



ASHFIELD PLANNING BOARD

NOTICE OF DECISION ON APPLICATION FOR A SPECIAL PERMIT

Case No.: 2021-02

Regarding the application of Vertex Tower Assets, LLC for a Special Permit, pursuant to the Ashfield Zoning Bylaws, received by the Planning Board (hereafter referred to as 'the Board') on August 4, 2021.

An application to construct a 110-foot tall (116 feet to top of highest appurtenance) 'monopine' wireless communication facility, including a tower and ground equipment within a fenced compound, pursuant to the Ashfield Zoning Bylaws, Section VI.F and Section VII, for property located at Baptist Corner Road (Tax Assessors Parcel 4-0-27) was made by the above-referenced applicant.

The owner of the property is Pollen Family Realty, LLC. The property is located in a residential-agricultural zoning district, by a deed duly recorded in the Franklin County Registry of Deeds; Book #7323, Page #135.

Proper notice was given and – with the continuing of the Covid-19 pandemic – a virtual public hearing (via Zoom) was opened on September 22, 2021, continued on October 6, 2021, November 3, 2021, and December 1, 2021; and closed on December 1, 2021.

The required application and fee were accompanied by the following:

- Site Plans & Details
- Abutters List
- Letter of Authorization from Landowner
- Project Narrative
- TOWAIR Determination Results
- Affidavit of Site Acquisition Specialist
- Affidavit of Radio Frequency Engineer
- Radio Frequency Coverage Maps
- Site Emission Report
- National Environmental Policy Act (NEPA) Screening Report and Appendices
- Removal Cost Estimate/Form of Removal Bond

The Board reviewed and gave due consideration to the application and all other materials submitted prior to the close of the public hearing, including required approval forms from the Board of Health, Conservation Commission, Emergency Services (Police and Fire Departments),

and Hazardous Materials; Photographic Simulations; FAA Obstruction Analysis Report, revised Site Plan of a lattice tower design, additional RF Coverage Maps, additional Photographic Simulations, a Memorandum in Opposition from opponents to the project proposal, and a report on the proposed facility from a radio frequency (RF) consultant hired by the Board and – as allowed by law – paid for by the Applicant. The Board received and gave due consideration to both oral and written public testimony given at the public hearing.

The following Board members attended the public hearings:

- Alan Rice, Chair
- Richard Chandler, Clerk
- Ariel Brooks
- Robert Cherdack
- Jane Shaney

Findings.

A. General.

1. The property consists of 52.3 acres, with 315+/- feet of road frontage along Baptist Corner Road. The terrain rises over 350 feet in elevation from the road to the proposed facility site, with mixed deciduous/evergreen areas of vegetation throughout, interspersed with several wetland areas. The property is transected by a 330 feet wide electrical transmission line easement that includes a number of transmission line towers.
2. The proposed facility site is approximately 415 feet south of the centerline of the electrical transmission line easement. Access to the proposed facility site is over an adjacent parcel along Baptist Corner Road owned by NStar Electric Company d/b/a Eversource Energy, and the route to the proposed facility runs approximately 2,500 feet up the hillside on an existing gravel maintenance road within the electrical transmission line easement.
3. The proposed project site is to be connected to electrical power by overhead utilities running from the facility down the hillside along the south edge of the electrical transmission line easement and angling to the southeast approximately 600 feet west of Baptist Corner Road.

B. Regarding Special Permitting Requirements: Section VI (Use Regulations), Part F (Telecommunication Facilities) requires the Board to review the following.

- a. To the maximum extent possible, facilities shall be located on pre-existing structures, and all service providers shall co-locate on a single structure. Structures shall be designed to accommodate the maximum number of users technologically practical. The intent of this condition is to reduce the number of towers within the town.*

Findings: The Board recognizes that there are no suitable, pre-existing structures in place within the targeted area on which service providers can locate/co-locate. The proposed tower is located and configured to provide a wide area of coverage that will reduce the number of towers needed to cover the Town.

- b. *No facility shall exceed 80 feet in height as measured from the mean finished grade at the facility base. Exterior lighting of the tower and accessory structures shall be prohibited.*

Findings: The Applicant has proposed a facility of 110 feet in height (116 feet to the highest appurtenance), as it deems it necessary to increase the coverage area, eliminate gaps in coverage, and provide opportunity for co-location by additional carriers. As such, the Applicant has asked the Board to vary the 80-foot height limitation, as allowed in Section VI.F.1 (see below). Public testimony included outright opposition to a tower of any height, to requesting the tower height not be varied from its 80-foot maximum height stipulated in this subsection. In reviewing the coverage maps of different tower heights, and in consultation with its radio frequency (RF) consultant, the Board determines that – given the average height of trees of 50 to 60 feet in the immediate area around the proposed facility – there is substantial difference in coverage between a tower 80 feet in height and a tower 110 feet in height, and concludes that a tower height of 110 feet will provide optimal coverage, as well as the opportunity for several co-locations. As such, the Board decides to grant the Applicant’s request to waive the 80 feet maximum height.

The Applicant testified that there would be no lighting required on the tower, and no lighting on any accessory structures. The Board has conditioned the approval of the Special Permit on the Applicant meeting this requirement.

- c. *New towers shall be freestanding monopoles or other designs approved by the S.P.G.A. (Special Permit Granting Authority).*

Findings: Applicant testimony and submitted construction drawings confirm that a freestanding ‘monopine’ is being proposed. In its deliberation, the Board discussed the camouflage requirement, as stipulated in Section VI.F.m of the Bylaws (see below), as well as options for a monopole tower and a lattice tower. The Board finds that a ‘monopine’ design is acceptable, and will provide camouflage.

- d. *Facilities shall not be located within 100 feet of the crest or ridgeline or 500 feet of a summit of a hill and shall be located in such a way as to minimize the visual impact of the facility when viewed offsite. Notwithstanding the previous sentence, if in the opinion of the Planning Board, such other location would be the least detrimental to the overall purpose of this section (VI.F), then such siting may be allowed.*

Findings: The Applicant has proposed the facility within 110 feet of the crest of the ridge and approximately 60 feet to the southeast of the summit of the highest point of the ridge. Public testimony raised objections to the proposed location of the tower as being on an existing ridgeline and thus increasing adverse visual impacts, particularly when viewed from nearby Ashfield Lake and Belding Park along the lake’s western shoreline. The Applicant submits that the “location of the proposed facility will be the least detrimental to the overall purpose of Section 6F” of the Ashfield Zoning Bylaws.

