

**Daniel D. Klasnick**  
*Licensed in Massachusetts and New Hampshire*  
dklasnick@dkp-law.com

January 21, 2020

Board of Selectmen  
Town Office  
16 Lincoln Road  
Lincoln, Massachusetts 01773

**Re: Rezoning Petition  
Section 12.6 Wireless Communications Facilities Overlay District  
Zoning Map of Lincoln, Massachusetts  
Property at 6 Emerson Road, Lincoln, MA (Map 112, Lot 10)**

Honorable Board of Selectmen:

Enclosed please find a petition to request that the Town of Lincoln amend Section 12.6 WCF - Wireless Communications Facilities Overlay District of the Town of Lincoln Zoning By-Law and the existing zoning map of the Town of Lincoln to add the property located at 6 Emerson Road to the Zoning\_Overlay\_Districts, Wireless Communications Facilities (the "Petition"). The Petition is submitted on behalf of the Property Owner of 6 Emerson Road and Petitioners as follows:

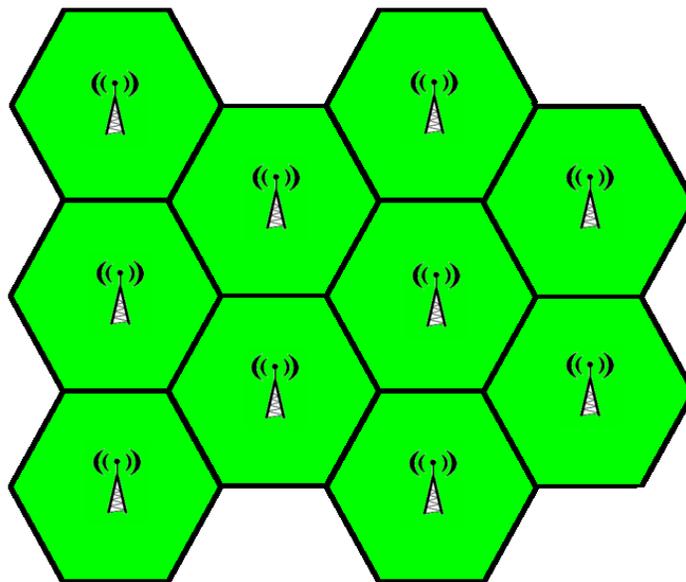
Property Owner: Sandra Damirjian, Trustee  
Sandra Damirjian Revocable Trust  
6 Emerson Road  
Lincoln, MA 01773-1815

Petitioners: Crown Castle 06-2 LLC and  
Global Signal Acquisitions IV LLC  
c/o Daniel D. Klasnick, Esquire  
Duval & Klasnick LLC  
210 Broadway, Suite 204  
Lynnfield, MA 01940

Crown Castle 06-2 LLC and Global Signal Acquisitions IV LLC as wholly owned subsidiaries of Crown Castle International Corp. engineers, deploys, owns and operates technologically advanced shared wireless infrastructure, including an extensive network of towers. Crown Castle works around the country to build and maintain the infrastructure behind the world's most revolutionary wireless technologies. Please visit our website at: [www.crowncastle.com](http://www.crowncastle.com) for further details.

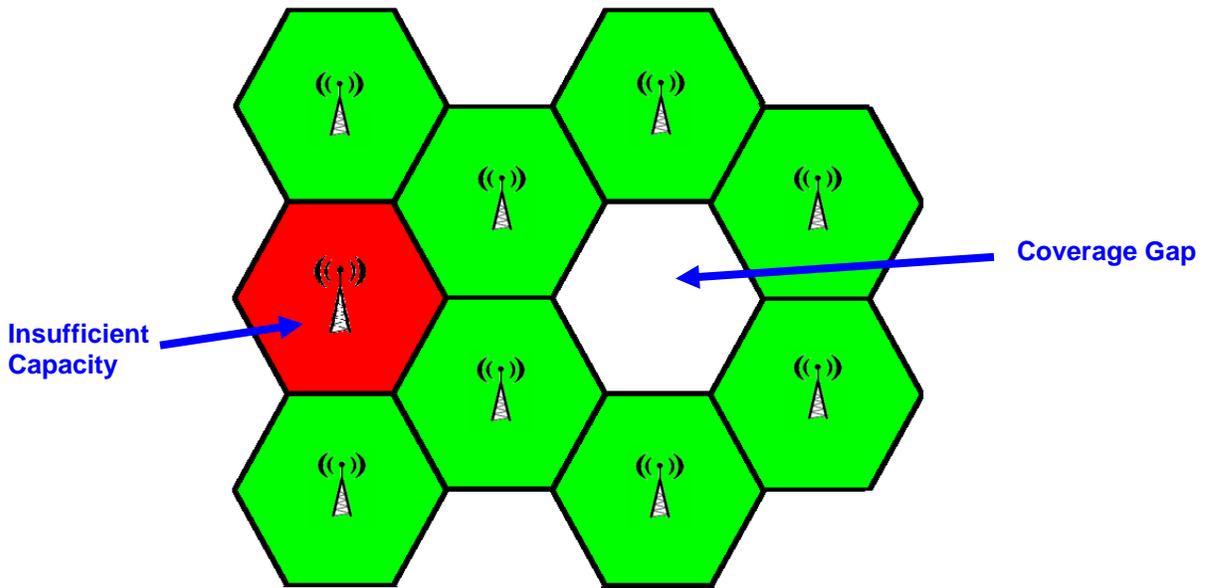
The Petitioners currently operate two towers on the property located at 9 Mary’s Way in the Town of Lincoln – Map 111, Lot 9 (“Existing Towers”). The Existing Towers currently provide space for antennas and supporting ground radio equipment of leading wireless service providers. The list of the Petitioners’ current tenants on the Existing Towers includes AT&T and Sprint. Because the leases for the Existing Towers are expiring and the Petitioners have been unable to negotiate an extension, it is necessary to install a relocation tower to address the continuation of wireless service on the networks of some of the leading providers in the Town of Lincoln. The Petitioners have identified the property at 6 Emerson Road as a suitable location to install a relocated tower to address AT&T and Sprint’s network service requirements. To accommodate the installation of the AT&T and Sprint wireless equipment at 6 Emerson Road, it will be possible to replace the two existing towers with a single tower (“Relocation Tower”).

By way of further illustration, it is helpful to consider each wireless facility as an individual “cell” of a honeycomb that provides wireless coverage to a certain geographical area. As a customer travels outside of the range of the wireless facility, the network service is “handed off” to a wireless facility (or facilities) in the area to which the customer is traveling. Wireless facilities must be placed close enough together so that there is some overlap in coverage, which allows for a smooth handoff of network service from cell to cell.



**Example of Network “Honeycomb”**

The decommissioning of the Existing Towers will result in a significant coverage gap. Users located within areas without reliable wireless service may not receive any service at all, or they may receive substandard service such as dropped or poor quality calls, failed text messages, interrupted internet connections, and other similar issues.



**Network “Honeycomb” with Coverage and Capacity Problems**

Coverage and capacity gaps affecting areas of heavy usage such as Route 2 (Cambridge Turnpike) present a particular challenge to RF engineers because a signal can be lost very easily if coverage is not adequate. The best analogy is a train traveling on its tracks. Even the smallest gap in the train tracks can derail the entire train, just as a small gap can cause a signal to be lost.

Using the criteria identified by the Petitioners’ Radiofrequency Engineer, Site Acquisition Specialists analyzed numerous properties within the limited search area to find a site that would meet the necessary standards for the installation of the Relocation Tower. A property would need to satisfy a number of requirements to be considered a suitable location for the Relocation Tower including: (i) Sufficient ground space to permit construction of a wireless facility; (ii) Sufficient and unobstructed airspace to allow for the installation and maintenance of the tower, and effective propagation of wireless signals; (iii) Sufficient setback from lot lines, public ways, and residential structures; (iv) Adequate screening between the proposed facility and residential areas; (v) Topography that does not prevent the effective propagation of wireless signals; (vi) Lack of adverse title conditions in land records for the property; (vii) Lack of environmental contamination at the site and in the surrounding area; (viii) Ability to bring utilities (power and telephone) onto the property; (ix) Unobstructed vehicle access to the area of the proposed facility; and (x) Ability to secure a lease with the landowner on commercially reasonable terms.

The Town of Lincoln Zoning By-Law imposes a further limitation by only allowing upon grant of special permit the installation of wireless communications facilities on the parcels designated as within the Wireless Communications Facilities Overlay District. There are no properties within the current Wireless Communications Facilities Overlay District that will both satisfy AT&T and Sprint’s network requirements for the area and also satisfy the criteria outline

above. It therefore was necessary for Petitioners' Site Acquisition Specialists to evaluate properties outside of the current Wireless Communications Facilities Overlay District.

The Petitioners are committed to working with local communities in siting and construction of its wireless communications facilities and therefore the proposal is to amend the Town of Lincoln Zoning By-Law to add the property at 6 Emerson Road to the Wireless Communications Facilities Overlay District. The selection of the property for the Relocation Tower was determined utilizing sophisticated computer engineering models that simultaneously evaluate topography, population patterns, and land use concerns to identify specific geographic regions to be serviced by the communications facility in the wireless service providers' network.

The Petitioners' Radio Frequency Engineer ("RF Engineer") has reviewed the service requirements in the search area in which the subject parcel is located. This research has confirmed that the Relocation Tower will address a "significant gap" in wireless coverage that will result from the removal of the Existing Towers, which requires a wireless communications facility in this area of the Town of Lincoln. The Petitioners' RF Engineer has further determined that an installation on the Relocation Tower would enable the wireless service providers to close gaps in its wireless coverage that will occur upon removal of the Existing Towers.

It is a truism to state that, in today's competitive environment, it is absolutely essential that there is the necessary infrastructure to ensure access to reliable wireless services. The ability to utilize mobile devices has become so integral that the absence of reliable service certainly has a negative impact. The availability of reliable wireless service also provides greater access to 911 emergency services. Maintaining wireless service provides another tool for ensuring that emergencies can be reported as quickly as possible, which reduces the response times of public safety personnel.

The direct and indirect financial benefits of reliable wireless service to the area surrounding the proposed Relocation Tower are indicative of the very nature of the use by the public and private sector. Today, just over half – 57% - of American households only have a mobile voice connection and 90% of US households use wireless service. For Millennials (those born between 1982 and 2004), that increases to over two-thirds who live in mobile-only households. Wireless may also be the only connection available to access 911 and reverse 911. Surveys have found that cellular service is of major importance to homebuyers. It was more important than schools when looking for a home (cellular service ranked 76% versus 60% for schools). Cellular coverage trailed only crime rates (96%), local taxes (90%), and amenities (84%). Among Millennials, 83% said cell service was the most important fact in purchasing a home. In all, traffic totaled 13.72 trillion megabytes – the equivalent of 1.58 million years of streaming HD video – an increase of 4.07 trillion megabytes over 2015. Over the past two years, data use has increased 238 percent. (2017 CTIA Wireless Snapshot, May 2017). With this increase in demand from users in vehicles, at home and those who work from home, there is a need for facilities to meet the customer requirements. The availability of wireless communications service enhances community safety, and is increasingly relied upon by civil defense and other safety officers as well as the general public in times of crisis, natural disaster, bad storms or similar circumstances.

By providing an installation for the continued deployment of wireless equipment in this area of the Town of Lincoln, the Relocation Tower further aligns with the objectives of FirstNet's mission to create a nationwide broadband network for America's public safety first responders. This initiative will strengthen and modernize the communications services by providing for quicker response by law enforcement, fire and emergency medical personnel. The FirstNet initiative requires a highly reliable network that offers priority to first responders with a trusted and resilient network. The Relocation Tower will allow for continuing access to a reliable and robust network in this area of the Town of Lincoln.

Upon the installation of the AT&T and Sprint antennas and other equipment on the Relocation Tower and supporting ground equipment, the Petitioner will promptly remove the Existing Towers.

Because the rezoning petition is for a zoning amendment for the installation of equipment that provides wireless services, the proposed zoning amendment and Relocation Tower is subject to §704 of the federal Telecommunications Act of 1996 ("TCA"), codified at 47 U.S.C. §332(c)(7)(B). By way of background, the TCA is a federal law enacted in 1996 whose purpose is "[t]o promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies." To further this purpose, the TCA established national standards that apply to permitting for wireless facilities. These standards preempt inconsistent state and local laws, so they must be considered in making decisions related to wireless facilities.

The Petitioner looks forward to meeting with you and discussing this Petition for a zoning amendment. Should you require any additional information, please don't hesitate to contact me.

Thank you very much for your cooperation.

Very truly yours,  
DUVAL & KLASNICK LLC



By: Daniel D. Klasnick  
Attorney at Law

**Exhibit 1**  
**‘Petition for Zoning Amendment’**

TOWN OF LINCOLN MASSACHUSETTS

TO THE BOARD OF SELECTMEN

**REZONING PETITION**

SANDRA DAMIRJIAN, AS TRUSTEE OF THE SANDRA DAMIRJIAN REVOCABLE TRUST, CROWN CASTLE TOWERS 06-2 LLC AND GLOBAL SIGNAL ACQUISITIONS IV LLC HEREBY PETITIONS TO SEE IF THE TOWN OF LINCOLN MASSACHUSETTS WILL AMEND SECTION 12.6 WCF – WIRELESS COMMUNICATIONS FACILITIES OVERLAY DISTRICT OF THE TOWN OF LINCOLN ZONING BY-LAW AND THE EXISTING ZONING MAP OF LINCOLN, MASSACHUSETTS AS FOLLOWS:

SECTION 12.6.2 entitled “LOCATION,” there shall be added to the Wireless Communications Facilities Overlay District (“WCF District”) the following parcel:

Assessors’ Map Parcel No.	Location/Street Address	Approximate acreage
112-10	6 Emerson Road	3.0 acres

The Zoning Map of Lincoln, Massachusetts is hereby amended by adding to the Zoning\_Overlay\_Districts, Wireless Communications Facilities the following:

The land situated in the County of Middlesex, Town of Lincoln, State of Massachusetts and shown as Lot #7 on a plan entitled "Subdivision of Land in Lincoln, MASS. Belonging to Carleton W. Owen" dated January 1963, Rowland H. Barnes & Co., Civil Eng'rs., recorded with Middlesex South District Deeds as Plan No. 184 of 1963 commonly known as 6 Emerson Road - Parcel Id #112-0010-000 and further, bounded and described as follows:

**Southwesterly** by Concord Turnpike, as shown on said plan, 312.00 feet;

**Westerly** by Lot #8, as shown on said plan, 417.07 feet;

**Northerly** by Estate of E. H. Rogers, as shown on said plan, 244.61 feet; and

**Easterly** by Lot #6, as shown on said plan, 576.41 feet.

Containing 131,832 square feet of land, according to said plan.

Together with right of way 40' wide along the Southwesterly lot line of Lot #6 as shown on said plan for the benefit of Lot #7 for all purposes for which rights of way are commonly used in the Town of Lincoln.

**Exhibit 2**  
**“Letter of Authorization”**

**LETTER OF AUTHORIZATION**

*Sandra Demirjian, Trustee of the Sandra Demirjian Revocable Trust*

December 16, 2019

Planning Board  
Code Enforcement  
Zoning Board of Appeals  
Board of Selectmen  
Town of Lincoln  
16 Lincoln Road  
Lincoln, MA 01773

**Re: Authorization of Crown Castle Towers 06-2 LLC and Global Signal Acquisitions IV LLC ("Crown Castle")**

Dear Ladies and Gentlemen:

The undersigned, as owner of premises in the Town of Lincoln, located at 6 Emerson Road, further described in the Middlesex County Registry of Deeds at Book 65537 Page 519 (the "Property"), hereby authorizes Crown Castle Towers 06-2 LLC and Global Signal Acquisitions IV LLC ("Crown Castle"), and McLane Middleton, PA and their employees, agents, attorneys and consultants, to seek approval from the Town of Lincoln (including, but not limited to, re-zoning a wireless communications facilities overlay district, building permit, special permit and site plan review from the planning board, zoning and planning relief and special permit) in connection with the construction and installation of a wireless telecommunications facility on the Property.

Sincerely,

  
Sandra Demirjian, Trustee

**Exhibit 3**  
**“Amended Zoning Map”**

DRAFT 5/28/2013  
REVISED 10/10/2019

# Zoning Map of Lincoln, Massachusetts

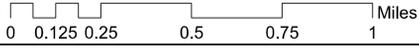


## Zoning\_Overlay\_Districts

- Name
- North Lincoln
  - Solar Photovoltaic Facilities
  - South Lincoln
  - Wireless Communication Facilities

## Zoning\_Districts

- DistrictCode
- B-1
  - B-2
  - R-1
  - R-2
  - R-3
  - R-4



**PROPOSED WCF  
OVERLAY DISTRICT  
BOUNDARY EXPANSION**

