DECISION
GRAFTON PLANNING BOARD

SPECIAL PERMIT (SP 2016-10) & SITE PLAN APPROVAL

Wireless Communication Facility

U.S. Wireless, Inc. and Vertical Bridge (Applicant)
Town of Grafton (Owner)

RECEIVED TOWN CLERK
GRAFTON, MA
2016 NOV 17 PM 1:15

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of U.S. Wireless, Inc. and Vertical Bridge, c/o Edward Pare, Jr., Esq, Brown Rudnick LLP, 10 Memorial Boulevard, Providence R.I, 02903 (hereinafter the APPLICANT) for a Special Permit and Site Plan Approval under Sections 1.3, 1.5 and 5.8 of the Grafton Zoning By-law for construction of a Wireless Communication Facility in an Office / Light Industrial (OLI) zoning district at 104 Creeper Hill Road, North Grafton, and shown on Grafton Assessor's Map 17, Lot 8A and owned by the Town of Grafton by deed recorded in the Worcester District Registry of Deeds in Book 49579, Page 111.[1]

I. BACKGROUND

The application for the above referenced Special Permit (hereinafter Application) was submitted on July 7, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on July 21 and July 28, 2016, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on August 8, 2016 however no testimony was received and the hearing was continued to August 29, 2016. A second legal notice was published in the Grafton News on August 15, and August 22 to notify the public of the hearing continuance and to a scheduled balloon test in accordance with Section 5.8 of the Grafton Zoning By-Law. Abutters were notified via First Class Mail. The public hearing continued to August 29 was continued again to October 3, 2016. A court reporter was in attendance for both the August 29 and October 3, 2016 public hearings in accordance with Section 5.8 of the Grafton Zoning By-Law and transcripts were submitted into the record (see EXHIBITS #29 and #30). At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on October 3, 2016.

The following Board members were present throughout the public hearing: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, and Members Linda Hassinger and Tracy Lovvorn. At the hearing, Attorney Michael Dolan and Chris Hesse of U.S. Wireless represented the Applicants. David Maxson of the Isotrope Wireless, the Town's wireless communications peer review consultant, was also present to discuss his findings and answer questions.

During the public hearing conducted on 8/29 and 10/3/2016 the Board and the Applicant embarked on a lengthy and detailed review of many items of a technical nature too extensive to be fully detailed in the Findings below. Information below is intended to serve as summary of the key issues used by the Board when deliberating on their Decision. For detailed information about the public hearing proceedings, please

---

[1] ***NOTE: Since the close of the public hearing and development of a Planning Board Decision, the property subject of this Application was sold to Russo Brothers, Inc. It is noted that the Town of Grafton has retained easements for access to and for control over the portion of the site that is subject of this Application as part of the sales agreement with the new property owners. For more information regarding the easements and rights negotiated between the Town of Grafton, Vertical Bridge and the Russo Brothers, please see the Easement Agreement filed with the Worcester District Registry of Deeds, Book 56111, Page 131.*

refer to the official transcripts prepared by a court reporting service as required by the Grafton Zoning By-Law (see EXHIBITS #29 and #30).

II. SUBMITTALS

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

EXHIBIT 1. Bound application packet; submitted by U.S. Wireless, Inc. and Vertical Bridge; dated and received July 7, 2016 ; includes the following:

- Correspondence from Applicant, Project Narrative; dated July 6, 2016; 26 pages.
- Application for Site Plan Approval, 1 page.
- Application for Special Permit, 1 page.
- Correspondence from the Town of Grafton, Letter of Authorization – Wireless Communications Facility – 104 Creeper Hill Road, Grafton, MA; dated June22, 2016; 1 page.
- Reference Copy, Federal Communications Commission, Wireless Telecommunications Bureau, Radio Station Authorizations; Cellco Partnership; 7 pages.
- RF Report, Proposed Wireless Facility, 104 Creeper Hill Road, Grafton, MA 01536, Verizon; prepared by C Squared Systems, Inc., dated June 21, 2016; 15 pages.
- Report: Grafton Abutter List Explanation Overview for cell tower proposed at 104 Creeper Hill Road, Grafton, MA which includes (Grafton, Worcester, Millbury and Shrewsbury) within 1,320 feet of the tower; 21 pages.
- Certified Abutters List, Town of Grafton, signed by the Assessor's Office on June 22, 2016; includes color map; 5 pages.
- Abutters Lists – Town of Shrewsbury (4 pages); City of Worcester (12 pages); Town of Millbury (2 pages).
- Certificate of Good Standing, signed by the Treasurer / Collector's Office on June 20, 2016; 1 page.
- Federal Airways & Airspace Summary Report: New Construction Antenna Structure; dated February 17, 2016; 4 pages.
- Plan Set; Vertical Bridge, Site Name – Grafton US-MA US-MA-5025, 104 Creeper Hill Road; New Monopole and Ground Equipment within the Proposed Lease Area; prepared by Advantage Engineers; 8 ½ x 11", color; 6 pages.

- Plan Set; Vertical Bridge, Site Name – Grafton US-MA US-MA-5025, 104 Creeper Hill Road; New Monopole and Ground Equipment within the Proposed Lease Area; prepared by Advantage Engineers; 11 x 17", color; 6 pages.
- Plan Set; Vertical Bridge, Site Name – Grafton US-MA US-MA-5025, 104 Creeper Hill Road; New Monopole and Ground Equipment within the Proposed Lease Area; prepared by Advantage Engineers; 24 x 36", color; 6 sheets.
- Report: Calculated Radio Frequency Emission Report, Verizon, Grafton 3 MA, 104 Creeper Hill Road, Grafton, MA 01536; prepared by C Squared Systems, LLC; dated June 23, 2016; 10 pages.
- List of Requested Waivers; 5 pages.

EXHIBIT 2. Plan Sheet: Cellular Survey, US-MA-5025; prepared by Clark Surveying, Alta, Mapping; dated February 18, 2016; 24 x 36", black & white; 1 sheet.

EXHIBIT 3. Email Correspondence - Comments from Board of Health; Subject: SP 2016-10: Special Permit & Site Plan Approval – Construction of a Cell Tower – 104 Creeper Hill Road; dated and received July 20, 2016; 1page.

EXHIBIT 4. Email Correspondence/Comments from Maria Mast, Conservation Agent; Subject: SP 2016-10: Special Permit & Site Plan Approval – Construction of a Cell Tower – 104 Creeper Hill Road; dated and received July 20, 2016; 1page.

EXHIBIT 5. Plan of Land; Submitted By Metrowest Engineering, Inc.; 11" x 17"; Black and White; dated August 18, 2016; received August 19, 2016; 1 sheet.

EXHIBIT 6. Town of Grafton, Certified Abutters List, signed by the Assessors Office on August 22, 2016; 2 sheets.

EXHIBIT 7. Re-advertised Public Hearing Notice, stamped by the Grafton Town Clerk on August 12, 2016; 1 page.

EXHIBIT 8. Correspondence; Graves Engineering, Inc. Peer Review; Subject: Grafton US-MA-5025, 104 Creeper Hill Road Cell Tower Special Permit and Site Plan Review; dated and received August 24, 2016; 2 Pages.

EXHIBIT 9. Correspondence; Wireless Facility Permit Application Review: 104 Creeper Hill Road Grafton, Massachusetts; Received By David Maxson, WCP of Isotrope Wireless; No Date; Received on August 25, 2016; 5 Pages.

EXHIBIT 10. Photographic Inventory & Simulations; prepared by Seidel Planning & Design Land Solutions; 8 ½" X 11"; color; dated August 26, 2016; received on August 29, 2016; 17 pages.

EXHIBIT 11. Public Hearing Sign in Sheet, August 29, 2016; 1 page.

EXHIBIT 12. Written Request for Continuance of Public Hearing to October 3, 2016 at 7:30 p.m.; signed by the Applicant's representative, received at the August 29, 2016 public hearing; 1 page.

EXHIBIT 13. Correspondence from Normand A. Crepeau, Jr., Grafton Chief of Police; To Joe Laydon, Grafton Town Planner; Re: Special Permit (SP 2016-10) – 104 Creeper Hill Road; Date: August 31, 2016; Received August 31, 2016; 1 Page.

EXHIBIT 14. Plan Set; Site Name: Grafton US-MA-5025 104 Creeper Hill Road Grafton, MA; Submitted By Vertical Bridge & Advantage Engineers; 11" x 17"; black and white; revised September 28, 2016; received September 29, 2016; 7 sheets.

EXHIBIT 15. Copy of Correspondence from W. J. Budzyna of 49 Gill Court Whitinsville, MA; To Chief Michael Gauthier of the Grafton Fire Department; Re: Fire Antenna Attachment Request for Proposed Tower at 104 Creeper Hill Rd, Grafton; Dated September 27, 2016; Received September 29, 2016; 2 Pages.

EXHIBIT 16. Correspondence from Jeffrey M. Walsh, P.E., Vice President of Graves Engineering, Inc.; To Joseph Laydon, Grafton Town Planner; Subject: Grafton US-MA-5025, 104 Creeper Hill Road Cell Tower Special Permit and Site Plan Review – Dated September 30, 2016; Received September 30, 2016; 3 Pages.

EXHIBIT 17. Copy of Correspondence from Stephen Breed of WoRAD, Inc.; To Chief Normand A. Crepeau, Jr. of Grafton Police Department; Re: Police Antenna Attachment Request for Proposed Tower at 104 Creeper Hill Rd, Grafton; Dated September 21, 2016; Received September 30, 2016; 3 Pages.

EXHIBIT 18. Correspondence; From Keith Vellante, RF Engineer for C Squared Systems, LLC; To Joseph Laydon, Grafton Town Planner; Subject: 104 Creeper Hill Road Cell Tower – Additional Requested RF Coverage Plots – Verizon Wireless; Dated September 15, 2016; Received September 30, 2016; 3 Pages.

EXHIBIT 19. Photographic Inventory & Simulations; Site Name: US-MA-5025 Grafton; Submitted By Seidel Planning & Design; 8.5" x 11"; Color; dated September 29, 2016; received September 30, 2016; 16 Pages.

EXHIBIT 20. Copy of Correspondence from W. J. Budzyna of 49 Gill Court Whitinsville, MA; To Chief Michael Gauthier of the Grafton Fire Department; Re: Fire Antenna Attachment Request for Proposed Tower at 104 Creeper Hill Rd, Grafton; Dated September 27, 2016; received October 3, 2016; 8 Pages.

EXHIBIT 21. Public Hearing Sign in Sheet, October 3, 2016; 1 page.

EXHIBIT 22. Correspondence from Joseph and Joan Zinkevich, 104 Creeper Hill Road; dated September 27, 2016; received October 3, 2016; 5 pages.

EXHIBIT 23. US Wireless – Stormwater / Soil Erosion Presentation to Planning Board – Proposed Raw Land Communication Tower Site – 104 Creeper Hill Rd, Grafton, MA; Submitted By US Wireless; No Date; received October 3, 2016; 16 Pages.

EXHIBIT 24. Email Correspondence; From Jeffrey M. Walsh, PE of Graves Engineering, Inc.; To Joe Laydon, Grafton Town Planner; Re: 104 Creeper Cell Tower; Dated October 3, 2016; Received October 3, 2016; 1 Page.

EXHIBIT 25. US Wireless – Stormwater / Soil Erosion Presentation to Planning Board – Proposed Raw Land Communication Tower Site – 104 Creeper Hill Rd, Grafton, MA; Submitted by the Applicant to the Planning Board at the October 3, 2016 Public Hearing; 16 Pages.

EXHIBIT 26. Photographic Inventory & Simulations; Site Name: US-MA-5025 Grafton; Submitted By Seidel Planning & Design; 8.5" x 11"; color; Submitted by the Applicant to the Planning Board at the October 3, 2016 Public Hearing; 16 Pages.

EXHIBIT 27. Plan Set; Vertical Bridge, Site Name – Grafton US-MA US-MA-5025, 104 Creeper Hill Road; New Monopole and Ground Equipment within the Proposed Lease Area; prepared by Advantage Engineers; revised through 10/3/16; 11 x 17", color; 7 sheets.

EXHIBIT 28. Correspondence; Graves Engineering, Inc. Peer Review; Subject: Grafton US-MA-5025, 104 Creeper Hill Road Cell Tower Special Permit and Site Plan Review; dated September 30, 2016; received October 4, 2016; 3 pages.

EXHIBIT 29. Court Reporter Transcript, Hearing Held at Town of Grafton, 30 Providence Road, Grafton, Massachusetts, August 29, 2016, 7:45 p.m. – 10:10 p.m.; prepared by Kristen M. Edwards, Court Reporter, Catuogno Court Reporting & Sten-Tel Transcription; 101 pages.

EXHIBIT 30. Court Reporter Transcript, Hearing Held at Town of Grafton, 30 Providence Road, Grafton, Massachusetts, October 3, 2016, 7:31 p.m. – 9:30 p.m.; prepared by Jessica M. DeSantis, Court Reporter, Catuogno Court Reporting & Sten-Tel Transcription; 111 pages.

III. FINDINGS

At their meeting of November 14, 2016, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

F1.) That determinations regarding the following Findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Applications.

F2.) That this Application is for a wireless communication facility, specifically a monopole and associated equipment, infrastructure and utilities on the Site as defined in Section 2.1 and Section 3.2.3.1 of the Grafton Zoning By-law (hereinafter ZBL), and as shown on the plans identified in EXHIBIT #1 and #27 of this Decision.

F3.) That the Site is located in an Office / Light Industrial (OLI) zoning district. The Board further finds that wireless communications facilities are permitted in an OLI zoning district only upon the issuance of a Special Permit by the Planning Board.

F4.) That determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.

F5.) That during the public hearing Attorney Michael Dolan presented the application to the Board. The proposed development includes the construction of a 175 foot monopole, installation of an antenna array for Verizon Wireless, and development of an equipment compound to be secured by eight foot fencing. The site is owned by the Town of Grafton. Vertical Bridge will own the facility and Verizon will be the first tenant to locate antenna on the Monopole. The Monopole has been designed to accommodate additional co-location of antenna from other future wireless communication vendors. The Applicant further noted that they would be willing to accommodate the wireless communications needs of the Grafton Fire and Police Departments assuming that the height of the pole allows for additional commercial co-locations which are the priority from a financial perspective. The Application further calls for an equipment to accommodate the needs of proposed and future vendors.

F6.) That during the public hearing the Board and the Applicant discussed the nature of access to the site. The Town of Grafton owns the property however it is currently negotiating with a private company who wants to develop the front part of the property into a contractor's yard. The Town will retain rights to the land under the proposed wireless communications facility through the granting of an easement agreement with future property owners of the parcel. [2]

There currently exists an access road on the site which is used by the abutting property owner in Shrewsbury (see FINDING #F18). Development of the new access road will be included as part of an application to be submitted at a later date. If construction of the wireless communication facility commences in advance of the development of the new access drive as part of a later application submission, the Applicant will use the existing access as their means for transporting equipment and construction materials to the site.

F7.) That during the public hearing the Board and the Applicant discussed the impacts to the wetlands / floodplains and other resource areas. The Applicant noted that they had revised the site plan to move the whole project area 50 feet to the west of the original location in order to avoid impacts to resource areas thereby reducing the need for more extensive permitting with the Conservation Commission. It was noted that his change did not adversely impact any other aspect of the Application and increase the distance between the site facility and the nearest residential neighborhood on Faulkner Road.

F8.) That during the public hearing the Board and Applicant reviewed information regarding the stormwater and soil erosion impacts associated with proposed construction. The Applicant presented a presentation reviewing response to the Graves Engineering peer review submission dated September 30, 2016 (see EXHIBITS #17 & #25). The Applicant noted stated that the project will

---

[2] *For more information regarding the easements and rights negotiated between the Town of Grafton, Vertical Bridge and the Russo Brothers, please see the Easement Agreement filed with the Worcester District Registry of Deeds, Book 56111, Page 131.*

have a de minimus increase in stormwater runoff noting that 21% of the project area will consist of impervious surface and that the remaining 79% will be pervious by way of crushed stone surface. Future construction plans will delineate stormwater / erosion control measures such as hay bale / site fence perimeters enclosing the project area. All issues raised by Graves Engineering relating to this issue will be addressed at that time.

F9.) 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 northwestern sections of Grafton in order to improve deficient service areas along Route 20 (Hartford Turnpike), Route 122 (Worcester Street/Grafton Road), 1-90 (Massachusetts Turnpike), Creeper Hill Road, and the surrounding roads, neighborhoods, and business/industrial areas within the proximity of the proposed site (see EXHIBIT #1). 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 antenna and equipment. They noted that:

> *Verizon Wireless currently operates wireless facilities, similar to the proposed facility, within the surrounding cities/towns in the vicinity. Due in large part to the distances between the existing sites, the intervening topography, and volume of user traffic in the area, these existing facilities do not provide sufficient coverage and capacity to portions of Grafton. Specifically, Verizon Wireless determined that much of northwestern Grafton is without reliable service in the following areas and town roads.*
>
> *We have concluded that by installing the proposed wireless communication facility at 104 Creeper Hill Road at an antenna centerline height of 120' 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 northwestern Grafton 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.

F10.) That during the public hearing, the Applicant requested the modification of their request for a 175-foot monopole tower and requested approval of a 140-foot tower (See EXHIBIT 30, Page 46, Line 1). David Maxson, the Board's consultant stated that a tower at 120 feet could accommodate two additional carriers with a third having questionable coverage (Exhibit 30). Mr. Maxson stated that with a tower at 140 feet, antennas can be located at 140, 130, 120, and 110, with room for emergency service at 100 feet (Exhibit 30).

F11.) That during the public hearing the Board and the Applicant discussed the proposed height of the Monopole. The Board, the Applicant, and David Maxson discussed a range of potential heights from 100 feet to 140 feet for two purposes a) reducing visual impacts and b) allowing for future co-location of other carrier arrays. A number of variables were discussed and reviewed at length including the following:

a) **Recommendation by Wireless Communication Peer Review Consultant** – David Maxson of Isotrope Wireless (the Town's wireless communications peer review consultant) reviewed his analysis with the Board:

> *"...the height of the tower might be reduced substantially without reducing its usefulness for co-location. Alternatively, sometimes a tower is approved at a lesser height with the acknowledgement that under a future application the height can be extended subject to a showing of need.*

Mr. Maxson reviewed the calculations associated with providing necessary space for future co-locations including the fact that each array requires a ten foot separation. Verizon has stated that they want to install their arrays at the 120 foot height. Potential for co-location would be possible both above and below that location.

b) **Additional RF Coverage Plots** – The Board requested additional coverage plots for pole heights of 80 feet and 100 feet to help determine what would be the lowest height that could be considered before coverage was compromised. The Applicant complied (see EXHIBIT #18). It was noted that antenna heights below 100 feet are likely to be rendered ineffective at providing reliable service. Topography was the primary factor in the outcome of the new data presented in the additional coverage plots.

c) **Number of Potential Co-Locations** – The Applicant noted that the reduction of height of the Monopole had to be balanced with their need to offer co-location space for other carriers as this is a source of revenue not only for the Applicant but for the Town of Grafton who receives a portion of the revenue as part of the 30 year lease agreement with the Applicant. Reduction of the Monopole height would reduce the number of co-location spots for other vendors which would reduce revenue. The Applicant noted that purpose of Verizon's request to install arrays at 120 feet is to fill gaps in existing service (see FINDING #F9). Future co-location of arrays by other vendors would serve the same purpose as other vendors would be seeking to strengthen their existing networks in this area where the topography has been problematic for all in the delivery of appropriate coverage. Reducing the height of the Monopole significantly would reduce the number of potential tenants as their height options would not significantly reduce the coverage gap problems that exist. The Applicant further noted that limiting the number of potential co-locations by reducing the height to less than 125 feet would eliminate the space for Grafton emergency services communications equipment as noted in FINDING #F14 as that dedicated space would have to be relinquished to a revenue generating co-location.

d) **Proposed Height in Relation to Other Existing Wireless Facilities in Town** – The Board reviewed the types, heights and site considerations for other facilities in Town. It noted that there needed to be a balance between what was requested, what was needed and visual impacts that could affect the surrounding neighborhood. It was noted that many of these existing facilities were fully vetted to ensure the least amount of impacts while striking the same balance.

e) **Balloon Test / Photographic Inventory & Simulations** – A balloon test was conducted between the hours of 9:00 a.m. and 5:00 p.m. on Tuesday, August 23, 2016 as required by Section 5.8.4.e of the Zoning By-Law. The Applicant provided two photographic inventory and simulation reports showing visual impacts from multiple points surrounding the site. Two separate Monopole heights were used in the simulations: 175 feet and 125 feet. (see EXHIBITS 19 & 26). It was noted that either pole height was visible from the back yards of the houses located on the Flint Pond frontage of the Faulkner Road neighborhood. It was noted that the Board did not receive any inquires, written comment or testimony from any of the residents on Faulkner Road.

f) **Style of the Structure** – Section 5.8.5.d requires that proposed wireless structures be architecturally compatible with the surrounding neighborhood and Section 5.8.6.4 requires that it be an unimposing design. The Board, the Applicant and David Maxson discussed various camouflage and decorative options that have been used in other communities. It was noted that, with the exception of the residences on Faulkner Road to the north, the site is surrounded by light industrial uses. It was further noted that there was a wireless tower structure to the west across Flint Pond which was partially visible at this site and that it was not concealed or architecturally modified to camouflage it.

g) **Telecommunications Act of 1996 and Additional Height** – Mr. Maxson noted that Under the TCA, the Board has a responsibility to act in such a manner as to avoid effectively prohibiting the provision of personal wireless services. The Act permits owners of wireless communications structures supporting antenna arrays to be physically altered to allow for an additional 20 feet in height without a modification of the locally issue permits such as Grafton's Special Permit and Site Plan Approval. The Board discussed what this meant in terms of approving a final height for the Monopole noting that any approved height could be extended by 20 feet without the Board's review under a the standard permit modification process. The Board noted that a height could be approved below what would be the maximum potential future height if a 20 foot extension were to be added. The Applicant reviewed the process by which a structural extension is added to an existing Monopole. He noted that it was a difficult and expensive process that requires disruption of service for the existing wireless carriers as all facilities have to be shut down during construction. In addition an extension, in this case, was not as financially likely as coverage can be achieved at lower height on the proposed pole since the arrays are need to fill in coverage gaps in an area that already served by multiple networks.

Based on the discussion of the items noted above, the Board determined that the Applicant's need for the proposed 175 feet had not been adequately justified as lower heights could achieve the same goal

of maximizing co-location potential as stated in Section 5.8.6.5 of the Grafton Zoning By-law. It is further noted that any height less than 125 feet would negate the intent of the same section of the By-law based on factors reviewed as part of this FINDING.

F12.) That during the public hearing the Board and the Applicant discussed the Applicant's request for a waiver from the landscaping requirement. David Maxson of Istotrope Wireless, the Town's consulting wireless communications facilities peer review expert, presented the following information regarding this waiver request (see EXHIBIT #9):

> *The applicant seeks a waiver of the landscaping regulations of §5.8.6.13. Considering the facility is more than 800 feet from the street and is secluded in a large heavily vegetated parcel, there appears to be no benefit from requiring a carefully landscaped installation. Moreover, the access way does not follow a straight line from the road through the natural vegetation to the site, which prevents a direct view of the facility's ground development from the public way.*

F13.) That during the public hearing the Board and the Applicant discussed the By-Law requirement to run underground utilities to site. The Applicant requested a waiver from this requirement due to the long run of utilities from the street to the site (>800 ft). The Applicant noted that this requirement is typical where the visual impact of new-above-ground utilities would be undesirable which is not the case in this Application. The proposed Monopole is in the OLI District, across the street from a railroad, a metalworking factory, and adjacent to a clear-cut transmission line right of way with three sets of high voltage transmission lines. The effect of any visual impact of new above-ground utilities at the site is questionable. (see EXHIBIT #1). David Maxson of Istotrope Wireless, the Town's consulting wireless communications facilities peer review expert, reviewed his recommendation regarding this waiver request (see EXHIBIT #9). The Board notes that the inconsistency in length of overhead wires was resolved in later plan revisions.

The Board reviewed the last plan set submitted and noted that the utilities will be run above ground from the site frontage at 104 Creeper Hill Road up until the point it reaches the proposed compound at which point they are expected to go below ground. The Board noted that the plan set was not clear as to the exact location of where that transition would take place. It was noted that the a final plan set will need to call out this detail with more clarity.

F14.) That during the public hearing the Board and the Applicant discussed requests for locations on the Monopole to accommodate emergency services communications equipment from both the Grafton Fire and Police Departments. Both Departments had their needs assessed by outside sources and it was determined that installation of equipment to support the local emergency services systems would be benefit to the Town. (See EXHIBITS # 13, #17, and #20). The type and placement of equipment on the Monopole was tied to the discussion about the final height of the structure (see FINDING #F9). The Applicant noted that they were supportive and would agree to provide the necessary space on the Monopole to accommodate emergency services wireless communications equipment so long as the Monopole was approved at a height of 125 feet or taller. Anything lower than that would reduce the amount of space available for commercial vendors which would, in turn reduce the Applicants ability to realize the necessary financial gains associated with owning the Monopole. It was noted that one of the key factors in the request was to allow for additional community notification in the event that there is emergency situation at the LPG terminal in North Grafton.

F15.) That during the public hearing the Board and the Applicant discussed a waiver request pertaining to size of the proposed Verizon Antennas. David Maxson of Istotrope Wireless, the Town's consulting wireless communications facilities peer review expert, presented the following information regarding this waiver request (see EXHIBIT #9):

> *The applicant seeks a waiver of the panel antenna size limit of 5 feet height (§5.8.6.10). The radio frequency data supplied by Verizon shows some panel antennas greater than 5 feet tall (6 and 8 feet). These antennas are used by the 700 MHz system. The 2100 MHz antennas are about 4 feet tall. 700 MHz is a much lower frequency than 2100 MHz, which means 700 MHz has a greater wavelength. The dimensions of an antenna are dependent in part on the wavelength of the frequency in use. The 700 MHz antennas need to be much taller than a similarly performing 2100 MHz antenna. The 5-foot-tall rule is out of date and should be waived for this application.*

F16.) The Board notes that it received a project review memorandum from the Board of Health (EXHIBIT #4). The Board of Health notes: "Soil testing was performed and witnessed by Brian Szczurko (Assistant Town Engineer). No results have been submitted to the Health Department as of this date (July 19, 2016).

F17.) The Board notes that it received a project review memorandum from the Conservation Commission (EXHIBIT #3) which noted the following: "Any construction or clearing activity that occurs within 200 feet of a river or a stream or within 100 feet of a resource area requires Conservation Commission approval. Resource areas include wetlands, land subject to flooding (floodplain), land under water and bank."

F18.) That during the public hearing the Board received written and verbal testimony from Joseph & Joan Zinkevich of Shrewsbury (see EXHIBITS 22, 29 and 30). They access their property over an existing driveway from frontage at 104 Creeper Hill Road and cross the property into Shrewsbury. This is their only access to the property. They expressed concerns about the impacts to their access and were not satisfied that the proposed width of the new access drive would meet their needs with regards to service trucks that need to access their property. It was noted that the access driveway was not part of this Application. The new access driveway and issues pertaining to their easement was relevant to the future use of the site by a contractor who is presently negotiating a the sale of the property from the Town (see PROJECT BACKGROUND). The Town will retain easements to allow access to the proposed wireless communications facility in the event of the sale of the property. The new driveway location is to be designed and constructed s part of a yet-to-be submitted application for a separate project on the subject property.[3]

---

[3] *Note: since the time that the public hearing was closed for this Application the Town of Grafton has executed the sale of the property to Russo Brothers, Inc. An application for the development of a contractor's yard and the new driveway has been submitted and will be heard before the Planning Board at a later date to be advertised. Abutters will be notified via First Class Mail. See also FINDING #F6.

F19.) The Board notes that with the exception of Joseph and Joan Zinkevich (see FINDNG #F16, EXHIBIT #22) no other public comment was received in written or verbal form.

F20.) The Board notes that the final peer review report received from Graves Engineering made note of the following items that require attention (see EXHIBIT #28):

a. Page 1: The electronic copies of the plans that we received did not bear a signature or seal; although space was allocated for such at the bottom-right corner of the plans sheets.

b. Page 2: Lot coverage calculations were not included on the revised plans. However, on Sheet 2 there is a table of zoning dimensional requirements (albeit the table inadvertently references "maximum" frontage instead of "minimum" frontage). It would be prudent for the lot coverage calculations to be presented with or near this table.

At their meeting of November 14, 2016, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings with regards to Section 1.5 of the Grafton Zoning By-Law:

F21.) With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate. The cell tower will utilize either the existing driveway entrance which serves a resident on the isthmus in Shrewsbury or a new access road that will be designed to accommodate trailer truck traffic of the Shrewsbury resident and emergency vehicles. That driveway will be submitted to the Board as separate application. Under existing conditions, access is adequate due to the limited nature of trip generation associated with the use of a cell tower. No sidewalks are in the area that will impact pedestrian movements. The Fire Department has reviewed the turnaround at the cell tower compound and has no concerns.

F22.) With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of on adjoining properties and properties generally in the district are satisfactory. No parking will be generated outside of the construction phase. Once constructed a single vehicle will periodically visit the site. Economic impacts are difficult to quantify. No glare will be produced and adjacent properties are located far enough away that noise from the site will not be audible.

F23.) 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.

F24.) 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 requested a waiver from the landscaping requirement under Section 5.8.6.13. Existing tree cover will be retained in the areas outside the compound. The Applicant shall be required to submit a vegetation clearing plan and the Town will require advance inspection and approval of the limits of

work associated with the equipment compound and access to the facility prior to the commencement of work (see CONDITION #B3).

F25.) With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. No signs are proposed as part of this Application. The Applicants propose a light to illuminate Verizon's equipment area on the ground during service visits only (see EXHIBIT #1 – Correspondence from Applicant)

F26.) With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate. This finding is not applicable to this Application because the surrounding area is within the 100 foot buffer from wetlands and regulated floodplain, both of which fall under the jurisdiction of the Conservation Commission.

F27.) With regard to Section 1.5.5(g) of the ZBL, that the proposed wireless facility use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is generally compatible with adjacent properties and properties in the district. The Site is located within an Office / Light Industrial (OLI) zoning district surrounded by industrial uses to the south and east, to a residential neighborhood to the north and Flint Pond to the west. It is noted that the residential neighborhood on Faulkner Road is zoned OLI. The proposed facility is adjacent to a utility corridor containing 'high tension' electric lines with associated structures, which run from south of the subject site to the north.

F28.) 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.

F29.) 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.

F30.) With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. The proposed tower is not located within or viewable from areas determined to be historic or scenic landscapes. No information was submitted by Town Departments or the general public to assess this finding.

At their meeting of November 14, 2016, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings with regards to Section 5.8.5 and Section 5.8.6 of the Grafton Zoning By-Law:

F31.) Section 5.8.3 – Site Selection Preferences specific to this Application: The Board finds that the Application did satisfactorily address the criteria set forth in this section of the By-Law. The Bylaw indicates that the list in Section 5.8.3 is an indication of preference and that each application should be considered separate. The site of the cell tower is location in an environment that does provide screening. The tower is located within a geographic "bowl" and not on a prominent ridge or hill. The service area essentially confines the visibility of the tower. There are only specific views where the tower will be visible and where it is, often other utility towers are in the background or foreground. The reduction in the height from the requested 175 feet to 140 feet reduced the visual significance of the tower from locations within residential developments within the photo simulation study area. The new tower is located in the OLI zoning district and will allow for co-location of additional carriers, thus reducing the need for additional towers within the geographic area. While not located on a governmental structure, it will be on land controlled by the Town through easements thus generating revenue for the Town.

F32.) 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.

F33.) 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 Office / Light Industrial (OLI) District. The facility is not located in a residential district and no residential district is located within two times the height of the tower. Faulkner Road, the closest residential neighborhood is located over 1,000 feet away and is zoned OLI.

F34.) 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. Since the property is in the center of the property and trees will be retained outside the compound area, only the portion of the tower above the tree line. Due to street trees along Creeper Hill, there are only a few views within the 1,320' radius on Creeper Hill Road that the upper portion of the towers will be visible. The compound itself will not be visible from any property. Through the reduction in height from 175 feet to 140 feet, the visual impact of the tower has been reduced while maximizing opportunities for co-location and accommodating emergency response communication equipment.

F35.) 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". This is not applicable as it is not within a building or surrounded by a residential zoning district.

F36.) Section 5.8.6.1 requires "*Any principal part of the facility (excluding guy cables) shall be setback from the nearest property line by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.*" The Application does not satisfy this requirement. The Applicant has requested a waiver from this requirement (see WAIVER #W8).

F37.) Section 5.8.6.2 requires "*Any principal part of the facility (excluding guy cables) shall be setback from the nearest residential structure by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.*" The Application satisfies this requirement.

F38.) 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 this requirement. One light in the equipment area for use only during service visits and at no other time. Unless otherwise required by the Federal Aviation Administration, there will be no exterior lighting added to the Monopole (see EXHIBIT #1).

F39.) Section 5.8.6.4 requires "*A tower shall be of monopole or similarly unimposing design. In the event other than a monopole is proposed, the Board will view a guyed pole more favorably than a broad lattice type or similar structure. The applicant shall successfully demonstrate to the satisfaction of the Board that the proposed facility will have minimal visual impact.*" The Application satisfies this requirement.

F40.) Section 5.8.6.5 requires "*To minimize the number of wireless communications facility sites in the community in the future, the proposed facility shall be designed and constructed so it is reasonably capable of accommodating other users, including other wireless communication companies and local police, fire and ambulance companies, unless it is determined to be technically infeasible based on the Board's evaluation of information submitted.*" The Application satisfies this requirement. The Monopole, at a height of 140 feet, is designed to accommodate Verizon's antennae as part of the Application as well as area for additional co-locations for future antennae by other wireless vendors. There will be additional area on the Monopole to accommodate other wireless communication services associated with emergency services as requested and agreed to by the Grafton Fire and Police Departments.

F41.) 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.

F42.) Section 5.8.6.7 requires "*Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers facilities shall be painted non-contrasting grey or blue in color, or camouflaged with some other treatment deemed acceptable by the Board. Antenna(e) shall be non-contrasting or camouflaged.*" The Application satisfies this requirement.

F43.) 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.

F44.) Section 5.8.6.9 requires "*All utilities proposed to serve the facility shall be installed underground.*" The Application does not satisfy this requirement. The Applicant has requested a waiver from this requirement (see WAIVER #W6).

F45.) 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 does not satisfy this requirement. The Applicant has requested a waiver from this requirement (see WAIVER #W7).

F46.) Section 5.8.6.11 requires "*No advertising or signage shall be permitted on the facility.*" The Application satisfies this requirement. Unless required by Federal law due to the Federal Communications Commission sign requirements, no signs are proposed as part of this application.

F47.) 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) <u>plus</u> four hundred feet (400') of a wellhead area of a municipal water supply.*" The Application satisfies this requirement since the proposed facility is not located within the defined area of a municipal wellhead source. While the Applicant has requested a waiver from this requirement (see WAIVER #W9) the Board finds that the waiver request is not warranted.

F48.) 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 Application does not satisfy this requirement. The Applicant has not submitted a landscape plan that satisfies the requirement for the installation of landscaping

around the base of the facility and adjacent to the security fence, however through retaining existing vegetation and through the indirect views of the facility from Creeper Hill Road and adjacent properties, the Applicant has satisfied the intent of this requirement. The Applicant has requested a waiver from this requirement (see WAIVER #W10).

At their meeting of November 14, 2016, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings with regards to Section 1.3 of the Grafton Zoning By-Law:

F49.) 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.

F50.) That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board.

F51.) The Board finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant submitted waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1).

F52.) 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.

IV. WAIVERS

W1. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (d) Site Plan Requirements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision:

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

Applicant's Rationale: Please refer to the Area Map on Sheet T-1 of the Plans submitted herewith. The Plans provide a scale of 1" = 2,000', which provides a greater view of the area surrounding the Site. To the extent the scale does not strictly comply with this provision of the Bylaw, the Applicants respectfully request any waivers.

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

Applicant's Rationale: Please refer to Sheets Z-1 of the Plans and the Survey Sheet submitted herewith. Though the pond and flood plain district lines are illustrated, the wetlands and buffers have not been. The Applicants 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 satisfy a particular requirement, the Applicants request any waivers.

The Board finds that in **GRANTING** these waiver(s) requests that the Applicant did adequately demonstrate the need for waiver(s) from this Section of the Grafton Zoning By-Law and that subsequent plan revisions identified wetland areas on the parcel (See Exhibit 27).

W2. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (d) Site Plan Requirements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision:

(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
(12.) Existing and proposed topography at two-foot (2') elevation intervals
(14.) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property
(15.) Lot coverage calculations
(16.) Parking calculations
(17.) Volume of Earth Material
(25.) Stormwater management facilities
(29.) Dust and erosion control
(30.) Existing vegetation

Applicant's Rationale: (In some instances the Applicant cites information presented on the plan set for individual waiver requests.) The Applicants respectfully assert that they have provide 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.

The Board finds that in **GRANTING** these waiver(s) requests that the Applicant did adequately demonstrate the need for waiver(s) from this Section of the Grafton Zoning By-Law and that documentation submitted and reviewed by the Board, Staff, and its consultant was deemed adequate for the purposes of the review of this application.

W3. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (f) Report on Volume of Earth Material to be Removed** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.

Applicant's Rationale: (Applicant cites Note 8 on Sheet C-1 of the plans.) The access extension to the Facility and fenced compound area will be lined with crushed stone, keeping impervious surfaces to a minimum on the very large parcel. The Applicants respectfully assert 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.

The Board finds that in **GRANTING** this request that the Applicant **did adequately** demonstrate the need for waiver(s) from this Section of the Grafton Zoning By-Law.

W4. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **DENY** a waiver request from the following requirements of **Section 5.8** of the ZBL as follows:

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.

Applicants request a waiver from the submission of a Balloon Demonstration Plan due to the location near the power lines based on the photographic rendering submitted.

The Board notes that at the time of Decision that this waiver request was no long required. A Balloon Test was conducted on August 23, 2016 (see EXHIBIT #7).

W5. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from the following requirements of **Section 5.8.6.1 – General Requirements** of the ZBL as follows:

Section 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.

Applicant's Rationale: The Monopole will be setback a distance of 176' 5" to the nearest property line. Pursuant to Section 5.8.10 of the Bylaw, the Applicants 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, combined with Flood Zone areas and wetland locations, prevents placement of the Monopole in an area which complies with this provision of the Bylaw.

The Board finds that in **GRANTING** these waiver(s) requests that the Applicant did adequately demonstrate the need for waiver(s) from this Section of the Grafton Zoning By-Law. The Board notes that the proposed facility is setback a significant distance from the adjacent to utility corridor

containing 'high tension' electric lines with associated structures, which run from south of the subject site to the north. Abutting properties and the industrial uses sited thereon to the east are also a significant distance from the site. The Board notes that there is a low risk of vulnerability for adjacent properties as the reduced setback is still more than the height of the Monopole.

W6. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from the following requirements of **Section 5.8.6.1 – General Requirements** of the ZBL as follows:

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

Applicant's Rationale: Given the length of the utility run, the Applicants respectfully request a waiver from strict compliance with this provision of the Bylaw and propose to run overhead utilities from Creeper Hill Road to a point along the existing access road and from there underground along a proposed twenty foot (20') wide access and utility easement to the facility.

The Board reviewed the information presented by David Maxson of Isotrope Wireless (see EXHIBIT #9 and FINDING #F13). The Board finds that in **GRANTING** this waiver request that the Applicant **did adequately** demonstrate the need for waiver from this Section of the Grafton Zoning By-Law.

W7. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from the following requirements of **Section 5.8.6.1 – General Requirements** of the ZBL as follows:

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

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

It is noted that Verizon is proposing a total 12 antenna each measuring approximately up to 8 feet in height to be included as part this application. No additional detail has been provided regarding the actual dimensions or specifications of this equipment. It is further noted that consideration of this waiver is based only the proposed wireless antennae presented in the Application. It does not take into account future wireless carriers who may wish to co-locate on the Monopole. Future co-location requests shall conforms to the requirements of Section 5.8 of the Grafton Zoning By-Law.

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

W8. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from the following requirements of **Section 5.8.6.1 – General Requirements** of the ZBL as follows:

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.*"

Applicant's Rationale: The Monopole, which is 140 feet in height, will be setback a distance of 176' 5 to the nearest property line. The unusual shape of the lot, combined with Flood Zone areas and wetland locations, prevents placement of the Monopole in an area which complies with this provision of the By-Law.

The Board finds that in **GRANTING** this waiver request that the Applicant did adequately demonstrate the need for waiver from this Section of the Grafton Zoning By-Law.

W9. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **DENY** the Applicant's request for a waiver from the following requirements of **Section 5.8.6.1 – General Requirements** of the ZBL as follows:

Section 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) pins four hundred feet (400') of a wellhead area of a municipal water supply.

Applicant's Rationale: The Applicants respectfully request a waiver from strict compliance with this provision of the Bylaw.

The Board finds that in **DENYING** this waiver request. The Board notes that at the time of the decision, that this waiver request was not required as the facility is not located within 680 feet of the Water Supply Protection Overlay District.

W10. At their meeting of November 14, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for

a waiver from the following requirements of **Section 5.8.6.1 – General Requirements** of the ZBL as follows:

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

Applicant's Rationale: The Facility will be enclosed by an eight foot (8') high chain link fence. The Applicants respectfully request 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 Applicants 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.

The Board reviewed the information presented by David Maxson of Isotrope Wireless (see EXHIBIT #9 and FINDING #F12). The Board finds that in **GRANTING** this waiver request that the Applicant did adequately demonstrate the need for waiver from this Section of the Grafton Zoning By-Law.

V. DECISION and CONDITIONS

At their meeting of November 14, 2016, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Application with the following Conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval is specifically granted for a 140 foot high monopole, installation of one array of antenna and associated facilities and equipment as described within the EXHIBITS and FINDINGS of this Decision (EXHIBITS #1 and #17).. In setting the 140 foot height the Planning Board specifically notes FINDINGS #F9 and #F10 and EXHIBITS #9, #29, #30. By roll call vote: Lovvorn – AYE; R. Hassinger – AYE; Robbins – AYE; L. Hassinger – AYE; Scully – AYE.

2. This Decision does not authorize the installation of any wireless communications antennae or equipment associated therewith by any other wireless communications vendor other than what is approved for the Applicant. Installation of equipment associated with emergency services for the Town of Grafton as identified by the Police and Fire Departments may be installed at any time as

agreed upon by the Applicant and the Town of Grafton. (See FINDING #F14) The Owner will coordinate with the Fire and Police Departments with regards to the installation of equipment.

3. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.

4. Prior to the recording of this Decision and issuance of any approvals for commencement of work, all outstanding peer review and court reporting fees shall be paid by the Applicant through the Planning Department.

5. No additional lighting for the equipment area is authorized beyond the single light identified in the Application. The proposed and approved light is to be utilized only for service visits and must be kept turned off at all other times (see FINDING #F21, EXHIBIT #1).

6. Failure to comply with the requirements of Section 5.8 of the Grafton Zoning By-law (or as modified by this Decision), as well as all applicable Federal, State and local regulations, shall cause this Special Permit to be invalid.

7. As per Grafton Zoning By-law § 5.8.9, if the facility is abandoned or no longer operable, it shall be removed within six (6) months of its abandonment.

8. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.

9. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.

10. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Numbers.

11. By recording this Special Permit and Site Plan Approval Decision at the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

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

1. Prior to the issuance of the a building permit, the Applicant shall submit a final plan set, in a format eligible for recording at the Registry of Deeds, to be reviewed and approved by the Planning Board or its Agent to include:
    a. Corrections to the Plan Set as outlined in the last Graves Engineering Peer Review Letter and noted in FINDING #F20. (See also EXHIBIT #28).
    b. Corrections to the Plan Set to better identify the transition from above ground to below ground utility connection (see FINDING #F13).
    c. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans suitable for recording at the Worcester District Registry of Deeds. The full plan set shall be recorded at the Worcester District Registry of Deeds and the Applicant shall provide Planning Board and the Building Department with a copy of such recording information, including the WDRD Plan Book and Plan Numbers.
    d. Additional details shall be added to require that site fencing is to be clearly and adequately posted with "No Trespassing" signage. The Applicant will submit a "No Trespass" letter to the Grafton Police Department.
2. Prior to the 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.
3. Prior to any clearing of the site the Applicant shall submit a vegetation clearing plan to indicate the work associated with constructing the facility compound and the access drive to the site whether it is the existing gravel drive or the new proposed access drive along the western portion of the site. The site shall be inspected by the Planning Board or its designee to review the delineated limits of work prior to the commencement of any work. The Applicant shall receive written notice from the Planning Board and / or its agent of final approval to proceed prior to commencement of work.

2. 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 (noted in Condition #A7 of this Decision).

C. Conditions to be Met During Construction

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

pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.

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 104 Creeper Hill Road based on the information received at the public hearing and the aforementioned findings.

Michael Scully, Chairman	AYE	Linda Hassinger, Member	AYE
Robert Hassinger, Vice Chairman	AYE	Tracy Lovvorn	AYE
David Robbins, Clerk	AYE		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

11-17-2016
Date

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

Donna Girouard, Town Clerk

Date