

DECISION

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GRAFTON, MA

GRAFTON PLANNING BOARD SPECIAL PERMIT (SP 2002-11) & SITE PLAN APPROVAL MODIFICATION #2

2021 NOV 24 PM 12: 24

Addition of Diesel Generator and Concrete Pad with Associated Equipment

86 Main Street, Grafton, MA
AT&T (Applicant)
Union Congregational Church (Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Catherine Conklin, AT&T (hereinafter the APPLICANT/OWNER) for Special Permit & Site Plan Approval (SP 2002-11) – Modification #2 for the addition of a back-up self contained 30kw diesel generator and four foot (4') by ten foot (10') concrete pad with associated equipment, within the existing AT&T equipment area on a property located at 86 Main Street (hereinafter the SITE) and shown on the Grafton Assessor's Map 114, Lot 48, and owned by Union Congregational Church by deed recorded in the Worcester District Registry of Deeds Book 1471, Page 375. The application was formally received on September 13, 2021.

I. BACKGROUND

The application for Modification of the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on September 13, 2021. Notice of the public hearing and the subject matter thereof was published in the Grafton News on October 7 and 14, 2021, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. A public hearing on the Application was opened on October 25, 2021.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Justin Wood, Clerk Linda Hassinger, Members Robert Hassinger and Prabhu Venkataraman, and Associate Member Maura McCormack. At the hearing, Catherine Conklin presented the Application to the Board on behalf the Applicant / Owner. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on October 25, 2021.

II. PROJECT HISTORY AND OVERVIEW

This application represents a second modification of Special Permit and Site Plan Approval (SP 2002-11) for 86 Main Street where there is a wireless facility in operation. This modification deals specifically with a request for the addition of a back-up self contained 30kw diesel generator and four foot (4') by ten foot (10') concrete pad with associated equipment, within the existing AT&T equipment area. The permitting history of this site for this use includes:

1. Special Permit (SP 2001-11) and Site Plan Approval - *Approved January 13, 2003* – for installation of wireless communications antennas located inside the existing church steeple on the Site, with the centerline of said antennas to be 85' above ground level (AGL).

2. Minor Modification of Special Permit and Site Plan Approval (SP 2002-11.1) - **Approved February 11, 2013** - to replace three existing antennas with newer antennas, add three remote radio heads and a surge arrestor inside the church steeple connected by three cables (two power and one fiber) to the equipment shelter on the ground and add an additional equipment rack and surge arrestor in the equipment room.

III. SUBMITTALS

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

- EXHIBIT 1.** Application submittal materials, received September 20, 2021, consisting of the following:
- a. Application for Modification of a Special Permit & Site Plan Approval, dated September 13, 2021, received by the Planning Department on September 20, 2021; 1 page.
 - b. Certificate of Good Standing, signed by Christine Atchue, dated August 31, 2021; 1 page.
 - c. Abutters Listing for 86 Main Street, Map 114, Lot 48, dated September 2, 2021, signed by Cody Herd, Data Collector; 1 page.
 - d. Project Narrative, dated September 15, 2021, prepared by Catherine Conklin, General Dynamics Wireless Services, 2586 Industry Ln. Suite 100, Norristown, PA, 19403; 1 page.
 - e. Waiver Request Form, 3 pages.
 - f. Technical Information Bulletin: “Generator Set Sound Data Sheet (TIB-114)”, prepared by Kohler Power Systems, 3 pages.
- EXHIBIT 2.** Plan: “GENERATOR PROJECT GENERAC DIESEL GENERATOR 200A GENERAC ATS”, dated June 14, 2021, revised through July 12, 2021, prepared by General Dynamics Information Technology, Inc., 661 Moore Rd, Ste 110, King Of Prussia, PA 19406, 14 sheets.
- EXHIBIT 3.** Public Hearing Notice; received by the Town Clerk on October 7, 2021; 1 page.
- EXHIBIT 4.** Email from Katrina Koshivos, Zoning Board of Appeals, to the Planning Board, regarding “86 Main Street - AT&T - Modification of Special Permit/SPA”, dated October 19, 2021.
- EXHIBIT 5.** Email from Michael Killeen, Fire Department, to the Planning Board, regarding “Re: Request for Comments: SP 2002-11.2 / SPA, 86 Main Street, AT&T”, dated October 19, 2021, 1 page.
- EXHIBIT 6.** Email from Nancy Connors, Health Department, to the Planning Board, regarding “Re: Request for Comments: SP 2002-11.2 / SPA, 86 Main Street, AT&T”, dated October 19, 2021, 1 page.

IV. FINDINGS

At their meeting of November 22, 2021, 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 Robert Hassinger, seconded by Justin Wood voted four (4) in favor and zero (0) opposed, with one (1) member absent, to make the following Findings:

- F1.)** 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.
- F2.)** That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and 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.
- F3.)** That the subject Site, as shown on the Plans, is located in an R-20 zoning district. The Board further finds that based upon the plan submitted that the Site is also located within the Water Supply Protection Overlay District (WSPOD).
- F4.)** 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. The Board further 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 further finds that the Applicant is not requesting any waivers (EXHIBIT #1).
- F5.)** That with respect to the nature of this particular application, (more specifically, for the proposed additions to an existing wireless facility, and the provided site plan, are not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL.
- F6.)** That with respect to the proposed fencing, shown on provided plans as, “Proposed chain link fence. See sheet S-2 for details. Maintain 3’ clear around generator.”, the applicant intends to install white vinyl privacy fencing instead of the chain link type.

V. WAIVERS

- 1.** At their meeting of November 22, 2021, 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 Robert Hassinger, seconded by Justin Wood voted four (4) in favor and zero (0) opposed, with one (1) member absent, to **GRANT** the Applicant’s request for waivers from the following requirements of Section 1.3.3.3 (d) Site Plan Requirements of the ZBL with regard to preparing site plans, for the reasons stated within the Exhibits and Findings of this Decision:

- (10.) Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones
 - (16.) Parking calculations for proposed use(s), including all existing use(s) that will continue to exist on the property, if applicable
 - (19.) Parking and loading spaces
 - (24.) Sewage, refuse and other waste disposal
 - (25.) Stormwater Management facilities (drainage)
2. At their meeting of November 22, 2021, 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 Robert Hassinger, seconded by Justin Wood voted four (4) in favor and zero (0) opposed, with one (1) member absent, to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (e) Stormwater Management Hydrological Study** of the ZBL with regard to preparing a Stormwater Management Hydrological Study, for the reasons stated within the Exhibits and Findings of this Decision:
3. At their meeting of November 22, 2021, 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 Robert Hassinger, seconded by Justin Wood voted four (4) in favor and zero (0) opposed, with one (1) member absent, to **GRANT** the Applicant's request for waivers from the requirements of **Section 1.3.3.3 (f) Earthwork Calculations** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.
4. At their meeting of November 22, 2021, 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 Robert Hassinger, seconded by Justin Wood voted four (4) in favor and zero (0) opposed, with one (1) member absent, to **GRANT** the Applicant's request for waivers from the requirements of **Section 8.2 Traffic Study** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.

VI. DECISION

At their meeting of November 22, 2021, 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 Robert Hassinger, seconded by Justin Wood voted four (4) in favor and zero (0) opposed, with one (1) member absent, to **GRANT** the Special Permit (SP 2002-11) and Site Plan Approval – Modification #2 - with the following conditions:

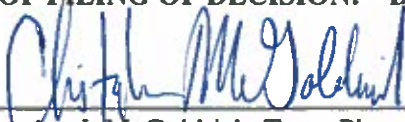
- C1.)** This Special Permit and Site Plan Approval (SP 2002-11.2) - specifically authorizes the the addition of a back-up self contained 30kw diesel generator and four foot (4') by ten foot (10') concrete pad with associated equipment, within the existing AT&T equipment area. All other conditions within Special Permit and Site Plan Approval (SP 2002-111) as modified in SP 2002-11.1 (as approved in 2013) shall remain in full force and effect unless modified by this DECISION.

- C2.) Bollards providing vehicular protection shall be installed in accordance with the direction of the Grafton Fire Department (EXHIBIT #5). A letter from the Grafton Fire Department indicating bollards have been satisfactorily installed and inspected shall be provided to the Planning Board.
- C3.) In accordance with Finding F6, the applicant shall revise plans to indicate the proposed change from chain link fence to white vinyl privacy fence. A copy of revised plans shall be provided to the Planning Board and/or their designated agent and incorporated into the record.
- C4.) 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 such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C5.) This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C6.) By recording this Special Permit Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.

V. RECORD OF VOTE

<u>David Robbins, Chair</u>	<u>AYE</u>	<u>Robert Hassinger, Member</u>	<u>AYE</u>
<u>Justin Wood, Vice Chair</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>ABSENT</u>
<u>Linda Hassinger, Clerk</u>	<u>AYE</u>	<u>Maura McCormack, A. Member</u>	<u>.</u>

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



 Christopher J. McGoldrick, Town Planner

11/24/2021

 Date

cc:

- Building Inspector
- Applicant/Owner
- Conservation Commission
- Zoning Board of Appeals

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, Town Clerk

Date