

STOW PLANNING BOARD

RULES and REGULATIONS

for

WIRELESS SERVICE FACILITY SPECIAL PERMIT



ADOPTED: May 29, 2001

Including Amendments Through May 18, 2022

Price: \$20.00

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SECTION 1

GENERAL PROVISIONS

1.1 Authority

These RULES are adopted by the Planning BOARD as authorized by MGL Ch. 40A and the Stow Zoning BYLAW.

1.2 Purpose

The purpose of these RULES is to establish uniform procedures for conducting the business of the BOARD under its jurisdiction as a Special Permit Granting Authority for Wireless Service Facility Special Permits.

1.3 Applicability

Any person applying for Wireless Service Facility Special Permits under the BYLAW, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these RULES.

1.4 Definitions

Defined terms are capitalized in these RULES.

APPLICANT	Any person or such person's authorized representative who files an APPLICATION for a PERMIT under the BYLAW.
APPLICATION	All plans, forms, reports, studies or other documents which are submitted to the BOARD under these RULES by an APPLICANT.
BASE STATION	Equipment and non-tower supporting structure at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network, including any equipment associated with wireless communications service including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supply, and comparable equipment.
BOARD	The Planning BOARD of the TOWN of Stow.
BYLAW	The Zoning BYLAW of the TOWN of Stow, as amended
COLLOCATION	The mounting or installation of transmission equipment on any tower or BASE STATION for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
DECISION	Action by the BOARD on an APPLICATION.
ELIGIBLE FACILITIES REQUEST	Any request for modification of an existing tower or BASE STATION that involves (a) COLLOCATION of new TRANSMISSION EQUIPMENT; (b) removal of TRANSMISSION EQUIPMENT; or (c) replacement of TRANSMISSION EQUIPMENT.

PARTIES IN INTEREST	The APPLICANT; abutters; owners of land directly opposite on any private or public STREET or way; and abutters to the abutters within three hundred feet of the property line of the APPLICANT as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Stow Planning BOARD; and the Planning Board of every abutting city or town.
PERMIT	A WIRELESS SERVICE FACILITY Special Permit under the BYLAW
RULES	The WIRELESS SERVICE FACILITY Special Permit Rules and Regulations as contained herein.
TOWN	The TOWN of Stow.
TRANSMISSION EQUIPMENT	Any equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

Other Definitions - Refer to the "Definitions" section of the SUBDIVISION Rules and Regulations and the BYLAW for additional defined terms, which are also capitalized when used in these RULES.

1.5 Coordination with Subdivision Approval

In the case where the WIRELESS SERVICE FACILITY requires Subdivision Approval under the SUBDIVISION CONTROL LAW or another special permit under the BYLAW, the APPLICANT shall submit an application for approval of a Definitive Subdivision Plan and/or special permit with the APPLICATION for a PERMIT hereunder. To the extent permitted by law, the BOARD shall consider all applications at the same time.

1.6 Waiver of RULES

Strict compliance with these RULES may be waived if the BOARD finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the BYLAW and these RULES.

- 1.6.1 Any request from an APPLICANT for a waiver of these RULES shall be submitted, in writing, to the BOARD at the time of submission of the APPLICATION. Such requests shall clearly identify the provision/s of the RULES from which relief is sought and be accompanied by a statement setting forth the reasons why, in the APPLICANT'S opinion, the granting of such a waiver would be in the public interest, or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the BYLAW and these RULES.

1.7 Provision of Security

The BOARD may require in its DECISION that security be posted with the TOWN in such form and amount as is required by the BOARD to secure the satisfactory completion of all

or any part of the work authorized under a PERMIT. The form of security shall be generally as required in the Town of Stow SUBDIVISION Rules and Regulations.

1.8 Advice from TOWN Staff

Any advice, opinion, or information given to the APPLICANT by a BOARD member, or by any agency, official, or employee of the TOWN shall be considered advisory only and not binding on the BOARD.

1.9 Amendments to the RULES

The RULES may be amended by a majority vote of the BOARD in a public meeting.

SECTION 2

PRELIMINARY REVIEW

2.1 Pre-Application Conference

Prior to the submission of an APPLICATION for a Special Permit, the APPLICANT is strongly encouraged to meet with the BOARD at a public meeting to discuss the proposed WIRELESS SERVICE FACILITY in general terms and to clarify the filing requirements. A Pre-Application Conference with the BOARD can prevent serious delays in the processing of the final APPLICATION.

- 2.1.1 The purpose of the Pre-Application Conference is to inform the BOARD as to the preliminary nature of the proposed WIRELESS SERVICE FACILITY. As such, no formal filings are required for the pre-application conference. However, the APPLICANT is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the BOARD of the location of the proposed facility, as well as its scale and overall design.
- 2.1.2 Any action or communication initiated by the APPLICANT prior to the filing of an APPLICATION with the Town Clerk and the BOARD shall not constitute a PERMIT APPLICATION.

2.2 Preliminary Review

Prior to submission of the final APPLICATION, the APPLICANT may submit a draft APPLICATION for preliminary review. At least 10 copies of all materials to be reviewed shall be provided to the Planning Board Office along with a letter requesting a review and including the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication shall be sent through the Planning Board Office or a copy of said communication shall be provided to the Planning Board Office.

2.3 Scope of TOWN Staff Reviews

The BOARD and TOWN staff will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final APPLICATION and to promote efficiency in the formal review process. Staff will limit their review of such materials to technical issues appropriate to their area of expertise and to assessments of whether the project in question adequately addresses major issues of concern to the TOWN and the neighborhood. In general, staff will complete the preliminary review within 30 days. Staff will not be responsible for assuring the thoroughness, completeness, or correctness of any final APPLICATION. It is the responsibility of the APPLICANT to assure that any APPLICATION to the BOARD is complete and accurate.

- 2.3.1 Through the preliminary review process staff will make recommendations to the BOARD for any fee waivers or additional deposits that may be appropriate. Note that substantial changes in the project may require the alteration of these recommendations at the time of final submission. In all cases APPLICANTS shall contact the Planning Board Office prior to the final submission to discuss these fees.
- 2.3.2 If any other Special Permits are required from the BOARD for the project, then these should be discussed at this time.

2.4 Fees

The first such preliminary review of an APPLICATION shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the prospective APPLICANT of \$500 at the time of submission. The fee shall be submitted in check form and made payable to "Town of Stow".

SECTION 3

ELIGIBLE FACILITIES REQUESTS

Any applicant who wishes to make an ELIGIBLE FACILITIES REQUEST for modification to an existing wireless TOWER or BASE STATION must file with the Planning Board ten (10) copies of a completed Application for Site Plan Approval and the proper application fee as required by these rules.

The Federal Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”) amended the federal Telecommunications Act of 1996 with the intent to advance wireless broadband service for both public safety and commercial users. The Spectrum Act provides that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

The Spectrum Act and subsequent FCC Rule-Making Decision 14-153 (“FCC Rule”) are implemented via 47 C.F.R. 1.6100

3.1 Purpose

The purpose of this section is to set forth uniform rules applicable to any application for Site Plan Approval for a qualifying ELIGIBLE FACILITIES REQUEST and to establish uniform procedures for conducting the business of the Board in accordance with applicable provisions of the Stow Zoning Bylaw and applicable federal law.

3.2 Applicability

Any person applying for Site Plan Approval in response to a qualifying ELIGIBLE FACILITIES REQUEST, regardless of any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these RULES. Any proposed work found not to be a qualifying ELIGIBLE FACILITIES REQUEST shall be required to apply for a Wireless Facility Special Permit, according to other sections of these RULES.

3.2.1 The Spectrum Act and FCC Rules define an ELIGIBLE FACILITIES REQUEST to include the following categories:

- a. COLLOCATION of new TRANSMISSION EQUIPMENT;
- b. removal of TRANSMISSION EQUIPMENT;
- c. replacement of TRANSMISSION EQUIPMENT

3.2.2 In accordance with FCC Rules regarding ELIGIBLE FACILITIES REQUESTs, a proposed modification shall be considered a substantial change, and require a modification to a related Wireless Service Facility Special Permit, if any of the following criteria are met:

- a. for wireless TOWERS outside of public rights-of-way, it increases the height of the TOWER by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for those towers in the rights-of-way and for all BASE STATIONS, it increases the height of the tower or BASE STATION by more than 10% or 10 feet, whichever is greater;
- b. for wireless TOWERS outside of public rights-of-way, it protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the

appurtenance, whichever is greater; for those towers in the rights-of-way and for all BASE STATIONS, it protrudes from the edge of the structure more than six feet;

- c. it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- d. it entails any excavation or deployment outside the current site of the wireless TOWER or BASE STATION;
- e. it would defeat the existing concealment elements of the wireless TOWER or BASE STATION;
- f. it does not comply with conditions associated with the prior approval of construction or modification of the wireless TOWER or BASE STATION unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds identified above.

47 C.F.R. § 1.6100, which implements the Spectrum Act and FCC Rule, contains additional criteria in cases where the above are insufficient to determine qualification as an ELIGIBLE FACILITIES REQUEST.

3.3 Determination of an ELIGIBLE FACILITIES REQUEST – Preliminary Review

Applicants are strongly encouraged to submit a draft APPLICATION for preliminary review. An electronic copy of all materials to be reviewed shall be provided to the Planning Department along with a letter requesting a review and the including the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication shall be provided to the Planning Department.

- 3.3.1 If a proposed modification is found not to be a qualifying ELIGIBLE FACILITIES REQUEST according to the above criteria, the applicant shall be required to submit an application for a Wireless Service Facility Special Permit, as otherwise specified in these Rules.
- 3.3.2 Applicants are strongly encouraged to submit a copy of the plans to the Stow Police and Fire Departments for initial input before submitting a complete APPLICATION to the Planning Board.
- 3.3.3 There shall be no fee for preliminary review.

3.4 Contents of an ELIGIBLE FACILITIES REQUEST Application for Site Plan Approval

An APPLICATION for Site Plan Approval which lacks information or is incomplete in any manner may be denied or seriously delayed. The 60-day approval period established in the FCC Rule shall only begin once a complete application has been received by the Planning Board.

Any APPLICATION for an ELIGIBLE FACILITIES REQUEST Site Plan Approval shall be made in writing and shall include ten (10) copies of the required “Application for Site Plan Approval” and ten (10) reduced sized (11” x 17”) copies of the plans as detailed below.

- 3.4.1 APPLICATION Form – the APPLICATION form entitled “Application for Site Plan Approval” is attached to these RULES and also available from the office of the BOARD at Town Building.
- 3.4.2 Evidence of FCC licensure to provide wireless service at the subject facility.
- 3.4.3 In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall obtain the owner’s signature, either on the completed APPLICATION or under separate cover, indicating that the owner has knowledge of and consents to the APPLICATION. If the APPLICANT is acting in the name of a trust, corporation, or company, an authorizing vote shall be attached.
- 3.4.4 Application Fee – in the amount of \$250, payable by check to “Town of Stow”.
- 3.4.5 Plans – Plans shall be legibly drawn to fully detail and explain the intentions of the APPLICANT. Plans shall include a reasonable numbering system with an appropriate title block, north arrow, and legend identifying any representative symbols used on the sheet in question. At a minimum the plans shall include the following information:
- a. Design Certifications – Each plan sheet shall show the seal of a Registered Professional Engineer
 - b. Location of all existing and proposed Antenna, Mounts and Equipment Shelter(s).
 - c. Specifications for any proposed TRANSMISSION EQUIPMENT.
 - d. Outline of all existing BUILDINGS or STRUCTURES that comprise the existing BASE STATION and WIRELESS TOWER.

3.5 Site Plan Approval

Upon determination that the proposed work is a qualifying ELIGIBLE FACILITIES REQUEST, the Board shall issue a Site Plan Approval within sixty (60) days, without requiring a Public Hearing.

- 3.5.1 An Application for a qualifying ELIGIBLE FACILITIES REQUEST Site Plan Approval shall not require a public hearing.
- 3.5.2 Upon receipt of a complete application for an ELIGIBLE FACILITIES REQUEST Site Plan Approval, the Board shall transmit a copy of the completed application the following Town departments for comment.
- Building Inspector
 - Fire Department
 - Police Department
 - Conservation Commission

Other agencies and boards may be notified as the Planning Board deems necessary. Failure of any such board or agency to make recommendations within thirty-five (35) days of receipt of said application shall be deemed lack of opposition by said board or agency. However, additional comments from any such board or agency may be received prior to issuance of Site Plan Approval.

- 3.5.3 Site Plan Approval shall be issued in accordance with the provisions of section 9.3 of the Town of Stow Zoning Bylaw. Applicants should be prepared to demonstrate that the proposed work is designed to protect abutting properties or ways, the neighborhood, community amenities, and the Town of Stow in accordance with, but not limited to, the following:
- a. Site development, including building sites and STRUCTURES proposed thereon, should not obstruct scenic views from publicly accessible locations;
 - b. Sites shall be developed so as to preserve unique natural or historical features;
 - c. Screening of objectionable features including, but not limited to, exposed storage areas, equipment cabinets, generators, storage tanks, and utility BUILDINGS and STRUCTURES, from abutting properties and roadways shall be year-round and provided in the plans;
 - d. Where noise-emitting equipment is proposed, the site plan shall include measures to limit the impacts to abutting properties and the surrounding neighborhood. Site development shall comply with the zoning requirements for noise (Zoning Bylaw section 3.8.1.3);
 - e. The visual impact from antennas shall be minimized to the extent practicable. Where cellular or radio antennas are proposed on an existing STRUCTURE, and not a purpose-built wireless TOWER, antennas shall be camouflaged to blend with the existing STRUCTURE.
 - f. The Site Plan shall comply with the zoning requirements for exterior lighting (Zoning Bylaw section 3.8.1.5)
- 3.5.4 Before approval of a site plan in response to an ELIGIBLE FACILITIES REQUEST, the Planning Board may request the applicant make modifications in the proposed design to ensure the criteria of these Rules and the Zoning Bylaw are met.

3.6 Failure of Board to Act

If the Board fails to act on a completed application for a qualifying ELIGIBLE FACILITIES REQUEST following sixty (60) days of a complete submission, a constructive grant shall result.

This section shall not exempt an applicant from any other building, structural, electrical, and safety codes with other laws codifying objective standards reasonably related to health and safety.

SECTION 4

CONTENTS OF AN APPLICATION

4.1 APPLICATION Form

The APPLICATION form entitled “Application for a WIRELESS SERVICE FACILITY Special Permit” is attached to these RULES and also available from the office of the BOARD at Town Building. An APPLICATION for a PERMIT that lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the APPLICANT to assure the accuracy and completeness of all information submitted to the BOARD as part of an APPLICATION. The APPLICANT shall be responsible for factually supporting all points relied upon in the APPLICATION including references for methodologies used in design calculations.

- 4.1.1 The APPLICANT or co-APPLICANT for any special permit for a WIRELESS SERVICE FACILITY shall be a CARRIER that has authority from the FCC to provide WIRELESS SERVICES for the facility being proposed.
- 4.1.2 In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall obtain the owner’s signature on this form indicating that the owner has knowledge of and consents to the APPLICATION. If the APPLICANT is acting in the name of a trust, corporation or company, an authorizing vote shall be attached.

4.2 APPLICATION Filing Requirements

Any APPLICATION for a PERMIT shall be made in writing and shall include the following items.

- 4.2.1 Ten (10) full size copies of the completed APPLICATION (including plan sheets) and seven (7) reduced size (11” x 17”) copies of the plan sheets shall be required at the time of submission of an APPLICATION. ***Each copy of the APPLICATION shall be folded so that it will fit neatly into a legal sized file folder.***
- 4.2.2 Required Information
 - a. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - b. Co-applicants may include the landowner of the subject property, licensed Carriers and tenants for the WIRELESS SERVICE FACILITY.
 - c. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo-reproductions of signatures will not be accepted.
 - d. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
 - e. Tax map and parcel number of subject property.
 - f. Zoning district designation for the subject parcel (Submit copy of Town zoning map with parcel identified).
 - g. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all Buildings, including accessory structures, on all properties shown.

- h. A town-wide map showing all existing Wireless Service Facilities in Stow and those within two miles of its corporate limits, including those recently approved but not constructed.
 - i. The proposed locations of all existing and future Wireless Service Facilities in the Town on a Town-wide map for this Carrier.
- 4.2.3 An appraisal, prepared by a state-certified real estate appraiser, of the economic impact on property values within view of the proposed facility, based upon the impact of substantially similar wireless facilities in substantially similar communities. For the purposes of this paragraph, substantially similar communities shall include communities from the Commonwealth of Massachusetts, with similar market demand, population density and rural character.
- 4.2.4 The results of a drive test conducted by the APPLICANT and based on the pre-application conference.
- 4.2.5 Sight lines, photographs and other visual materials as described below:
- a. Within 21 days of filing an application for a Special Permit, the applicant shall arrange for a crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in two newspapers of general circulation in the Town at least 14 days, but not more than 28 days prior to the test. Notification of the test shall be mailed to all postal patrons in Stow. Notification shall also be sent via certified mail with return receipt requested to all parties in interest. The test shall illustrate the proposed height and each subsequent ten-foot interval downward to the vegetation line, or ground, whichever is earlier.
 - b. Sight line representation. A sight line representation shall be drawn from any public road within 1500 feet and the closest facade of each residential building (viewpoint) within 1500 feet to the highest point (visible point) of the WIRELESS SERVICE FACILITY. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and Buildings. In the event there is only one (or more) residential building within 1500 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.
 - c. Existing (before condition) photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from key locations on any roadways determined by the Special Permit Granting Authority to be relevant to the requested special permit.
 - d. Proposed (after condition). Each of the existing condition photographs shall be based on crane tests and shall have the proposed WIRELESS SERVICE FACILITY superimposed on it to show what will be seen from key locations on any roadways determined by the Special Permit Granting Authority to be relevant to the requested special permit if the proposed WIRELESS SERVICE FACILITY is built. Original photos of crane test shall be supplied to verify authenticity of the digital simulations.
 - e. The APPLICANT shall submit a map of the town that has been annotated with the data collected during the crane test. The roadways, determined by the Planning Board to be relevant to the requested special permit, shall be highlighted in one color, the points where the crane was visible at all shall be highlighted in another color, and the points where there is an unscreened view of the crane shall be highlighted in a third color. The APPLICANT shall designate on the map the location from which the photographs were taken.

- f. The APPLICANT shall submit a map showing the broadcast footprints coverage areas created by varying antenna heights at 50, 75. and 100 feet AGL and at 150 feet AGL where the latter height is permitted. The map shall indicate the different signal strengths and the parameters used to arrive at the data. An explanation of the reasons for selecting the signal strength(s) used to characterize coverage shall be provided. As a minimum the following shall be provided with each map: frequency in MHz, transmitter power output per channel, transmit and receive antenna gains, line loss and amplifier gains (if any), effective radiated power per channel in watts, all quality-of-service assumptions used (including factors for attenuation through foliage and/or structures), signal strength required to meet the stated quality-of-service assumptions and identification of the computer software used to generate the footprints. The applicant shall also include, on a separate map of the same scale, signal-strength footprints indicating any existing coverage within the Town of Stow from any applicant-owned or -operated sites in Stow and adjacent towns that meet the stated quality-of-service assumptions.

4.2.6 Design Filing Requirements

- a. Equipment brochures for the proposed WIRELESS SERVICE FACILITY such as manufacturer's specifications or trade journal reprints shall be provided for the Antennas, Mounts, Equipment Shelters, cables as well as cable runs, and Security Barrier, if any.
- b. Materials of the proposed WIRELESS SERVICE FACILITY specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the Antennas, Mounts, Equipment Shelters, cables as well as cable runs, and Security Barrier, if any.
- c. Colors of the proposed Wireless Service Facility represented by a color board showing actual colors proposed. Colors shall be provided for the Antennas, Mounts, Equipment Shelters, cables as well as cable runs, and Security Barrier, if any.
- d. Dimensions of the Wireless Service Facility specified for all three directions: height, width and breadth. These shall be provided for the Antennas, Mounts, Equipment Shelters and Security Barrier, if any.
- e. Appearance shown by at least two photographic superimpositions of the Wireless Service Facility within the subject property. The photographic superimpositions shall be provided for the Antennas, Mounts, Equipment Shelters, cables as well as cable runs, and Security Barrier, if any, for the total height, width and breadth.
- f. Landscape plan for the site on which the proposed WIRELESS SERVICE FACILITY will be located including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

4.2.7 Noise Filing Requirements

- a. The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed Wireless Service Facility, measured in decibels for the following:
 - Existing, or ambient: the measurements of existing noise to demonstrate that the equipment will produce levels that will be at or below ambient values typical of the areas at nearby property lines.
 - Existing plus proposed Wireless Service Facility: maximum estimate of noise from the proposed Wireless Service Facility plus the existing noise environment.

- If the levels will approach the Mass DEP standard, the Planning Board may require a more detailed field analysis, prior to permitting and/or after construction.
- Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate.

4.2.8 Radiofrequency Energy (RFE) Filing Requirements

- a. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFE from the proposed Wireless Service Facility, for the following situations:
 - Existing, or ambient: characterize existing RFE sources in the area
 - Existing plus proposed wireless service facilities: Characterize RFE from the proposed WIRELESS SERVICE FACILITY plus the existing RFE environment and estimated cumulative RFE impacts.
 - Certification, signed by a RF engineer, stating that RFE characterizations are accurate and meet FCC Guidelines as specified in the Radiofrequency Energy Standards sub-section of this Bylaw.

4.2.9 Federal Environmental Filing Requirements

- a. The National Environmental Policy Act (NEPA) applies to all applications for Wireless Service Facility. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CRF Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any Wireless Service Facility proposed in or involving any of the following:
 - Wilderness areas.
 - Wildlife preserves.
 - Endangered species habitat.
 - Historical site.
 - Indian religious site.
 - Flood plain.
 - Wetlands.
 - High intensity white lights in residential neighborhoods.
 - Excessive Radiofrequency Radiation exposure.
- b. At the time of application filing, an EA report that meets FCC requirements shall be submitted to the Town for each WIRELESS SERVICE FACILITY site that requires such an EA report to be submitted to the FCC.
 - The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the Wireless Service Facility that are considered hazardous by the federal, state or local government.

4.2.10 Waiver of Filing Requirements.

- a. The Special Permit Granting Authority may waive one or more of the application filing requirements of this section if it finds that such information is not required by the BYLAW and is not needed for a thorough review of a proposed Wireless Service Facility.

4.3 Justification of Need

The BOARD may only issue a special permit when it can make numerous mandatory findings (Section 3.11.12. of the BYLAW). The APPLICANT shall submit written statements that explain the following:

- 4.3.1 Coverage Area - The APPLICANT shall provide a map of the geographic area in which the proposed facility will provide Wireless Service.

Said map shall be provided as a colored hard copy and in a digital format that is compatible with the Town of Stow Geographic Information System program(s). The APPLICANT shall provide documentation of the criteria and methodology employed.

- 4.3.2 Adequacy of Other FACILITY SITES and Controlled by the APPLICANT - The APPLICANT shall provide written documentation of any FACILITY SITES in the town and in abutting towns or cities in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise.

Said documentation shall demonstrate that these FACILITY SITES do not already provide, or do not have the potential to provide WIRELESS SERVICES by site adjustment.

- 4.3.3 Capacity of Existing FACILITY SITES and Potential FACILITY SITES - The APPLICANT shall provide written documentation that it has examined all FACILITY SITES located in the town and in abutting towns or cities in which the APPLICANT has no legal or equitable interest to determine whether those existing facilities can be used to provide Wireless Service.

In addition, the APPLICANT shall provide written documentation that it has examined existing commercial Buildings and Structures for opportunities to construct roof and side MOUNTS, or otherwise demonstrate that such a facility is not technologically feasible as a potential FACILITY SITE. The APPLICANT shall demonstrate that potential FACILITY SITES will not provide similar coverage to the APPLICANT'S confirmed tenants.

- 4.3.4 Wireless Service Through the Least Disruptive Means –The APPLICANT shall provide written documentation that the proposed facility uses the least disruptive technology (through the creative use technology and materials) in which it can provide WIRELESS SERVICES in conjunction with all FACILITY SITES listed above.

4.4 Plans

Plans shall be legibly drawn to fully detail and explain the intentions of the APPLICANT. All plan sheets shall be drawn at a standard scale e.g. (1 inch = 20, or 40 feet) and shall include a reasonable numbering system with an appropriate title block, north arrow, and legend identifying any representative symbols used on the sheet in question. The plans shall include at least the following information as prescribed below.

- 4.4.1 Design Certifications - Each plan sheet shall show the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet.
- 4.4.2 Locus Plan - A Locus Plan showing an area a minimum of one mile diameter at a scale of 1" = 1200'. Major STREETS, BUILDINGS, brooks, streams, rivers and other landmarks should be shown on the locus plan with sufficient clarity to easily discernible.

4.4.3 General Site Characteristics shall be shown on a one-inch-equals-40 feet (1"= 40') site plan, which includes the following:

- a. All LOT lines and boundaries of the site, with ownership of abutting properties within 300 feet indicated.
- b. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
- c. Outline of all existing BUILDINGS, including purpose (e.g. residential BUILDINGS, garages, accessory STRUCTURES, etc.) on subject property and all adjacent properties within 300 feet (vicinity plan).
- d. Access and utility easements.
- e. All required setbacks for BUILDINGS, STRUCTURES, parking, or loading facilities shall be dimensioned on the plan to demonstrate compliance with zoning requirements.
- f. All zoning district boundaries, including the boundaries of the Flood Plain/ Wetlands and Water Resource Protection Districts, if applicable, shown in their proper location.
- g. Any special site features including, but not limited to stone walls, fences, wells, historic STRUCTURES, and historic BUILDINGS.
- h. Proposed location of Antenna, Mount and Equipment Shelter(s).
- i. Proposed Security Barrier, indicating type and extent as well as point of controlled entry.
- j. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the Wireless Service Facility.
- k. Distances, at grade, from the proposed Wireless Service Facility to each building on the vicinity plan.
- l. Contours at each two feet for the subject property and adjacent properties within 300 feet.
- m. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
- n. Representations, dimensioned and to scale, of the proposed Mount, Antennas, Equipment Shelters, cable runs, parking areas and any other construction or development attendant to the Wireless Service Facility.

4.4.4 Natural Site Characteristics:

- a. Site features such as, but not limited to, flood plains, waterways, drainage courses, and ledge outcroppings.
- b. Existing and proposed contours of the land shown at two (2) foot intervals unless otherwise required by the Bylaw. Topography shall be referenced to the National Geodetic Vertical Datum with the location and elevation of the starting benchmark plus at least two additional temporary benchmarks on the site.
- c. All wetlands and wetland buffer area boundaries. Wetlands are defined as those areas subject to the provisions of either the "Wetlands Protection Act", MGL, Ch. 131, Section 40, or the "Stow Wetlands Bylaw".

4.4.5 Site Improvements

- a. Tabulations - A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable), and the

proposed site conditions for the following characteristics: LOT size, total LOT coverage, % of land in any zoning district where the proposed USE is not permitted, OPEN SPACE, UNDISTURBED OPEN SPACE, % wetlands, % flood plain, DEVELOPABLE SITE AREA, front yard/s, side yards, rear yard, any buffers, BUILDING height, minimum distance to ground water, pre and post development runoff rates and ground water recharge, GROSS FLOOR AREA, FLOOR AREA RATIO, and the number of parking spaces with supporting calculations. The table shall give the percentage of reserved parking spaces with respect to the total number of spaces provided.

- b. Outline or footprint of any existing or proposed BUILDING or STRUCTURE with identification and its finished floor elevation. The final disposition of any existing BUILDING or STRUCTURE, whether it is to remain, be removed, or be altered, shall be noted.
- c. The location of any existing or proposed signs shall be shown, and, if existing, their final disposition shall be noted.
- d. Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately.
- e. Sidewalks with a note on the construction materials to be used.
- f. All driveway entrances dimensioned and a cross-section of the driveway shown so that compliance with the access requirements of the BYLAW may be determined. The size of the largest truck expected to use the site shall be noted. All of the drives and entrances shall be designed to accommodate the designated size of truck. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks may maneuver on the site.
- g. Intersections and driveway entrances on other LOTS within 75 feet of the site with the distance between driveways dimensioned.
- h. All parking facilities with proper dimensions.
- i. Location, dimension and rendering of the required sign that provides the telephone number where the operator in charge can be reached on a 24-hour basis.
- j. Outdoor lighting details for low intensity security lights.

4.4.6 Site Utilities

- a. Location and type of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catchbasins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operations of the system can be evaluated. Any drainage ponds intended to be constructed shall be shown fully dimensioned.
- b. Location of any underground storage tanks for fuel or other chemical storage, including the tank types, capacities, and condition.
- c. Location and type of existing and proposed water services to serve the facility (including abandoned wells). If the site is to utilize an on-site well, its proposed location shall be shown in addition to its setbacks from any BUILDING, STRUCTURE, or sewage disposal system.

- d. All fire hydrants on the site or off the site but within 500' of the principal BUILDING on the site. If no fire hydrants are located within 500' of the principal BUILDING on the site, then a note shall appear clearly explaining how the APPLICANT will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.
- e. The location and type of any other underground utilities including but not limited to electric, gas, telephone, or cable television services. Any emergency power facilities should also be shown.

4.4.7 Construction Details

Typical detail of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structure, if any. In the Water Resource Protection District, catchbasins shall be precast concrete with gas traps (Lebaron I-219, Neenah 3705, or MassHighway equivalent). Precast catch basins shall show gas traps and construction joints sealed with a minimum of 1" butyl-rubber gastight sealant or equivalent caulking material.

4.4.8 Erosion & Sediment Control Plan

The Plan shall show adequate erosion and sediment control measures during and after construction. Control measures such as hydroseeding, berms, interceptor ditches, terraces, and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process.

NOTE on the Erosion and Sedimentation Plan shall state that the developer is required to clean up any sand, dirt, or debris which erodes from the site onto any public STREET or private property, and to remove silt or debris that enters any existing drainage system including catch basin sumps, pipe lines, manholes and ditches.

4.4.9 Landscape Plan - Landscaping information shall be shown on a separate plan sheet or sheets. In addition to showing landscape treatments planned for the site the Landscape Plan shall include general site features such as LOT lines, existing and proposed STRUCTURES, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans.

- a. Screening - The Plan shall show the methods, plant materials, fencing and other treatments that will be employed to ensure that the WIRELESS SERVICE FACILITY is not visible from residential BUILDINGS on public STREETS within 500 feet. Parking that faces public ways and residential zones or uses shall also be screened.
- b. Planting Table - The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in a table along with the symbols used to represent the plants on the plan.
- c. Landscaping Details - A typical detail of a tree well, tree planting, and specialty planting area, if applicable.
- d. Limits of Work - Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan.

- e. Perimeter of Trees - The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted. The location, size, and proposed fate of any existing trees larger than 16" in diameter shall be shown.
- f. Camouflage - The Plan shall include a colored rendering of the proposed WIRELESS SERVICE FACILITY legibly drawn at a standard architectural scale, as appropriate, showing the methods and treatments that will be employed to ensure that the Wireless Service Facility will blend in with its surroundings when viewed from residential BUILDINGS or public STREETS within 500 feet.
- g. Visibility - The Plan shall include a topographic map showing the areas where the top of the proposed Wireless Service Facility will be visible. To allow the Board to make its determination, the Applicant shall elevate a highly visible object at the location and height of the proposed tower on a weekday from 6:00 AM to sunset. The Applicant shall provide photographs to show visibility of the object. Locations of the photographs shall be shown on the map. A notice of the time and place of the test shall be advertised in a newspaper of general circulation in Stow not less than seven days before the day of such test.
- h. BUILDING Elevations - The front, sides, and rear elevations of each BUILDING and STRUCTURE shall be shown at an appropriate scale generally not less than 1/8" = 1'.
- i. Plan Notes - Plan Notes shall be provided that: 1) forbid the use of fill containing hazardous materials as required by the BYLAW, 2) require the marking of the limits of work in the field prior to the start of construction or site clearing, 3) require the cleaning of catchbasin sumps and stormwater basins following construction and annually thereafter, 4) restrict the hauling of earth to or from the site to the hours between 9 a.m. and 4 p.m. on weekdays if earth materials are intended to be removed from or brought to the site, 5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the BOARD requires 12" of gravel and 3" of bituminous concrete paving laid in two courses).

4.5 Drainage Calculations

Storm drainage runoff calculations used for the drainage system design shall be prepared by and display the seal of a Registered Professional Engineer to show compliance with the BYLAW. These calculations shall be based on a recognized standard method (usually the Rational or Soil Conservation Service Methods). The calculations shall contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the site in question.

- 4.5.1 The calculations should be fully documented including copies of charts or other reference sources to make review possible. The pre- and post- development runoff rates shall be provided. If applicable, the methods used to comply with the BYLAW and the *Dept. of Environmental Protection's Stormwater Management Policy* shall be described. The use of computer generated reports is acceptable, however, the source of the software shall be identified.
- 4.5.2 Calculations shall be provided to support the sizing of all drainage structures and pipes. Design of the storm drainage system can generally be based on a 10-year storm event; however, the system design shall not result in serious flood hazards during a 100-year storm. If the plan includes a "reserve parking" area, the storm drainage system design for this area shall be included in these calculations.

4.6 Earth Removal Calculations

Calculations for determining the amount of earth to be removed or the amount of FILL to be brought into the site shall be prepared by and show the seal of a Registered Professional Engineer.

4.7 Water Resource Protection District

The portion of the site in the Water Resource Protection District shall be noted included. Compliance with all applicable portions of Sect. 5.2 of the BYLAW shall be demonstrated.

4.8 Development Impact Statement

A completed Development Impact Statement (see Appendix - Form DIS)

4.9 Certified Abutters List

List of abutters and abutters to abutters that are PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for the list.

4.10 Other Permits and Variances

A list and copies of variances, permits, and other special permits previously issued by other TOWN boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Board of Selectmen, the Conservation Commission, the Board of Appeals, the Planning Board, the State Dept. of Public Works, the Army Corp. of Engineers, and the State Dept. of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any other special permits are required from the BOARD, the APPLICANT is hereby strongly advised to make the applications for such additional permits concurrently with this PERMIT APPLICATION.

4.11 Recorded Plans and Deeds

A copy of the most recently recorded plan(s) and deed(s) for the LOT(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

4.12 Mortgage Holders

A list of mortgage holders which shall be kept current during the period of development.

4.13 Additional Information

The APPLICATION may contain whatever additional information the APPLICANT feels is necessary to properly inform the BOARD about the development including legal opinions, copies of deeds, historical data, studies, and reports.

The BOARD is empowered by the BYLAW to require information in addition to that specifically required by the BYLAW or by these RULES. The BOARD will require the APPLICANT to supply additional information if it finds that such information is necessary to properly act upon the APPLICATION in question.

SECTION 5

FILING PROCEDURES

5.1 Who May File an APPLICATION

The APPLICANT or co-APPLICANT for any special permit for a WIRELESS SERVICE FACILITY shall be a CARRIER that has authority from the FCC to provide WIRELESS SERVICES for the facility being proposed. The APPLICANT shall submit documentation of the legal right to install and use the proposed facility at the time of the filing of the application for the permit or approval. The property owner of record shall sign the APPLICATION form thereby granting his/her consent to the filing of the APPLICATION.

5.2 APPLICATION Fees

Any APPLICATION shall be accompanied by a fee to cover the expenses incurred by the TOWN in reviewing the APPLICATION. The fee is not refundable. The fee shall be submitted in check form and made payable to the “Town of Stow”.

- 5.2.1 The amount of the fee shall be \$2500 for a PERMIT APPLICATION to construct or renovate a WIRELESS SERVICE FACILITY. Part of the filing fee may be waived if the BOARD chooses to have some of the review work performed by outside consultants as provided below.
- 5.2.2 Additional Review Fee Deposits - So that the BOARD may make the findings required under the BYLAW and insure that the public safety will be protected, the BOARD may select and hire outside traffic, engineering, legal, or planning consultants to review an APPLICATION. To cover the cost of these reviews a review fee deposit may also be required of an APPLICANT at the time of submission or at any appropriate time in the review process. As the scope of study and review will vary according to the size of a particular project, the APPLICANT is hereby strongly advised to consult the Planning Department concerning the scope and cost of any such studies during the preliminary review. *Failure to do so could result in serious delays in the processing of the APPLICATION.* The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of BUILDING permits for the proposed construction plus any remaining accrued interest will be repaid to the APPLICANT or the APPLICANT’S successor in interest.
- 5.2.3 Appeal From the Selection of the Consultants - The APPLICANT may appeal from the selection of an outside review consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The APPLICANT shall specify the specific grounds which the APPLICANT claims constitute a conflict of interest or a failure to meet minimum professional requirements.

5.3 Submission to the TOWN Clerk and the BOARD

Two complete copies of the APPLICATION shall be submitted to the office of the Stow Town Clerk. The Clerk will certify the date and time of filing on both copies, keep one of the copies, and return the other to the APPLICANT. The copy returned by the Clerk and the

remaining 10 copies of the APPLICATION, the 7 reduced size plan copies, and the required fees shall then be filed forthwith by the APPLICANT with the office of the BOARD during normal business hours. The APPLICANT may request and shall be entitled to a written receipt for the materials submitted.

Information submitted after the initial filing of the APPLICATION as described above will not be accepted except at the public hearing.

If significant information that was not included in the APPLICATION is presented at the public hearing, the hearing may be continued to allow for staff review of the new material. At least 10 copies of any additional materials submitted at the hearing shall be given by the APPLICANT to the Clerk of the BOARD at the hearing.

Questions concerning this process should be directed to the Planning Department.

5.4 Review of APPLICATION

The Board will transmit a copy of an APPLICATION to various other TOWN departments, boards, committees, agencies, or independent consultants in order to ensure full and qualified review of the APPLICATION. Thirty-five (35) days will be provided for such reviews; failure to submit comments on the APPLICATION shall be deemed an approval by the reviewing party. The BOARD will make available to the APPLICANT upon request a copy of any comments or recommendations received.

SECTION 6

PUBLIC HEARING & DECISION

6.1 Public Hearing Notice

A public hearing shall be held by the BOARD, within 65 days of the APPLICATION filing date. Notice of the time and place of the public hearing and of the subject matter, sufficient for identification, shall be given by the BOARD at the expense of the APPLICANT by advertisement in a newspaper of general circulation in Stow once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement by certified mail to the APPLICANT and to all PARTIES IN INTEREST.

- 6.1.1 The APPLICANT shall present to the office of the BOARD, one business day prior to the start of the public hearing, the certified mail return receipts as evidence that all PARTIES IN INTEREST have been notified as required by law and copies of the newspaper advertisement of the hearing.
- 6.1.2 Failure to properly notify PARTIES IN INTEREST and to publish a notice of the hearing could render the public hearing invalid and could cause serious delays in the processing of the APPLICATION.

6.2 Public Hearing Presentation

An APPLICANT may appear on his/her/its own behalf or be represented by an agent or attorney. It is the responsibility of the APPLICANT or his/her/its agent to present the APPLICATION to the BOARD and to the public. In the absence of an appearance, the BOARD may decide the matter using the information it has received. Failure to appear at a public hearing could seriously jeopardize the success of an APPLICATION.

- 6.2.1 Presentation of the APPLICATION by the APPLICANT should not exceed 20 minutes in duration except for good reason. The APPLICANT may be requested to answer questions raised by the BOARD or the public. The BOARD will retain any evidence that has been introduced at the hearing for reference in its deliberations on the case.
- 6.2.2 In no case will the BOARD allow new evidence to be admitted after the close of the public hearing unless this evidence was specifically requested by the BOARD prior to the close of the public hearing.

6.3 Withdrawal of APPLICATION

Any APPLICATION for a PERMIT submitted hereunder may be withdrawn without prejudice by notice in writing to the BOARD prior to the notice of a public hearing being posted or mailed pursuant to Sect. 5.1 above. Withdrawal of any APPLICATION thereafter requires BOARD approval. No refund of fees will be provided if an APPLICATION is withdrawn.

6.4 Time Period for Deliberation

The BOARD will act on each APPLICATION for a PERMIT or APPROVAL within ninety (90) days after the public hearing, unless such APPLICATION has been withdrawn from consideration as set forth in Section 5.3 above.

- 6.4.1 Continuation & Extension - The period within which final action shall be taken may be extended for a defined period by written agreement between the BOARD and the APPLICANT. In the event that the BOARD determines that the APPLICATION is inadequate for the BOARD to make a finding, the BOARD may, at its discretion, continue the hearing to a later date to permit the APPLICANT to submit a revised APPLICATION. The BOARD may, at its discretion, require that an additional \$500 fee be paid by the APPLICANT prior to the close of the public hearing if such a continuation results from a deficiency in the original APPLICATION. Such a continuation may not automatically extend the 90-day period within which final action shall be taken by the BOARD unless the extension is agreed upon by both the BOARD and the APPLICANT.

6.5 Decision

The concurring vote of four (4) of the five (5) members of the BOARD shall be necessary to decide in favor of granting a PERMIT. Only those members of the BOARD who were in attendance at the public hearing may vote on the APPLICATION in question.

- 6.5.1 The BOARD will file its DECISION with the Town Clerk and send a copy to the APPLICANT by certified mail. The BOARD shall also send a notice of its DECISION to the property owner, to other TOWN boards and departments, to PARTIES IN INTEREST, and to those who have requested such notice at the public hearing.

6.6 Recording of DECISION

The recording of a DECISION is required by THE ZONING ACT and the BYLAW. The APPLICANT shall be responsible for recording a full copy of the DECISION in the Middlesex South District Registry of Deeds in Cambridge or the Land Court and for paying any required recording fees. A copy of the recorded DECISION, certified by the Registry of Deeds, shall be submitted to the BOARD and the BUILDING Commissioner prior to issuance of a BUILDING Permit or the start of any work.

6.7 Submission of Approved Plans

A copy of the approved plan as amended by the BOARD in its DECISION of approval shall be submitted to the office of the BOARD prior to the issuance of a BUILDING Permit. Prior to the issuance of a BUILDING Permit, two copies of the approved and endorsed plans shall be submitted to the BUILDING Commissioner.

6.8 Appeal of PERMIT DECISION

Any person aggrieved by a PERMIT DECISION of the BOARD, whether or not previously a party to the proceeding, may appeal such PERMIT DECISION in accordance with MGL, Ch. 40A, Section 17 within 20 days after the filing of the PERMIT DECISION with the Office of the Town Clerk.

6.9 Time Limit for PERMIT

Any Special Permit issued for any WIRELESS SERVICE FACILITY shall be valid for not more than three (3) years, unless such time is extended by the Planning Board, by a period not to exceed one year, to accommodate the coordinated review of special permits for WIRELESS SERVICE FACILITIES. At the end of that time period, the WIRELESS SERVICE FACILITY shall be removed by the CARRIER or a new Special Permit shall be required.

- 6.9.1 Any request for an extension of the specified time limitation set forth in the DECISION shall be made in writing to the BOARD at least thirty days prior to the expiration date. The BOARD reserves its rights to grant or to deny such extension if good cause for such extension is not shown. Failure to submit such a request as prescribed above shall be due cause for the Board to deny the requested time extension.

6.10 Limitation of the DECISION

The granting of a PERMIT constitutes approval only under the pertinent sections of the BYLAW. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction such as the Board of Health, Stow Water District, and Conservation Commission shall not be assumed or implied. The BOARD may condition any PERMIT hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site, the issuance of a BUILDING Permit, or any other appropriate step in the development process. The APPLICANT is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the APPLICATION to the BOARD.

6.11 Repetitive Petition

Pursuant to MGL, Ch. 40, Sect. 16, no APPLICATION for a PERMIT which has been unfavorably and finally acted upon by the BOARD shall be acted favorably upon within two years after the date of final unfavorable action unless four members of the BOARD vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the BOARD'S proceedings, and all but one member of the BOARD consents to the consideration of the matter. Notice to PARTIES IN INTEREST of the time and place of the proceedings at which the question of consent will be considered shall be given by the APPLICANT.

6.12 Modification of a Wireless Service Facility Special PERMIT

A previously granted PERMIT may be modified by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing. Modification of a WIRELESS SERVICE FACILITY may be considered equivalent to an application for a new WIRELESS SERVICE FACILITY and will require a Special Permit when the following events apply.

- 6.12.1 The APPLICANT and/or co-APPLICANT wants to alter the terms of the Special Permit by changing the WIRELESS SERVICE FACILITY in one or more of the following ways:
- a. Change in the number of facilities permitted on the site;

- b. Change in the facilities that materially changes the facilities approved by the Massachusetts Department of Public Health, and
 - c. Change in the operating parameters of a facility, including, but not limited to, ANTENNAS and cables that increases their quantity or size, that changes in a material way their orientation or other visible characteristics, or that exceeds specifications on the special permit.
- 6.12.2 The APPLICANT and/or co-APPLICANT propose to add any equipment or additional height not specified in the original approval.
- 6.12.3 The BOARD may amend a PERMIT without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the BYLAW. Consultation with the Office of the Planning Board is recommended prior to the filing of any request to amend a PERMIT. The fee for minor amendments shall be \$250.

A True Copy.

Attest: Linda Hathaway
Stow Town Clerk

STOW PLANNING BOARD

WIRELESS SERVICE FACILITY

APPLICATION for a WIRELESS SERVICE FACILITY

SPECIAL PERMIT

Refer to the "Rules and Regulations for Wireless Service Facility Special Permits" available from the Planning Board Office for details on the information and fees required for this application. Contact the Planning Board Office at 978-897-5098 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

1. Location and Street Address of Site _____
Area of Site _____ acres.
2. Applicant's Name & Address _____

Telephone _____
3. Record Owner's Name & Address _____

Telephone _____
4. Zoning District(s) of Parcel(s) _____
Town Property Map & Parcel Number(s) _____
5. Describe why the proposed Wireless Service Facility cannot be accommodated on an existing facility (use additional sheets as necessary). _____

The undersigned hereby apply to the Planning Board for a public hearing and a Wireless Service Facility Special Permit under Section 3.11 of the Zoning Bylaw.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of his/her knowledge.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with MGL Ch. 268, Section 1-A.

Date Signature of Applicant

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

Date Signature of Owner

STOW PLANNING BOARD

PUBLIC HEARING NOTICE

In accordance with the provisions of Massachusetts General Laws, Chapter 40 A, Section 9, the Stow Planning Board will hold a public hearing on _____, 20__, at _____ P.M., in the Stow Town Building on the petition of _____ for approval of a Wireless Service Facility Special Permit for the parcel located at _____ and shown on Town Property Map Sheet _____ as parcel _____.

NOTES

Such permits or approvals may be granted by the Planning Board under Massachusetts General Law, Ch. 40A and the Stow Zoning Bylaw in accordance with the “Rules and Regulations for a Wireless Service Facility Special Permits” all of which are available for review or purchase at the offices of the Planning Board, and the Town Clerk. A copy of the application is also available for review at these offices in Town Hall between 9:00 A.M. and 5:00 P.M., Monday through Friday.

The applicant or his/her representative will be at the hearing to present the reason(s) why the permit should be granted.

When the applicant or his/her representative has concluded their presentation, the Chairman of the Board will allow the Board members to speak to the matter under consideration or to raise questions and concerns. Subsequently, the Chairman will give the public the same opportunity to speak to the matter under consideration or to raise questions and concerns.

The Chairman will not allow any member of the public to interrupt anyone else while they are speaking. Each person wishing to speak at the hearing should be as brief as possible and should wait his/her turn. Each person speaking should state their name and address before they make their statement or ask questions. Each person speaking should avoid repeating the comments of those who preceded them.

Any party may appear in person, by agent, or by attorney at any hearing. When all of the facts have been presented and all persons wishing to speak on the petition have been heard, the Chairman will close the hearing. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless this evidence was requested by the Board prior to the close of the public hearing.

DEVELOPMENT IMPACT STATEMENTPlease type or print information in blanks below.

1. Name of Proposed Subdivision _____
2. Location _____
3. Name of Applicant(s) _____
4. Brief Description of the Proposed Project _____

5. Name of Individual Preparing this DIS _____
Address _____ Business Phone _____

6. Professional Credentials _____

A. Site Description

7. Present permitted and actual land uses by percentage of the site.
____% Industrial ____% Commercial ____% Residential ____% Forest ____% Agricultural
____% Other (specify) _____
8. Total acreage on the site: _____ acres.

Approximate Acreage	Present	After Completion
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces		
Other (indicate type)		

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district.

Note: be sure to include overlay zoning districts.

<u>District</u>	<u>%</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

10. Predominant soil type(s) on the site: _____

Soil drainage (Use the U.S. Soil Conservation Service's definition)

Well drained: _____ % of site

Moderately well drained _____ % of site

Poorly drained _____ % of site

11. Are there bedrock outcroppings on the site? ☐yes ☐no

12. Approximate percentage of proposed site with slopes between:

0-10% _____

10-15% _____

greater than 15% _____

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? ☐yes ☐no

If yes, specify: _____

14. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

☐yes ☐no

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways?

☐yes ☐no

If yes, specify: _____

16. Is the site adjacent to conservation land or a recreation area? ☐yes ☐no

If yes, specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ☐yes ☐no

If yes, specify: _____

18. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?
☐yes ☐no

If yes, specify: _____

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ☐yes ☐no

If yes, specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site? ☐yes ☐no

If yes, specify results: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ☐yes ☐no

If yes, specify results: _____

22. Does the project contain any buildings or sites of historic or archaeological significance?
☐Yes ☐no

If yes, please describe _____

B. Circulation System

23. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision?

- a. Average weekday: _____
- b. Average peak hour: _____ morning
_____ evening

24. Existing street(s) providing access to proposed subdivision:

Name _____ Classification _____

25. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways _____

26. Location of existing sidewalks within 1000 feet of the proposed site? _____

27. Location of proposed new sidewalks and their connection to existing sidewalks: _____

C. Utilities and Municipal Services

28. If dwelling units are to be constructed, what is the total number of bedrooms proposed?

29. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? _____

30. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site: _____

- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: _____

31. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)

32. Schools (if residential)

- a. Projected number of new school age children.

E. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

33. Prevent surface water contamination.
34. Prevent groundwater contamination.
35. Maximize groundwater recharge.
36. Prevent erosion and sedimentation.
37. Maintain slope stability.
38. Design the project to conserve energy.
39. Preserve wildlife habitat.
40. Preserve wetlands.
41. Ensure compatibility with the surrounding land uses.
42. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment.
43. Preserve historically significant structure and features on the site.
44. To mitigate the impact of the traffic generated by the development.