

**DECISION OF HUBBARDSTON MA PLANNING BOARD
GRANTING SPECIAL PERMIT AND SITE PLAN APPROVAL
To Vertex Towers, LLC
For construction of Wireless Communication Facility (Cell Tower)
at 14 Main Street with access via 9 and 7 Brigham Street**



The Hubbardston Planning Board hereby grants special permit, as noted hereinafter, and approves the site plan submitted by applicant, Vertex Towers, LLC for construction of a Wireless Communication Facility (Cell Tower) at 14 Main Street with access via 9 and 7 Brigham Street.

Vertex Towers, LLC (Vertex) submitted the documents, plans and photographs listed below in support of its combined Application for Special Permit and Site Plan Review from the Planning Board and Variance from the Zoning Board of Appeals. The Planning Board's consultants, Places Associates, Inc. (Places) submitted a "Completeness Review" which is also listed.

Documents Filed

"Application for Special Permit and Site Plan Approval (Planning Board) and Application for Variance(s) (Zoning Board of Appeals) for Telecommunications Facility"

Filed by: Vertex Towers, LLC

Dated: April 4, 2022, and stamped and received by the Town Clerk on May 10, 2022

"Submittal Completeness Review: Vertex Special Permit and Site Plan Submittal 14 Main Street and 9 Brigham Road, Hubbardston MA"

Filed by: Places Associates, Inc.

Dated: May 18, 2022

Revised "Application for Special Permit and Site Plan Approval (Planning Board) and Application for Variance(s) (Zoning Board of Appeals) for Telecommunications Facility" addressing omissions and deficiencies identified in above Completeness Review

Filed by: Vertex Towers, LLC

Undated: filed on or about June 15, 2022

Applicant submitted Supplement No.1 to Application for Special Permit (PB) and Variance(s) (ZBA) containing balloon test

Dated: 7/5/2022

Applicant submitted Supplement No.2 to Application for Special Permit (PB) and Variance(s) (ZBA), including drainage summary and revised site plan

Dated: 7/14/2022

Applicant submitted Supplement No.3 to Application for Special Permit (PB) and Variance(s) (ZBA) "Removal Cost Estimate"

Dated: 9/7/2022

Applicant submitted Supplement No. 4 to Application for Special Permit (PB) and Variance(s) (ZBA) RE: Drainage Calculations
Dated: 9/21/2022

List of Documents, Plans and Photographs Included in Application

The "Application for Special Permit and Site Plan Approval (Planning Board) and Application for Variance(s) (Zoning Board of Appeals) for Telecommunications Facility" as revised, included the documents, plans and photographs listed below.

Documents

1. 300-foot Abutters List Report and map showing location of these properties
2. Application for Special Permit (Planning Board form)
3. Application for Public Hearing Before Zoning Board of Appeals (Zoning Board of Appeals, Application Form 1)
4. Application for Site Plan Approval (Planning Board form)
5. Planning Board and Zoning Board of Appeals forms listed above
6. Hubbardston Accessor's Map showing location of property proposed for tower and abutting properties
7. Letter of Authorization from Taylors, the property owners of 14 Main Street, Hubbardston (re: cell tower location)
8. Letter of Authorization from Aaltos, property owners of 9 Brigham Street, Hubbardston (re: access easement)
9. Letter of Authorization from Olson, property owner of 7 Brigham Street, Hubbardston (re: access easement)
10. Copy of Quitclaim Deed of Taylor
11. Copy of Quitclaim Deed of Aaltos
12. Copy of Quitclaim Deed of Olson
13. Memorandum of Easement between Vertex and Aalto
14. Letter from AT&T (re: lease negotiations with Vertex for use of tower)
15. Project Narrative including:
 - a. Description of project, equipment, lessees, site, access to site, lattice tower
 - b. Detailed "Project Description" (addressing siting requirements for cell towers maintenance requirements, neighborhood impacts, benefits to town residents of improved cellphone service coverage area; relevant data
 - c. Requests for waivers from certain provisions of Zoning Bylaws
 - d. "Compliance with Siting Criteria for Wireless Communications Facilities" (Article 18 p. 42)
 - e. "Compliance with Criteria for Special Permits" (Article 7 p. 53)
 - f. "Compliance with Criteria for Variances" (Article 10)
 - g. "The Telecommunications Act of 1996" (discussing limitations of local zoning authority under act and relevant case law)
 - h. Summary

16. TOWAIR Determination Results (finding proposed cell tower does not require registration with FAA (Federal Aviation Administration))
17. Statement of Brendan M. Gill, Vertex Towers, LLC (re: significant cell phone reception coverage gaps in Hubbardston, review of all potential cell tower sites in town and concluding 14 Main Street “least intrusive and only available and viable” site), including the following supporting documents:
 - a. VT-MA-3142 Existing Overview Map, satellite 5-mile Radius
 - b. VT-MA-3142 Existing Overview Map, topographical 5 Mile Radius (showing existing cell towers)
 - c. Alternative Site Analysis
 - d. VT-MA-3142 ASA Overview Map, satellite 1.5 Mile Radius (showing locations considered)
 - e. VT-MA-3142 ASA Overview Map, topographical 1.5 Mile Radius (showing locations considered)
18. Affidavit of Radio Frequency Engineer (re: necessity for cell tower coverage to overlap with coverage from surrounding cell towers, etc.)
 - a. Map of Proposed Coverage area (of cell tower service)
 - b. Map of Existing Coverage area (of cell tower service)
 - c. Site Emissions Report for Hubbardston MA
19. A.A. Dority Company Tower/Structure/Equipment Removal Bond (form) with signature and NGM Insurance Company Power of Attorney (form)
20. Environmental and Community Impact Analysis (Article 8) including NEPA Land Use Screening Checklist
21. Drainage Calculation Study
22. Places’ Review and Comments on Applicant’s Drainage Calculations
23. Places’ sign-off on Applicant’s Drainage Calculation

Plans

The following plans as shown in the Drawing Index Title Sheet as revised through July 12, 2022:

- 1) Abutters Plan and Existing Conditions
- 2) Compiled Plot Plan
- 3) Compound Plan and Elevation
- 4) Partial Site Plan
- 5) Driveway Plan and Profile
- 6) Details
- 7) Tenant Details
- 8) Erosion and Control Plan and Details
- 9) Infiltration Trench Drainage Plan dated September 14, 2022

Photographs

Photographs of a balloon test conducted from the proposed cell tower site and map of viewpoints the photos were taken from, including:

- 1) Map showing 12 locations submitted June 5, 2022

- 2) Photos taken June 7, 2022
- 3) Photos with simulations superimposed dated June 9, 2022

Applicable Zoning Bylaws

The following provisions of the Hubbardston Zoning Bylaw apply to this project:

Article 4 USE REGULATIONS

Article 7 SPECIAL PERMITS

Article 8 ENVIRONMENT AND COMMUNITY IMPACT ANALYSIS

Article 9 SITE PLAN APPROVAL

Article 18 WIRELESS COMMUNICATION FACILITY

Summary of Facts

There is a widely recognized need for improved cell phone service in Hubbardston as indicated by numerous “dead spots” and “dropped calls.” There are presently no cell towers in Hubbardston. “Limited cellular/broadband access” has been listed as a major concern of town residents in several surveys, including a recent survey conducted for the Town Master Plan. In its application, Vertex stated that 95% of Americans own cell phones, 50% of American households now have only wireless phones and 70% of 911 calls are made from cell phones.

Article 18 “Wireless Communication Facility” of the Hubbardston Zoning Bylaws was adopted at town meeting on February 12, 2002 (amended June 18, 2002, June 2, 2015, and June 5, 2018). The bylaw creates a zoning overlay district in which cell towers may be located by special permit with site plan approval. The overlay district includes all land in the Town Center District and several other individually listed parcels in town. But it does not include the parcels located off Brigham Street identified to provide access to the proposed tower. Vertex stated, and submitted supporting documentation showing, that the best location for a cell tower in Hubbardston is in the Town Center District due to location, topography, and proximity to surrounding cell towers located outside of Hubbardston. The cell tower site proposed by Vertex is in an undeveloped area surrounded by wetlands, farm fields and Department of Conservation and Recreation (DCR) land, on top of a wooded hill. The location is approximately 1000+ feet back from Main Street (Rt. 68) and 1000+ feet back from Brigham Street, the two roads that cross at the main intersection in town. There are no other public streets within 1000 feet of the site. The character of the town center has not significantly changed since passage of the Wireless Communication Facility bylaw in 2002.

Vertex proposes to construct a 149-foot tall, lattice style cell tower at 14 Main Street (Accessor’s Parcel: 8A-41) to accommodate four major cell phone service providers. This lot is located entirely within the Town Center District. It is a long, narrow, 13-acre, lot with only 101.64 feet of frontage on Main Street; however, the lot is protected as pre-existing nonconforming. The single-family house on the lot is close to the street. The tower site is at the rear of the lot, over 1100 feet from the house. Access to the cell tower site from Main Street is

not reasonably developable due to steep grades and an extensive wetland in the middle of this lot.

Vertex proposes to access the tower site through an abutting farm property located at 9 Brigham Street (Accessors Parcel 8A-49), and a small portion of the frontage of 7 Brigham Street (Accessors Parcel 8A-51). Both parcels are located in the Residential-Agriculture Zoning District. The parcel at 9 Brigham Street consists of 87 acres on which is located a single-family house, farm buildings and farm fields. Access to the cell tower would be over a long existing driveway running from Brigham Street to the back lot line, a portion of which has for many years served as the owner's driveway and access for farm vehicles to the fields behind the house. With some upgrades it can accommodate construction vehicles to build the cell tower, and follow-on service needed for routine maintenance of the telecommunication equipment. Vertex estimated that the four cell phone companies would service their equipment less than once a month. The re-built driveway would continue to be used by the landowner as driveway for the house and for farm vehicles. The public would have no access to the driveway or to the property. The driveway would not be plowed by the Applicant (or its assigns) except as is necessary to gain access to the tower in the winter months.

To accommodate the construction and service vehicles, Vertex proposes to upgrade the driveway, but not change its location or character. Access and upgrades require easements from two abutters to the subject property, which have been secured. Vertex provided a site plan detailing drawings of the existing driveway and proposed upgrades. The Planning Board required a "Drainage Calculation Study" to show that runoff from the driveway and construction site, would not adversely affect neighboring properties or add additional runoff flows onto Brigham Street located at the bottom of the hill.

A balloon test as required under the Wireless Communication Facility bylaw, was conducted on June 7, 2022, from 9 AM to 2 PM following mailed notice to all town residents. Photographs were taken by Vertex's agent from twelve well-known viewpoints in town, which were selected by the Planning Board's agent, Places, as public places from which the tower might detract from the view. The Photos were enhanced by Vertex superimposing a tower image to scale over the balloon image shown in the photos. In most of the photos the balloon was not visible; in others it appeared small and distant. The enhanced photos and a map of the locations from which the photos were taken were posted on the Hubbardston Zoning Board website and reviewed at the public hearing held on July 21, 2022.

The Vertex application and site plan were reviewed for completeness by Places. On May 18, 2022, Places concluded that the application was incomplete and requested revisions and additional information. Vertex responded with an amended application, revised site plan, and additional information. Places reviewed the new material, told the Planning Board that the application was substantially complete, and the board accepted the application at its May 26, 2022, meeting and scheduled a joint public hearing with the Zoning Board of Appeals for July 21, 2022.

A joint public hearing was held before the Planning Board and the Zoning Board of Appeals on the Vertex application on July 21st following publication and notice to abutters. The Planning Board continued its public hearing on the Special Permit and Site Plan applications to August 4, August 25, September 7, and September 21. Hubbardston residents spoke at each of these meetings and submitted letters and comments, both for and against the proposal

Issues and Waivers

During the application process a number of issues arose that required resolution in order to proceed. Below is list of some of those issues and proposed resolutions.

Light at Top. One issue was whether the tower would have to be lit at the top at night for aviation purposes. Vertex provided data-based search results (TOWAIR) stating that a light was not required and agreed that there would be no light unless aviation regulations changed to require one.

Monopole Requirement Waiver. Vertex proposes a lattice tower. Section 18.4.1 (added to Article 18 Wireless Communication Facility bylaw in 2015) explicitly allows new construction of both monopole and lattice type towers. The amendment appears to conflict with subsection 18.4.2.c (dating from 2002) which allows only monopoles unless the tower is attached to an existing structure. The apparent conflict was pointed out by Vertex's attorney, who stated that a lattice tower is now the industry standard, as it allows for future upgrades and flexibility for meeting wireless companies varying criteria. The Planning Board, acknowledging the apparent inconsistency, agrees to grant a waiver of 18.4.2.c to the extent required, so that Vertex can construct a free-standing lattice tower pursuant to the Telecommunications Act.

Fencing and Camouflage Waivers. Vertex also requested a waiver of provision 18.4.1.c. (which requires camouflage and artificial screening) and 18.5.2.d (requiring eight-foot-high stockade fencing), due to the tower's proposed location in a densely wooded area far from residences. Vertex instead proposes to secure the cell tower area with six-foot chain-link fencing topped with three strands of barbed wire for security. The Planning board agrees to these waivers.

Access Issue. Access to the cell tower is proposed through an existing driveway located on an abutting farm property. The farm property is not located in either the Town Center District or the Wireless Communication Overlay District. Hubbardston Zoning Bylaw, Article 5.

Development Regulations, Section 5.3 *On-Site Parking Requirements*, Subsection e.2, prohibits access drives to serve a use not allowed in the district in which the access is located. Subsection 5.3.e.2 also provides that access to a lot must be through its frontage. The cell tower site cannot reasonably be accessed through the lot's Main Street frontage, due to a combination of shape of lot, soils, topography (steep slopes) and other environmental constraints. To address these two issues Vertex applied to the Hubbardston Zoning Board of Appeals (ZBA) for variances from the two provisions. The variances were not granted by the ZBA, although the Applicant asserts that the variances were constructively granted through the operation of M.G.L. c. 40A, § 15, ¶ 5.

The Applicant filed an Application for Variances with the Town of Hubbardston Zoning Board of Appeals (the "Zoning Board") (the "Application"). The Application was stamped received by the Town Clerk for the Town of Hubbardston on May 10, 2022. Said Application sought variance relief from Hubbardston Zoning Bylaw Article 5 Section 5.3.e.2, Access Drives, to permit access to a proposed wireless communication facility (cell tower) to be located at 14 Main Street, Hubbardston Tax Map and Parcel number 08-A-041, via properties located at 7 Brigham St, Hubbardston Tax Map and Parcel number 08-A-051 and 9 Brigham Street, Hubbardston Tax Map and Parcel number 08-A-049. On August 29th, the Town Clerk signed and stamped a notice of constructive grant. The grant or denial of a variance to use the parcels off Brigham Street is not within the purview of the Planning Board. However, Zoning Bylaw Sections 7.1.a, 9.4.1. and 18.5.2.e do require the Planning Board to consider access.

Vertex plans to use an existing driveway located on abutting, privately owned land, for access to construct a cell tower and maintain equipment. The existing driveway will be shared with the farmer through a private easement agreement. The public is prohibited from both the privately owned farmland and tower site. The driveway is not an access road to a parking lot or other publicly available space. A cell tower is an unmanned structure that does not require a parking lot, and does not generate traffic from customers, employees, deliveries or from the service it provides (other than occasional maintenance vehicles).

Meeting criteria specified in Hubbardston Zoning bylaws

Article 4 USE REGULATION

Under Article 4 Use Regulation, Section 4.2.f "Communication Transmission Towers with a maximum height of 150 feet" are an allowed use, by Special Permit, in Residential Districts. "Communication Transmission Towers" are not listed as an allowed use (with or without a Special Permit) in the Town Center District. The proposed cell tower site at 14 Main Street is located in the Town Center District. However, under Article 18 WIRELESS COMMUNICATION FACILITY (discussed below) the entire Town Center District is located in "The Wireless Communication Overlay District." Therefore, a wireless communication facility is allowed at 14 Main Street by Special Permit, pursuant to Article 18. Certain parcels in the Residential District are also located in the "Wireless Communication Overlay District" (identified in Article 18 by assessor's references to Map and Parcel). The access driveway to the cell tower at 7 and 9 Brigham Street, is located in a Residential District, but are not among the lots listed in Article 18, so are not included in the Wireless Communication Overlay District.

Article 7 SPECIAL PERMITS

Under Article 7, Section 7.1 the Planning Board must find that the proposed use satisfies the following criteria before granting a Special Permit:

- a. Shall not have vehicular and pedestrian traffic of a type and quantity so as to cause significant adverse effect to the neighborhood;

- b. Shall not have a number of residents, employees, customers, or visitors so as to cause significant adverse effect to the neighborhood;
- c. Shall not have a greater lot coverage than allowed in the zoning district in which the premises are located;
- d. Shall not be dangerous to the immediate neighborhood or the premises through fire, explosion, emission of wastes, or other causes;
- 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;
- f. Shall not cause degradation of the environment.

The Planning Board finds that the above criteria are met for the following reasons:

- a. The cell tower installation will generate no pedestrian traffic and, post construction phase, the only vehicular traffic will be from occasional service vehicles entering to maintain the telecommunications equipment installed on the cell tower.
- b. The cell tower installation will not have residents, employees, customers, or visitors, other than occasional service personnel to maintain the telecommunications equipment installed on the cell tower.
- c. The cell tower installation will be entirely located in the Town Center District and Wireless Communications Overlay District.
- d. The cell tower 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 cell tower installation; and all neighboring structures are located far from the "fall zone"; the cell tower installation will be grounded from lightning strikes; electrical connections to the grid will be underground; generator and fuel supply shall comply with applicable NFPA standards, the cell tower installation includes monitoring equipment to respond to emergencies; local police and fire will be provided with emergency access; the cell tower installation will be surrounded by barbed wire topped fencing with a locked gate; all equipment located on the ground will be in secured, locked storage containers. The cell tower installation will have no sanitary facilities and will emit no waste. Storm water runoff has been addressed in the Drainage Calculation Study and Site Plan.
- e. The cell tower installation will not create noise, vibration, dust, heat, smoke, fumes, odor, or glare. Concerns over the visual effects were expressed by members of the public and taken into consideration by the board. Visibility of the cell tower will be minimal as demonstrated by the balloon test and due to the tower's remote location in a wooded area. Based upon the balloon test evidence and tower location, the board finds that the cell tower installation will not adversely affect the immediate neighborhood.
- f. The cell tower will be limited to a clearing as shown on the site plan and the improvement of an existing driveway. For this reason and the others listed above, the Planning Board concludes the tower will not cause degradation of the environment.

Article 8 ENVIRONMENT AND COMMUNITY IMPACT ANALYSIS

Article 8.3 of the Hubbardston Zoning Bylaws provides that four “concerns” must be addressed in each of six categories. The four “concerns” are:

- a. The Environmental and Community Impacts of the Proposed use and/or Development
- b. Adverse impacts which cannot be avoided should the proposed use and/or development be implemented
- c. Alternatives to the proposed use and/or development
- d. Measures to be used to minimize adverse environmental and community impacts

The six categories are:

1. Natural Environment – including: air and noise pollution, water pollution, land compatibility (soils, erosion, sedimentation), plant and wildlife, water supply, sewage disposal
2. Man-Made Environment – including: existing neighborhood, zoning, architecture
3. Public Service – including: schools, police, recreation, solid waste disposal, traffic, and highway
4. Aesthetics—including: lighting, landscaping, visual (views)
5. Planning (compatibility and alternatives with goals and objectives of Growth Management and Open Space Plan)
6. Cost/Benefit Analysis

Applicants addressed the above “concerns” and “categories” individually in the *Environment and Community Impact Analysis* that they submitted.

The Planning Board finds that the proposed cell tower installation will have minimal **environmental and community impacts** in areas of “concerns” under the six “categories” because:

- It will not be located in a neighborhood
- it will not generate pollution or sewage, or use water
- view of the tower will be hidden to tree height by the dense forest surrounding the site
- view of the top of the tower will be minimal due to its distance from homes and roads (as demonstrated by the balloon study photographs)
- tree cutting will be limited to area immediately surrounding the fenced installation
- access to tower will be via an existing driveway
- the tower will not be lit at night
- electrical lines will be underground
- the project will be unmanned
- the tower will comply with zoning.

The Planning Board finds that the cell tower is compatible Growth Management and Open Space objectives (category 5) because it will assist businesses without adding to need for

residential services. The proposed cell tower will serve four major cellphone providers, thus eliminating the need for additional cell towers.

The Planning Board finds the benefits of the tower outweigh the environmental and community impacts of the project (category 6 above). Vertex will pay for the tower and its installation on privately owned land and post a decommissioning bond, which it shall maintain throughout the active life of the tower. Cell phone providers will provide and service their equipment on the tower at no cost to the town. The installation should generate tax revenue for the town. The tower will benefit almost all cell phone users in town by providing better cell phone reception.

The Planning Board finds the only unavoidable adverse impact is view of the tower, which will be minimal for reasons state above (concern b).

The Planning Board finds that a cell tower is necessary to improve cell service in Hubbardston and the proposed cell tower is in the best location available to serve the need, so there are no better alternatives to the proposed use and/or development (concern c).

Measures to be used to minimize adverse environmental and community impacts have been discussed above (concern d).

Article 9 SITE PLAN APPROVAL

Vertex filed a detailed multi page site plan which was reviewed by Places and determined by them, after revisions, to be in substantial conformance with the requirements of Article 9 and with Article 18 Wireless Communication Facility. Copies of the cite plan were provided to other agencies in town as required by Section 9.5 and the Site Plan was advertised and presented at the public hearing as required by Section 9.6.

As required by Section 9.7, the Planning Board approves the Site Plan 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 the Zoning Bylaws and Rules and Regulations of the Town of Hubbardston and applicable laws and regulations of the Commonwealth of Massachusetts.

An approved site plan is valid for two (2) years; development must be completed within that time unless an extension is granted. violation.

Article 18 WIRELESS COMMUNICATION FACILITY

The Planning Board finds that Vertex's application for a Special Permit for the construction of a cell tower, including Site Plan, conforms with all applicable provisions of Article 18 *Wireless Communication Facility* of the Hubbardston Zoning Bylaws, *excluding* Sections 18.4.1.c, 18.4.2.c and 18.5.2.d from which the applicant requested the waivers (discussed above) pursuant to the Telecommunications Act. The Board hereby grants those requested waivers. The Planning

Board also granted a limited waiver of provisions in 18.5.2.a requiring 24-hour balloon test, by limiting test to five (5) hours from 9 a.m. to 2 p.m.

Conditions of Special Permit and Site Plan

In addition to all other applicable rules and regulation, granting of this Special Permit is conditioned upon the following:

1. The access easement over the Aalto and Olson properties at 7 and 9 Brigham Street to reach the cell tower site at the back of the 14 Main Street shall be extinguished upon the decommissioning and removal of the cell tower.
2. 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, in the proper Registry of Deeds and duly indexed or noted on the owner's Certificate of Title. A copy of the recorded decision, certified by the Registry, or notification by the Owner of the recording, including recording information, shall be furnished to the Building Inspector and the Planning Board.
3. 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 18.6.2.c.2 and 18.6.2.c.3
4. Prior to the issuance of a building permit, the applicant shall provide and record at the Registry of Deeds, with this Decision, a document granting permission from the current landowner to the Town of Hubbardston or its agent(s) to enter the property for the purposes of decommissioning/removing the installation pursuant to of the Zoning Bylaws.
5. This Permit shall lapse two years from the issuance date, if a substantial use has not commenced, except for good cause.
6. 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.
7. Prior to the issuance of a building permit, the Applicant/Owner shall pay all outstanding fees incurred for the Planning Board's consultants, Places and Town Counsel, as delineated below:
 - a. Places: Not to exceed the sum of \$3,800 for the services as listed in Places' estimate dated September 21, 2022; and
 - b. Town Counsel: For costs associated with the drafting and finalizing this Decision and attendance at the Planning Board's September 21, 2022 meeting, which amount shall be provided to Applicant no later than September 26, 2022.

8. [Omitted]
9. The Hubbardston Police, Fire and other public safety agencies shall be provided with the up-to-date contact names and numbers of Operations Maintenance contractors of wireless carrier service 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. Any changes to the project shall be reviewed by the Planning Board to determine if such changes are significant or of a minor nature. Significant changes shall require public notification and hearing, at the applicant's cost, to allow the Board, abutters, and others the opportunity to review such changes at a public hearing. Should the Board determine changes proposed or made are not significant, they shall be determined to be minor engineering changes and shall be noted as such on any as-built plan/ certification with no further action required by the Board.
11. On the one-year anniversary of the issuance date of the building permit and each year thereafter (annually), the permit holder shall provide the Building Inspector and Planning Board Clerk:
 - a. A written report of the status of the project including site related maintenance that has occurred, photographs of the site and access areas and a narrative of pending operational and maintenance activities planned for the coming year. A summary of all complaints received by the operator(s) as to the function of the facility. A summary of the resolution to such complaints, if so resolved. If not resolved, a status update on achieving resolution with the complainant.
12. Decommissioning Bond
 - a. Prior to the issuance of a building permit, the applicant shall provide the town of Hubbardston with a decommissioning bond in the amount of \$40,000, guaranteed with sureties, consistent with documents applicant submitted to the Planning Board as part of its Special Permit Application and in form satisfactory to Building Inspector.
 - b. Prior to or on the date of expiration of the provided decommissioning bond the applicant shall provide Building Inspector proof of the bond and surety renewal and updated expiration status. The amount of the bond shall be increased on a yearly basis by 2.5% to accommodate the increase of decommissioning over time.
 - c. 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.

13. If delivery of tower components or other structures require transport on oversized vehicles, Vertex will notify the Hubbardston Chief of Police at least 48 hours in advance and comply with requirements of the Chief for delivery, including payment for police detail, if so required.
14. 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.
15. 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.
16. The Applicant shall install signage at the base of the driveway or other appropriate location stating that the driveway is for private access only and closed to the public.
17. 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 done in phases so that the entire site is not exposed, erodible soil at the same time.
 - 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 Brigham Street 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. [T.B. Blasting, if it is required, shall be considered an engineering change to the project as described in condition no. 10.]
- l. The Petitioner and any subsequent owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to: painting, fencing, structural repairs, monitoring and maintenance of the security system and stormwater management system. Site access shall be maintained to a level acceptable to the Fire Chief, Police Chief and Director of Emergency Medical Services. 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.

18. Prior to the issuance of a certificate of occupancy or building permit signoff by the Building Inspector:

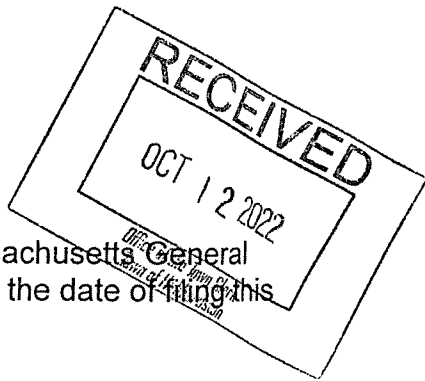
- a. The Petitioner shall provide on-site training for Hubbardston Police and Fire Department and EMS first responders. The Building Inspector and Planning Board Clerk shall be notified of the timing of this training and the Building Inspector and Planning Board members reserve the right to attend it.
- b. An operations and maintenance plan of the Installation, including measures for maintaining safe access to the installation, storm water controls, maintenance of the stormwater BMPs, as well as general procedures for operational maintenance of the installation shall be submitted to the Building Inspector and Planning Board Clerk.
- c. An as-built plan shall be prepared by a Massachusetts Registered Land Surveyor and submitted to the Building Inspector and the Planning Board Clerk. Such plan shall depict the location of all control and electrical boxes, concrete pad, stone pad, fences, all structures, poles, overhead and buried wires and conduit and shall certify that the zoning requirements are met. It shall include a certification by a Professional Engineer that the drainage system was built in accordance with the approved plan and if not, supporting documentation that the site still complies with the DEP Stormwater Manual criteria.
- d. Applicant must give the Town a signed letter agreeing to notify the Town 90 (ninety) days prior to discontinuance. The Applicant must remove the facility within 90 (ninety) days of the giving of said notice. If the Applicant does not notify the town of discontinuance, but ceases using the facility, after 90 (Ninety) days of nonuse, 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 90 (Ninety) days of discontinuance or abandonment,

then the Town may remove the facility at the cost of the Applicant or Owner. Any bonds or other surety would be forfeited to the benefit of the Town for the cost of any such decommissioning or removal.

- e. No occupancy permit or building permit sign-off shall be issued until Sections 18.6.2.c.1 – 18.6.2.c.3 are met.

VOTE

By a vote of 5 in favor and 0 opposed, on September 21, 2022, the Planning Board voted to grant the Special Permit and Site Plan Approval for a wireless communications facility to Vertex Towers, LLC on the terms and conditions of the foregoing decision.



APPEALS

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

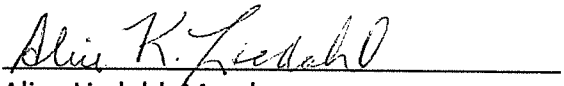
Approved with Conditions, as endorsed by:
Town of Hubbardston Planning Board
Witness our hands this 12th day October 2022




Kristofer Munroe, Chairman



Francois Steiger, Member

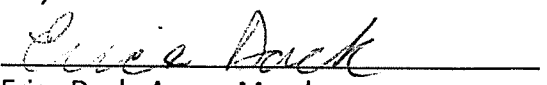


Alice Livdahl, Member

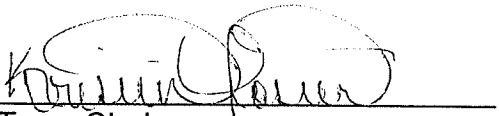


John DeMalia, Member

William Homans, Member (Not eligible to vote,
(Abutter, non-participant)



Erica Dack, Assoc. Member
(Eligible to vote)



Town Clerk

Date Oct 12, 2022

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.

Town Clerk

Date