

**DECISION
GRAFTON PLANNING BOARD**

SPECIAL PERMIT (SP 2018-5) & SITE PLAN APPROVAL

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Wireless Communication Facility

**T-Mobile Northeast, LLC c/o Ricardo M. Sousa, Esquire, Prince Lobel Tye LLP (Applicant)
South Grafton Water District (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of T-Mobil Northeast, LLC, c/o Ricardo M. Sousa, Esquire, Prince Lobel Tye LLP, One International Place, Suite 3700, Boston, MA 02110 (hereinafter the APPLICANT) for a Special Permit and Site Plan Approval under Sections 1.3, 1.5 and 5.8 of the Grafton Zoning By-law for construction of a Wireless Communication Facility in the Residential 20 (R-20) zoning district and the Water Supply Protection Overlay district at 29 Leland Hill Road, South Grafton, and shown on Grafton Assessor's Map 113, Lot 104A and owned by the South Grafton Water District, 8A Main Street, South Grafton, MA 01560, by deed recorded in the Worcester District Registry of Deeds in Book 3412, Page 69.

I. BACKGROUND

The application for the above referenced Special Permit (hereinafter Application) was submitted on February 28, 2018. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 22 and March 29, 2018, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail and the public hearing on the Application was opened on April 9, 2018. A court reporter was in attendance for the April 9, 2018 public hearing in accordance with Section 5.8 of the Grafton Zoning By-Law and transcripts were submitted into the record (Exhibit #23). At the public hearing, all those wishing to speak to the petition were heard. Following public input the public hearing was closed on April 9, 2018.

The following Board members were present throughout the public hearing: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham⁽¹⁾, Members David Robbins and Linda Hassinger, and Associate Member Sharon Carroll-Tidman. At the public hearing, Attorney Ricardo M. Sousa of Prince Lobel Tye, LLP, represented the Applicant. Also present for T-Mobile were Ryan Monte de Ramos, Radio Frequency Engineer and Paul Reed, Site Acquisition Specialist. David Maxson of the Isotope Wireless, the Town's wireless communications peer review consultant, was also present to discuss his findings and answer questions.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this Application:

1. Original Application Submission, received February 28, 2018 to include the following:
 - Application for Special Permit – Signed by Ricardo M. Sousa, attorney for the applicant, dated January 18, 2018, stamped received by Planning on February 28, 2018 and stamped by the Town Clerk on February 28, 2018 – 1 page
 - Application for Site Plan Review, signed by Ricardo M. Sousa, attorney for the applicant, dated January 18, 2018, stamped received by Planning on February 28, 2018 and stamped by the Town Clerk on February 28, 2018 – 1 page

⁽¹⁾ Member J. Daniel Graham resigned from the Board following the close of the public hearing.

- Certificate of Good Standing, received by the Treasurer / Collector’s Office on January 26, 2018 and signed by J. Haffty on January 26, 2018 – 1 page
 - Request for Abutters List, Town of Grafton, dated January 22, 2018, requested by Paul Reed on behalf of T-Mobile, received by the Grafton Assessors on January 22, 2018 and including an abutters listing certified by Kenneth M. O’Brien, Data Collector on January 22, 2018– 5 pages
 - “List of Abutters for Sutton Planning Board”, including a certified list of abutters, signed by Joyce Sardagnola on January 30, 2018 – 2 pages.
2. Supporting Statement, dated February 28, 2018 and date stamped by Planning on March 14, 2018, 13 pages.
 3. Request for Waivers Statement, date stamped by Planning on February 28, 2018, 7 pages.
 4. Report of Radio Frequency Engineer, date stamped by Planning on February 28, 2018, 2 pages.
 5. Maps: Radio Frequency Propagation Maps, colored, date stamped by Planning on February 28, 2018, 5 pages
 6. Radio Frequency Emissions Analysis, date stamped by Planning on February 28, 2018, 21 pages.
 7. Alternative Site Analysis, date stamped by Planning on February 28, 2018, 4 pages.
 8. Structural Analysis Report, date stamped by Planning on February 28, 2018, 24 pages.
 9. Plans: “Leland Hill Water Tank”, dated February 26, 2018, date stamped by Planning on February 28, 2018, 17 pages.
 10. “Photo Simulations”, color photos, dated January 18, 2018 and date stamped by Planning on February 28, 2018, 14 pages.
 11. FCC License, Granted date of June 5, 2007, effective date of February 5, 2011, Expiration date of June 27, 2017 and stamped by Planning on February 28, 2018, 2 pages.
 12. Landlord Authorization: “Lease Agreement, Water Storage Tank”, dated December 16, 2017 and stamped by Planning on February 28, 2018, 3 pages.
 13. Public Hearing Notice, date stamped by the Town Clerk on March 16, 2018, 1 page.
 14. Comment: Board of Health, Nancy Connors, email dated March 16, 2016 and stamped by Planning on March 16, 2018, 1 page.
 15. Comment: Police Department, email dated March 16, 2018 and stamped by Planning on March 16, 2018, 1 page.
 16. Comment: Conservation Department dated March 16, 2018 and stamped by Planning on March 16, 2018, 1 page.
 17. Plans: “Leland Hill Water Tank”, revised March 12, 2018, received by Planning Department on March 28, 2018, 18 pages.
 18. Peer Review Report: “Review of T-Mobile Application for Special Permit for Wireless Facility at 29 Leland Hill Rd., Grafton”, dated March 30, 2018, from Isotrope, LLC and date stamped by Planning on April 2, 2018.
 19. Peer Review Report: “Leland Hill Water Tank – Wireless Telecommunications, 29 Leland Hill Road, Special Permit and Site Plan Review”, from Jeffrey M. Walsh of Graves Engineering, Inc., dated April 2, 2018 and date stamped by Planning on April 3, 2018, 3 pages.
 20. Revised Waiver Request: “Special Permit and Site Plan Review Request for Waivers Statement”, date stamped by Planning on April 6, 2018, 7 pages.
 21. Report: “Federal Aviation Administration (FAA) Compliance Results, Proposed T-Mobile USA Project, Site No. 4WL0968A/Leland Hill Water Tank, 29 Leland Hill Road, Grafton, MA

01757, EBI Project No. 6117007153”, from EBI Consulting, dated January 16, 2018 and dated stamped by Planning on April 6, 2018, 139 pages.

22. Plan: “Leland Hill Water Tank,” revised April 6, 2018, received by Planning Department on April 9, 2018, 18 pages
23. Court Reporter Transcript, Hearing Helo at Town of Grafton, 30 Providence Road, Grafton, Massachusetts, April 9, 2018; prepared by Jessica M. DeSantis, Court Reporter, Catuogno Court Reporting, 67 pages.

III. FINDINGS

At their meeting of June 11, 2018, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

1. That determinations regarding the following Findings are based upon the documents and plans identified in this Decision, as well as the information and Exhibits submitted and presented in association with the Application.
2. That this Application is for a wireless communication facility, its associated equipment, infrastructure and utilities on the Site as defined in Section 2.1 and Section 3.2.3.1 of the Grafton Zoning By-law (hereinafter ZBL), and as shown on the plans identified in Exhibit #9 and #17 & #22 of this Decision.
3. That the Site is located in a Residential 20 (R-20) zoning district. The Board further finds that wireless communications facilities are permitted in the R-20 zoning district only upon the issuance of a Special Permit by the Planning Board.
4. That the facility proposed by the Applicant consists of one (1) dish antenna and nine (9) wireless communications antennas located on top of the existing water tank located at 29 Leland Hill Road, with the centerline of said antennae to be 65’ above ground level (AGL), as shown in Exhibit #9, #17 and #22 of this Decision.
5. That all utilities proposed to serve the facility will be installed underground (Exhibit #9, #17 & #22).
6. That determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
7. That during the public hearing Attorney Ricardo M. Sousa of Prince Lobel Tye, LLP presented the application to the Board. The proposed development is to construct a new wireless communications facility by placing nine (9) new wireless antennas on the top of the South Grafton Water District water tank. The installation would consist of nine (9) panel antennas and nine (9) Remote Radio Head Units (RRU), three (3) located at each sector to be at a height of 70’ (top line of the antenna above ground level) and its appurtenant radio equipment cabinets on an

8' x 15' concrete equipment pad. An eight (8') foot high chain link fence, total dimensions to be 10' x 26' with green screening slats would be installed around all apparent equipment, near the base of the water tank. The applicant noted that using an existing structure is a preferred location per the Grafton Zoning Bylaws and that constructing a new cell tower is a last resort. The Applicant reviewed the photo simulations of the proposed wireless communications facility and discussed the fiberglass shroud painted same color as water tank to reduce the visual impact to the neighborhood.

8. The Board received public comment in the form of an inquiry about the impacts of accumulated radiation from two cellular installations in the neighborhood.
9. That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
10. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board.
11. The Board finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant submitted waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (Exhibit #3).
12. That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3.1 of the ZBL.
13. With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate. The wireless communications facility will utilize the existing driveway entrance.
14. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of on adjoining properties and properties generally in the district are satisfactory. No parking will be generated outside of the construction phase. Once constructed a single vehicle will periodically visit the site. Economic impacts are difficult to quantify. No glare will be produced and adjacent properties are located far enough away that noise from the site will not be audible.
15. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory. Not applicable based on the nature of the application.
16. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate. The Applicant had provided sufficient screening for the associated equipment located at ground

level and a shroud to be installed around the antennae on top of the water tank to further reduce visual impact to the neighborhood.

17. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. No signs are proposed as part of this Application. The Applicants propose a light to illuminate T-Mobile's equipment area on the ground during service visits only (Exhibit #9, #17, & #22).
18. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate. This finding is not applicable to this Application because the surrounding area is not within the 100-foot buffer from wetlands and regulated floodplain, both of which fall under the jurisdiction of the Conservation Commission.
19. With regard to Section 1.5.5(g) of the ZBL, that the proposed wireless facility use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is generally compatible with adjacent properties and properties in the district. The Site is located within a Residential 20 (R-20) zoning district and to be installed on an existing water tank.
20. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply. The proposed facility has no impact to any public or private water supply.
21. With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies. The Site is located within the Water Supply protection Overlay District. The proposed facility has no impact on to the water supply.
22. With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. The proposed tower is not located within or viewable from areas determined to be historic or scenic landscapes. No information was submitted by Town Departments or the general public to assess this finding.
23. Section 5.8.3 – Site Selection Preferences specific to this Application: The Board finds that the Application did satisfactorily address the criteria set forth in this section of the By-Law. The Bylaw indicates that the list in Section 5.8.3 is an indication of preference and that each application should be considered separate. The site of the cell tower is in a location that does provide screening. The tower is located within a geographic "bowl" and not on a prominent ridge or hill. The service area essentially confines the visibility of the tower. There are only specific views where the tower will be visible and where it is, often other utility towers are in the background or foreground.

24. Section 5.8.5(a) provides the Planning Board shall consider the specific issue of "*how well the use and proposal meet all required conditions and specifications of the bylaw.*" The Application satisfactorily addressed this issue through the submission of documentation required by the bylaw or through the documentation supporting waivers requested from provisions of the bylaw.
25. Section 5.8.5(b) provides the Planning Board shall consider the specific issue of "*if the proposed facility is to be located in a residential zoning district, or within a distance equal to twice the height of the tower (from the ground to its highest point) but not less than 200 feet of a residential zoning district, whether the applicant has provided substantial evidence that the facility cannot, by technical necessity, feasibly be located in a non-residential zone.*" This provision is not applicable. Wireless communications facility is to be installed on top of an existing water tank in a Residential 20 (R-20) zoning district.
26. Section 5.8.5(c) provides the Planning Board shall consider the specific issue of "*whether the proposal would sufficiently screen the facility from view, both through landscaping, placement and design, in order to minimize the visual appearance of the entire facility from areas within a one-thousand three hundred twenty foot (1,320') radius of the proposed facility location.*" The Application satisfactorily addressed this issue. The standard for evaluating screening is from a radius of 1,320 feet and since the facility is in the center of the property and trees will be retained outside the compound area, only the portion of the antennae above the tree line will be visible. The facility itself will not be visible from any property and will be screened by arborvitae plantings.
27. Section 5.8.5(d) provides the Planning Board shall consider the specific issue of "*whether the proposed facility will be housed within or upon a special structure, which will be architecturally compatible with the surrounding residential area (including, for example, bell tower or church steeple), or whether, by virtue of its design, no such special structure is required in order to minimize the visual impact within a one-quarter-mile (1,320') radius. This provision applies to facilities in a residential (A, R40, R20, or RMF) zoning district, or within a distance equal to twice the height of the facility (from the ground to its highest point) but not less than three hundred feet (300'), from such zoning district.*" The Application satisfactorily addresses this issue in that the wireless facility is attached to the top of the existing water tank and will be enclosed in a shroud that will be colored to match the water tank.
28. Section 5.8.6.1 requires "*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 Application does not satisfy this requirement. The Applicant has requested a waiver from this requirement (see WAIVER #W8) because the facility is attached to the top of an existing structure and not located on a separate tower.
29. Section 5.8.6.2 requires "*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 Board finds that this provision is not applicable as it does not

involve the construction of a free-standing tower. The Board further finds that a waiver from this provision is not necessary as it is not applicable to the Application.

30. Section 5.8.6.3 requires *"No artificial lighting shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located."* The Application satisfies this requirement. One light in the equipment area for use only during service visits and at no other time. Unless otherwise required by the Federal Aviation Administration, there will be no exterior lighting added to the Monopole (Exhibit #9, #17 & #22).
31. Section 5.8.6.4 requires *"A tower shall be of monopole or similarly unimposing design. In the event other than a monopole is proposed, the Board will view a guyed pole more favorably than a broad lattice type or similar structure. The applicant shall successfully demonstrate to the satisfaction of the Board that the proposed facility will have minimal visual impact."* The Application satisfies this requirement because no tower is proposed, and the facility shall be located inside a shroud or covering. The Applicant stated that the covering material is often impregnated with pigment, so it does not fade or peel thus requiring repainting. The Applicant stated they would provide the Board with information regarding the coloring of the covering as a condition of the decision.
32. Section 5.8.6.5 requires *"To minimize the number of wireless communications facility sites in the community in the future, the proposed facility shall be designed and constructed so it is reasonably capable of accommodating other users, including other wireless communication companies and local police, fire and ambulance companies, unless it is determined to be technically infeasible based on the Board's evaluation of information submitted."* The Application satisfies this requirement. The steel lattice structure installed on top of the existing water tank, are designed to accommodate T-Mobile's antennae. While there is the possibility for additional co-locations for future antennae by other wireless vendors, a structural analysis of the tank will be necessary to determine the feasibility for co-location.
33. Section 5.8.6.6 requires *"No interference to existing television, cable television or radio signals, including emergency systems and public safety communications, shall be permitted from the tower or components thereon. If interference occurs, it shall be the responsibility of the site owner to immediately remedy it."* The Application satisfies this requirement.
34. Section 5.8.6.7 requires *"Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers facilities shall be painted non-contrasting grey or blue in color, or camouflaged with some other treatment deemed acceptable by the Board. Antenna(e) shall be non-contrasting or camouflaged."* The Application satisfies this requirement.
35. Section 5.8.6.8 requires *"The related unmanned equipment and/or other buildings shall not be more than twelve (12) feet in height. All ancillary uses (including, for example, but not limited to, a maintenance depot, vehicle storage, etc.) are prohibited."* The Application satisfies this requirement.

36. Section 5.8.6.9 requires "*All utilities proposed to serve the facility shall be installed underground.*" The Application satisfies this requirement
37. Section 5.8.6.10 requires "*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 Application satisfies this requirement.
38. Section 5.8.6.11 requires "*No advertising or signage shall be permitted on the facility.*" The Application satisfies this requirement. Unless required by Federal law due to the Federal Communications Commission sign requirements, no signs are proposed as part of this application.
39. Section 5.8.6.12 requires "*No facility shall be located within a distance equal to twice the height of the facility (as measured from the ground to its highest point) plus four hundred feet (400') of a wellhead area of a municipal water supply.*" The Application satisfies this requirement as the facility is not located within the wellhead area of a municipal water supply.
40. Section 5.8.6.13 requires "*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.*" The Board finds that the plans submitted (Exhibit #9, #17 & #22) include the installation of arborvitae. The Board also found that the water tank was surrounded by existing vegetation which further screened the compound area from being visible to direct abutters. Applicant is requesting a waiver from this provision of the ZBL (Waiver #7).

IV. WAIVERS

At their meeting of June 11, 2018 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of the Grafton Zoning Bylaw, for the reasons stated within the Findings of this Decision:

1. **Section 1.3.3.3 (d) Site Plan Review plan requirements:**
 - (12.) Existing and proposed topography at two-foot (2') elevation intervals
 - (14.) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property
 - (15.) Lot coverage calculations
 - (16.) Parking calculations
 - (25.) Stormwater management facilities (drainage)

(30.) Existing vegetation

2. **Section 1.3.3.3 (e)** *Stormwater management hydrological study prepared in accordance with the Rules and Regulations Governing Subdivision of Land: Grafton Massachusetts (Sections 3.3.3.19 and 4.7.8).*
3. **Section 1.3.3.3(f)** *a 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.* The Board found that this is not applicable to this Application because they are proposing to install on an existing water tank and construct two concrete equipment pads and install fence posts which will consist of 153 cubic feet of earth removal.
4. **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 Board finds that due to the Applicant's proposed usage of an existing water tank and the size and scope of the proposed wireless communications facility a balloon test is not required.
5. **Section 5.8.6.1** Any particular 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 Board found that the facility was affixed to the top of the existing water tank and therefore a fall zone for the structure or for ice was not necessary.

6. **Section 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.*

Applicant's Rationale: The Applicants respectfully request a waiver from strict compliance with this provision of the Bylaw as antenna sizes vary from carrier to carrier and change with advances in technology.

The Board's peer consultant noted that changes in cellular technology have resulted in antenna panels that have grown larger. It was noted that the antenna panels will be screened by an exterior covering/shroud and will not be visible.

The Board reviewed the information presented by David Maxson of Isotope Wireless (see EXHIBIT #9 and FINDING #F14). The Board finds that in **GRANTING** this waiver request that the Applicant did adequately demonstrate the need for waiver from this Section of the Grafton Zoning By-Law.

7. **Section 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."

Applicant's Rationale: The Applicants stated the following: "There will be arborvitae trees installed around the perimeter of the fence surrounding the ground equipment to screen the equipment from view. The Applicant's proposed wireless facility will be installed on top of the water tank, it only has 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 applied more specifically to Special Permit with Site Plan Review applications for proposed towers."

The Board finds that the plans submitted (Exhibit #9, #17 & #22) include the installation of arborvitae. The Board also found that the water tank was surrounded by existing vegetation which further screened the compound area from being visible to direct abutters.

V. DECISION and CONDITIONS

At their meeting of June 11, 2018, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Application with the following Conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval is specifically granted for the construction, on top of the existing water tank of a wireless communications facility consisting of one dish antenna, nine (9) panel antennas and nine (9) Remote Radio Head Units, three (3) located at each sector, at a height of 70' (top line of antenna above ground level) and associated facilities and equipment as described within the EXHIBITS and FINDINGS of this Decision.
2. This Decision does not authorize the installation of any wireless communications antennae or equipment associated therewith by any other wireless communications vendor other than what is approved for the Applicant.
3. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is

consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.

4. Prior to the recording of this Decision and issuance of any approvals for commencement of work, all outstanding peer review and court reporting fees shall be paid by the Applicant through the Planning Department.
5. No additional lighting for the equipment area is authorized beyond the single light identified in the Application (Exhibit #22, Sheet A-3). The proposed and approved light is to be utilized only for service visits and must be kept turned off at all other times.
6. Failure to comply with the requirements of Section 5.8 of the Grafton Zoning By-law (or as modified by this Decision), as well as all applicable Federal, State and local regulations, shall cause this Special Permit to be invalid.
7. As per Grafton Zoning By-law § 5.8.9, if the facility is abandoned or no longer operable, it shall be removed within six (6) months of its abandonment.
8. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
9. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
10. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Numbers.
11. By recording this Special Permit and Site Plan Approval Decision at the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

B. Conditions to be Met Prior to the Start of Construction

1. Prior to the issuance of the building permit, the Applicant shall submit a final plan set, in a format eligible for recording at the Registry of Deeds, to be reviewed and approved by the Planning Board or its Agent to include:
 - a. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans suitable for recording at the Worcester District Registry of Deeds. The full plan set shall be recorded at the Worcester District Registry of Deeds and the Applicant shall

provide Planning Board and the Building Department with a copy of such recording information, including the WRD Plan Book and Plan Numbers.

- b. Additional details shall be added to require that site fencing is to be clearly and adequately posted with “No Trespassing” signage. The Applicant will submit a “No Trespass” letter to the Grafton Police Department.
2. Prior to the issuance of the building permit, the Applicant shall provide to the Planning Board and/or its Agent with documentation regarding the covering and how the covering is colored (see Finding 31).
3. Prior to the commencement of work, the Planning Board shall be provided with the following:
 - a. Five (5) full size, 24” x 36”, endorsed and recorded plan sets, one of which shall be sent directly to the Town’s peer review consulting engineer.
 - b. An electronic copy of the endorsed and recorded plan set. The electronic copy shall be in a “PDF” compatible format.
4. Prior to any clearing of the site the Applicant shall submit a vegetation clearing plan to indicate the work associated with constructing the facility compound and the access drive to the site whether it is the existing gravel drive or the new proposed access drive along the western portion of the site. The site shall be inspected by the Planning Board or its designee to review the delineated limits of work prior to the commencement of any work. The Applicant shall receive written notice from the Planning Board and / or its agent of final approval to proceed prior to commencement of work.
5. Prior to the issuance of a Building Permit for the facility, the Applicant shall submit a bond (in an amount to be determined by the Planning Board and / or its Agent and agreed upon by the Applicant), or other arrangement satisfactory to the Board, to cover any and all expenses associated with any work resulting from the enforcement of Section 5.8.9 of the ZBL.

C. Conditions to be Met During Construction

1. Hours of construction and earthwork proposed shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
2. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.

VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **GRANT** the Applicant's Special Permit & Site Plan Approval Application to wireless communication facility at 29 Leland Hill Road based on the information received at the public hearing and the aforementioned findings.

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Linda Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Michael Scully, Member</u>	<u>AYE</u>
<u>Sharon Carroll-Tidman, Clerk⁽²⁾</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

6-13-2018

Date

cc: Applicant Assistant Town Engineer
 Board of Selectmen Building Inspector
 Fire Department Highway Superintendent
 Conservation Commission Police Department

To Whom It May Concern: This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavallee, Interim Town Clerk

Date

⁽²⁾ Associate Member Sharon Carroll-Tidman was appointed to fill the vacancy of Graham on June 5, 2018 and voted on this decision as a Planning Board Member.