



Town of Boylston – Planning Board

221 Main Street, Boylston MA 01505 * Telephone (508) 869-0143 * Fax (508) 869-6210

Application for Special Permit (Wireless Communication)

Name of Applicant (primary contact): _____

Company: _____

Address: _____

Phone: _____ Other Phone: _____ Fax: _____

Email Address: _____

Name of Owner: _____

Address: _____

Daytime Phone: _____ Other Phone: _____ Evening Phone: _____

Email Address: _____

Location of Property: _____

Boylston Assessor's Tax Map Number: _____ Parcel Number(s): _____

Deed Reference – Worcester County Registry of Deeds Book: _____ Page: _____

Plan Reference – Worcester County Registry of Deeds Book: _____ Page: _____

Zoning Designation _____

Treasurer/Collector's Certification: _____

Applicant's Signature: _____ Date: _____

Owner's Signature (s): _____ Date: _____

_____ Date: _____

_____ Date: _____

Official Use Only:

Fee: \$ _____ Date Paid _____ Check# _____

Date(s) of Public Hearing(s): _____

Decision of Zoning Board: _____ Date: _____

Town Clerk's Date Stamp:

APPLICATION PROCESS

The Planning Board typically meets on the first Monday of the month per the Submittal Calendar posted on the Planning Board' webpage:

https://www.boylston-ma.gov/sites/g/files/vyhlf4171/f/uploads/2023-2024_meeting_schedule_and_application_instructions_rev1.pdf

Applications for Special Permits must **first** be submitted electronically to the Town Planner (see contact info below), who will review the application for completeness.

**PLEASE DO NOT SUBMIT HARD COPIES OF ANY APPLICATION MATERIALS
UNTIL DIRECTED TO DO SO BY TOWN STAFF.**

Once the Application is determined to be complete, applicants will submit hard copies of the signed application forms, supporting plans and materials, and fee payment to the Planning Board, Boylston Town Hall, 221 Main Street, Boylston, MA 01505 (email: ngardner@boylston-ma.gov). The number and size of the hard copies to be submitted will be determined by the Town Planner. *Please note that full-size plans must be folded, not rolled.*

The Applicant must obtain certification from the Treasurer/Collector's Office that they are up to date with all Boylston taxes and fees.

The Applicant must also obtain a certified abutters list from the Assessor's Office and provide a copy of the abutters list along with the application package.

The Town will produce and place the public notification in the Telegram and Gazette and for sending the notification to the abutters by certified mail with return receipt and then provide proof of notification to the Planning Board.

For any questions or to submit an application for review, contact:

Paul Dell'Aquila, AICP

Land Use and Inspectional Services Director/Town Planner

Phone: 508-869-0143 ext. 239

Email: pdellaquila@boylston-ma.gov

PROPERTY INFORMATION – SPECIAL PERMIT

Fill in information for the Special Permit(s) you are applying for. Attach additional documentation as necessary.

Address: _____

Parcel ID or MBL: _____

Zoning Designation: _____

PROPOSAL DESCRIPTION

The applicant seeks to (Describe what you want to do on the property in as much detail as possible):

Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions:

List any additional information relevant to the requested Special Permit(s)

REQUIRED FINDINGS OF FACT

In the spaces below, please explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Section 11.04.06 of the Boylston Zoning Bylaw. *Attach additional supporting documentation as necessary.*

1. Describe the Social, Economic, or Community Needs which are served by the proposal:

2. Describe how Traffic Flow and Safety, including Parking and Loading, is affected by the proposal:

3. Describe the Adequacy of Utilities and other Public Services serving this proposal:

4. Describe how the surrounding Neighborhood's Character and Social Structures will be affected by this proposal:

5. Describe the proposal's Impacts on the Natural Environment:

6. Describe the proposal's Potential Fiscal Impact, including impact on Town services, tax base, and employment:

SUPPLEMENTAL FINDINGS OF FACT

In the spaces below, please respond to the Supplemental Findings of Fact required per Section 8.04 of the Boylston Zoning Bylaw (Wireless Communication). *Attach additional supporting documentation as necessary.*

The Planning Board may grant or modify a Wireless Communication Bylaw Special Permit only if they find:

- A. That there is no existing or approved Wireless Communication Facility(s), Communication Structure(s), reasonably available that could accommodate the applicants Wireless Communication Facility via co-location on an existing or approved Wireless Communication Facility(s), Communication Structure(s):

B. That the applicant demonstrated to the satisfaction of the Planning Board that the sitting and proposed location of the Wireless Communication Facility is critical and cannot be reasonably accommodated by locating on existing Wireless Communication Facilities:

C. That the applicant and all tenants hold at the time of application all necessary Federal, State and FCC telecommunications licenses required to operate the Wireless Communication Facility:

D. That the applicant has certified to the Planning Board that they are in compliance with all applicable Federal, State, and local laws and regulations including any amendment(s) thereto:

E. That the size and height of the Wireless Communication Facility is the minimum necessary to accommodate all users thereon and that any Communication Structure(s), including all appurtenant equipment, Wireless Communication Device(s) and or Communication Device(s) shall:

1. Not exceed seventy-five (75) feet above the average grade of the existing terrain at the Communication Structure's base, unless the applicant demonstrates to the satisfaction of the Planning Board that a taller structure is required.
2. In no event exceed a height of one hundred and forty (140) feet above the average grade of the existing terrain at the Communication Structure's base; and
3. In no event be of such a height or location as to require aviation warning lighting

- F. That the Wireless Communication Facility has been designed in all respects to accommodate multiple licensed telecommunication carriers and that the applicant has agreed to and will permit other licensed telecommunications carriers to co-locate on facility at commercially reasonable terms:

- G. That That the Wireless Communication facility will not have a material adverse impact upon any Boylston viewshed as determined solely by the Planning Board:

- H. That the applicant for a new Communication Structure shall provide the Planning Board with the following items:

1. A description, including illustrations and photographs, of the monopole and the technical, economic, and other reasons for the proposed location, height and design.
2. A description of the maximum capacity of the monopole including the number and type of antennae platforms, antennae per phase and transmitters, receivers that it can accommodate.
3. A locus plan which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential and other buildings within five hundred (500) feet of the Communication Structure.

- I. That the applicant for co-location on an existing Communication Structure shall provide the Planning Board with the following items:

1. A description, including illustrations and photographs, of the additional antennae platform and the Antennae.
2. A digitally enhanced photograph from three different view angles showing the new antennae platform as it would look like on the existing Communication Structure. These

photographs will be from the most highly viewable locations that the applicant can find.

J. That any Wireless Communication Facility is set back from:

1. Any property line, other than a property line immediately bordering I-290, the greater of six hundred (600) feet or a distance equal to two (2) times the height of the Wireless Communication Facility, including any appurtenant equipment, device(s) or Wireless Communication Device(s) attached thereto. From a property line bordering I-290 the setback shall be at least one (1) time the height of the Wireless Communication Facility, including any appurtenant equipment, device(s) or Wireless Communication Device(s) attached thereto; and
2. The centerline of an approved or accepted right of way, other than I-290, by not less than six hundred (600) feet; and.
3. Any residence which has been built or for which a building permit has been granted at the time of the application, or from the site of any residence shown on a plan of land approved by the Town of Boylston at the date of application, by not less than 1,000 feet.

K. That any Communication Structure has been designed, using the best available technology to blend in the surrounding environment through the use of color, camouflaging techniques, landscaping, or other architectural treatments. A maintenance plan is required for the Special Permit that covers the long-term maintenance of the color, camouflaging techniques, landscaping, or other architectural treatments.

L. That the Wireless Communication Facility includes a provision(s) for the reasonable colocation to the Town of Boylston of communication systems to support the Town's emergency and safety services and municipal public schools.

M. That the Wireless Communication Facility complies with the minimum design requirements:

N. That the Wireless Communication Facility has been so sited so as to make use of natural vegetative screening and that an adequate replacement of vegetation providing a noise buffer and aesthetics to neighboring properties is provided for, and:

1. That to the greatest extent practical the clearing of existing vegetation and the impact on the site's natural resources and typography is minimized, and;
2. That any clearing of existing on-site vegetation will preserve such vegetation to the maximum extent practicable and that any disturbed areas will be restored to the maximum extent practicable, and;
3. That access to any Wireless Communication Facility has been engineered and will be built to ensure that the Town of Boylston's emergency services can respond safely to the site, and;
4. That emergency access to the site is available at all times to the Town of Boylston's emergency services, and;
5. That any emergency backup generators will be installed such that they periodically only cycle during non-holiday weekdays, between 8:00AM and 5:00PM, and;
6. That any Wireless Communication Facility and/or Communication Structure, is fenced so as to control access to the facility and that any fencing is designed so as to be as unobtrusive as possible, and;
7. That only signage acceptable to the Board will be visibly posted. At a minimum an announcement sign, a no trespassing sign and a sign giving a phone number where the owner or operator can be reached on a twenty-four-hour basis, shall be required.
8. That any accessory buildings and structures (A) do not exceed one story in height, (B) contain no more than three hundred (300) square feet in floor area for each user, (C) is located within the fenced in area, and (D) is compatible in appearance.

NEXT STEPS AFTER APPROVAL

1) Obtain a CERTIFIED COPY of the approved DECISION from the Boylston TOWN CLERK's office:

Notice of the decision is distributed to the applicant and abutters and will contain the date of filing with the Town Clerk. After the 20-day appeal period (beginning the date the decision was first filed with the Town Clerk's office) has expired, the applicant may obtain a certified copy of the approved decision from the Town Clerk. *Note: The certified decision will state if an appeal was filed against the project.*

Boylston Town Clerk, Town Hall, 211 Main Street, Boylston, MA 01505
Hours: Monday- Thursday 8:00am - 2:00pm & Monday evenings 6:00pm – 8:00;
Closed on State or Federal Holidays; 508-869-2234 or dporter@boylston-ma.gov

2) RECORD the CERTIFIED COPY of the approved DECISION at the REGISTRY OF DEEDS (prior to use):

Provided there has been no appeal, you must bring the certified copy of the decision to the Worcester District Registry of Deeds and have the decision recorded against the property's title/deed for the decision to be valid.

Worcester District Registry of Deeds, 90 Front Street, Suite C201, Worcester, MA 01608
Recording Hours: Monday – Friday 9 am to 4 pm; Closed on State or Federal Holidays
508-368-7000 or <https://massrods.com/worcester/>

Note: Your Decision MUST BE RECORDED PRIOR TO USE of any approved Special Permit(s)

3) Satisfy any CONDITIONS of approval, if applicable:

If your petition is approved with conditions requiring revised plans or supplemental information, all final revised plans and associated information must be received and approved by the Department of Land Use and Inspectional Services prior to issuance of a building and/or occupancy permit. Conditions of Approval may additionally require submission of documentation during or after completion of construction. It is the applicant/owner's responsibility to be aware of the conditions of approval to ensure that they comply with the conditions to avoid delays in issuance of permits and/or enforcement actions for non-compliance.

If you are unsure of the conditions of your application's approval, please contact the **Department of Land Use and Inspectional Services** for clarification. These are included in the decision (generally toward the end of the document before the signature page).

4) Begin USE/CONSTRUCTION as permitted by the Decision ONLY AFTER Receipt of appropriate Permits from Other Town Departments (Building Department, Board of Health, etc.).

**Note: The Town of Boylston, by this document, does not provide legal advice.
Questions about Special Permits should be directed to your legal counsel.**

OTHER QUESTIONS

When Will My Special Permit EXPIRE?

Per Mass. General Law, Ch. 40A, §9 and the Boylston Zoning Bylaws, the rights authorized by a Special Permit are valid for two (2) years from the date the decision was filed with the Town Clerk. Two years after filing of the decision with the Town Clerk, the Special Permit will expire unless it has been acted/relied upon (e.g. building permit submitted, construction commenced, etc.). Questions about permit validity and what constitutes “action” in a particular case should be directed to the Town Planner at pdellaquila@boylston-ma.gov or 508-869-0143 x239.

How Do I EXTEND the Rights Granted by my Special Permit?

One may apply for an **Extension of Time** for an approved Special Permit which has not been acted upon and will otherwise expire. An **Extension of Time application must be filed** with the Planning Board **within two (2) years of the date of final action (date of filing with the Town Clerk)**. The Board may extend the rights of the Special Permit for a maximum of six (6) months upon the filing of an extension request (new notice to abutters, public hearing, and decision by the Board). *Note: If an approval has expired it cannot later be extended, it must instead be newly considered.*

Applications for an Extension of Time for a Special Permit granted by the Planning Board is available here: <https://www.boylston-ma.gov/planning-board-agenda>

What Happens if My Special Permit EXPIRES?

Expired Permits: After expiration, Special Permit(s) may only be re-established through submission of a new filing to the Planning Board. *Note: a new filing consists of the same process as the original application filing (i.e., notification to abutters, a public hearing, and the Board reconsidering said relief, pursuant to the Boylston Zoning Bylaw).*

New Filings: Versions of the most current Special Permit Application is available here: <https://www.boylston-ma.gov/planning-board-agenda>

Other Resources:

The Town of Boylston Zoning Bylaws and Zoning Map are available online on the Planning Board’s webpage: <https://www.boylston-ma.gov/planning-board-agenda>