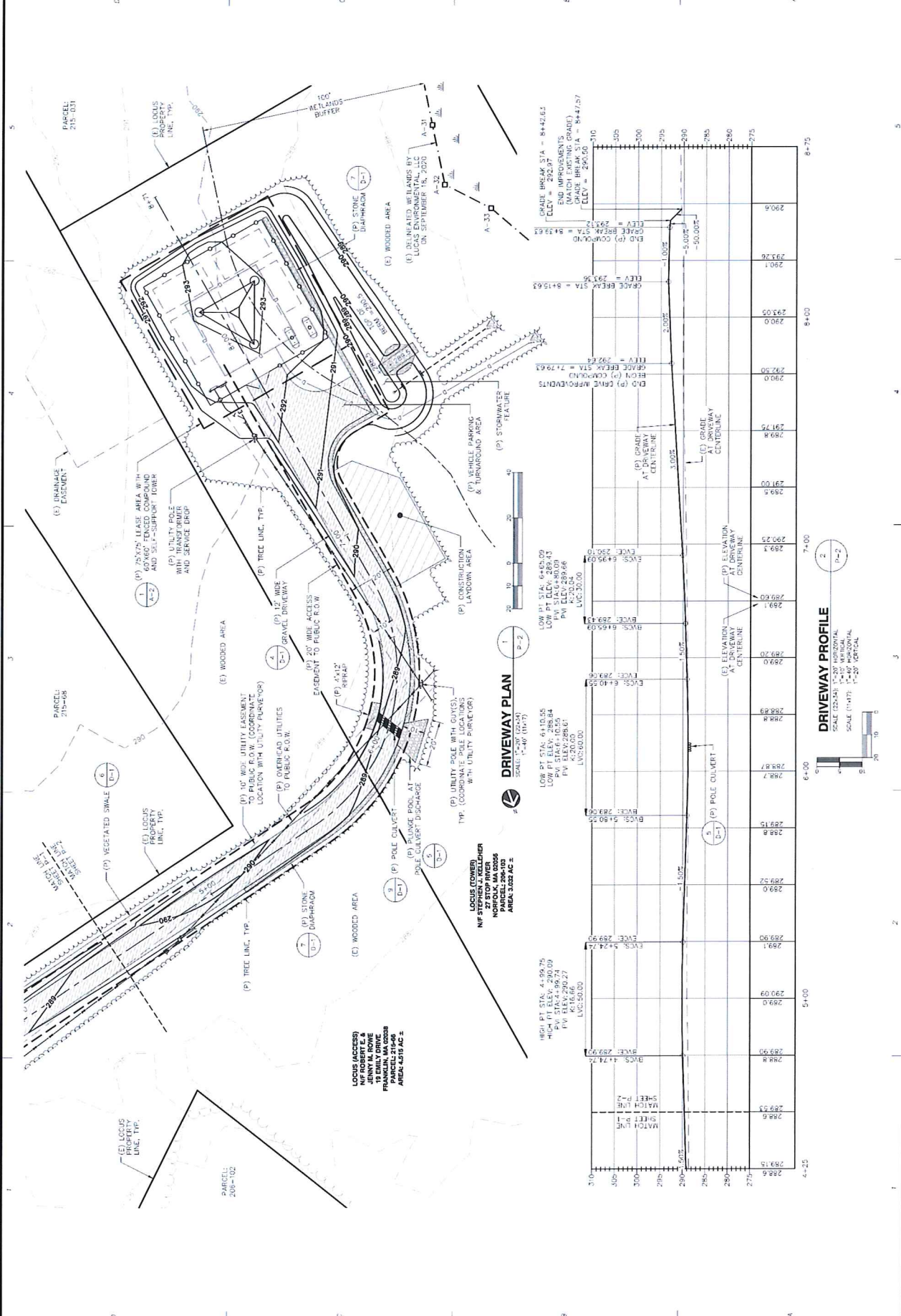
P-1



DRIVEWAY PROFILE

SCALE (22'±4"): 1"=20' HORIZONTAL
1"=10' VERTICAL

SCALE (11'±7"): 1"=40' HORIZONTAL
1"=20' VERTICAL



NO.	DATE	REVISIONS
1	10/07/21	ISSUED FOR PERMITTING
2	10/07/21	ISSUED FOR PERMITTING
3	10/07/21	ISSUED FOR PERMITTING
4	10/07/21	ISSUED FOR PERMITTING
5	10/07/21	ISSUED FOR PERMITTING
6	10/07/21	ISSUED FOR PERMITTING
7	10/07/21	ISSUED FOR PERMITTING
8	10/07/21	ISSUED FOR PERMITTING
9	10/07/21	ISSUED FOR PERMITTING
10	10/07/21	ISSUED FOR PERMITTING

SITE NAME: FRANKLIN BENT STREET
ADDRESS: BENT STREET
FRANKLIN, MA 02038

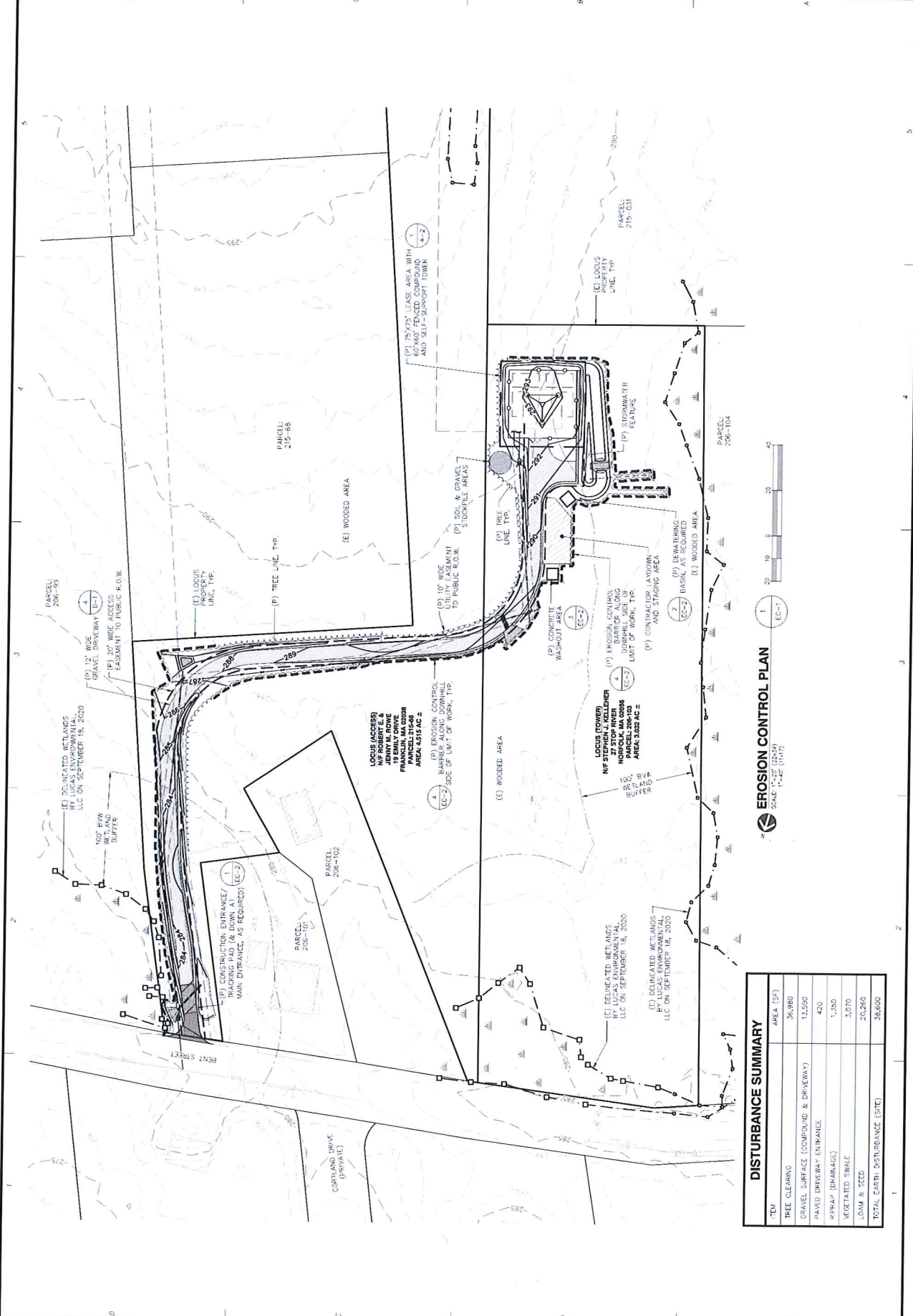
KJS REALTY
165 SOUTH STREET
FRANKLIN, MA 02038

APPLICANT:
KJS REALTY
165 SOUTH STREET
FRANKLIN, MA 02038



DATE: 10/15/2021
DRAWN: JEB
CHECK: JMM/TEU
SCALE: SEE PLAN
JOB NO.: 18-015
SHEET TITLE:

EROSION CONTROL PLAN
EC-1



DISTURBANCE SUMMARY

ITEM	AREA (SQ)
TREE CLEARING	36,980
GRAVEL SURFACE (COMPOUND & DRIVEWAY)	13,500
PAVED DRIVEWAY ENTRANCE	420
SHRAP (DRAINAGE)	1,350
VEGETATED SWALE	3,070
LOAM & SEED	20,260
TOTAL EARTH DISTURBANCE (SITE)	36,600

LOCUS (ACROSS)
N/F ROBERT E. &
JENNY M. ROWE
FRANKLIN, MA 02038
PARCEL 215-031
AREA 4,519 AC ±

LOCUS (TOWER)
N/F STEPHEN J. KELLEHER
165 SOUTH STREET
FRANKLIN, MA 02038
PARCEL 206-103
AREA 3,022 AC ±

DELIMITED WETLANDS
BY LUCAS ENVIRONMENTAL
LLC ON SEPTEMBER 18, 2020

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