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MCLANE MIDDLETON

May 28, 2019

EXHIBIT 2

RECEIVED
MAY 29 2019
PLANNING BOARD
GRAFTON, MA

Town of Grafton
Planning Board
Grafton Memorial Municipal Center
30 Providence Road
Grafton, MA 01959

RE:	Proposed Wireless Communication Facility Application
Applicant:	Crown Castle Towers 06-2 LLC ("Applicant" or "Crown Castle")
Site:	84 Snow Road Rear, Grafton, MA (Assessor's Map 37, Lot 100) and 23 Side Greany Drive (Assessor's Map 28 Lot 100A), (the "Site")
Owner:	Rosalind E. Dennis and Global Signal Acquisitions IV LLC
Facility:	Construct a 143' (above ground level, hereafter "AGL") monopole-style tower (the "Monopole") install panel antenna arrays for 4 wireless carriers at the 139', 127', 115' and 103' AGL antenna centerline mark respectively, together with related amplifiers, cables, fiber and other associated antenna equipment, including remote radio heads, surge arrestors, and global positioning system antennas with associated electronic equipment, emergency backup power generator and other appurtenances on a proposed equipment pad located within a compound enclosed by a chain link fence, as well as an access driveway (the "Facility").
Relief Requested:	Special permit and Site Plan approval for a Wireless Communications Facility, pursuant to Sections 5.8, 1.5 and 1.3.3 of the Town of Grafton Zoning Bylaw (hereinafter, the "Bylaw"), Massachusetts General Laws chapter 40A; and, the Telecommunications Act of 1996 (the "TCA") for the construction, operation, and maintenance of a Wireless Communication Facility, and such other relief as deemed necessary, all rights reserved.

Dear Honorable Members of the Grafton Planning Board:

On behalf of the Applicant, we are pleased to submit this memorandum to the Town of Grafton Planning Board (the "Board") in support of the Applicant's special permit and site plan approval application (the "Application") for the installation, operation and maintenance of the

proposed Facility at the Site, all in accordance with the TCA. The following provides background information regarding the Facility and addresses each applicable section of the Bylaw.

BACKGROUND

The Site is located within the R20 (Residential) zoning district. Crown Castle Towers 06-2 LLC proposes to construct a 143' AGL Monopole, install panel antenna arrays for 4 wireless carriers at the 139', 127', 115' and 103' AGL antenna centerline mark respectively, together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads and surge arrestors, with associated electronic equipment on a proposed equipment pad and an emergency backup power generator located within a compound enclosed by a chain link fence and an access driveway. The Facility is shown in detail on the plans (the "Plans") attached hereto and submitted with this Application. The Use Regulation Schedule of Section 3.2.3.1 of the Bylaw, Communications, Transportation, Public Utility Uses (1) "Wireless Communications Facilities, in accordance with Section 5.8 of this Bylaw" indicates that the use is permissible within the R20 zoning district with the grant of a special permit. Section 1.3.3 of the Bylaw indicates that Site Plan approval is required.

Crown Castle leased a portion of the Site from the owner of the Site, Rosalind E. Dennis. Crown Castle has purchased a portion of the site in the name of Global Signal Acquisitions IV LLC, the entity that holds title to any sites being developed by Crown Castle. Crown Castle is an owner and manager of wireless communication infrastructure in the United States with significant experience in the industry. Crown Castle leases space to wireless communications services providers such as Verizon Wireless, AT&T, Sprint and other users of wireless technology. Applicant strives to be good neighbors to the communities within which it has communication sites.

Verizon Wireless, AT&T, T-Mobile and Sprint will lease space on the Monopole and within the fenced compound from Crown Castle and will be a subtenant on the Site. Verizon Wireless. AT&T, T-Mobile and Sprint operate a nationwide wireless communications system that offers enhanced features such as caller ID, voice mail, e-mail, and superior call clarity, and high speed data services. Verizon Wireless, AT&T, T-Mobile and Sprint are in the process of building out a national network as required and authorized by license issued by the Federal Communications Commission (the "FCC"). The Facility will aid in reaching Verizon Wireless', AT&T's, T-Mobile's and Sprint's goals of providing adequate and reliable wireless telecommunications services in and around the Town of Grafton and to all of Massachusetts.

A reliable communications system depends on a grid of antennas arranged in a geographical pattern, similar to a honeycomb. Each "cell" is created by an antenna and serves as a link between the customer and the telephone system, while that caller is within proximity to the cell site. Each cell can handle a finite number of telephone calls and connections. As the number of customers increase, more cell cites must be added to handle the increased volume. If this is not accomplished, calls and connections are dropped or blocked. A new antenna installation must be constructed each time a new cell site is created.

Applicant submits that the Site is well suited for a wireless communications facility and that the Site satisfies the intent and purposes of the Bylaw, to the extent possible. As will be demonstrated through the Application materials and the written and oral evidence at the public hearing(s) in connection with the Application, the proposed Facility meets with all applicable requirements of the Bylaw to the extent possible. The Facility will not adversely impact adjacent properties and neighborhoods as the Facility is screened from view to the maximum extent possible. The location of the Facility will protect, to the extent practicable, the aesthetic qualities of the Town of Grafton by utilizing a densely wooded parcel of land especially suited to the proposed use, minimizing impacts to the interests protected by the Bylaw. The installation of the Facility will not be a threat to public health, safety and welfare. In fact, Applicant submits that the Facility will aid in public safety by providing further assurance of high quality, uninterrupted wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity and along the nearby roads.

The Facility will function as a wireless communications services facility within a local, regional, and national communications system. This system operates under licenses from the FCC and Verizon Wireless, AT&T, T-Mobile and Sprint are mandated and authorized to provide adequate service. This Site was selected after a careful screening process and was found useful to all the wireless carriers. The Facility will not generate any objectionable noise, odor, fumes, glare, smoke, or dust or require additional lighting or signage. The Facility will have no negative impact on property values in the area. No significant increase in traffic or hindrance to pedestrian movements will result from the Facility. On average, only one or two round trip visits per month are required to service and maintain the Facility. This is an unmanned facility and will have minimal negative effect on the adjoining lots. This Facility does not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

The reasons Applicant seeks issuance of a Special Permit and site plan approval are two-fold. First, the current tower owned and operated by Applicant at 20 Indian Path, Grafton, MA, is no longer economically viable for the Applicant and its subtenants (the aforementioned wireless carriers). Due to a change in ownership of the underlying ground space, the Applicant and its subtenants are now faced with the involvement of an additional unanticipated third party in the operation of their facility and equipment. This unanticipated involvement poses a layer of uncertainty not contemplated by the parties when 20 Indian Path was originally selected for the telecommunications tower. In order to regain commercially reasonable certainty and efficiency, Crown Castle seeks to relocate its tower and subtenants to the Site at 84 Snow Road Rear, where the subtenants will transact with only the Applicant, thereby reducing the number of parties involved in maintaining their equipment. Under the new FCC Order that became effective on January 14, 2019 (See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment-FCC 18-133, WT Docket 47-79, 85 FR 5186) there are new standards for what amounts to "an effective prohibition". Under this recent interpretation of the Telecommunication Act of 1996, wireless carriers can now consider excessive costs to rule out sites. The Order created a new standard for what may be considered as an effective prohibition under the Telecommunication Act of 1996. Now an effective prohibition includes materially

inhibiting additional services or improving services or imposing financial barriers. As a result, Federal Regulators now factor in costs in their analysis under the Telecommunications Act of 1996. We applaud industry efforts to cut down costs so that competition can control costs for the ultimate consumer users of wireless services.

RELIEF REQUESTED

Applicant respectfully requests a special permit and Site Plan approval for a Wireless Communications Facility, pursuant to Sections 5.8, 1.5 and 1.3.3 of the Bylaw, Massachusetts General Laws chapter 40A and the TCA for the construction, operation, and maintenance of a Wireless Communication Facility, and such other relief as deemed necessary, all rights reserved. The Board is specifically authorized to grant the requested relief by Sections 1.3.3 and 1.5 of the Bylaw. As will be further demonstrated by the Applicant through evidence submitted to the Board at the public hearing(s) in connection herewith, such relief is appropriate as the Facility satisfies all pertinent provisions and standards contained in the Bylaw for the granting of all required zoning relief, all rights reserved, as enumerated below.

COMPLIANCE WITH SECTION 5.8 OF THE BYLAW

5.8 Wireless Communications Facilities

5.8.1 Purpose and Intent, Definitions

5.8.1.1 Purpose and Intent

The Town recognizes the quasi-public nature of wireless communications systems and finds that these regulations are necessary to protect public safety, to protect the ecological, scenic, historical and recreational values of the Town and to ensure that adverse visual and operational effects will not contribute to blighting, deterioration or other deleterious effects upon the surrounding neighborhood. It is the intent of this Section to provide for establishment and/or expansion of cellular telephone, mobile radio and personal communication and similar systems within the Town of Grafton while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening and in furtherance of the requirements of the Telecommunications Act of 1996. More specifically the Section has been developed in order to:

- **Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of wireless communications facilities needed to serve the community.**

- **Encourage providers to co-locate their facilities on a single structure or site**

- **Minimize the location of facilities in visually sensitive areas**
- **Site facilities below visually prominent ridge lines**
- **Protect historic and residential areas from potential adverse impacts of such facilities**
- **Avoid potential damage to adjacent properties from facility failure through engineering and careful siting of facilities**

The proposed Facility will be in harmony with the purposes of the Bylaw because it will be located on a large parcel of land, significantly screened by existing vegetative growth so that potential visual impacts are minimized and the aesthetic qualities of the Town of Grafton are preserved. The Monopole will be designed to accommodate the antennas of 4 wireless carriers and through such collocation upon a single structure, will help to minimize the overall number of towers in the area. The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources. Applicant Published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications has been the only form of reliable communication. Lastly, the installation of the Facility at the Site will assist the Town of Grafton in complying with its obligations under the TCA. Consistent with the Bylaw, the Facility will function as a wireless communications services facility within a local, regional, and national communications system. This system operates under licenses from the FCC, and the wireless carriers are mandated and authorized to provide adequate service to the general public. The proposed Facility will comply with all applicable regulations, standards and guidelines with respect to radiofrequency emissions.

5.8.3 Site Selection Preferences

These regulations are written for the purpose of indicating that the Town of Grafton's preferences for facility locations are as follows, in descending order of preference:

- **On existing structures such as buildings, communications towers, smokestacks, utility structures, etc.;**
- **In locations where existing topography, vegetation, buildings or other structures provide the greatest amount of screening;**
- **On new towers in the CB, OLI and I zoning districts;**
- **On government or educational institution structures in the CB, OLI and I zoning districts;**

- **On government or educational institution structures in the A or R40 zoning districts;**
- **On government or educational institution structures in the R20, RMF or NB zoning districts;**
- **On new towers in the A and R40 zoning districts;**
- **On new towers in the R20, RMF and NB zoning districts.**

Collocation is generally viewed as preferable to construction of a new support structure where it is assumed that collocation may often be less imposing. The Board's evaluation of each application is essential, however, and Applicant is reminded that the preferences described in this section are intended as guidance for development of the application and for the Board's review but are not to be considered in any way completely dispositive.

The Site is located within the R20 Residential zoning district. The Monopole will be designed to accommodate the antennas of 4 wireless carriers, thereby reducing the overall number of towers needed in this area of Grafton.

5.8.4 Additional Submittal Requirements

In addition to the submittal requirements of Section 1.3 of this Zoning By-Law, the following items and information are required to be submitted at the time an application under this section is filed:

5.8.4.a) A report by a professional or radio frequency engineer describing the general design and capacity of any proposed installation, including:

- **The number and type of antenna(e) proposed;**
- **A description of the proposed antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height, materials, color and lighting;**
- **A description of the proposed antenna(e) function and purpose;**
- **The frequency, modulation and class or service;**
- **Direction of maximum lobes;**
- **An evaluation of the potential to utilize existing facilities for the proposed facility**

- **An evaluation of the feasibility of attaching the proposed facility to existing buildings;**

- **Copies of all applicable permits, including but not limited to all State and Federal permits required for this project and a certification of compliance with the terms and provisions of the license issued for this purpose by the Federal Communications Commission (FCC).**

Please refer to the copy of Wireless Network Consulting RF Justification and the SiteSafe RF Compliance reports.

5.8.4.b) Site Justification or Appropriateness Statement, including a description of the narrowing process that eliminated other potential sites;

See arguments listed in Background above.

5.8.4.c) Evidence that the applicant has filed a notice of proposed construction with the Federal Aviation Administration if the proposed facility exceeds 200 feet in height or in the event such notice is otherwise required.

The Monopole will not exceed 200' AGL. Please refer to the FAA Determination submitted herewith.

5.8.4.d) Support materials that show: the location of structures of similar or greater elevation within one-half-mile (two thousand six hundred forty feet) radius of the proposed site/parcel; that the owners of those locations have been contacted and asked for permission to install the facility on those structures, and denied, or that such other locations do not satisfy requirements to provide the service needed. This would include, but not be limited to, smoke stacks, water towers, tall buildings, antenna or towers of other wireless communications companies, other wireless communications facilities (fire, police, etc.) and all other tall structures. Failure to present evidence of a good faith effort on the part of the applicant to utilize existing facilities shall be grounds for denial of the application.

There are no available existing tall structures in the immediate area to relocate the wireless providers on the existing tower.

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.

A balloon test has been scheduled for June 15th from 9 AM to 1 PM with a weather related delay date of June 22nd from 9 AM to 1 PM.

5.8.4.f) A statement indicating how the proposal meets, in the opinion of the applicant, the intents and purposes identified in subsection 1 of this section.

This brief is respectfully submitted in compliance with this provision of the Bylaw.

5.8.4.g) Stamped, addressed envelopes to all abutting property owners (according to the latest available tax listing) within a one-thousand three hundred twenty foot (1,320') radius of the proposed facility location, in addition to other special permit notice requirements, to facilitate the Board's notification of the public hearing to those additional property owners.

The Applicant will submit the requisite addressed and stamped envelopes.

5.8.4.h) Due to the technical nature of the materials to be submitted, and the discussion and testimony presented during the public hearing for wireless communications facility applications, the applicant shall submit to the Planning Board, at the time of application, funds in an amount sufficient for the Board to engage the services of experts or consultants to assist the Board in its deliberations, and a recording secretary, stenographer, or similar service, to keep a detailed record of the proceedings during the public hearing for such application. Said funds shall be deposited by the Town in a revolving account, established pursuant to General Laws, Chapter 44, Section 53E1A, to be used solely for the purposes of this Section. Funds remaining after the close of the public hearing shall be returned to the applicant.

The Applicant will submit the requested funds. The Applicant will cooperate with the Board to achieve a mutually agreeable design and will comply with any reasonable requests for additional information to assist the Board in making an informed decision.

5.8.5 Conditions for Granting

In addition to the conditions for granting contained in Section 1.5.5 and all other applicable sections of this bylaw, the Planning Board shall make findings on which to base its determination on the specific issues of:

5.8.5.a) how well the use and proposal meet all required conditions and specifications of the By-Law;

The proposed Facility meets with all applicable requirements of the Bylaw to the extent possible. The Facility will not adversely impact adjacent properties and neighborhoods as the Facility is screened from view to the maximum extent possible. The location of the Facility will protect, to the extent practicable, the aesthetic qualities of the Town of Grafton by utilizing a parcel of land that is especially suited to the proposed use and will minimize impacts to the interests protected by the Bylaw. The installation of the Facility will not be a threat to public health, safety and welfare. In fact, Applicant submits that the Facility will aid in public safety by providing and improving wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity and along the nearby roads. The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources.

5.8.5.b) 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

See arguments listed in Background above.

5.8.5.c) 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 Facility will be located on a large parcel with significant existing vegetation and the Applicant respectfully suggests that no additional vegetative screening will be necessary. Pursuant to Section 5.8.10 of the Bylaw, the Applicant respectfully request a waiver from strict compliance with the terms of Section 5.8.6.1 of the Bylaw.

5.8.5.d) **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.**

See arguments listed in Background above.

5.8.6 **General Requirements**

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.**

As evidenced by the Plans, The Monopole will be setback a distance of 143', 154' and 177' respectively to the nearest property lines. The perimeter fence of the 75' X 75' compound will be setback a distance of 101.5' , 103' and 124'7" respectively from the nearest property lines. Pursuant to Section 5.8.10 of the Bylaw, the Applicant respectfully request a waiver from strict compliance with the terms of Section 5.8.6.1 of the Bylaw as the unusual shape of the lot prevents placement of the Monopole in an area which complies with this provision of the Bylaw.

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.**

As evidenced by the Plans, the Monopole will be setback a distance of 233' from the nearest residential structure. Pursuant to Section 5.8.10 of the Bylaw, the Applicant respectfully request a waiver from strict compliance with the terms of Section 5.8.6.1 of the Bylaw as the unusual shape of the lot prevents placement of the Monopole in an area which complies with this provision of the Bylaw.

5.8.6.3 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 Applicant proposes a light to illuminate wireless carriers equipment area on the ground during service visits. Unless otherwise required by the Federal Aviation Administration (the "FAA"), there will be no exterior lighting added to the Monopole. Please refer to the FAA Report submitted herewith.

5.8.6.4 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 Applicant proposes a Monopole in compliance with this provision of the Bylaw and provided a photographic rendering

5.8.6.5 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 Monopole will be designed to accommodate the antennas of 4 wireless carriers and those of four other wireless communications services providers and/or local police and other emergency services.

5.8.6.6 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 Facility will comply with this provision of the bylaw to the extent not preempted by federal law, all rights reserved.

5.8.6.7 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 Facility will comply with this provision of the Bylaw. The Applicant will work with the Board to achieve a mutually satisfactory design.

5.8.6.8 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 Facility will comply with this provision of the Bylaw.

5.8.6.9 All utilities proposed to serve the facility shall be installed underground.

The Facility will comply with this provision of the Bylaw.

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 Applicant respectfully requests 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.

5.8.6.11 No advertising or signage shall be permitted on the facility.

The Applicant's Facility will comply with this provision of the Bylaw to the extent not preempted by federal law due to the FCC's sign requirements and safety information.

5.8.6.12 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 Facility will comply with this provision of the Bylaw.

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 (1 112") caliper planted no more than 20 feet apart on center, and deemed acceptable by the Board. Applicant 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 Facility will be enclosed by an six foot (6') high chain link fence. The Applicant respectfully requests a waiver from strict compliance with the terms of this provision of the Bylaw as the Site is significantly screened from view by existing vegetative growth and that additional landscaping is unnecessary. The Applicant will work with the Board to achieve a mutually agreeable design and will comply with any reasonable conditions pertaining to screening which may be attached to a favorable decision.

5.8.7 Although not an accessory use as defined by the By-Law, a wireless communications facility may be sited on a lot which already accommodates a lawful principle use. During the Board's review of the special permit application, due consideration will be given to the overall functioning of the lot, with particular respect to the items in Sections 1.5.5 and 5.8.5 and other applicable sections of this By-Law.

The Site is currently undeveloped. Please refer to the Applicant's responses in Sections 5.8.5 above and in 1.5.5 below.

5.8.8 Any alteration or expansion of the facility or structure or the uses it supports (including the size, number or color of antennae or other components) shall require a modified special permit, applied for in accordance with all regulations applicable at the time such application is properly made.

The Facility will comply with this provision of the Bylaw to the extent not preempted by federal law, all rights reserved.

5.8.9 If the facility is abandoned or no longer operable, it shall be removed within six (6) months of its abandonment.

The Applicant acknowledges this provision of the Bylaw.

5.8.10 The Planning Board may, by a vote of at least 4 members, each of whom is eligible to participate in the special permit vote, authorize deviation from strict compliance with the provisions of this Section 5.8 where such deviation is in furtherance of the purposes and intents of the bylaw, and where such authorized deviation is expressly enumerated, justified and acted upon by the Planning Board.

Please refer to the List of Requested Waivers submitted herewith.

COMPLIANCE WITH SECTION 1.5 OF THE BYLAW

1.5.5 Conditions for Granting Special Permits: Special Permits may be granted only for uses which are in harmony with the general purpose and intent of this By-Law. The special permit granting authority shall deny an application for a special permit when it determines that a nuisance, hazard, or congestion will be created, or for any other reason there will be substantial harm to the neighborhood or a derogation from the general purpose and the intent of the By-Law, or where the special permit is determined not to be in the public interest, or that the stated district objectives or applicable use criteria will not be satisfied. The special permit granting authority shall make findings on which to base its determination on the specific issues of:

The proposed Facility will be in harmony with the purposes of the Bylaw because it will be located on a large parcel of land, significantly screened by existing vegetative growth so that potential visual impacts are minimized and the aesthetic qualities of the Town of Grafton are preserved. The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources. Applicant Published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications has been the only form of reliable communication.

a. Ingress and egress to 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.

Access to the Facility will be from Greany Drive by a new access drive to be constructed as noted on the Plans. At the gate of the fenced compound, there will be a parking and turnaround space for maintenance vehicles. Trips to and from the Facility will likely average one or two visits per month.

b. **Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.**

The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon neighboring properties or upon any zoning district.

c. **Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.**

The Facility will not produce any refuse. Any trash generated by maintenance personnel will be removed from the Site at the conclusion of the maintenance visit.

d. **Screening and buffering with reference to type, dimensions and character.**

The Applicant does not propose to add any screening to the Site, as the Facility will be substantially screened by existing vegetative growth. The Applicant will work with the Board to achieve a mutually agreeable design and will comply with any reasonable conditions pertaining to screening which may be placed upon a favorable decision.

e. **Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.**

Apart from signs which may be required by FCC sign regulations, there will be no advertisement signs installed at the Facility.

f. **Required yards and other open space; and**

The Facility will comply with Section 3.2.3.2 intensity of Use Schedule for the R20 residential zoning district. However, as stated earlier applicant is requesting a waiver from the requirements to the nearest property line, to the provisions of Section 5.8.6.1 of the Bylaw. Pursuant to Section 5.8.10 of the Bylaw, the Applicant respectfully requests a waiver from strict compliance with the terms of Section 5.8.6.1 of the Bylaw as the unusual shape of the lot.

g. General compatibility with adjacent properties and other property in the district.

The proposed Facility is a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon properties in the district.

h. There will not be any significant adverse impact on any public or private water supply.

The Facility will not produce any waste. It will be unmanned and will not require water or sewer services, so there will be no adverse impact on any public or private water supply.

i. If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.

The Site is not within the Water Supply Protection Area and this provision does not apply to this Application.

j. Protect important historic, cultural and scenic landscapes.

The Facility will comply with this provision of the Bylaw.

COMPLIANCE WITH SECTION 1.33 OF THE BYLAW

1.3.3 Site Plan Review

1.3.3.1 For the purpose of assuring proper drainage, screening, safe access, adequate parking and loading spaces, public convenience and safety, adequate consideration of abutting land owners and compliance with the provisions of this By-Law, a Site Plan shall be submitted as required by this By-Law for all uses other than (a) those specified in Section 1.3.23., and (b) those uses for which a Master Plan Approval has been issued by the Planning Board pursuant to the provisions of Section 9 of this Zoning By-Law, in which case, project plan approval shall be required as specified in Section 9.

The Applicant respectfully asserts that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision. To the extent that the Plans do not satisfy a particular requirement, the Applicant requests any waivers.

1.3.3.2 Where a use is permitted upon issuance of a Special Permit, the Site Plan Review procedure shall be incorporated into the procedure used for dealing with applications for Special Permits. Such procedures are noted in Sections 1.33.3, 5.1, 5.2, 5.3, 6.4, 7.4.d-h and 8.1.2.

The Applicant submits this Application in compliance with this provision of the Bylaw.

1.3.3.3 All Applications for Site Plan Review shall be filed with the Planning Board and shall be accompanied by the following:

a.) Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;

Please refer to the application form submitted herewith.

b.) All required fees;

The Applicant has submitted the required fees.

c.) A written description of the proposed use, signed by the applicant(s) and owner(s) of the property, which provides, at a minimum, the following details:

- **the specific nature of the operations/activities that are proposed on the property;**

  The Applicant proposes to construct, operate and maintain a wireless communications services facility as discussed above.

- **a description of all existing use(s) of the property, and an indication of whether or not such uses will continue with the proposed use(s);**

  The Site is currently vacant. However, as the Facility will be a passive use, future uses of the Site are not precluded.

- **hours of operation of the proposed use(s) or activity;**

  The Facility will operate twenty-four (24) hours a day, seven (7) days a week. However, the Facility will be unmanned and will not produce unreasonable noise or traffic.

- **the maximum number of employees on the largest shift;**

  The Facility will be unmanned and will not accommodate shifts of employees on Site. Maintenance visits will average one or two trips per month.

- **shipping/receiving activity (including types of delivery vehicles, number/frequency of deliveries);**

  The Facility will be unmanned and will not involve shipping and receiving activities.

- **use of any hazardous materials or substances in the operation of the proposed use;**

  The Facility will be passive in nature and will not produce waste or hazardous materials. An emergency backup power generator on Site will be fueled by propane.

- **any potential for future changes to the building or use(s), such as increases in: the square footage of the building; the hours of operation and/or deliveries; the maximum number of employees; or any other significant changes to the proposed use(s) as presented by the current application;**

  The Monopole will be designed to accommodate the antennas of wireless communications services providers. It is anticipated that the proposed fenced compound area will accommodate the equipment of those providers

- **any other information or details that may not be specified herein or required to be shown on the plans, but, as determined by the Planning Board, is relevant due to the specific nature of the proposed use(s) or activity; and a**

  Please refer to the materials submitted herewith. The Applicant will work with the Board to achieve a mutually agreeable design and will provide additional materials as are reasonably requested.

- **list of any requested waivers from the requirements of Sections 1.3.3.3(d)-(f), including a detailed explanation/justification of the reason(s) for such request.**

  Please refer to the List of Requested Waivers submitted herewith.

d. A Site Plan prepared by a professional architect or registered professional engineer, at a scale of one inch equals forty feet (1" = 401, or at such other scale as may be necessary to show all detail clearly and accurately. Sheet sizes shall not exceed twenty-four inches by thirty-six inches (24" x 36"), and shall not be less than eleven inches by seventeen inches (11" x 17"). If multiple sheets are used they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale. If the plans submitted are 11" x 17" in size, a total of twenty-five (25) copies of the plans shall accompany the application. If the plans prepared exceed 11" x 17" in size, a total of five (5) copies of such plans and twenty (20) sets of reduced-size copies (11" x 17") shall be submitted.

The Applicant have submitted Plans at a scale to show the project details clearly and accurately, and have submitted the requisite copies.

The Plan shall include the following information:

(1.) Name and address of the person(s) submitting the application;

Crown Castle submits this Application to the Board. Please refer to the Plans submitted herewith.

(2.) Name and address of the owner(s) of the subject property(ies), if different;

See page 1 and 2 of this narrative letter.

(3.) Present use(s) of the land and description and use(s) of existing building(s) thereon, if any;

There are currently no buildings on the Site.

(4.) Proposed use(s) of the land;

As described above, the Applicant proposes to construct, operate,, and maintain a wireless communications services facility with a Monopole, antennas and other associated equipment and utilities per Plans and materials submitted herewith.

(5.) Proposed use(s) of existing buildings, if any;

There are no existing buildings on the Site.

(6.) Description and proposed use(s) of the proposed building(s), if any;

The Applicant will construct a Monopole and fenced compound area. Wireless carriers will place its equipment on a concrete pad at ground level and will not construct a building. Some may install prefabricated equipment shelters within the compound.

(7.) Zoning District(s)in which the parcel is located, including floodplain if applicable;

The Site is within the R20 residential zoning district. Please refer to the Site Information Box on Sheet T-1 of the Plans.

(8.) Locus Map (scale of 1"=-1,000') and north arrow;

Please refer to the Plans submitted herewith. To the extent the scale does not strictly comply with this provision of the Bylaw, the Applicant respectfully requests any waivers.

(9.) Title Block containing: name of the project; applicant; property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;

Please refer to the Plans submitted herewith.

(10.) Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones;

Not applicable.

(11.) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines;

Please refer to the Plans submitted herewith. The Applicant respectfully assert that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision. To the extent that the Plans do not strictly comply with this provision of the Bylaw, the Applicant request any waivers.

(12.) Existing and proposed topography at two-foot (2') elevation intervals;

Please refer to Sheet C-2.1 of the Plans submitted herewith. The Plans illustrate topography in the area of the Monopole as well as the access extension. The Applicant respectfully asserts that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that a full illustration of all existing topography on the Site is unnecessary given the scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, the Applicant requests any waivers.

(13.) All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;

Please refer to Sheet C-1.1 of the Plans submitted herewith.

(14.) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials;

Please refer to Sheet C-1.2 and C-2.2 of the Plans submitted herewith. To the extent that the Plans do not strictly comply with this provision of the Bylaw, the Applicant requests any waivers.

(15.) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/ landscaped areas;

The proposed fenced compound will occupy an area of about 5,625 square feet on a lot of approximately 140,149 square feet. The Applicant respectfully asserts that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and coverage calculations on a lot of this size are unnecessary given the scope of this project.

(16.) Parking calculations for proposed use(s), including all existing use(s) that will continue to exist on the property, if applicable;

Visits to the Site will average one or two trips per month per wireless communications services provider maintenance personnel. Two parking spaces will be provided at the gate of the fenced compound area as illustrated on Sheet C-2.2 of the Plans.

(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;

There will be no large scale removal of earth from the Site or filling on Site as a result of the Applicant Facility. The Applicant respectfully asserts that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that volume of earth calculations are unnecessary given the scope of this project.

(18.) Driveways and driveway openings/entrances;

Please refer to Sheets C-1.1, C-1.2 and C-2.2 of the plans submitted herewith.

(19.) Parking and loading spaces;

Please refer to Sheet C-2.2 of the Plans submitted herewith.

(20.) Service areas and all facilities for screening;

Given the existing vegetation on Site which provides significant screening from view, the Applicant does not propose additional screening of the Facility. However, the Applicant will comply with any reasonable condition pertaining to screening which may be placed upon a favorable decision.

(21.) Landscaping;

Given the existing vegetation on Site which provides significant screening from view, the Applicant do not propose additional landscaping around the Facility. However, the Applicant will comply with any reasonable condition pertaining to landscaping which may be placed upon a favorable decision.

(22.) Lighting;

The Applicant proposes a light to illuminate wireless carriers equipment area on the ground during service visits. Unless otherwise required by the FAA, there will be no exterior lighting added to the Monopole. Please refer to the FAA Report submitted herewith.

(23.) Proposed signs (business, traffic, etc.);

The Facility will not include advertisement signage. However, the Facility will have a small sign identifying the owner of the Facility and providing an emergency phone number. There will be other small signage due to the FCC's sign requirements.

(24.) Sewage, refuse and other waste disposal;

The Facility will be unmanned and will not produce any sewage, refuse or waste.

(25.) Stormwater management facilities (drainage);

Please refer to Note 7 on Sheet C-1.1 of the Plans. The Applicant respectfully asserts that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that provision of a stormwater management plan is unnecessary given the *de minimis* increase in the amount of impervious scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, the Applicant requests any waivers.

(26) All structures and buildings associated with the proposed and existing use(s) on the property;

Please refer to Sheet C-2.2 of the Plans.

(27.) Exterior storage areas and fences;

Please refer to Sheets C-1 and C-2 of the Plans.

(28.) Utilities and their exterior appurtenances (e.g., fire connections);

Please refer to Sheet C-2.2 of the Plans.

(29.) Provisions for dust and erosion control;

See Sheet C-2.1 of the Plans. The Applicant respectfully asserts that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and that provision for dust and erosion control is unnecessary given the fairly level terrain in the area of the Monopole and the scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, the Applicant requests any waivers.

(30.) Any existing vegetation;

Please refer to Sheet C-2.1 of the Plans.

(31.) Any other details or information deemed necessary by the Planning Board due to the unique nature of a proposed use or the subject property;

The Applicant will provide such additional information as may be reasonably requested.

e.) A 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).

Please refer to Note 7 on Sheet C-1.1 of the Plans. The access to the Facility and the proposed driveway and the fenced compound area will be lined with crushed stone, keeping impervious surfaces to a minimum on the very large parcel. The Applicant respectfully asserts that they have provided Plans and materials of sufficient detail to the Board for the Board to make an informed decision and submission of a stormwater management study is unnecessary given the scope of this project. To the extent that the Plans do not strictly comply with this provision of the Bylaw, the Applicant requests any waivers.

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. 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.

Construction of the Facility does not entail any large volume of earth removal and the Applicant respectfully asserts that this provision of the Bylaw does not apply to this Application.

g.) Written statements from the following:

(1.) The engineer and/or architect preparing the plans indicating that the building(s) and site have been designed to comply with the performance standards set forth in Section 4.1 of the Zoning By-Law.

(2.) The applicant(s) and owner(s) of the property indicating that the building(s) and site will be maintained, and the activities on the site will be conducted in accordance with, the performance standards set forth in Section 4.1 of the Zoning By-Law.

The Applicant will comply with this provision of the Bylaw.

h.) Any other information, materials, reports or studies deemed necessary by the Planning Board, due to the special nature of the proposed use/activity or the subject property, to achieve the purposes set forth in Sections 1.2 and 1.3.3.1 of this By-Law

The Applicant will provide such additional information to the Board as may be reasonably requested.

1.3.3.4 For all Site Plan Review Applications the Planning Board may, by an affirmative vote of at least 4 members (or 3 when less than 5 are eligible to vote on such application), one of whom may be the Associate Member when sitting in review of the application, authorize deviation from the requirements of Sections 1.3.3.3(d)-(f) provided such deviation is not, in the opinion of the Board, contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of this By-law. The Planning Board, in its decision, shall make specific findings justifying the granting or denying of any such requests.

Please refer to the List of Requested Waivers submitted herewith.

1.3.3.5 Plan Acceptance: Failure by the Applicant to provide all information, items and materials deemed necessary by the Planning Board, other than those that have been specifically waived pursuant to Section 1.3.3.4, within a reasonable timeframe once notified by the Board or its agent of the necessity for such, shall be grounds for denial of the application.

The Applicant acknowledges this provision of the Bylaw and will provide such additional information to the Board as may be reasonably requested.

CONCLUSION

As evidenced by the materials submitted with the Application and as will be further demonstrated by Applicant by evidence submitted to the Board at the public hearing(s) in connection herewith, in light of the TCA the Facility satisfies the intent and objectives of the Bylaw. The Facility will not have any adverse effect on property values in the area. The Facility will not be dangerous to the public health or safety as it is designed to comply with all applicable FCC requirements relating to radio frequency emissions and will comply with all applicable requirements of the Massachusetts building code. Indeed, the maximum radio frequency output per channel for this facility will be well below the maximum radio frequency exposure levels

established by the FCC. The Facility is a passive use, and will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. In fact, published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless communications has been the only form of reliable communication. Lastly, the installation of the Facility at the Site will assist the Town of Grafton in complying with its obligations under the TCA.

Applicant respectfully requests that the Board grant all necessary relief to install, operate and maintain the Facility. For the foregoing reasons, Applicant respectfully requests that the Board grant the requested zoning relief. We respectfully submit that the standards for relief as set forth in the Bylaw as well as Massachusetts law relating to zoning must be interpreted and applied such that the decision issued by the Board is in conformance with the TCA. Accordingly, a denial of the foregoing petition would effectively prohibit the 4 wireless providers from providing adequate service to the Town of Grafton and thus would be contrary to the purpose and intent of the TCA.

Sincerely,

MCLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Victor Manougian, Esq.

ATTACHMENTS

1. Application Forms
2. Letter of Authorization
3. Wireless Network Consulting RF Justification Report
4. SiteSafe RF Compliance Report
5. Assessor Map
6. Certified List of Abutters
7. Certificate of Good Standing
8. FAA Report
9. Plans
10. List of Requested Waivers