

**TOWN OF HUBBARDSTON
PLANNING BOARD
SPECIAL PERMIT AND SITE PLAN APPROVAL DECISION**

Property Address: Off Gardner Road, Hubbardston, MA
Assessors Map 3, Lots 180 & 189

Applicant: Industrial Tower and Wireless, LLC

The Town of Hubbardston Planning Board (the “Board”) hereby grants the special permit to the applicant, Industrial Tower and Wireless, LLC (“ITW”) for the construction of a 145-foot lattice-style telecommunication tower (the “Tower”), with capability to accommodate five (5) carriers; related facility, all within a 100-foot by 100-foot lease area; and, within that lease area, an 80-foot by 80-foot compound (the “Telecommunications Facility”) on property of John A. DeMalia, Jr. and Megan L. DeMalia and Matthew and Kelly DeMalia, located off Gardner Road in Hubbardston MA, depicted on Assessors Map 3 as Lot 180 (“Lot 180”) and Lot 189 (“Lot 189”) (collectively, the “Subject Property”). The Telecommunications Facility will be located within a 10,000 square foot (100-foot by 100-foot) lease area at the northwesterly end of the Lot 189 portion of the Subject Property, appurtenant to which is an access and utility easement. The Board also approves the site plan submitted by ITW, dated February 1, 2023, revised through June 22, 2023, for construction of the Telecommunications Facility and appurtenant access drive on Lot 189.

Documents of Record

The following documents were submitted during the public hearing and constitute the record for this Decision.

1. Massachusetts Department of Health Notification regarding Radiofrequency Facility Installation Approval dated April 1, 2002
2. Federal Communications Commission Wireless Telecommunications Bureau Radio Station Authorization for Industrial Wireless Technologies, Inc. dated August 9, 2016
3. Radiofrequency Propagation Study dated January 2023
4. ITW Hubbardston Cell Tower Plans dated February 1, 2023
5. FAA 1-A Survey Certification by Brian S. Knowles, PLS dated February 2, 2023
6. Denial Letter from Town of Hubbardston Building Commissioner dated February 13, 2023
7. Letter of Intent from ITW to Town of Hubbardston dated March 23, 2023

8. FAA Determination of No Hazard dated June 13, 2023
9. ITW Hubbardston Cell Tower Plans dated February 1, 2023, revised through June 22, 2023
10. Special Permit and Site Plan Review Application dated March 24, 2023 (with attachments)
11. Certified Abutters List of Properties within 300 Feet
12. Public Notice of the Balloon Test published in the Gardner News, as well as provided via mail to Hubbardston residents
13. Photographic Simulation Package prepared by Virtual Site Simulations, LLC
14. ITW Supplemental Memorandum dated July 12, 2023
 - a. Exhibit A – MassDOT Traffic Count Map
 - b. Exhibit B – Alternative Site Analysis
 - c. Exhibit C – Decommissioning Bond Estimates
15. Places Associates Technical Review: Industrial Tower & Wireless, LLC. Off Gardner Road, Map 3, Lot 189, Hubbardston, MA dated 6/20/2023
16. Places Associates Technical Review #2: Industrial Tower & Wireless, LLC. Off Gardner Road, Map 3, Lot 189, Hubbardston, MA dated 7/24/2023
17. Fieldstone Land Associates, PLLC Stormwater Letter for Tax Map Parcel 3-189 – Gardner Rd – Hubbardston, MA, dated 7/27/2023
18. NEPA Compliance Memorandum (with attachments), submitted 7/27/2023
 - a. Letter from the Natural Heritage and Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife, dated 5/31/2023
 - b. Review request from Public Archaeology Laboratory dated 5/1/2023, and negative determination from the Massachusetts Historical Commission, dated 6/2/2023
 - c. Determination of No Hazard to Air Navigation by Federal Aviation Administration, dated 6/13/2023
19. Town Counsel opinion on Hubbardston Cell Tower Site Question and Authority to Grant SP, dated 6/28/2023
20. Previous relevant Town Counsel opinion on “Vertex Cell Tower Variance Application and Applicable Timelines”, dated 8/30/2022

General Findings

1. The Owners of the Subject Property are John A. DeMalia, Jr. and Megan L. DeMalia and

Matthew and Kelly DeMalia, of 243 Gardner Road, Hubbardston, MA.

2. The applicant for a special permit and site plan approval is ITW, with a principal place of business at 40 Lone Street, Marshfield, MA 02050.
3. The Subject Property is located in the Residential Agricultural District in Hubbardston, and Lot 189 is a rear, vacant lot with an existing access drive within the Subject Property. Lot 189 contains ± 5.33 acres. The Subject Property is not within the Wireless Communications Overlay District under the Town of Hubbardston Zoning Bylaw (the "Bylaw").
4. Pursuant to Article 4.2(f) of the Bylaw, Communication Transmission Towers with a maximum height of 150 feet are permitted by special permit in residential districts.
5. Lot 180 is known as and located at 243 Gardner Road, Hubbardston, MA, and abuts Lot 189 to the south.
6. Under Article 5 of the Bylaw, Lot 189 has insufficient frontage. The minimum lot frontage for a property in the Residential-Agricultural district is 200 feet, and Lot 189 only has ± 89.06 feet of frontage.
7. Lot 189 and Lot 180, therefore, have merged for zoning purposes into the Subject Property.
8. Lot 180 is improved with a single-family dwelling and barn.
9. Prior to filing its application, ITW conducted a radiofrequency propagation study that revealed a significant gap in wireless coverage along a \pm two-mile section of Route 68 in the northern part of Hubbardston, near the shared town line with Gardner, for the major wireless service providers. The applicant presented sufficient evidence to demonstrate a wireless coverage gap, necessitating a new wireless facility to fill the coverage gap.
10. This section of Route 68 is used by many 1000's of vehicles per day. 2022 traffic data from MassDOT indicates an average of 6,060 vehicles per day pass through the Coverage Gap.
11. ITW evaluated thirty (30) potential sites within the Coverage Gap along Route 68 in the northern area of Hubbardston and in the Wireless Communications Overlay District. Sites were evaluated based on location, view shed, access, topography, driveway construction, utility construction, wetlands, setbacks, local zoning and radio frequency propagation (coverage) characteristics. The only viable site, at which a proposed Telecommunications Facility would fill the Coverage Gap, was Lot 189 at the Subject Property. The other sites were not viable options to fill the Coverage Gap. A summary of the alternative sites and why each was rejected was submitted to the Board in ITW's supplemental memorandum as Exhibit B.
12. The Board finds that the applicant has presented sufficient evidence to demonstrate that the provisions of the Federal Telecommunications Act of 1996 (the "TCA"/"Act") apply to this project, that ITW has proven a significant gap in wireless service, and that ITW's application is a practically feasible alternative to fill the Coverage Gap.

13. The Telecommunications Facility will be located within a 100-foot by 100-foot lease area and will include an 80-foot by 80-foot communications compound, within which there will be a 145-foot lattice-style communications Tower that will be able to accommodate five (5) wireless carriers. The communications compound will be made up of crushed stone, and will be surrounded by an eight-foot chain link fence for security. The Telecommunication Facility will include area for five (5) wireless equipment shelters. Appurtenant to the Telecommunications Facility is an access and utility easement.
14. The Telecommunications Facility will be accessed by an existing 10-12-foot-wide drive off Route 68. ITW will upgrade any areas less than 12 feet wide and clear 18 feet to accommodate access by large vehicles, such as fire engines. ITW will construct a 12-foot-wide gravel drive from the end of the existing paved access drive to the Telecommunications Facility. A 12-foot-wide gravel turnaround will be constructed for any maintenance vehicles required to go to the Telecommunications Facility. The Telecommunications Facility shall have space for five (5) personal wireless communication service shelters or concrete pads with communications equipment, and additional supporting infrastructure.
15. On June 21, 2023, Virtual Site Simulations, LLC (“VSS”) conducted a balloon test at the Tower site, and as agreed to by the Board, the balloon was flown from 6:30 AM to 1:30 PM.
16. Notice of the balloon test was published in the Gardner News, as well as provided via mail to all 1,884 mailing addresses in Hubbardston.
17. The balloon test consisted of VSS flying a red balloon, inflated to a three-foot diameter, at a location at the center of Tower, and at a height of 145 feet, commensurate with that of the proposed Tower.
18. The applicant presented photographs recorded by VSS of the balloon being flown at the proposed Tower site from 17 different locations in Hubbardston and Gardner. The balloon was not visible from 16 of the 17 locations. A simulation of the proposed Tower appearance was prepared for the only location in which the balloon was visible, a property located .15 miles south easterly across Gardner Road from the Tower site. The simulation demonstrated that only the very top of the Tower was visible from this area.

Findings for Environmental Community Impact Analysis

19. Pursuant to Article 8 (Environmental Community Impact Analysis) of the Bylaw, an application for a special permit must be accompanied by an Environmental and Community Impact Analysis, and the Board finds that ITW filed the required Environmental and Community Impact Analysis, which the Board finds sufficient as per the standards of Article 8 of the Bylaw.
20. Pursuant to Article 8.3 of the Bylaw, the following concerns must be separately addressed, and the Board makes the required findings in favor of ITW’s application, as follows:
 - a. *The Environmental and Community Impacts of the Proposed use and/or Development - All primary and secondary environmental and community*

impacts, both beneficial and adverse, anticipated as a result of the proposed use and/or development. This section shall include all impacts resulting from the construction phase as well as those resulting from the project's completion.

Based on ITW's submissions to the Board, the Board finds that ITW identified any benefits or adverse impacts resulting from the Telecommunications Facility.

- b. Adverse impacts which cannot be avoided should the proposed use and/or development be implemented – The report shall describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced in severity, but not eliminated.*

Based on ITW's submissions to the Board, the Board finds that the Telecommunications Facility will result in minimal adverse impacts to the environment.

- c. Alternatives to the proposed use and/or development - The report shall develop, describe, and objectively weigh alternatives to the proposed use and/or development which are allowed by the Zoning Bylaw.*

Based on ITW's submissions to the Board, the Board finds that the Telecommunications Facility at Lot 189 of the Subject Property in the location and to be developed pursuant to the specifications and schematics provided by ITW is the only alternative to fill the identified Coverage Gap.

- d. Measures to be used to minimize adverse environmental and community impacts - Corrective and protective measures which will be taken, as part of the project, to minimize adverse impacts shall be described in detail.*

Based on ITW's submissions to the Board, the Board finds that that the minimal environmental impacts will not require corrective or protective measures.

21. Pursuant to Article 8.4 of the Bylaw, the Environmental and Community Impact Analysis shall evaluate all of the following topics, the Board makes the required findings in favor of ITW's application, as follows:

- a. Natural Environment.*
 - i. Air and Noise Pollution - The impact of local air quality and noise from the proposed development (including traffic generated from the development), both during and after construction, shall be evaluated. The Planning Board may require detailed technical reports of such impacts.*

Based on ITW's submissions to the Board, the Telecommunications

Facility shall have no impact on air and noise pollution. The Telecommunications Facility will not generate smoke or dust, or discharge of noxious substances into the air, nor will it generate any noise. The Telecommunications Facility will be located on a largely undeveloped and heavily vegetated lot, Lot 189, that is set back from Route 68 and any nearby residences. The existing vegetation on Lot 189 will provide a natural buffer that will mitigate any noise during construction of the Telecommunications Facility. Construction of the Telecommunications Facility is not expected to have any major impact on air or noise pollution.

- ii. *Water Pollution - The impact of storm water run-off on adjacent and downstream surface water bodies and sub-surface ground water shall be evaluated. Dangers of flooding as a result of increased downstream runoff, especially peak runoff. The impact of the proposed project on water table levels shall also be analyzed.*

Based on ITW's submissions to the Board, the Telecommunications Facility will have minimal impact due to stormwater runoff or water table levels. As depicted on the Site Plans, there will be substantial stormwater runoff and drainage measure taken at Lot 189. There will be stone check dams and grass lined swales along the access drive, and during construction of the Telecommunications Facility there will be silt fencing installed around the construction site. The construction of the Tower foundation will have no effect on stormwater runoff or water table levels.

- iii. *Land - Compatibility of the proposed development with existing soils; the impact of any soils or other materials to be removed from the site; and the potential dangers and impacts of erosion and sedimentation caused by the proposed development.*

Based on ITW's submissions to the Board, the Telecommunications Facility will have minimal impact on existing soils, erosion or sedimentation. As discussed in Finding 21(a)(ii) above, mitigation measures will be implemented to control any nominal stormwater runoff from construction of the Telecommunications Facility. The Site Plans incorporate erosion control elements to avoid any erosion at the base of the Telecommunications Facility or along the existing or new access drive.

- iv. *Plants & Wildlife - The impact that the proposed project may have on wildlife habitat and on any rare or endangered plant or animal species known to exist in the area.*

Based on ITW's submissions to the Board, the Telecommunications Facility will have minimal impact on wildlife habitats, or any rare

or endangered plant or animal species known to exist in the area. The telecommunications compound will be 80 feet by 80 feet on the ±5.33-acre parcel and, thus, only a nominal amount of land will be disturbed during construction. ITW has confirmed that the Telecommunications Facility will have no impact on any Threatened or Endangered Species and Critical Habitats.

- v. *Water Supply - The average and peak daily demand and the impact of such demands on groundwater aquifers.*

Based on ITW's submissions to the Board, the Telecommunications Facility will not impact Hubbardston's water supply or groundwater aquifers. The Telecommunications Facility does not use any water and it is not located in an area in which there is a town water supply. During construction of the Telecommunications Facility, mitigation measures such as silt fencing and stone check dams will be used to prevent stormwater runoff.

- vi. *Sewage Disposal - The average and peak daily disposal and the impact of such disposal on groundwater aquifers.*

Based on ITW's submissions to the Board, the Telecommunications Facility will not impact groundwater aquifers from sewage disposal because once constructed, the Telecommunications Facility is unmanned and no sewage will be generated.

b. Man-Made Environment.

- i. *Existing Neighborhood Land Use - Compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the life of the proposed development. If not compatible, reasons therefor shall be detailed. Consultation with the Planning Board is strongly recommended.*

Based on ITW's submissions to the Board, the Telecommunications Facility is compatible with the residential and agricultural use of nearby properties. The Telecommunications Facility poses a passive use, which generates no noise, smoke, dust, or noxious substances. Once constructed, the site is visited only up to a few times a month for maintenance and inspection. Thus, the use of the site will not disturb nearby properties. Because of the minor level of vehicular access, there will be nominal pedestrians or vehicular traffic into Lot 189 that would disturb abutting and nearby properties. The Telecommunications Facility will be well set back from other properties and structures in a heavily wooded section of Lot 189. The Tower has been designed to minimize any visual impact on

abutting properties.

- ii. *Zoning - Compatibility of proposed development with the purposes of the Zoning Bylaw and the Zoning District.*

Based on ITW's submissions to the Board and the opinion of Town Counsel, the Telecommunications Facility is allowed under the Bylaw in the Residential-Agricultural District by special permit from the Board. The Telecommunications Facility is compatible with the Bylaw as it seeks to protect the residents of Hubbardston by providing reliable wireless coverage for everyday life and in case of emergency. Mobile phone use has become a primary method of communication as residences discard land lines and residents and businesses rely on wireless phone and text and data usage to communicate and work. The lack of reliable wireless coverage is a safety and life-concern that needs to be addressed. Further, there is a significant gap in wireless coverage in this area of Hubbardston, and the Telecommunications Facility to be located on Lot 189 is the only feasible location within which the Tower can be located. There are no alternative locations for the Telecommunications Facility that would fill the Coverage Gap. ITW is entitled to all necessary zoning relief for construction of the Telecommunications Facility under the TCA.

- iii. *Architecture - The style of architecture of the buildings shall be described; its relation to prevailing types of architecture for similar buildings; and its compatibility with the function of the building and to the architecture of adjacent buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation.*

Based on ITW's submissions to the Board, the Tower will be a 145-foot lattice tower that is designed for maximum co-location of wireless carriers and emergency providers, in compliance with Article 18.4.1.b of the Bylaw. Existing vegetation will be conserved at Lot 189 to ensure that the Telecommunications Facility is screened from abutting properties and Route 68. In compliance with Article 18.4.2(d), the Telecommunications Facility will comply with the required setback of a distance at least equal to the height 110% of the lattice tower, known as the Fall Zone. Here, the setback or Fall Zone will be 159.5 feet, as depicted on the Site Plans. The Tower will be lit per the FAA Determination of No Hazard dated June 13, 2023. The lighting will be shielded and incorporate LED style lights directing light upward away from the ground.

c. Public Service.

- i. *Schools - The expected impact on the school system both elementary and secondary levels, the number of students; projected school bus routing changes and projections of future school building needs resulting from the proposed project.*

Based on ITW's submissions to the Board, the Telecommunications Facility will have no impact on the school system, no changes to the school bus route, or future school building needs. The site will be unmanned, except for maintenance trips, and no school-aged children will have access to the Telecommunications Facility, as Telecommunications Facility will be surrounded by an eight-foot chain-link fence.

- ii. *Police - The expected impact on police services, time and manpower needed to protect the proposed development and service improvements necessitated by the proposed development.*

Based on ITW's submissions to the Board, the Telecommunications Facility will enhance wireless service coverage in Hubbardston. This will benefit the public by increasing the ability to communicate during times of public crisis and/or natural disaster. Increased service and seamless handoffs of wireless service will allow the police and fire departments in Hubbardston to increase community safety. Further, the Telecommunications Facility will be surrounded by an eight-foot chain-link fence, which will protect the compound from intruders. No comments or concerns regarding this application were provided to the Board by the Police Department.

- iii. *Fire - Expected fire protection needs; on-site firefighting capabilities; on-site alarm or other warning devices; fire-flow water needs, source and delivery system and other needs shall be presented. Fire department service improvements necessitated as a result of the proposed project shall also be discussed.*

Based on ITW's submissions to the Board, the Telecommunications Facility will enhance wireless service coverage in Hubbardston. This will benefit the public by increasing the ability to communicate during times of public crisis and/ or natural disaster. Increased service and seamless handoffs of wireless service will allow the police and fire departments in Hubbardston to increase community safety. Any equipment cabinets within the Telecommunications Facility will be placed on concrete foundations within the telecommunications compound. The telecommunications compound, itself, will be clear to mitigate any risk of fire. The eight-foot chain-link fence will serve as a non-combustible buffer. The

Tower will be designed with a grounding system to prevent electrical fires. The proposed lattice style Tower is constructed to collapse on itself in the event of a catastrophic event. The access drive will be widened to allow for access by fire equipment. No comments or concerns regarding this application were provided to the Board by the Fire Department.

- iv. *Recreation - On-site recreation provisions shall be detailed and off-site recreation demands shall be estimated. Provision for public open space, either dedicated to the Town or available to its residents shall be described. Open space available primarily or exclusively for residents or employees shall also be described.*

Based on ITW's submissions to the Board, there will be no recreational areas or open space at the Telecommunications Facility for the public to use as it would be unsafe for residents to have access to the site. The site will be unmanned, except for maintenance of the Telecommunications Facility. Pursuant to Article 5.1 of the Bylaw, the maximum lot coverage in the Residential-Agricultural District is twenty-five percent (25%). Based on ITW's submissions to the Board, the existing paved drive, house, and barn for the house lot along with the proposed gravel drive, turnaround, and the tower compound will cover $\pm 8\%$ of the combined Lots 180 and 189, with the remainder of the lots maintaining their existing tree cover.

- v. *Solid Waste Disposal - Analysis of the projected volume and type of solid waste to be generated by the proposed development and methods of removal.*

Based on ITW's submissions to the Board, there will be no solid waste generated by the Telecommunications Facility, as it is unmanned. Any supplies brought onto Lot 189 during construction of the Telecommunications Facility, and any supplies remaining after construction of the same, will be removed from Lot 189 by the construction crews.

- vi. *Traffic - The expected impact of traffic generated by the proposed development on area roadways. Discussion shall include existing average and peak traffic volumes and composition, projected average and peak traffic generation and composition, intersection impacts and analysis of area roadway and intersection capacities. Methodologies used to make projection shall be described in detail.*

Based on ITW's submissions to the Board, the Telecommunications Facility will only generate nominal traffic during construction. After the construction of the Telecommunications Facility, the same will be unmanned and visited only for routine maintenance visits.

Maintenance personnel who visit the Telecommunications Facility to ensure that the telecommunications equipment is in good working order will be able to drive their vehicles into the Telecommunications Facility. There will be minimal increased patterns of access or egress along the existing drive, the access drive to be improved, or Route 68.

- vii. *Highway - Projected need, responsibility and costs to the Town of roadway maintenance shall be analyzed. Impacts of construction equipment on area roadways shall also be discussed.*

Based on ITW's submissions to the Board, there will be no impacts to Hubbardston's public roads from the construction equipment and vehicles accessing Lot 189. The existing roads in Hubbardston are able to accommodate the weight of the necessary equipment for the Telecommunications Facility during delivery. The Telecommunications Facility will only generate nominal traffic during construction. After the construction of the Telecommunications Facility, the same will be unmanned and visited only for routine maintenance visits. Maintenance personnel who visit the Telecommunications Facility to ensure that the telecommunications equipment is in good working order will be able to drive their vehicles into the Telecommunications Facility. There will be no increased patterns of access or egress along the existing drive, the access drive to be improved, or Route 68. No comments or concerns regarding this application were provided to the Board by the Department of Public Works.

d. *Aesthetics.*

- i. *Lighting - The type, design, location, function and intensity of all exterior lighting facilities shall be described. Attention given to safety, privacy, security, and daytime and nighttime appearance shall be detailed.*

Based on ITW's submissions to the Board, the Tower will be lit per the FAA Determination of No Hazard dated June 13, 2023. The lighting will be shielded and incorporate LED style lights directing light upward away from the ground. No exterior lights would be visible on the ground.

- ii. *Landscaping - Provisions for landscaping shall be described including type, location and function of all plantings and materials.*

Based on ITW's submissions to the Board, Lot 189 is a heavily vegetated lot. There will be minimal clearing of the lot for construction of the Telecommunications Facility, as depicted on the

Site Plans. The rest of Lot 189 will remain heavily vegetated to screen the Telecommunications Facility from Route 68 and abutting properties. The setbacks, the Fall Zone, and the existing vegetation will serve to screen the Telecommunications Facility from abutters and Route 68. Therefore, no additional landscaping is necessary.

- iii. *Visual - Attention given to views into the site and from the site shall be described. Included shall be long-distance views as well as views to and from adjacent properties.*

Based on ITW's submissions to the Board, the Telecommunications Facility and the Tower have been specifically designed at the minimum height necessary to provide adequate wireless coverage in the coverage gap, and to allow for the co-location of five (5) additional carriers. As supported by the balloon test conducted on June 21, 2023, there will be minimal visual impacts on any abutting properties.

e. Planning.

Analyze the compatibility of the proposed development and its alternatives with the goals and objectives of the most recent Growth Management Master Plan and the most recent Open Space Plan.

Based on ITW's submissions to the Board, the Telecommunications Facility is compatible with the Growth Management Master Plan and the Open Space Plan. Although the proposed Telecommunications Facility is not located in the Wireless Communications Overlay District defined in Section 18.3 of the Zoning Bylaw, it is allowed by special permit in the Residential-Agricultural District under Section 4.2(f) of the Bylaw, based on the opinion of Town Counsel. Further, since the TCA applies to this application, local zoning requirements are preempted. The Telecommunications Facility will enhance wireless services in Hubbardston, providing essential services to the growing number of residents, while maintaining the public's goal of remaining a rural town. The Telecommunications Facility will be an unmanned site on a ±5.33 acre wooded parcel. The Telecommunications Facility will only take up ±8.9% of Lot 189; the remainder of the property will remain heavily vegetated and wooded.

f. Cost/Benefit Analysis.

This municipal benefit/cost analysis should follow standard and usual procedures for measuring both the benefits to be derived and costs to be incurred by the Town of Hubbardston as a result of the proposed development. This element should also estimate net benefits or costs of non-quantifiable environmental impacts.

The Board finds that the applicant has presented evidence that the Telecommunications Facility will consume minimal Town services or resources. ITW has also stated that this commercial facility will generate regular and customary tax income, and that there is not current intent to pursue a Payment In Lieu of Taxes (PILOT) agreement.

The Telecommunications Facility will promote and conserve the convenience and general welfare of the inhabitants of Hubbardston by enhancing telecommunications services within Hubbardston and along Route 68. Mobile telecommunications and data for business, personal, and emergency uses will be improved by this proposal. There will also be increased capability for emergency communications in the event of fires and/ or natural disasters, which will lessen the danger to residents in Hubbardston.

Findings under the Wireless Communication Facility Bylaw

22. Based on ITW's submissions to the Board, and the Board's other findings contained in this Decision, the Board finds that ITW's Telecommunication Facility complies with the applicable requirements set forth in Article 18 (Wireless Communication Facility) under the Bylaw. To the extent that the project does not comply with requirements in Article 18, those requirements have been preempted by the provisions of the TCA.
23. Pursuant to Article 18.4.1(b), "[n]ew structures may be of the [] lattice type, no greater than one hundred fifty (150) feet in height, designed for maximum co-location. All unmanned equipment and/or shelters shall be no more than twelve (12) feet wide, and thirty (30) feet long." The Board finds that the Telecommunications Facility complies with these requirements. The proposed Tower is a 145-foot lattice style tower that has been designed to provide for five (5) wireless carriers on the Tower, the greatest number possible on a tower of this height. All unmanned communications shelters to be located within the telecommunications compound would be 12 feet long and 20 feet wide or smaller via the use of small equipment cabinets.
24. Pursuant to Article 18.4.2 of the Bylaw, the following locations and setbacks are required for telecommunication facilities, and the Board makes the required findings in favor of ITW's application, as follows:
 - a. *All communication facilities shall be located in the Wireless Communications Overlay District. See Section 18.3.*

Pursuant to Article 4.2(f) of the Bylaw, wireless telecommunications towers are allowed by special permit in the Residential-Agricultural District, and based on the opinion of Town Counsel, this Board has the authority to grant ITW's application under the Bylaw. There is also a significant gap in wireless coverage in this area of Hubbardston, and the Telecommunications Facility on Lot 189 is the only feasible location within which the Tower can be located that would fill the Coverage Gap. Under the TCA, construction of the Telecommunications Facility at Lot 189 may

be permitted to fill the Coverage Gap.

- b. *The Town prefers that all communications facilities be located on existing structures, including buildings, water towers, existing communications facilities, utility poles and towers, provided that such installations preserve the character and integrity of those structures and the height of those structures is not increased by more than ten (10) feet.*

Based on ITW's submissions to the Board, there are no existing structures in the applicable area of Hubbardston that will fill the Coverage Gap, as evidenced by the alternative site analysis submitted with ITW's supplemental memorandum as Exhibit B. Lot 189 provides the only location by which the Coverage Gap can be filled. Under the TCA, construction of the Telecommunications Facility at Lot 189 may be permitted to fill the Coverage Gap.

- c. *If the Applicant demonstrates that compliance with Section 18.4.2.b. is not feasible, then any proposed communications facilities must be of the monopole type and camouflaged to the greatest extent possible using artificial screening, new landscaping and/or existing tree buffer.*

Because Article 18.4.1(b) of the Bylaw authorizes the use of lattice towers, this Board construes the inconsistent provisions of the Bylaw to confer discretion to allow lattice towers. The Board hereby exercises such discretion to authorize construction of a lattice tower based *inter alia* on the following findings: the Telecommunications Facility will include a Tower that is a 145-foot lattice style tower. The Tower will be screened by dense vegetation and existing trees. The Tower will also be constructed of galvanized steel, which is a grey color, to allow the Tower to blend into the typical color of the sky in New England. As supported by the balloon test conducted by VSS, the Tower will not be visible for most areas in Hubbardston. Only one property \pm 15 miles from the Telecommunications Facility will be able to see the very top of the Tower, which will otherwise blend into the sky.

- d. *All communications facilities must be set back from all property lines and buildings for a distance at least equal to the height 110% of the monopole, including any lightning rod, to insure the safety of all abutters. This setback will be referred to as the "Fall Zone".*

The Board finds that the Tower will comply with Article 18.4.2(d) of the Bylaw as the Tower will be 145 feet high and there is a Fall Zone of 159.5 feet. The Tower is also designed to fall in on itself in the event of a catastrophic event. Thus, there is no risk of harm to abutters if the Tower were to fall.

- e. *All communication facilities must be a minimum of five hundred (500) feet away from any municipal water supply areas. A waiver of this condition may be granted by the Planning Board during the Special Permit process if deemed appropriate. In requesting such a waiver, the applicant shall demonstrate that the reduced*

setback will have no adverse effect on municipal water supplies.

The Board finds that the Telecommunications Facility will be more than 500 feet away from any municipal water supplies.

25. Pursuant to Article 18.5.2 of the Bylaw, the following are required for an application for a wireless telecommunications facility, and the Board makes the required findings in favor of ITW's application, as follows:

- a. Applicant must perform a balloon test after a desired site location has been determined, unless the Planning Board determines it inappropriate or unnecessary with respect to Section 18.4.2.b. The balloon test shall be conducted continuously for 24 hours. The date, time, and location of this test must be advertised in a newspaper of general local circulation, 14 days prior to the test. In addition a mailer will be sent to each residence at the expense of the applicant, 14 days prior to the test.*

Based on its submissions, ITW has complied with this requirement. ITW engaged VSS to conduct a balloon test on June 21, 2023 from 6:30 AM to 1:30 PM, as agreed to with the Board. The applicant had presented evidence showing that it was impractical to fly a balloon in afternoon winds, and that it would be nonsensical to fly it at night. Notice of the balloon test was properly published, and provided to all residents in Hubbardston with mailing addresses in town. The results of VSS's balloon test were provided in a photographic simulation package, which was filed with the Board.

- b. Applicant must prepare and perform a construction control certification. All submittals, dates and times of inspections, reports and discrepancies must be reported to the Building Commissioner and the Planning Board. Failure to adhere to this requirement could significantly delay occupancy permits.*

The Board finds that ITW's proposal to provide a construction control certificate to the Building Inspector and this Board after issuance of this Decision is acceptable and adequately satisfies this requirement under the Bylaw. Such proposal is hereby codified as a condition of this Decision.

- c. Existing vegetation shall be preserved to the maximum extent possible.*

The Board finds that existing vegetation on Lot 189 will be preserved to the maximum extent possible. There will only be modest tree clearing on Lot 189 to accommodate the construction of the Telecommunications Facility and the area where the improved access drive will be located. This modest tree clearing is depicted on the Site Plans.

- d. Any fencing used for a communications facility shall be a minimum of eight (8) feet in height and shall be of the wood stockade type.*

The fence surrounding the Telecommunications Facility will be an eight-foot-high

chain-link fence. The setback of the Telecommunications Facility from Route 68 and abutting properties is significant and will ensure that there will be no negative aesthetic impacts from the use of a chain-link fence. The Board finds that due to the distance from the road, and the increased security of a chain-link fence, the proposed fence fulfills the requirement.

- e. *All access roads to a communications facility shall be twelve (12) feet to fifteen (15) feet in width, depending upon terrain, and shall be composed of twelve (12) inches of compacted gravel over which is laid down a three (3)-inch layer of crushed stone.*

The Board finds that access to the Telecommunications Facility will comply with these requirements. The Telecommunications Facility will be accessed by an existing 10-12-foot-wide drive off Route 68. ITW will upgrade any areas less than 12 feet wide and clear 18 feet to accommodate larger vehicles. ITW will construct a 12-foot-wide gravel drive from the end of the existing paved access drive to the Telecommunications Facility. A 12-foot-wide gravel turnaround will be constructed for maintenance vehicles.

- f. *All drainage issues as a result of a communications facility must adhere to Section 7.10 of the Rules and Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts, Dated 1988, as amended.*

The applicant has submitted a professional engineer's statement that the facility should not impose any negative impacts onto neighboring properties or Gardner Road. The site will include stone check dams that will direct stormwater runoff to the grass lined swales to be constructed along the access drive. A stone berm level spreader will also be installed to direct stormwater onto a 10 foot by 20-foot grass filter strip to be constructed, all as depicted on the Site Plans.

- g. *All utility installations as a result of a communications facility must adhere to Section 7.07 of the Rules & Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts, Dated 1988.*

The Board finds that utility installations for the Telecommunications Facility adhere to Section 7.07 of the Rules & Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts, Dated 1988. The utilities for the Telecommunications Facility will be placed underground when the Telecommunications Facility and the access drive are constructed, as depicted on the Site Plans.

- h. *An application shall be made by a licensed carrier or shall include documentation establishing that a licensed carrier has committed to locating antennae on the tower.*

The Board finds that ITW has complied with this standard. ITW provided the Board with a Letter of Intent from Industrial Communications & Electronics, Inc. to install wireless telecommunications equipment, through Industrial Wireless Technologies, Inc. This entity is an FCC-licensed carrier.

- i. *A special permit as defined in zoning bylaw 7.1 -7.5 and an environmental impact study 8.1- 8.4.*

As found herein, ITW has complied with the requirements for a special permit under Article 7 and for an environmental impact study under Article 8 of the Bylaw.

26. Pursuant to Article 18.6.2(b) (Design (New and Co-Location Applications)), the Board has reviewed the Site Plans submitted with ITW's application for a special permit and for site plan review. The Board holds that the Site Plans are consistent with Article 18.6.2 of the Bylaw and **APPROVES** the Site Plans for construction of the Telecommunications Facility at Lot 189 of the Subject Property.
27. The Board holds that ITW's application for a special permit and site plan review is complete and, therefore, complies with Article 18.6.2 of the Bylaw.
28. Pursuant to Article 18.6.2 of the Bylaw, the following are specific requirements for construction of wireless telecommunications facilities, and the Board makes the required findings in favor of ITW's application, as follows:

- a. *The Building Inspector will not grant an occupancy permit until he and the Planning Board receive a Construction Control Certification that is stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This certifies that the communication facility was built in accordance with the Planning Board approved construction plans and specifications as contained in the application and the special permit, conditions, if any, granted by the Planning Board.*

The Board finds that ITW's proposal to provide a construction control certificate to the Building Inspector and this Board after issuance of this Decision is acceptable and adequately satisfies this requirement under the Bylaw. Such proposal and the requirements of this Bylaw provision are hereby codified as conditions of this Decision.

- b. *After construction is completed the Town Building Inspector and Planning Board will inspect the site to verify that all requirements in this Article were met.*

ITW will provide written notice to the Board and Building Inspector after the Telecommunications Facility has been constructed. Thereafter, ITW will coordinate a date and time for the Building Inspector and members of the Board to inspect the completed Telecommunications Facility. This requirement of the Bylaw is hereby codified as a condition of this Decision.

- c. *An Occupancy Permit will be issued if and when both the Building Inspector and Planning Board agree that all requirements in this Article have been met.*

This requirement of the Bylaw is hereby codified as a condition of this Decision.

- d. *Applicant must give the Town a signed letter agreeing to notify the Town ninety (90) days prior to discontinuance. The Applicant must remove the facility within*

ninety (90) days of the giving of said notice. If the Applicant does not notify the Town of discontinuance, but ceases using the facility, after ninety (90) days of non-use, the Planning Board, after a hearing with prior notice to the applicant, may declare the facility to be abandoned. If the applicant fails to remove the facility within ninety (90) days of discontinuance or abandonment, then the Town may remove the facility at the cost of the Applicant or Owner. Any special permit issued under this section shall include a condition stating the above requirement and further stating that, in accepting the special permit the Applicant and Owner grant the Town permission to enter the property for the purpose of removing an abandoned or discontinued facility. An Occupancy Permit will not be granted if this signed letter is not given to the Town.

This requirement of the Bylaw is hereby codified as a condition of this Decision.

- e. The Special Permit for a communications facility over fifty (50) feet in height in the Town of Hubbardston, Massachusetts is valid for no more than five (5) years. At the end of that time period, the personal wireless service facility shall be removed by the carrier or a new special permit shall be required. The height required for personal wireless services will be reevaluated and any height no longer justified shall be removed.*

This requirement of the Bylaw is hereby codified as a condition of this Decision, subject to its continued existence in Article 18.

- f. A cash surety of twenty-five thousand and 00/100 dollars (\$25,000.00) shall be made payable to the Treasurer, Town of Hubbardston.*

Since a substitute decommissioning bond would properly effectuate the intent of this requirement, the Board will allow a decommissioning bond of \$25,000.00, to be provided by ITW, and to be increased yearly at a rate of 2.5%. Should the Decommissioning Bond be allowed to expire during the operation of the wireless facility, such expiration shall be considered a violation of the conditions of this permit. In lieu of the bond, the applicant may also choose to provide a one-time cash surety of \$25,000.00, as outlined in the bylaw.

Findings for Special Permit

- 29. In accordance with Article 7 (Special Permits) of the Bylaw, the Board finds that ITW has submitted a complete special permit application.
- 30. Pursuant to Article 7 (Special Permits) of the Bylaw, the following are required for special permits to be granted, and the Board makes the required findings in favor of ITW's application, as follows:

- a. Shall not have vehicular and pedestrian traffic of a type and quantity so as to cause*

significant adverse effect to the neighborhood.

The Board finds that this standard has been met. After construction of the Telecommunications Facility, the site will be unmanned other than routine maintenance. Trips to and from the Telecommunications Facility will be minimal and shall have no impact on the neighborhood. The site will generate no pedestrian traffic.

- b. Shall not have a number of residents, employees, customers, or visitors so as to cause significant adverse effect to the neighborhood.*

The Board finds that this standard has been met. After construction of the Telecommunication Facility, the site will be unmanned other than routine maintenance. Trips to and from the site will be minimal in size and frequency and shall have no impact on the neighborhood. Further, the Telecommunications Facility will not have residents, employees, customers, or visitors other than the occasional service personnel.

- c. Shall not have a greater lot coverage than allowed in the zoning district in which the premises are located.*

The Board finds that this standard has been met. Pursuant to Article 5.1 of the Bylaw, the maximum lot coverage in the Residential-Agricultural District is twenty-five percent (25%). Based on ITW's submissions to the Board, the existing paved drive, house, and barn for the house lot along with the proposed gravel drive, turnaround, and the tower compound will cover $\pm 8\%$ of the combined Lots 180 and 189. To the extent that a principal building already exists on the merged lot, the provisions of the TCA would preempt any zoning restriction on construction of a Telecommunications Facility as an additional structure on the lot.

- d. Shall not be dangerous to the immediate neighborhood or the premises through fire, explosion, emission of wastes, or other causes.*

The Board finds that this standard has been met. The Telecommunications Facility shall not be dangerous to the immediate neighborhood or the premises through fire, explosion, emission of wastes, or other causes because there are no residential structures in the immediate vicinity of the Telecommunications Facility. Neighboring structures are located well in excess of the Fall Zone (equal to 110% of the proposed tower height), or, here, more than 159.5 feet. The Tower will be grounded from lightning strikes and electrical connections will be underground. All equipment located on the telecommunications compound will be secured and the site will be locked. There will be no sanitary facilities and, thus, no waste will be emitted. The site will include stone check dams that will direct stormwater runoff to the grass lined swales to be constructed along the access drive. A stone berm level spreader will also be installed to direct stormwater onto a 10 foot by 20 foot grass filter strip to be constructed, all as depicted on the Site Plans.

- e. *Shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare, adverse visual effects, or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.*

The Board finds that this standard has been met. The Telecommunications Facility will not create noise, vibration, dust, heat, smoke, fumes, odor or glare. The Telecommunications Facility will be unmanned, with only a few maintenance personnel visiting the site. As depicted in VSS's photographic simulations, which are based on the balloon test conducted in June 2023, the Tower will only be visible from one area in Hubbardston, which property is \pm .15 miles from the Telecommunications Facility. The very top of the Tower will be visible, but will blend into the sky because of the grey color proposed for the Tower. The neighborhood and all of Hubbardston will benefit from the Telecommunications Facility being located at Lot 189 as this is the only feasible location within which the Tower can be located to fill the Coverage Gap.

- f. *Shall not cause degradation of the environment.*

The Board finds that this standard has been met. Based on all of the foregoing, there will be no degradation of the environment.

- 31. Pursuant to Article 7.5 of the Bylaw, and based on ITW's submissions and the Board's other findings, the Board finds that the proposed use as approved will have an acceptable environmental impact, will be consistent with the land use objectives of Hubbardston, will comply with the Bylaw, and, in particular, Section 1.2, and will comply with bylaws or regulations of Hubbardston, the TCA, and applicable laws and regulations of the Commonwealth.

Findings for Site Plan Review

- 32. Pursuant to Article 9.4 (Site Plan Content) of the Bylaw, ITW's Site Plans must comply with the following requirements, and the Board makes the required findings in favor of ITW's application, as follows:

- a. *Plan name, boundaries, true north point, date, scale, and zoning district(s).*

The Board finds that ITW's Site Plans comply with this standard.

- b. *Names and addresses of present record owner(s) and applicant and name(s) of the engineer and surveyor who prepared the plan; certificates and seals of the engineer and surveyor; and a certificate that all surveying conforms to the requirements of the Massachusetts Land Court.*

The Board finds that ITW's Site Plans comply with this standard.

- c. *Zoning district boundaries, if any.*

The Board finds that ITW's Site Plans comply with this standard.

- d. *Suitable space to record the action of the Planning Board and the signatures of the Planning Board on each sheet of the site plan.*

The Board finds that ITW's Site Plans comply with this standard.

- e. *Major site features, such as existing stone walls, fences, buildings, rock ridges, rock out-croppings, swamps, trees over twelve (12") inches in diameter, or the perimeter of heavily wooded areas.*

The Board finds that ITW's Site Plans comply with this standard.

- f. *Location of natural waterways, water bodies and wetlands within and adjacent to the site.*

The Board finds that there are no natural waterways, water bodies and wetlands within or adjacent to Lot 189 of the Subject Property.

- g. *Existing and proposed topography of the land to be shown at five (5') foot intervals.*

The Board finds that ITW's Site Plans comply with this standard.

- h. *Size, material, type, and location of existing and proposed storm drains, sewers, utility services, septic or sanitary disposal systems, hydrants.*

The Board finds that ITW's Site Plans depict utilities for the Telecommunications Facility to be installed at Lot 189. Otherwise, there are no storm drains, sewers, hydrants or septic or sanitary disposal systems on Lot 189.

- i. *Existing and proposed layout of driveways, parking areas, storage and loading areas, buildings, structures, lighting, signs, fire alarm systems.*

The Board finds that ITW's Site Plans comply with this standard. The Site Plans depict the existing access drive and the improvements that will be made to the new access drive leading to the Telecommunications Facility. ITW's Site Plans also depict the safety signage that will be installed on the Telecommunications Facility.

j. Profiles of all buildings, structures, signs.

The Board finds that ITW's Site Plans comply with this standard. The Site Plans depict the 145-foot lattice style Tower, along with the telecommunications compound.

k. Landscape and maintenance plan.

The Board finds that no landscaping is required at Lot 189 as the property will remain heavily vegetated and wooded and, therefore, landscaping is unnecessary to screen the Telecommunications Facility from Route 68 or abutting properties.

33. Pursuant to Article 9.5 (Review by Other Agencies) of the Bylaw, on 4/12/2023, the Board provided ITW's Site Plans to the Board of Health, Department of Public Works, Police Department, Fire Department and Conservation Commission for review and comment. No comments were received from Other Agencies concerning the Telecommunications Facility.

34. Pursuant to Article 9.7 (Site Plan Decision and Enforcement) of the Bylaw, "[t]he [] Board's decision shall be based upon a determination that the development shown on the site plan, as approved or modified, will have an acceptable level of community or environmental impact, will be consistent with the land use objectives of the town, will comply with the purpose of these zoning bylaws as stated in Section 1.2, and will comply with these zoning bylaws, Rules and Regulations of the Town of Hubbardston and applicable laws and regulations of the Commonwealth of Massachusetts." Based on ITW's submissions and the Board's other findings, the Board finds that the Site Plans provide sufficient evidence that the Telecommunications Facility will have an acceptable level of community or environmental impact and that the Telecommunications Facility is consistent with the land use objectives of Hubbardston. The Board also finds that the applicant has presented sufficient evidence to demonstrate that the provisions of the TCA apply to this project, that ITW has proven a significant gap in wireless service, and that ITW's application is a practically feasible alternative to fill the Coverage Gap.

At its meeting of July 27, 2023, the Board voted to approve ITW's application and grant the requested special permit and site plan approval, as well as any and all other zoning relief that might be necessary to construct the Telecommunications Facility on Lot 189 of the Subject Property, after motion and second, by a vote of 5 to 0, subject to the following conditions:

1. The Telecommunication Facility shall be constructed in accordance with the Site Plans. No substantial change shall be made to the Telecommunication Facility except as authorized by vote of the Board at a regularly called meeting of the Board. Requests for changes shall be made in writing, and no changes shall take effect until approved by the Board. Changes which, in the opinion of the Board are minor and not substantial, may be reviewed by the Board and approved without a public hearing. Changes which, in the opinion of the Board, are substantial shall require a public hearing to modify this special permit and site plan approval.
2. This Special Permit and Site Plan shall lapse within two (2) years, which shall not include such time required to pursue or await the determination of an appeal, from the date of grant thereof, if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
3. Violation of any of the conditions of the Special Permit and Site Plan Decision shall be grounds for revocation of this Decision, or any building or occupancy permit granted hereunder. If at any time the construction of the Telecommunication Facility is not in compliance with this Decision and the approved Site Plans, the Building Commissioner may order that work on the construction of the Telecommunication Facility be stopped and defer the issuance of any building permits or certificates of occupancy until the non-compliance is corrected.
4. By acceptance of this Special Permit and Site Plan Decision by the Applicant, the Applicant acknowledges the binding effect of the conditions of the Decision.
5. The Site Plan Approval granted by this decision shall not take effect until a copy of the decision has been recorded, at the owner's expense, at the Worcester District Registry of Deeds and duly indexed or noted on the owner's Certificate of Title. Notification by the Owner of the recording, including recording information, shall be furnished to the Building Inspector and the Planning Board.
6. A copy of this decision shall be maintained at the site at all times until a final inspection and approval of the site is completed as required by Article 18.6.2.c.2 and 18.6.2.c.3 of the Zoning Bylaws.
7. Prior to the issuance of a building permit, the Applicant/Owner shall submit written confirmation from the Tax Collector that all taxes, including any rollback taxes have been paid in full for all property included in this application.
8. Prior to the issuance of a building permit, the Applicant/Owner shall pay all outstanding fees incurred for the Planning Board's consultants, Places Associates, and Town Counsel.
9. The Hubbardston Police, Fire and other public safety agencies shall be provided with the up-to-date contact names and numbers of tower owner, manager and operator in the event of a

change. The Building Inspector and Planning Board Clerk shall be informed, in writing, within ninety (90) days of such a change.

10. The Applicant shall provide the Fire and Police Chiefs with access keys/codes to unlock the gate at the cell tower facility in case of emergency.
11. The Applicant shall install appropriate signage on the fence surrounding the cell tower facility including owner name, emergency contact information and a warning of any danger.
12. During Construction:
 - a. Construction hours shall be limited to weekdays from 8 A.M. to 5 P.M, excluding federal holidays.
 - b. Contractor shall supply sanitary facilities appropriate for the number of workers on site.
 - c. Signage with emergency contact information (both during construction and when operational) shall be posted at the access gate. The Building Inspector shall confirm that all signs meet the requirements of the Town of Hubbardston's signage bylaws.
 - d. During construction, the Building Inspector and Planning Board Agent shall have the right to enter the subject property to conduct inspections. Inspections shall not be limited to one topic but shall be to determine compliance with the issued permit and related conditions. The inspecting official shall notify the contractor of the inspection and shall be subject to the applicable safety standards.
 - e. Construction shall be in compliance with the erosion and sedimentation control plan.
 - f. All stumps, slash and wood waste not stockpiled on the site for later use shall be disposed of in accordance with the Massachusetts Woodwaste Policy. No stumps shall be buried on site.
 - g. No debris, junk, rubbish, or other non-biodegradable waste materials shall be buried or burned on any portion of the land within the limits of work, and removal of same shall be required prior to system operation.
 - h. Any fill material imported to the site shall be clean fill and shall not contain any hazardous materials or building demolition debris.
 - i. All erosion control measures, including temporary settling basins, shall be maintained until the site is fully stabilized.
 - j. The contractor is responsible for keeping sediment from this site from collecting onto the abutting roadway and shall sweep Gardner Road in the area of the access drive daily throughout the construction phase.
 - k. If blasting is determined to be necessary, no perchlorates shall be used during blasting operations. Pre-blast surveys and blasting permits shall be obtained from the authority having jurisdiction.
 - l. The Petitioner and any subsequent owner or operator shall maintain the facility in good condition. Site access shall be maintained to a level consistent with the submitted plans.

The owner or operator shall be responsible for the cost of maintaining the telecommunications installation and any access road(s) and connections to public ways.

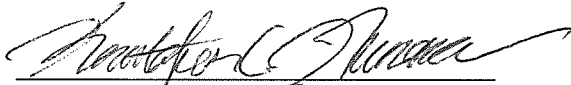
- m. Prior to the issuance of a certificate of occupancy or building permit signoff by the Building Inspector, the applicant shall provide on-site training for Hubbardston Police and Fire Department and EMS first responders for the purpose of ensuring public safety.

APPEALS

Appeals, if any, shall be made pursuant to Section 17 of the Mass Laws, Chapter 40A and shall be filed within twenty (20) days after the decision with the Town Clerk.

Approved with Conditions, as endorsed by:
Town of Hubbardston Planning Board

Witness our hands this 14TH day of August, 2023



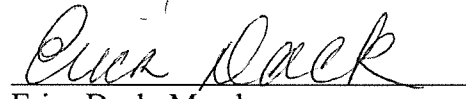
Kristofer Munroe, Chairman



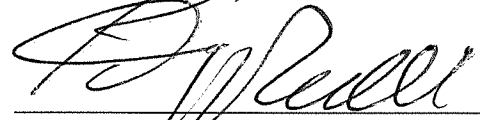
Francois Steiger, Member



William Homans, Member



Erica Dack, Member



Peter Russell, Associate Member (eligible to vote)

John DeMalia, Member (recused,
ineligible to vote)

FILED WITH THE TOWN CLERK:

Candace Livingston, Town Clerk

Date

This is to certify that the twenty (20) day appeal period on this decision has passed and there have been no appeals made to this office:

Candace Livingston, Town Clerk

Date