

**DECISION  
GRAFTON PLANNING BOARD  
SPECIAL PERMIT (SP 2017-8) & SITE PLAN APPROVAL**

**Wireless Communication Facility**

**Cellco Partnership d/b/a Verizon Wireless (Applicant)  
Congregational Church of Grafton (Owner)**

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Cellco Partnership d/b/a Verizon Wireless, c/o Duval & Klasnick LLC, 210 Broadway Suite 204, Lynnfield, MA 01940 (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 inside the steeple of an existing church on property located at 30 Grafton Common, Grafton and shown on Grafton Assessor's Map 74, Lot 124A, being in a Neighborhood Business (NB) zoning district and owned by the Congregational Church of Grafton by deed recorded in the Worcester District Registry of Deeds in Book 2747, Page 381.

**I. BACKGROUND**

The application for the above referenced Special Permit (hereinafter Application) was submitted on August 29, 2017. Notice of the public hearing and the subject matter thereof was published in the Grafton News on September 14 and September 21, 2017, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on Monday, October 2, 2017. A court reporter was in attendance for the public hearing in accordance with Section 5.8 of the Grafton Zoning By-Law and transcripts were submitted into the record (Exhibit #20). At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on October 2, 2017.

The following Board members were present throughout the public hearing: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members Linda Hassinger and David Robbins. At the public hearing, Attorney Daniel D. Klasnick of Duval & Klasnick LLC, presented on behalf of the Applicant.

**II. SUBMITTALS**

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

- Exhibit 1. Bound application packet; submitted by Cellco Partnership d/b/a Verizon Wireless; dated and received August 29, 2017; includes the following:
- a) Submission Letter from Daniel Klasnick; Re: Application for Special Permit / Site Plan Review, dated and received August 29, 2017; 1 page.
  - b) Special Permit Application Form, stamped by the Town Clerk's Office on August 29, 2017; received August 29, 2017; 1 page.
  - c) Site Plan Approval Application Form, stamped by the Town Clerk's Office on August 29, 2017; received August 29, 2017; 1 page.

- d) Certificate of Good Standing, signed by the Treasurer Collector's Office on May, 16, 2017; received August 29, 2017; 1 page.
  - e) Certified Abutters List, signed by the Assessor's Office on August 24, 2017; received August 29, 2017; 5 pages.
  - f) Brief in Support, no date, received August 29, 2017; 15 pages.
  - g) Request for Waivers, no waivers, received August 29, 2017; 10 pages.
  - h) Letter of Authorization; Re: Letter of Authorization, dated March 15, 2017, received August 29, 2017; 1 page.
  - i) Letter of Authorization, Re: Letter of Authorization, dated March 15, 2017, received August 29, 2017; 1 page.
  - j) Plan Set, prepared by Chappell Engineering Associates, LLC; stamped by David Chappell, revised through August 9, 2017; 17 pages.
  - k) Site Images; prepared by Chappell Engineering Associates, LLC, no dated, received August 29, 2017; 9 pages.
  - l) Product Specifications, prepared by Commscope, no date, 3 pages.
  - m) Product Information, prepared by Polar Power, no dated, received August 29, 2017; 1 page.
  - n) RF Report, C2 Systems, dated March 17, 2017; received August 29, 2017; 20 pages.
  - o) Environmental Sound Assessment, prepared by Modeling Specialties; revised August 11, 2017, received August 29, 2017; 14 pages.
  - p) Correspondence from D. Haes, Re: Installation of radio base station antennas and associated equipment for the Verizon Wireless Personal Wireless Services Facility to be located in the steeple of the Congregational Church of Grafton MA 30 Grafton Common, Grafton, MA., dated March 27, 2017; received August 29, 2017; 10 pages.
  - q) Radio Station Authorization, reference copy form Federal Communications Commission, Wireless Telecommunications Bureau, print dated 8/26/14, received August 29, 2017; 19 pages.
- Exhibit 2. Email, Subject: Request for Department Comments – Special Permit (SP 2017-8) & Site Plan Approval – Wireless Communications Antenna – 30 Grafton Common, Comments from Police Department, dated and received September 6, 2017; 1 page.
- Exhibit 3. Email, Subject: Proposed Wireless Communication Facility – Congregational Church of Grafton – 30 Grafton Common, Comments from Board of Health, dated and received September 6, 2017; 1 page.
- Exhibit 4. Legal Notice for Public Hearing Opening on October 02, 2017, stamped by the Town Clerk's office on September 7, 2017; 1 page.
- Exhibit 5. Email from Maria Mast, Conservation Agent, Subject: Special Permit (SP 2017-8) & Site Plan Approval – Proposed Wireless Communication Facility – 30 Grafton Common, dated and received September 7, 2017; 1 page.
- Exhibit 6. Email from Katrina Koshivos of Zoning Board of Appeals, Subject: Special Permit (SP 2017-8) & Site Plan Approval – Proposed Wireless Communication Facility – 30 Grafton Common, dated and received September 11, 2017; 1 page.

- Exhibit 7. Public Comments - C. Doucette Ashland, MA Re: Wireless Radiation and Public Health 30 Grafton Common, Grafton, MA., dated/received September 19, 2017; 1 page.
- Exhibit 8. Response to C. Doucette from Town Planner, dated/received September 20, 2017
- Exhibit 9. Public Comments - C. Doucette Ashland, MA Re: Wireless Radiation and Public Health, 30 Grafton Common, Grafton, MA., dated/received September 20, 2017; 3 pages.
- Exhibit 10. Public Comments - B. Focht, MD, 28 Grafton Common, Letter & pamphlets 5 pages total received 9/25/17.
- Exhibit 11. Peer Review – Isotrope Wireless, received 9/26/17, 9 pages.
- Exhibit 12. Public Comment - B. Focht, MD 28 Grafton Common, Letter & articles 15 pages total.
- Exhibit 13. Peer Review – Graves Engineering, received 9/28/17, 4 pages.
- Exhibit 14. Public Comment – R. DesRosiers 17 South St, email dated 9/28/17, received 9/29/17
- Exhibit 15. Public Comment – D. Vabulas 53 Upton St., email dated/received 10/2/17.
- Exhibit 16. Grafton Historical Commission application for an amended certificate of appropriateness, dated 8/7/17 received 10/2/17, 3 pages.
- Exhibit 17. Grafton Historical Commission Application for a certificate of appropriateness, dated April 7, 2017 received 10/2/17, 3 pages.
- Exhibit 18. Revised Plan Set, prepared by Chappell Engineering Associates, LLC; stamped by David Chappell, revised through October 18, 2017; 8 pages.
- Exhibit 19. Response to Comments from Chappell Engineering Associates, LLC; stamped by David Chappell, revised through October 18, 2017; 8 pages
- Exhibit 20. Court Reporter Transcript, Hearing Held at Town of Grafton, 30 Providence Road, Grafton, Massachusetts, October 2, 2017, 7:30 p.m. – 8:37p.m.; prepared by Jessica M. DeSantis, Court Reporter, Catuogno Court Reporting, 58 pages.

### **III. FINDINGS**

At their meeting of November 27, 2017, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board voted 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, is a use allowed by Special Permit in the NB zoning district as defined in Section 2.1 and Section 3.2.3.1 of the Grafton Zoning Bylaw (hereinafter ZBL) and as shown in Exhibits 1j-1m of this Decision.
3. That the facility proposed by the Applicant consists of wireless communications antennas located inside the existing church steeple on the Site with the centerline of said antennae to be 70.1' above ground level (AGL), as shown in Exhibit #18 of this Decision.
4. That all utilities proposed to serve the facility will be installed underground (Exhibit #18).

5. That as part of the proposed installation, there is no new lighting and only Verizon Wireless' signage shall be posted to comply with standards to provide notice of the installation and of a wireless facility at the steeple access and area of screened ground equipment and will contain contact information. There will be no advertisement signage installed on the facility.
6. That during the public hearing the Board and the Applicant discussed the site selection as it relates to the local and regional wireless communications system. The Applicant noted that the site was selected after a screening process and it was found to be useful in Verizon's mandate to provide adequate coverage. In its RF Report submitted with the Application, Verizon states that the proposed site is needed to fill in coverage gaps and provide capacity relief to the Town of Grafton in order to improve deficient service areas for residents and commuters through the Grafton area, and the surrounding roads, neighborhoods, and business/industrial areas within the proximity of the proposed site (Exhibit #1f). The Applicant reviewed the factors used in the site selection including Verizon's current network plan and predicted radio frequency coverage with the proposed antenna included as part of the Application. Locations of other wireless facilities in Town were reviewed as they relate to Verizon's coverage. It was noted that there was a significant gap in coverage in the area where they are proposing to install new wireless communications facility and accessory equipment. They noted that:

*The wireless communications system being developed by Verizon Wireless has been designed utilizing sophisticated computer-engineering models which simultaneously evaluate topography, population patterns, and land use concerns to identify specific geographic regions to be serviced by the communications facility in the network. As a result, a limited search area is identified by the Radio Frequency Engineer as the necessary location for a transmission facility to ensure the most complete coverage to area residents, business and public safety officials. Once the search area has been selected, then Verizon Wireless' site selection consultant first seeks to identify existing structures. In this case, after thorough review of the search area, Verizon Wireless has determined that the modified church steeple is sufficient for attachment purposes and therefore Verizon Wireless proposes to install an antenna array with a screened equipment area.*

We have concluded that by installing the proposed wireless communication facility at 30 Grafton Common at an antenna centerline height of 70.1' AGL (above ground level), Verizon Wireless will be able to fill the gap in service that it now experiences, and provide improved coverage and capacity to residents, businesses, and traffic corridors within sections of Grafton center that are currently located within deficient service areas of Verizon Wireless' network.

The Applicant reviewed the effects of the poor service in the area noting that the system serves not only phone calls but data service to mobile devices. Poor coverage in the area has resulted in dropped calls and weak data service. It was further noted that Verizon Wireless is in the process of rolling out its 4G LTE high speed broadband system in accordance with its licenses with the FCC. This proposed site is needed to strengthen the network as part of that process.

7. That during the public hearing the Board discussed the recommendations given by the Town's wireless communications peer review consultant David Maxson (not in attendance) including the following:

- a) **Recommendation by Wireless Communication Peer Review Consultant – David Maxson of Isotrope Wireless (the Town’s wireless communications peer review consultant):**

*5.8.8 Modifications: This says that a special permit must be modified for alteration or expansion of the facility in the future. The 2012 Middle Class Tax Relief and Jobs Creation Act, Section 6409 puts some limits on what modifications of a wireless facility is essentially by-right. In the present case, the proposed facility relies on concealment, for which the FCC is more protective. Ensure the concealment characteristics of the louvers and fencing are called out clearly as concealments if an approval is granted.*

8. That during the public hearing the Board received written and verbal testimony from Cecelia Douchette of Ashland (Exhibit #7& #9). Ms. Douchette was contacted by an abutter to discuss the effects of wireless transmission frequencies on health. She acknowledged that the Board could not take into account health effects in their decision and discussed the laws and the Town’s right to refuse installations of wireless communication facilities as public utilities.
9. That during the public hearing the Board reviewed written and verbal testimony from Barbara Rugo Focht, MD owners of 28 Grafton Common and 1 Church Street. Dr. Focht contacted Ms. Douchette to speak about the health effects and also acknowledged that the Board could not take into account health effects in their decision. She briefly spoke about the laws and the rights the Town has to refuse installations of these quasi-public utilities.
10. 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.
11. That the Applicant submitted a written request for waivers (Exhibit #1g) from certain provisions of the ZBL and as per Section 5.8.10 of the ZBL, the Board can authorize deviation from strict compliance with the provisions of Sections 1.3.3.3 and 5.8.
12. That per Section 1.3.3.4 of the ZBL, the Applicant submitted a request for waivers (Exhibit #1g) from certain requirements of the Site Plan Review procedure, some of which were not applicable to this location or were included in the application materials and thus were nulled, therefore only the waivers listed in the Waivers section of this Decision are to be considered as waived.
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, is adequate. The wireless communications facility will be located within the existing church steeple and will be unmanned. The facility will only be serviced by one person on the hours that the church is not in use and will only require one parking spot. Access is adequate due to the limited nature of trip generation associated with the use of a wireless communications facility.
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 additional

- parking will be required. Once installed a single vehicle will periodically visit the site. Economic impacts are difficult to quantify. Due to the location within the existing church steeple there will be no glare and noise from the site will be within allowable limits (Exhibit #10).
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. Applicant has submitted a landscaping plan to screen the accessory equipment (Exhibit #18).
  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. There will be no signs, except for a required sign posted to the exterior of the fenced equipment area giving a phone number where the applicant can be reached on a twenty-four hour basis and any other signs that may be required by applicable law or regulation governing Verizon Wireless' operation of the wireless communications facility. All signs shall be installed in a manner to comply with the local requirements governing the installation of signage.
  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. The Applicant's installation complies with all required yards and open space requirements in the NB zoning district.
  19. With regard to Section 1.5.5(g) of the ZBL, that the proposed wireless communication facility use as presented in the Exhibits and Applicant testimony, is generally compatible with adjacent properties and properties in the district. The proposed installation of antennas inside the existing church steeple satisfies this requirement.
  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 not located within the Water Supply protection Overlay District.
  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 (Exhibit #16 & #17). The proposed wireless communications facility is located within the existing church steeple and will be concealed by louvers, and the accessory equipment will be screened by landscaping (Exhibit #18).

23. That a proposal of this type; the use of an existing structure, is the highest preference with regard to the list of preferred facility locations in Section 5.8.3 of the ZBL and outdoor equipment is confined to a ground-level fenced and landscape screened area.
24. That the Town of Grafton, through Section 5.8.3 of the ZBL, indicates preferences for locations of wireless facilities, and that these preferences are "intended as guidance for development of the application and for the Board's review but are not determining in any way."
26. 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.
27. 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. Site is located within an existing church steeple.
28. 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. The Application is proposing to install a wireless communications facility concealed by an existing church steeple which will reduce the visual impact of the facility while maximizing opportunities for co-location and accommodating emergency response communication equipment.
29. 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 is proposing to install within an existing church steeple and will be removing and replacing the louvers to match existing as well as screening accessory equipment with landscaping (Exhibit #18) within the NB zoning district and therefore the application satisfies this requirement.
30. 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 proposes to install within an existing church steeple and therefore this requirement is not applicable to this location.

31. 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 Application proposes to install within an existing church steeple and therefore this requirement is not applicable to this location.
32. 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. There will be no exterior lighting added to the existing church steeple (Exhibit #18).
33. 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 is proposing to install a wireless communications facility with in an existing steeple.
34. 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 Board finds that this requirement is not applicable as the Application is not for a free-standing structure and that it satisfies site selection criteria under Section 5.8.3 which gives preference for facilities on an existing structure.
35. 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 (Exhibit #1q).
36. 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 is proposing to install within an existing church steeple and will be removing and replacing the louvers to match existing and therefore the application satisfies this requirement.
38. 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 (Exhibit #18).



39. Section 5.8.6.9 requires "All utilities proposed to serve the facility shall be installed underground." The Application does satisfy this requirement.
40. 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 is proposing to install within an existing steeple and no dish antenna have been proposed as part of this application.
41. Section 5.8.6.11 requires "No advertising or signage shall be permitted on the facility." The Applicant has proposed a sign for 24/7 contact information for emergency support. While not expressly satisfying this requirement, not signage that is considered advertisement is being proposed in conformance with this requirement. Unless required by Federal law due to the Federal Communications Commission sign requirements, no signs are proposed as part of this application.
42. 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 since the proposed facility is located within an existing church steeple.
43. 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 proposed wireless communications facility will be installed within the existing church steeple and there will be shrubs added to the landscape (Exhibit #18) to provide visual screening of the fenced ground equipment therefore the Applicant has satisfied this requirement.
47. 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.
48. That with regard to requirements of Sections 5.8.4.a-g ("Additional Submittal Requirements") of the ZBL, the Applicant has submitted the required additional material as applicable for this location (Exhibit #1g for waiver requests) unless waived by this Decision (see Waivers).

#### **IV. WAIVERS**

At their meeting of November 27, 2017 after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board voted to **GRANT** the Applicant's request for the following waivers from the requirements of the Zoning Bylaw:

1. Section 1.3.3.3.d (12): “Existing and proposed topography at two foot (2’) elevation intervals.” Due to the wireless communications facility being located within an existing church steeple and small footprint of disturbed area by the accessory equipment, the Board finds that a waiver is required.
3. 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”. This wireless communications facility will be unmanned and therefore will not affect the existing parking shown on Exhibit #18. Therefore the Board finds that a waiver is required.
4. Section 1.3.3.3.d (17): “Calculations of the volume of earth material to be removed or filled on the property and delineation of the location(s) of such activity”. Due to the wireless communications facility being located within an existing church steeple and building and the small footprint of disturbed area by the accessory equipment, the Board finds that a waiver is required.
5. Section 1.3.3.3.d (23): “Proposed signs” (business, traffic, etc.); Signage associated with compliance with standards to provide notice of the installation and of a wireless facility at the steeple access and area of screened ground equipment and will contain contact information. There will be no advertisement signage installed on the facility. Therefore the Board finds that a waiver is required.
6. Section 1.3.3.3.d (25): “Stormwater management facilities (drainage)”. The proposed wireless communications facility is located within an existing steeple and will not have an effect on drainage and the accessory equipment is not substantive to add to the existing drainage facilities. Therefore the Board finds that a waiver is required.
7. Section 1.3.3.3.e: Due to the wireless communications facility being located within an existing church steeple and building and the small footprint of disturbed area by the accessory equipment, there is minimal impact to the existing drainage facilities and the Board finds that a waiver is required.
8. 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 proposed location is concealed within the existing church steeple and therefore the Board finds that a waiver is required.

## **V. DECISION and CONDITIONS**

At their meeting of November 27, 2017, 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 R. Hassinger, seconded by L. Hassinger) voted 5-0 to **GRANT** the Application with the following Conditions:

1. Unless modified by this Decision, the facility shall be constructed as shown on, and be maintained to conform to the plans identified as Exhibit #18 of this Decision, and also as described in all other relevant Exhibits which specify as to the antennas location within the steeple and accessory equipment contained at the rear of the building.

2. As per Grafton Zoning Bylaw § 5.8.8, any alteration of expansion of the facility, structure of the uses it supports to include size, number or color of antennae or other components, shall require Planning Board approval as modification of this Special Permit, applied for in accordance with all regulations applicable at the time such application is properly made.
3. 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.
4. 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.
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.
6. Prior to the issuance of a Building Permit for the facility, 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.
7. Conditions to be Met During Construction:
  - a. 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.
  - b. 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 of resource areas during construction, and after completion from the site and its associated improvements.
8. 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.
9. This Special Permit is specifically for the wireless communications facility as described in this Decision. Any modification to the facility approved by this Decision, such as described in Section 5.8.8 of the ZBL, shall require a determination by the Planning Board as to whether the proposed modification(s) are substantial in nature and of public concern. The Planning Board may, upon its determination, require a new Special permit or Modification of this Special Permit if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Special Permit decision.

10. This Decision does not authorize the installation of any wireless communications antennae of equipment associated therewith by any other wireless communications vendor other than what is approved for the Applicant.
11. 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.
12. 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.
13. 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 a copy provided to the Planning Board and the Building Department of such recording, including the WDRD Book and Page Number and/or Instrument Numbers within thirty (30) days of recording.
14. 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.
15. Any inability, failure or refusal by the applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

## VII. 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 30 Grafton Common based on the information received at the public hearing and the aforementioned findings and conditions.

<u>Michael Scully, Chairman</u>	<u>AYE/NAY</u>	<u>Linda Hassinger, Member</u>	<u>AYE/NAY</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE/NAY</u>	<u>David Robbins, Member</u>	<u>AYE/NAY</u>
<u>J. Daniel Graham, Clerk</u>	<u>AYE/NAY</u>		

**DATE OF FILING OF DECISION:      BY ORDER OF THE BOARD**

  
Joseph Laydon, Town Planner

11-29-2017  
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 that the 20-day appeal period has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Kandy Lavallee, Interim Town Clerk

\_\_\_\_\_  
Date

