

APR - 6 2018

SPECIAL PERMIT AND SITE PLAN REVIEW

PLANNING BOARD  
GRAFTON, MA

REQUEST FOR WAIVERS STATEMENT

APPLICANT: T-Mobile Northeast LLC (the "Applicant" or "T-Mobile")

SITE ADDRESS: 29 Leland Hill Road, Grafton, Massachusetts (the "Property")

ASSESSOR'S PARCEL #: 110/113.0-0000-0104.A

ZONING DISTRICT: R-20 - Medium Density Residential

**I. OVERVIEW**

The Applicant, T-Mobile, requests that the Planning Board of the Town of Grafton approve the application by T-Mobile for a Special Permit with Site Plan Review approval pursuant to Sections 1.3.3 and 5.8 of the Zoning Bylaws.

The Applicant requests waivers pursuant to the Town of Grafton Zoning By-Laws, Sections 1.3.3.4 and 5.8.10, because of the nature of the wireless application, the existing site conditions, a co-location on top of the Town water tank and the fact that the Applicant's ground equipment would be screened inside a landscaped fenced area adjacent to the existing water tank installed at the Property satisfies the standards for the Planning Board to review and approve the Applicant's Special Permit/Site Plan Review application for a wireless installation pursuant to Sections 1.3.3 and 5.8.

The zoning drawings which are entitled with a last revision date 01/09/18, "SITE NAME: LELAND HILL WATER TANK" prepared by Hudson Design Group, LLC ("Plan(s)"), Legal Brief and Exhibits provides sufficient project details to allow the Planning Board to review and approve the Applicant's Special Permit/Site Plan Review application.

**II. WAIVERS REQUESTED AND BRIEF EXPLANATION**

As pertains to Special Permit and Site Plan Review applications for Wireless Communications Facilities, Sections 1.3.3.4 and 5.8.10 of the Bylaws state that the Planning Board may authorize deviation from strict compliance with the provisions of Sections 1.3.3.3(d)-(f) and 5.8 where deviation is in furtherance of the purposes and intents of the by-law, and where the authorized deviation is expressly enumerated, justified and acted upon by the Board. T-Mobile hereby requests waivers pursuant to the aforelisted sections.

□ ***Section 1.3.3.3.d(12) Existing and proposed topography at two-foot (2') elevation intervals.***

The Applicant proposes to install two (2) concrete pads near the base of the water tank at sizes of 8' x 15' and 3' x 3', respectively, each of which will require an excavation of only 1' below grade. The overall area of the Wireless Communications Facilities (including concrete pads and landscaped area) in relation to the entirety of the Property equals .0119%. Therefore, the Applicant's work will not significantly disturb the existing topography. Since Applicant's proposed work will have such a minimal impact on the existing topography, the Applicant requests a waiver of the aforelisted requirement as it applies more specifically to Special Permit with Site Plan Review applications for proposed towers.

□ ***Section 1.3.3.3.d(14) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials.***

The Applicant proposes to install two (2) concrete pads at the base of the water tank at sizes of 8' x 15' (120 sq. ft.) and 3' x 3' (9 sq. ft.), respectively. The proposed poured concrete pads will be poured on site and consist of impervious material. The total amount of impervious material to be added to the Property by the Applicant shall consist of 129 sq. ft., which is .0032% of the Property. Since the Applicant proposes to add impervious material to only .0032% of the Property, the Applicant requests a waiver of the aforelisted requirement as it applies more specifically to Special Permit with Site Plan Review applications for proposed towers.

□ ***Section 1.3.3.3.d(15) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/landscaped areas.***

The Applicant proposes to install two (2) concrete pads at the base of the water tank at sizes of 8' x 15' (120 sq. ft.) and 3' x 3' (9 sq. ft.), respectively. The total area of the concrete pads shall consist of 129 sq. ft., which is .0032% of the Property. The overall area of the Wireless Communications Facilities (including concrete pads and landscaped area) is a 30' x 16' area (480 sq. ft.), which makes up .0119% of the Property. In addition, there is also an existing paved drive, which the Applicant will utilize for access and parking. Since the Applicant will be

using such a small percentage of the overall Property, the Applicant requests a waiver of the aforesaid requirement as it applies more specifically to Special Permit with Site Plan Review applications for proposed towers.

- ❑ ***Section 1.3.3.3.d(16) Parking calculations for proposed use(s), including all existing use(s) that will continue to exist on the property, if applicable.***

There is an existing paved drive on the Property that the Applicant will not alter and that the Applicant will use for access and parking. The proposed wireless communications facility will be unmanned and generate only one or two site visits per month. Due to the Applicant's use of the existing paved drive for access and parking, the Applicant requests a waiver of the aforesaid requirement as it applies to Special Permit with Site Plan Review applications for Wireless Communications Facilities.

- ❑ ***Section 1.3.3.3.d (25) Stormwater management facilities (drainage).***

In the Grafton Stormwater Management regulations, the definition of 'Alter' is "Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities." As stated herein, the Applicant will alter only 129 sq. ft. on the 40,075 sq. ft. Property (or .0032%), which will not measurably change the ability of the ground surface to absorb water, per the Grafton Stormwater Management regulations. Due to the size and scope of the Proposed Wireless Facility, the Applicant requests a waiver of the aforesaid requirement as it applies to Special Permit with Site Plan Review applications for Wireless Communications Facilities which constitute a new tower.

- ❑ ***Section 1.3.3.3.d (30) Any existing vegetation.***

The Applicant will not alter any existing vegetation on the Property and will be installing arborvitae trees around the perimeter of the fence surrounding the ground equipment for screening. As described herein, there will be minimal grading and leveling of the property for the installation of the ground equipment serving the Proposed Wireless Facility. Since the Applicant will not alter the existing vegetation on the

Property in the installation of the Proposed Wireless Facility, the Applicant requests a waiver of the aforelisted requirement as it applies to Special Permit with Site Plan Review applications for Wireless Communications Facilities.

- ***Section 1.3.3.3.e stormwater management hydrological study prepared in accordance with the Rules and Regulations Governing the Subdivision of Land Grafton, Massachusetts (Sections 3.3.3.19 and 4.7.8).***

In the Grafton Stormwater Management regulations, the definition of 'Alter' is "Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities." As stated herein, the Applicant will alter only 129 sq. ft. on the 40,075 sq. ft. Property (or .0032%) and will only dig down 1' for the installation of the concrete pads. The work proposed to be done by the Applicant does not constitute activities that will measurably disturb the land, per the Grafton Stormwater Management regulations. Due to the size and scope of the Proposed Wireless Facility, the Applicant requests a waiver of the aforelisted requirement as it applies to Special Permit with Site Plan Review applications for Wireless Communications Facilities.

- ***Section 1.3.3.3.f report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity. Depending upon the volume of material to be removed or filled, the Planning Board may require the Applicant to submit additional information (if not submitted in the report) regarding, but not limited to, the following: the hours of fill/removal activity; proposed route(s) of transporting materials to and from the site; and measures for dust and erosion control (both on- and off-site) for the proposed activity.***

The proposed 8' x 15' concrete pad will be excavated down 1' (120 cu. ft.), the 3' x 3' concrete pad will be excavated down 1' (9 cu. ft.), and the eight (8) fence posts will be excavated down a minimum of 3' (24 cu. ft.). The total earth proposed to be removed shall be 153 cu. ft. Due to the minimal amount of earth proposed to be moved in the installation of the Proposed Wireless Facility, the Applicant requests a waiver of the aforelisted requirement as it applies to Special Permit

with Site Plan Review applications for Wireless Communications Facilities.

- ***Section 5.8.4.e): Material describing a specific plan for a balloon or similar test, including the date and time, as well as a rain date and time, suitably and clearly described for inclusion in the legal notice in the newspaper and for inclusion in the notice to abutters.***

The Applicant is proposing to install antennas on top of the existing Town water tank. Due to the nature of the site and the size and scope of the Proposed Wireless Facility on an existing structure, the Applicant suggests that a balloon test is not required and only applies to new towers. As such, the Applicant requests a waiver of the aforelisted requirement as it applies more specifically to Special Permit with Site Plan Review applications for proposed towers.

- ***5.8.6.1 Any principal part of the facility (excluding guy cables) shall be setback from the nearest property line by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.***

The Applicant's Proposed Wireless Facility will be installed on top of an existing structure and does not include the construction of a tower. Since the Proposed Wireless Facility will be installed on top of an existing structure, we will not alter any setbacks of the existing water tank, as such, the Applicant requests a waiver of the aforelisted requirement as it applies more specifically to Special Permit with Site Plan Review applications for proposed towers.

- ***5.8.6.2 Any principal part of the facility (excluding guy cables) shall be setback from the nearest residential structure by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.***

The Applicant's Proposed Wireless Facility will be installed on top of an existing structure and does not include the construction of a tower. Since the Proposed Wireless Facility will be installed on top of an existing structure, we will not alter any setbacks of the existing water

tank, as such, the Applicant requests a waiver of the aforelisted requirement as it applies more specifically to Special Permit with Site Plan Review applications for proposed towers.

- **§5.8.6.10** *Dish antennae shall be no more than six (6) feet in diameter, and shall be mesh (rather than solid). Panel antennae shall be no more than five (5) feet in height.*

The Proposed Facility includes panel antennas and a solid dish antennae, as described in the Plans, which will be concealed within the stealth dome design. Since the antennas will be concealed within the stealth dome design, the Applicant requests a waiver of the aforelisted dimensional requirements for the antennas as they apply to Special Permit with Site Plan Review applications for Wireless Communications Facilities.

- **5.8.6.13** *Landscaping shall be provided around the base of the facility, adjacent to a security fence at least six feet (6') in height. The landscaping shall consist of a planting strip at least 25 feet wide, with ground cover and/or grass, and shall include at least one row of six-foot (6') high evergreen trees adjacent or proximate to the fence, and a row of deciduous trees at least ten feet (10') in height and at least one and-one-half-inch (1 1/2') caliper planted no more than 20 feet apart on center, and deemed acceptable by the Board. Applicants may substitute alternative landscape plans that meet the purposes of this subsection to limit the visual impact of the lower portion of the tower and adjoining accessory facilities for the Board's consideration.*

There will be arborvitae trees installed around the perimeter of the fence surrounding the ground equipment to screen the equipment from view (shown on Page A-3 of the Plans). The Applicant's Proposed Wireless Facility does not include the construction of a tower and since the wireless facility will be installed on top of the water tank, it only has the ground equipment to screen. Since the Applicant will be installing arborvitae trees to provide a visual screen for the fenced ground equipment, the Applicant requests a waiver of the aforelisted requirement as it applies more specifically to Special Permit with Site Plan Review applications for proposed towers.

Pursuant to Sections 1.3.3.4 and 5.8.10, the Planning Board, as Site Plan and Special Permit Granting Authority may waive any of the foregoing provisions when in the opinion of the Planning Board, such waiver will accomplish the purposes of this bylaw and is in the public interest.

Based on the analysis of the application, legal brief, exhibits and supplemental materials, T-Mobile's requested waivers should be allowed as required by the Telecommunications Act of 1996, ("TCA") codified at 47 USC§332(c)(7), which requires that zoning decisions do not prohibit the provision of wireless services. The Applicant is proposing to co-locate its antennas and related equipment and therefore a waiver of the bylaw requirement may be granted as it will accomplish the purpose of the bylaw to encourage co-location on existing non-residential structures.

The Applicant has prepared plans, photo simulations and supporting materials which accurately depict the Property and location of the Applicant's equipment upon the Property. Due to the size and scope of the Proposed Wireless Facility, Applicant believes that the Plans, legal brief, and other documents submitted meet the requirements to the extent applicable to this proposal. To the extent the Board believes that the provided Plans, photo simulations and supporting materials do not comply with the requirements of the Bylaws, the additional detail will not tend to provide substantive assistance to the Board and therefore the Applicant requests a waiver from any such requirements.

### III. SUMMARY

The Applicant's plans and supporting documentation, as submitted, are sufficient for review by the Planning Board to determine whether to grant the applicant's Special Permit with Site Plan Review and all waivers requested should be granted by the Planning Board.