



Town of Stow
PLANNING BOARD

380 Great Road
Stow, Massachusetts 01775
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JANUARY 11, 2022

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**SITE PLAN APPROVAL FOR
MODIFICATION TO TELECOMMUNICATION FACILITY
IN ACCORDANCE WITH MA DISTRICT COURT JUDGEMENT**

CIVIL ACTION NO. 06-10659 GAO

501 Gleasondale Road

Catherine Conklin on behalf of

AT&T Mobility

1. Application

This document is the Site Plan Approval of the Planning Board (hereinafter, the Board) on the Application of Catherine Conklin (hereinafter, the Applicant) for property located at 501 Gleasondale Road, FA Location Code 10141344. Said property is shown on Stow Property Map Sheet U-8 as Parcel 4 (hereinafter, the site). The Applicant seeks to add a self-contained backup diesel generator and 4 foot by 10 foot concrete pad, requiring Site Plan Approval in accordance with Massachusetts District Court Judgement, Civil Action No. 06-10659 GAO, Section 1(V) (hereinafter the Original Judgement). The plans are dated September 2, 2021, and revised January 10, 2022 (hereinafter the Plan).

2. Applicant

Catherine Conklin
On behalf of AT&T Mobility
4603 Kemper Street
Rockville, MD 20853

Owner

Gordon Skinner
501 Gleasondale Road
Stow, MA 01775

*AT&T Mobility
7150 Standard Dr
Hanover, MD 21076*

3. Location

Said property is located at 501 Gleasondale Road and is shown on the Stow Property Map Sheet U-8 as Parcel 4, (hereinafter, the Site). It is further described on Site Plan entitled "Stow-

Gleasondale Rd FA Location Code: 10141344 'Stow Generator Project 30KW Diesel Generator 200A Generac ATS,'" dated September 2, 2021, and revised January 10, 2022, prepared by Ramaker Associates, Inc.

4. Board Action

After due consideration of the request for Site Plan Approval for Transmission Equipment at 501 Gleasondale Road, in accordance with MA District Court, Civil Action No. 06-10659 GAO Section 1(V), the Board, on January 11, 2022, by a vote of five members present, voted to **GRANT** Site Plan Approval.

5. Proceedings

After review of the Application and Plan, Board members Lori Clark, Margaret Costello, John Colonna-Romano, Nancy Arsenault, and Karen Kelleher determined that the Application is considered to be an Eligible Facilities Request involving an existing facility, in accordance with MA District Court Judgement, Civil Action No. 06-10659 GAO, Section V, and otherwise exempt from Special Permit provisions in pursuant to Section 5.3.2(B) of the Zoning Bylaw. Section 1(V) of said Judgement provides for the Planning Board's non-discretionary Site Plan Review. The record of proceeding and submission upon which this Site Plan Approval is based may be referred to in the Offices of the Planning Board and Town Clerk.

6. Exhibits

Submitted for the Board's review were the following exhibits:

EXHIBIT 1 Plans dated September 2, 2021, revised January 10, 2022:

1. Plan entitled "Stow-Gleasondale Rd FA ID #10141344" consisting of the following:

Sheet T-1:	Title Sheet
Sheet N-1:	General Notes
Sheet A-1:	Site Plan
Sheet A-2:	Site Plan & Equipment Layout
Sheet S-1:	Foundation Details
Sheet E-1:	Wiring Details
Sheet E-2:	Panel and Penetration Details
Sheet E-3:	ATS, Conduit & Ground Rod Details
Sheet E-4:	Generac Generator Specifications
Sheet E-4.1:	Generac Generator Specifications
Sheet E-4.2:	Generac Generator Specifications
Sheet E-5:	Generac ATS Specifications
Sheet E-5.1:	Generac ATS Specifications

EXHIBIT 2 Additional Information Submitted by the Petitioner

1. Email dated October 15, 2021, from Catherine Conklin
2. Email dated November 3, 2021, from Catherine Conklin
3. Email dated November 18, 2021, from Catherine Conklin
4. Minor Project Authorization/Administrative Approval dated November 29, 2021, Stow Conservation Commission

- EXHIBIT 3 Correspondence from Town Boards and Departments
1. Email dated October 12, 2021, from John P. Benoit, Fire Chief
 2. Inter-office Memorandum dated October 12, 2021, from Frank Ramsbottom, Building Commissioner
 3. Inter-office Memorandum dated October 15, 2021, From Michael Sallesse, Police Chief
- EXHIBIT 4 Correspondence Received from Residents and Abutters
1. Email dated October 21, 2021, from Steven and Laurel Cohen

Exhibits 1&2 are hereinafter referred to as the Plan.

7. Findings, Conclusions and Conditions

Based upon its review of the exhibits, the Board finds and concludes that:

7.1 **Finding:** MA District Court Judgement, Civil Action No. 06-10659 GAO, Section 1(V) states “Nothing in this judgement issued pursuant thereto shall prohibit Cingular [AT&T] from updating antennas or equipment from those shown on the plan, provided that the change does not result in a change in project footprint, use, or exterior appearance.

7.2 **Finding:** The plan shows the addition of 4 foot by 10 foot concrete pad and new self-contained backup generator outside the existing building footprint and outside the existing AT&T equipment area.

Finding: The Planning Board finds that the site is completely within the Town of Stow Wireless Service Facility Overlay District, is industrial in nature, and that the proposed installation would be located adjacent to the smokestack containing wireless transmission equipment. In accordance with the governing Judgement, the Planning Board finds Site Plan Approval is the most appropriate review process for the proposed work.

7.3 **Finding:** During the Site Plan Review, abutters noted that the proposed work is within 200 ft of the Assabet River, and therefore within the jurisdiction of the Stow Conservation Commission according to the Massachusetts Wetlands Protection Act (M.G.L Ch. 131 §40). The Planning Board requested that the applicant apply for any necessary approvals by the Stow Conservation Commission.

Finding: On November 29, 2021, the Stow Conservation Director issued a Minor Project Authorization/Administrative Approval for the proposed work. The approval conditions that straw wattle be installed along the top of the wall and driveway between the proposed work and the Assabet River, and that concrete washouts shall be controlled to avoid entering the Assabet River.

Condition: All construction work shall adhere to the conditions listed in the Minor Project Authorization/Administrative Approval issued by the Stow Conservation Commission on November 29, 2021.

- 7.4 **Finding:** The Plan shows the construction of a 4' x 10' foot concrete pad located at the southwestern-most corner of the mill complex, in the vicinity of the existing smoke stack. A diesel, Generac generator is proposed to sit atop the pad, protected from vehicles by three bollards. The generator's conduit is proposed to run up the south wall and toward a sub-panel at the existing equipment shelter on top of the mill roof.

During the Public Meeting, the Applicant indicated the generator will run for twenty (20) minutes, twice per month during the mid-morning weekday hours of 9-10 am, to ensure it is in working order. Any operating issues are remotely communicated to the operator for maintenance.

- 7.5 **Finding:** During the Public Meeting abutters raised concerns over the location of the proposed generator along the south side of the existing mill building, due to the potential for noise and visual impacts to the closest abutting property owners across the Assabet River and directly south of the Route 62 bridge.

Noise Impacts

The Applicant identified a similar generator located at a site in Bolton that a member of the Planning Board observed during operation. At the Bolton, MA location, the generator was reported to be difficult to hear at further than twenty (20') feet. Although it is a similar unit, the location and context of the Bolton, MA generator is different than the proposed site at the mill, and therefore it is difficult for the Planning Board to draw specific conclusions as to the potential noise impacts at the Gleasondale site.

Visual Impacts

The Planning Board finds that although the site is industrial in nature, the large mass of the generator along the south wall can be directly viewed from abutting properties and may be detrimental to previous successful mitigation efforts to minimize the visual impact of installations along the building and smokestack. Due to the loading areas still in use at this portion of the mill site, as well as the close proximity of the access road to the mill, alternative locations for the generator were unavailable.

During the Public Meeting the Applicant indicated they would be amenable to installing a fence to mitigate the visual and noise impacts, provided there remained sufficient space for maintenance of the generator.

Condition: A fence shall be constructed directly south of the generator, at a height sufficient to block it from view. The fence shall be constructed from wood, preferably red cedar, or another material suitable for diminishing sound. The fence shall be lined on the inside, between the panels and the generator, with a secondary weather-proof sound abating material as proposed by the Applicant and approved by the Planning Board.

Condition: The fence shall be maintained in working order to ensure its functionality as a visual and noise buffer for the generator.

Plan Modification: Prior to issuance of a Building Permit, the Plan shall be modified to show the location and detail of a fence designed in accordance with Section 7.5 of this Decision.

- 7.6 **Condition:** Except as authorized in the Plans as conditioned in this Site Plan Approval Decision, there shall be no further exterior alterations to the AT&T facility without prior approval of the Planning Board.

Condition: Any alterations to the Plan not considered by this Site Plan Approval shall be submitted to the Planning Board prior to commencement of work to confirm conformance with Section 1(V) of the Original Judgement.

- 7.7 **Condition:** Except as expressly modified by this Site Plan Approval, all terms and conditions of the Original Judgement and subsequent Modifications shall remain in full force and effect.

- 7.8 **Condition:** This Modification and Site Plan Approval shall not take effect until a copy 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 Site Plan Approval, certified by the Registry, or notification by the owner of the recording, including recording information, shall be furnished to the Town Clerk, the Building Commissioner and the Planning Board.

Signed on behalf of and with permission of the Board this 11th day of January, 2022.

Karen Kelleher

Date Received and Filed
Volume II, Page _____

Linda Hathaway, Town Clerk