

# Memo

**To:** Planning Board  
**CC:** Frank Ramsbottom – Building Commissioner  
**From:** Jesse Steadman – Town Planner, Malcolm Ragan – Assistant Town Planner  
**Date:** 10.8.2021  
**Re:** AT&T Wireless Facility at 501 Gleasondale Road – Site Plan Approval Request

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Staff have reviewed the request for Site Plan Approval submitted by Catherine Conklin, of GDIT, on behalf of ATT for the installation of a backup diesel generator, concrete pad and associated bollards.

## **Background**

In January of 2018 the Planning Board approved a similar request to update equipment at the site in accordance with the Federal Communications Commission's "Eligible Facilities Request" regulations that allows collocations and/or equipment upgrades be approved with the issuance of a building permit.

Similar to the 2018 request, this request is also subject to paragraph 5 of the judgement by the US District Court for the District of Massachusetts, re: Civil Action No. 06-10659-GAO, New Cingular Wireless PCS, LLC v. Town of Stow, Massachusetts, dated 9/1//2009, "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."

## **Recommended Process for Review**

The difference between the 2018 application and the current application is that the petition does appear to change the footprint of the installation, as the equipment cabinet will be located outside of the originally approved screened equipment shelter.

In the context of the Judgement, the Planning Board appears to have the ability to deny the cabinet installation. However, Staff believe that given that the site is within the overlay district, is already industrial in nature and the specific cabinet is located adjacent to the primary smokestack installation, that Site Plan Approval is a more appropriate review process. A Public Hearing is not required and conditions regarding the implementation and design of the site plan can be included.

## **Petition Details**

The proposed work includes addition of a self-contained backup 30kW diesel generator and an associated 4'x10' concrete pad. The application states that the proposed work will be "within the existing AT&T equipment area," but the site plan shows the generator located outside the current equipment footprint, at ground level, next to the southern face of the building. The proposed change appears to alter both the project footprint and exterior appearance, and also does not

qualify as one of the three types of “eligible facilities request” as defined in federal law – hence the appropriateness of Site Plan Review.

The slab is located along the access road to the south of the mill building, and could potentially be seen from Route 62. Additionally, it should be noted that emergency generators do need to run periodically/regularly to maintain usage. Keep in mind, concerns over a similar generator were raised during the permitting process at Pompo Community Center and we have no record of follow up noise complaints.

Staff suggest utilizing guidance from the recorded judgement as a defensible guide for any mitigating conditions. The judgement specifically notes the installation of screening that has the same look as brick to camouflage the installation, as well as the use of similarly colored paint to hide wires along the smoke stack. No screening is proposed other than the use of bollards.

Similarly, at Pompo Community Center, a noise attenuating screen was used to house the generator to ensure it was not an issue to abutting residences. The Planning Board could consider employing such a screen here as well.

#### Conclusion

Although this project does not seem to fit the requirements for an “eligible facilities request”, it is a reasonable request for the type of use allowed by the judgement and therefore best approached through Site Plan Review, where the Board has the authority to require conditions on its installation.