

# PLAPC

PARISI LAW ASSOCIATES, P.C.

**APPLICATION FOR  
SPECIAL PERMIT  
(Planning Board)  
AND  
PETITION FOR VARIANCE  
(Zoning Board of Appeals)  
FOR  
WIRELESS COMMUNICATION FACILITY**

**Applicant:** Vertex Tower Assets, LLC  
**Site Id:** VT-MA-0014A  
**Property Address:** 1384 S. Deerfield Road, Conway, MA 01341  
**Tax Assessors:** 411-121  
**Property Owner:** Eric Plasse and Krista Plasse  
**Date:** December 20, 2019

1. Special Permit Application for Hearing (Planning Board)
2. ZBA Petition for Variance (Zoning Board of Appeals)
3. Filing Fees
4. Abutters List
5. Letter of Authorization
6. Project Narrative
7. Removal Cost Estimate and draft Removal Bond
8. TOWAIR (FAA Analysis re No Hazard to Air Navigation)
9. Affidavit of Site Acquisition Specialist
10. Affidavit of RF Engineer and RF Coverage Maps
11. Site Emissions Report
12. Site Plans

Respectfully submitted,



Francis D. Parisi, Esq.  
Parisi Law Associates, P.C.  
38 N. Court Street  
Providence, RI 02903  
(401) 447-8500 cell  
[fparisi@plapc.com](mailto:fparisi@plapc.com)

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# Planning Board Special Permit Application Conway

Conway Planning Board, 32 Main St, Conway MA 01341-0059

[www.planningboard@townofconway.com](mailto:www.planningboard@townofconway.com)

Tel: 413-369-4235

## Introduction

According to the Conway Protective Zoning Bylaws, the following types of activities and uses require a Special Permit from the Planning Board or ZBA.

### **22.1: Restricted Uses (Rural/Residential and Agricultural District)**

No use or combination of uses of buildings or premises is permitted except by Special Permit issued by the Planning Board which during ordinary use allows more than 15 persons upon that premises simultaneously, except that for a commercial establishment up to 50 customers shall be permitted on the premises at any one time during ordinary business hours.

### **22.3 Accessory Apartments**

For the purpose of providing an additional small dwelling unit to rent, enabling owners of two-family dwellings that are larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Planning Board may grant a Special Permit in accordance with the following requirements.

### **31.2: Alteration of nonconforming structure or use**

Legally nonconforming structures may be altered if without extension or change of use. Nonconforming structures or nonconforming uses of structures or land may be extended or changed to another nonconforming use only if granted a Special Permit by the Planning Board.

### **32.4: Stripping Land of Soil and Loam**

No person, firm, or corporation shall strip, sever, remove, or convey away any soil, loam, clay, sand or gravel from any land in the Town of Conway not in public use, unless and until such stripping, severance, removal, or conveyance away is first authorized by a Special Permit issued by the Planning Board....

### **32.5-2: Unregistered vehicles (more than one)**

A special permit is granted by the Planning Board. Such a Special Permit may be granted after a duly called public hearing to which all abutters to the premises have received notice, and if the Planning Board finds that such keeping: (1) is in harmony with the general purpose and intent of this Bylaw; (2) will not adversely affect the neighborhood; and (3) will not be a nuisance.

### **41.2.1 Exceptions to dimensional clearances requirements for accessory buildings or structures (special permit issued by ZBA)**

The Zoning Board of Appeals (ZBA) may reduce, by Special Permit, the dimensional clearance requirements for front, rear, and side yards related to accessory building or structure setbacks provided that the Zoning Board of Appeals makes a determination that the proposed building or structure is consistent in scale or setback with the structures in abutting parcels and the immediate neighborhood. The Zoning Board of Appeals shall make the following determinations before granting an exception:

### X **Article 8: Wireless Communication Facilities**

The purpose of this Wireless Communications Facilities Bylaw is to protect the scenic, historic and natural resources of the Town of Conway while accommodating the wireless telecommunications needs of town residents and businesses.

The Conway Planning Board shall issue a Special Permit to duly licensed wireless carriers, as defined in the Telecommunications Act of 1996, 47 U.S.C. §332(c)(7)(ii), in Conway, providing the following....

**Article 10: Age Restricted Housing Community (ARHC)**

A master-planned development of land as a unified residential community, constructed expressly for use and residence by persons who have achieved a minimum age of fifty-five (55) years, in accordance with M.G.L. Chapter 151B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An Age Restricted Housing Community shall be permitted only within the Rural Residential/Agricultural Overlay District of Conway and only upon the granting of a special permit by the Planning Board.

**Article 11: Adult Use Recreational Marijuana Establishments**

It is the purpose of this article to promote public health, safety and general welfare, and to support the availability of recreational marijuana in accordance with State law and regulations (935 CMR 500.000 et.seq.). To mitigate potential impacts to adjacent areas and the environment this bylaw will regulate the locations and site development to promote safe attractive business areas, prevent crime, maintain property values, protect and preserve the quality of residential neighborhoods and to protect the safety of children and young people in the vicinity of schools, public parks and other areas where children congregate.

**11.2 Special Permit Granting Authority & Site Plan Review**

The Planning Board shall be the Special Permit Granting Authority (SPGA) under this section in accordance with M.G.L. Chapter 40A, Sections 9 and 9A.

**Article 12: Large Scale Industrial & Commercial Facilities Zoning Bylaw**

An applicant for a proposed LSICF must seek a Special Permit from the Special Permit Granting Authority which is the Conway Planning Board. The Planning Board shall conduct a Special Permit process in accordance with Conway's Zoning Bylaws upon receipt of a completed Application and will determine if the proposed LSICF and ASEFs will meet the requirements of this Bylaw. The Planning Board may request additional information needed to determine compliance with this bylaw. The Applicant may not proceed with the construction or operation of the LSICF or ASEFs until a Special Permit has been granted by the Planning Board based on their determination that all the requirements of the Bylaw will be met.

In some cases, a proposed project in these categories will also require Site Plan Review by the Planning Board prior to receiving a Building Permit from the Building Commissioner. In those cases, the Planning Board shall consolidate Site Plan Review into the Special Permit process, applying the Special Permit procedures and timetable for decision. Applicants proposing uses that require both a Special Permit and Site Plan Review from the Planning Board should submit both application forms. (Additional permits may also be required from other Town Boards, such as the Zoning Board of Appeals, Conservation Commission, or Board of Health.)

Pursuant to Section 63, special permits may be granted by the Special Permit Granting Authority upon its written determination that benefits of the proposed use outweigh its detrimental impacts on the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any criteria set forth in specific provisions of this by-law, the determination shall include consideration of each of the following:

- Social economic, or community needs which are served by the proposal;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Neighborhood character and social structures;
- Impacts on the natural environment;
- Potential fiscal impact, including impact on town services, tax base, and employment.

Public Hearings are required for all Special Permit applications. The applicant shall obtain a list of abutters, being all "parties in interest" as defined in G.L. c. 40A, s. 11, from the Conway Assessor's Office, and shall attach the certified list to the application when filed. At least fourteen (14) days prior to the day of the Public Hearing, written notices shall be sent by the administrative staff by certified mail at the applicant's expense to the parties in interest. Legal notice of the public hearing shall be published at the applicant's expense in a newspaper of general circulation in the town in each of two (2) successive weeks, the first publication to appear not less than fourteen (14) days prior to the day of the Public Hearing. Notice of the Public Hearing shall also be posted in a conspicuous place in the Town Office for a period

of not less than fourteen (14) days before the day of such hearing.

The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors.

The Planning Board may require that such narrative assessments be prepared by qualified experts at the applicant's expense.

The Conway Planning Board meets on the *1<sup>st</sup> & 3<sup>rd</sup> Thursdays of each month*. Applicants that wish to appear before the board must comply with the following:

- Carefully read all sections of the application for procedures that you must follow.
- Please type or print all information.
- All applications must be reviewed by a member in the Planning Board once completed.
- The Planning Board must review and sign the application, and then the original application, nine (9) hard copies, and the application fee must be submitted to the Town Clerk's Office. **Please keep a copy of the entire application packet for your own records.**
- The Planning Board will create the notice of hearing.
- An official abutters list from the Assessors' Office must be obtained as required by M.G.L. Chapter 40A, Section 11. It is the responsibility of the applicant to pay for the cost of the abutters mailing (certified / return receipt) plus \$2.00 for the cost of paper and processing. We will notify you of the final cost after we have processed your application.
- Legal advertisements will be generated by the Planning Board office staff and emailed directly to The Recorder. If the applicant supplies an email address, the advertisement will be forwarded accordingly, otherwise it will be mailed or available for pickup during regular office hours.
- Applicants pay publication costs directly to the Recorder.** Please contact Recorder Legal Ads to arrange payment:  
Telephone: 413-772-0261 ext. 219  
Email: [legalads@recorder.com](mailto:legalads@recorder.com)  
Fax: 413-774-5511
- Please allow a minimum of two (2) days' notice to publish and pay for an advertisement as required by the newspaper. **The Town of Conway is not responsible if an advertisement is not published in time to hold the hearing.**

#### **Attachments:**

1. Special Permit Application Form
2. Special Permit Application Checklist
3. Section 63 Special Permit Guidelines
4. Conway Planning Board Fee Schedule

#### **Additional Resources:**

1. MassGIS Standard for Digital Plan Submittals to Municipalities (Version 2.0--October 2007)
2. Town Website: [www.TownofConway.com](http://www.TownofConway.com)

**FEES AND OTHER EXPENSES:**

- SP Application fee:** \$150.00 **plus** \$10.00 per 1000 square feet of land disturbance
- Notice Mailing fee:** Total cost will vary depending on the number of abutters, and will include the cost/piece for Certified Mail/Return Receipt plus \$2.00 processing costs per piece
- Newspaper Publishing fee:** Total cost will vary; to be paid directly to the Greenfield Recorder in-person or by phone prior to publication of legal notices
- Consultant Review fee:** May be required for some projects; fee to be determined by Planning Board and deposited in advance by applicant per MGL 44, section 53G.

**CONTACTS:**

- Building Commissioner FCCIP:** 413-774-3167 x113  
FCCIP, Transit Center  
2 Olive St., Greenfield, MA 01301  
Email: [jhawkins@frcog.org](mailto:jhawkins@frcog.org)
- Board of Selectmen's Office  
Planning Board Admin. Staff:** 413-369-4235 x3  
32 Main St., Conway, MA 01341-0059  
Email: [Planningboard@townofconway.com](mailto:Planningboard@townofconway.com)
- Town Clerk:** 413-369-4235 x4  
32 Main St., Conway, MA 01341-0059  
Email: [Clerk@townofconway.com](mailto:Clerk@townofconway.com)
- Board of Assessors:** 413-665-1400 x  
32 Main St., Conway, MA 01341-0059  
Email: [Assessors@townofconway.com](mailto:Assessors@townofconway.com)
- Registry of Deeds:** 413-772-0239  
Franklin County Courthouse, 425 Main St., Greenfield, MA 01301
- Greenfield Recorder:** Please contact Legal Ads to arrange payment:  
Telephone: 413-772-0261 ext. 219  
Email: [legalads@recorder.com](mailto:legalads@recorder.com)  
Fax: 413-774-5511
- Town Website:** [www.townofconway.com](http://www.townofconway.com)

**HOURS AND SCHEDULES:**

- Building Commissioner's Office:** 9:00 a.m. to 4:00 p.m. Monday through Friday
- Town Clerk's Office:** 9:00 a.m. to 1:00 p.m. Tuesday & Thursday
- Board of Selectmen's Office:** 9:00 a.m. to 4:00 p.m. Monday through Friday  
(Planning Board administrative staff in this office will assist you.)
- Board of Assessors Office:** 9:00 a.m. to 4:00 p.m. Monday, Tuesday, Thursday, Friday  
9:00 a.m. to 12:00 p.m. Wednesday
- Planning Board Schedule:** Typically meets the first & third Thursdays of each month at 6:00 p.m. in Town Office Selectboard's Room. This schedule or location may change due to holidays, earlier meeting start times, extra meetings in addition to the monthly meeting, etc. Please check with the Selectmen's Office to determine the next scheduled Planning Board meeting.

**Special Permit Application**

**Town of Conway Planning Board**

1. **Name of Applicant:** Vertex Tower Assets, LLC Phone #: 401 447 8500  
 Mailing Address: c/o Parisi Law Associates, P.C. 38 N. Court Street, Providence, RI 02903  
 E-mail Address: fparisi@plapc.com

2. **Property Owner(s)** (If different from above. All entities listed on deed must be included. Please attach additional sheets if necessary.)  
**Name:** Eric Plasse and Krista Plasse Phone #: 401 447 8500  
 Mailing Address: c/o Parisi Law Associates, P.C. 38 N. Court Street, Providence, RI 02903  
 E-mail Address: fparisi@plapc.com

3. **Name of Registered Land Surveyor/Engineer:** Proterra Design Group, LLC  
 Mailing Address: 4 Bay Road Building A Suite 200, Hadley, MA 01035  
 Phone #: 413 320 4919 E-mail Address: tjohnson@proterra-design.com

4. **Parcel ID: Street Address:** 1384 S. Deerfield Road, Conway, MA 01341  
**Map:\*** 411 **Lot/Parcel #:\*** 121 **Zoning District:\*** RR/A  
*\*This information can be found on your tax bill or can be obtained from the Board of Assessors.*

5. **Deed Reference: Book:** 3785 **Page:** 5

6. **Plan Reference: Book:** 39 **Page:** 98

7. **Parcel Area:** (all figures should be in square feet)  
**Total Land Area:** 2,396,671 +/- **Area of Disturbed Land:** 61,300  
**Gross Floor Area** of proposed construction: n/a **Net Floor Area:** n/a

8. **Proposed Use:**

- |  |  |
|--|--|
| <input type="checkbox"/> 22.1: Restricted uses (15/50)                               | <input type="checkbox"/> 22.3: Accessory Apartments  |
| <input type="checkbox"/> 32.5-2: Unregistered vehicles                               | <input type="checkbox"/> 31.2: Alteration of structure or use                                    |
| <input type="checkbox"/> 32.4: Stripping land of soil and loam                       | <input type="checkbox"/> 41.2.1: Exceptions to clearances for accessory buildings and structures |
| <input checked="" type="checkbox"/> Article 8: Wireless Communication Facilities.    | <input type="checkbox"/> Article 10: Age Restricted Housing                                      |
| <input type="checkbox"/> Article 11: Adult Use Recreational Marijuana Establishments | <input type="checkbox"/> Article 12: Large Scale Industrial & Commercial Facilities              |

**Describe the proposed use in detail, including square footages, where applicable:**

**Applicant proposes to construct a new Wireless Communication Facility consisting of a 150' tall "monopine" style tower (156' to top of highest appurtenance) on which various wireless telecommunications companies will attach antennas and electronic equipment, inside a 40' x 60' fenced-cioconwacin compound**

File # \_\_\_\_\_

9. Property listed under Chapter 61, 61A or 61B for tax purposes?  Yes  No


10. Modification of Existing Permit?  Yes  No

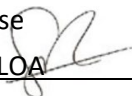
11. Site Plan Review Application Pending?  Yes  No

12. Stormwater Permit Required?  Yes  No

13. List any other Federal, State, and/or Municipal Permits required: ZBA Variance

14. I hereby certify that the information contained in this application is true and complete:

Vertex Tower Assets, LLC  
Applicant's Signature: By Francis D Parisi, Esq., Auth. Agent  Date: 12/12/19

Eric Plasse and Krista Plasse  
Owner(s) Signature(s): By Francis D. Parisi, Esq., LOA  Date: 12/12/19  
(if different from applicant; attach additional sheets if necessary) \_\_\_\_\_ Date: \_\_\_\_\_

15. Building Commissioner Certification: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Town Clerk Certification: \_\_\_\_\_ Date: \_\_\_\_\_



Special Permit Application Checklist

Reason for Special Permit: Wireless Communications Facility

Site Plan Review application associated with this SP application?  Yes  No (If yes, please attach copy)

**Special Permit Submission Requirements** (see Zoning Bylaws Section 63, Special Permits)

- An original and nine (9) copies of the signed Special Permit application
- An original plan prepared by a registered professional engineer, registered architect, registered landscape architect, or registered land surveyor submitted on 24-inch by 36-inch sheets with a minimum scale of 1" = 40' and
- A compact disk containing a Standard Digital File (SDF) as defined by Version 2.0 of the MassGIS Standard for Digital Plan Submittals to Municipalities and
  - \_\_\_\_\_ a copy of the original CADD file in PDF format **plus**
  - accompanying documents in PDF format
- Copies distributed to:
 

_____ Board of Health	_____ Building Commissioner
_____ Highway Department	_____ Conservation Commission
_____ Police Chief	_____ Board of Selectmen
_____ Fire Chief	_____ Assessors

35-day deadline for comments: \_\_\_\_\_

**Contents of Plan** (see Zoning Bylaws Section 63)

- Identification of Applicant, Property Owner (if different), and Site Plan Preparer (incl. e-mail addresses)
- Property Description
- Applicant and Property Owner(s) signatures
- Town signatures: \_\_\_\_\_ Town Clerk and \_\_\_\_\_ Building Commissioner
- Certified list of abutters from Board of Assessors (+ 2 sets of mailing labels)
- All boundary line information pertaining to the land sufficient to permit location of same on ground with existing and proposed topography at 2 foot contour intervals and the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and unique natural features
- Existing and proposed buildings and structures, including fences, loading areas, accessory buildings, signs, waste disposal areas, and storage areas, with proposed building elevations or renderings; utilities and snow disposal methods
- N/A* Water provision, including fire protection measures
- N/A* Sanitary sewerage
  - Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's & State DEP (MassDEP) Stormwater management regulations.
  - Parking, walkways, driveways, and other access and egress provisions
- N/A* Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening
- N/A* Existing and proposed exterior lighting
- N/A* Signage

**For Office Use Only**

**File #** \_\_\_\_\_

**Base Fee paid:** \$ \_\_\_\_\_ Date: \_\_\_\_\_ Town Clerk stamp: \_\_\_\_\_  
 Fee = \$150.00 **plus** \$10.00 per 1000 square feet of land disturbance  
 Calculation: Land disturbance = \_\_\_\_\_ sq. ft./1000 = \_\_\_\_\_ x \$10.00 = \$ \_\_\_\_\_

**Mailing fee paid:** \$ \_\_\_\_\_ Date: \_\_\_\_\_ Town Clerk stamp: \_\_\_\_\_  
 Fee = cost/piece for Certified Mail/Return Receipt plus \$2.00 processing costs per piece

**Consultant Peer Review** requested by Planning Board: \_\_\_\_ Yes \_\_\_\_ No (If yes, complete below)

Date plans forwarded to reviewer(s): \_\_\_\_\_ List: \_\_\_\_\_

Date project-specific account established: \_\_\_\_\_ Town Accountant's initials: \_\_\_\_\_  
 (per MGL Ch. 44, §53g) Acct. #: \_\_\_\_\_

**Consultant fee paid:** \$ \_\_\_\_\_ Date: \_\_\_\_\_ Town Clerk stamp: \_\_\_\_\_

Funds deposited into account: \_\_\_\_\_ Date: \_\_\_\_\_ Treasurer's initials: \_\_\_\_\_

Additional funds deposited: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Treasurer's initials: \_\_\_\_\_

Unused funds returned: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Treasurer's initials: \_\_\_\_\_  
 (with interest)

**FRCOG Review** requested by Planning Board: \_\_\_\_ Yes \_\_\_\_ No

Date plans forwarded to FRCOG: \_\_\_\_\_

Date Special Permit rejected by Planning Board and sent back as incomplete: \_\_\_\_\_ (if applicable)

**Effective Date** of application (signed by Town Clerk): \_\_\_\_\_

**Decision Deadline:**

90 days from Public Hearing date: \_\_\_\_\_

Continuation request form filed with Town Clerk (if applicable) **Revised Decision Deadline:** \_\_\_\_\_

**Public Hearing Date:** \_\_\_\_\_ (Notice and postings pursuant to M.G.L. Ch. 40A, Sec. 11)

Date notice sent to newspaper: \_\_\_\_\_

Date confirmation of payment received: \_\_\_\_\_

Date of **first** legal notice in newspaper: \_\_\_\_\_ (not less than 14 days prior to hearing)

Date of **second** legal notice in newspaper: \_\_\_\_\_ (at least 7 days prior to hearing)

Date of certified mailing of notice to abutters: \_\_\_\_\_ (to be done by Administrative Staff)

Date posted in Town Hall: \_\_\_\_\_ (period not less than 14 days prior to hearing)

Date notice mailed to abutting Towns: \_\_\_\_\_

**Date Special Permit Approved:** \_\_\_\_\_

Date Special Permit mailed to applicant: \_\_\_\_\_

Date Special Permit filed with Town Clerk: \_\_\_\_\_

NO APPEAL has been filed with the Conway Town Clerk after 20 days Town Clerk stamp: \_\_\_\_\_

APPEAL has been filed within 20 days: \_\_\_\_\_ Date: \_\_\_\_\_ Town Clerk stamp: \_\_\_\_\_

## SECTION 63: Special Permit Guidelines

Application for Special Permits shall be accompanied by a written report detailing the effects of the development in relation to the criteria of Section 63. In granting a Special Permit the Planning Board has the power to impose any conditions, safeguards, and/or limitations on time or use of premises.

- a) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.
- b) **Filing Procedure for Special Permits.** Special Permits shall be granted, denied, or issued with conditions by the Planning Board according to the provisions of Chapter 40A of the Massachusetts General Laws. An applicant for a Special Permit shall file a completed application with the Town Clerk. The application shall include nine (9) copies each of the Special Permit application and a plan of the site. The Town Clerk shall acknowledge receipt of the application by signing and dating the application. The Town Clerk shall transmit copies of the application to the Planning Board, Conservation Commission, the Zoning Board of Appeals, the Board of Health, the Historical Commission, the Highway Superintendent, the Fire Chief, the Energy Committee, and the Building Inspector. Town Boards and municipal officials shall have **30 days** from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations. The date of receipt by the Town Clerk on behalf of the Planning Board, shall be the date of submission of the Special Permit application.
- c) All other special permits otherwise in compliance with the provisions of this Bylaw and of Chapter 40A, shall be issued only upon written determination by the Planning Board that there be no significant adverse effects (to the neighborhood and/or town) in any of the following categories:
  - (a) **Traffic Flow and Safety:** for example, to what degree will the service level of abutting streets be reduced because of added traffic volume? Will hazardous egress conditions result? Is traffic generation in relation to street frontage unusually high or low relative to nearby uses? Have such efforts been made as spacing egresses more widely than required, or sharing of egresses? Is the town capable of servicing the premises considering existing roads and town equipment?
  - (b) **Adequacy of Utilities and other Public Services:** for example, will pressures on the highway department, school system, or other public services mount more rapidly than the town is reasonably able to relieve these pressures?
  - (c) **Qualities of the Natural Environment:** for example, what will the consequences for wildlife, vegetation, hydrology, water quality, and air quality be? Does the proposal take into account the effects of large topographic change, tree removal, or increased storm water flow from the site?
  - (d) **Impact on Other Properties:** for example, will the use or value of abutting or otherwise related properties be affected? What will be consequences for other property of sound, light, odor, traffic, and other disturbances?
  - (e) **Community Health:** for example, will the development tend to increase unemployment, decrease public revenues, destroy neighborhoods, or otherwise on balance take more from the town than it returns?

### **63.1: Time to Begin Construction**

Construction must begin within one year after a Special Permit or building permit is issued, except for

good cause.

**63.2: Time to Use Special Permit**

A Special Permit shall lapse within two years, including such time as may be required to pursue or wait the determination of an appeal from the grant of the permit, if a substantial use of the permit has not begun within those two years, except for good cause.

**63.3: Subsequent Amendments**

A Special Permit or building permit shall conform to any subsequent amendments to this Bylaw unless the use or construction has commenced, within six (6) months, and if construction is involved, unless such construction is continued through to completion at reasonable speed.

**CONWAY PLANNING  
BOARD**

**REGULATIONS GOVERNING FEES  
AND  
FEE SCHEDULES**

**Adopted 7 Feb 2019**

**SECTION 1. INTRODUCTION.**

**1.1 Procedural History.** Pursuant to G.L. c. 41, §81Q and G.L. c. 40A §§ 9 and 12, the Planning Board has adopted regulations governing fees and a new schedule of fees for review conducted by the Planning Board and its consultants on the various types of applications which come before it. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board’s rules governing the imposition of fees and its current fee schedules.

**1.2 Purpose.** These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by G.L. c. 44, §53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.

**SECTION 2. FEE STRUCTURES AND REGULATIONS.**

**2.1 General.** The Planning Board shall impose reasonable fees for the review of applications which come before it. The Planning Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

**2.2 Form of Payment.** All Administrative and Technical Review Fees shall be paid by bank or certified check.

### **SECTION 3. ADMINISTRATIVE FEES.**

**3.1 Applicability.** An Administrative Fee shall be assessed to offset the expense of review by the Planning Board and its office with regard to all applications set forth in Section 3.3, below.

**3.2 Submittal.** Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

**3.3 Schedule of Administrative Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Law, and Subdivision Rules and Regulations, and any listings which may have been compiled from time to time for the benefit of applicants.

- A. Site Plan Review | \$100.00 Basic Fee **plus** \$10.00 per 1000 square feet of land disturbance.
- B. Modification or extension of a Site Plan shall also require the fee specified above.
- C. Special Permit Review | \$150.00 Basic Fee **plus** \$10.00 per 1000 square feet of land disturbance.
- D. Modification or extension of a Special Permit shall also require fee specified above.

**3.4 Fees for Revised Applications.** Where an Administrative Fee has been calculated by the number of lots, units, or sq. ft. of disturbed soil proposed, and the application is revised after payment of said fee, the following rules shall apply:

- A. If the number of proposed lots, units, or sq. ft. of disturbed soil increases, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots, units, or sq. ft. of disturbed soil. No review of these additional lots, units, or sq. ft. of disturbed soil shall take place until this additional fee is paid to the office of the Planning Board, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
- B. If the number of proposed lots, units, or sq. ft. of disturbed soil decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no cost associated with the review of those lots, units, or disturbed soil has been yet incurred.

**3.5 Fee Waivers.** The Planning Board may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

**3.6 Refund.** Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.4.B, above.

## SECTION 4. PROJECT REVIEW FEES.

**4.1 Applicability.** In addition to an Administrative Fee, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

**4.2 Submittal.** Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

**4.3 Schedule of Project Review Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Law and any other listings which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Planning Board for action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.

**A. Original Special Permit, Site Plan Review**

	<u>Fee</u>
Special Permit	\$150.00 + Consultant's Fee
Site Plan Review	\$100.00 + Consultant's Fee

**4.4 Replenishment.** When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

**4.5 Inspection Phase.** After the granting of a Special Permit, Site Plan the Planning Board may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

**4.6 Handling of Project Review Fees.** The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.

- A.** Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- B.** Project Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 53G Account.
- C.** A copy of the latest statement from the banking institution handling the 53G Account shall be forwarded from the office of the Town Treasurer to the office of the

Planning Board as soon as it is received for timely and accurate accounting.

- D.** The Town Accountant shall prepare a report on activity in the 53G Account on an annual basis.
  - 1. This report shall be submitted to the Board of Selectmen for its review.
  - 2. This report shall be printed in the Annual Report for the Town.
- E.** An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.
  - 1. The Planning Board shall respond to the request in a timely fashion.
  - 2. This accounting shall include the following information:
    - a.** The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the office of the Planning Board, based on the latest statement from the banking institution.
    - b.** A report of all checks authorized for issuance since that last banking statement.
- F.** An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- G.** Excess fees in the 53G Account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
  - 1. With the filing of a decision with the Town Clerk denying or awarding a Special Permit, Site Plan.
  - 2. With the filing of a decision with the Town Clerk regarding an Administrative Appeal.

**4.7. Appeal.** The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen by the applicant, providing such appeal is initiated within two weeks of the initial selection.

- A.** The Board of Selectmen shall convene a formal hearing within twenty days of receiving a written appeal by an applicant.
- B.** Two circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.
  - 1. **Conflict of interest:** A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way

from the outcome of the pending review process. Consultants must be in compliance with the Massachusetts Conflict of Interest Law, G.L. c. 268A.

2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either 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.
- C. The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal.
- D. If no decision is rendered by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.
- E. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

**SECTION 5. DELINQUENT ACCOUNTS.** The following rules apply to fees owed to the Planning Board by applicants:

**5.1 Monthly Interest Charge.** All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 14%.

**5.2 Costs of Collection.** All costs of collection associate with past due accounts shall be borne by the applicant.

**5.3. Current Delinquents.** All applicants owing fees to the Planning Board at the time of any amendment to these provisions of the regulations shall be sent the following:

- A. A duplicate notice of the amount past due.
- B. A copy of the applicable sections of these regulations with all amendments clearly indicated.
- C. Notice of a 30 day grace period before the commencement of any changes in interest rates or charges.

**SECTION 6. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES.**

**6.1 Amendment.** The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- A. Amendments shall be preceded by a public hearing.
- B. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Town Clerk.
- C. The Planning Board will review its regulations and fee schedule on an annual basis.



1. The Board may waive this provision in any year with a motion carried by a majority of the Board members.

2



# Town of CONWAY, Massachusetts

5 Academy Hill Road - Telephone: (413) 369-4773 - Fax: (413) 369-4787  
32 Main Street - Telephone: (413) 369-4235 - Fax: (413) 369-4237  
P.O. Box 240 - Conway, Massachusetts 01941-0240

## ZONING BOARD OF APPEALS - PETITION FOR VARIANCE

**TIME FOR ACTING ON THIS PETITION WILL NOT COMMENCE UNTIL YOU HAVE COMPLETED ALL ITEMS ON THIS PETITION AND FILED IT WITH THE TOWN CLERK.**

**PLEASE BRING A CHECK TO THE HEARING TO PAY FOR THE LEGAL ADVERTISEMENTS.**

### ADDRESS OF PROPERTY AFFECTED:

PETITIONER: Name Vertex Tower Assets, LLC  
Address 110 Parisi Law Associates, P.C.  
Contact Information: Phone # or e-mail address: 38 N. Cant Street, Pawtucket, RI 02903  
401-447-8750

OWNER (IF NOT THE SAME AS THE PETITIONER):  
Name Eric Plasse and Krista Plasse  
Address 110 Parisi Law Associates, P.C.  
Contact Information: Phone # or e-mail address: 38 N. Cant Street, Pawtucket, RI 02903  
401-447-8750 fparisi@plgr.com

I, \_\_\_\_\_, owner of the property concerned, hereby appoint \_\_\_\_\_ (name of person appointed) to act as my agent for the purposes of submitting and processing this petition for a variance.

COMMONWEALTH OF MASSACHUSETTS - Franklin ss. See attached  
\_\_\_\_\_, 20 COA

Then personally appeared the above named \_\_\_\_\_ and acknowledged the foregoing appointment instrument to be their free act and deed, before me.

Notary Public/Justice of the Peace  
My commission expires \_\_\_\_\_

### TITLE TO THE PROPERTY:

The owner's title to the land that is the subject of this petition is derived from the deed/will/other of Conway Land Realty Inc., dated 5/24/2001, and recorded in the Franklin Registry of Deeds, Book 3785 Page 5 on (recording date) 6/6/2001

### ASSESSORS' RECORDS:

The land that is the subject of and is shown on the plan in this petition is located on Map 411, Lot 11 of the Assessors' records.

### ZONING REQUIREMENTS:

The subject land is located in the RCA zoning district.

### NO ONE IS ENTITLED TO A VARIANCE

Although each case should be analyzed on its own merits, the Courts rarely uphold the grant of a variance. The Courts have found that the following arguments related to hardship did not support the grant of a variance:

- Frontage on two streets
- Split-zoned lot
- Undersized lot
- Only way to make profitable use of property
- Shortage of housing for large families
- Mistake in construction and too costly to raze structure that violates zoning
- Spent substantial money in building without a permit
- Pre-existing zoning violation
- Creation of nonconforming lot by division of land and conveyance of one lot to another person
- Other nonconforming uses or structures in neighborhood
- Property is located next to another district or use
- Neighborhood is changing
- Want to expand pre-existing, nonconforming use onto adjacent lot just purchased
- Was told could use property for a particular use
- Need access to business across residential property
- Rezoning
- Eminent domain taking to support use variance
- Lot is triangular shaped and has no frontage and thus a residential use should be permitted in an industrial zone
- Lot is undersized because it is located on a cul-de-sac
- The proposed use is desirable
- The proposal will increase property taxes in the municipality
- Health of property owner
- Poor financial condition of property owner

PETITION FOR VARIANCE

page 2

THE VARIANCE REQUEST -

Relief/variance is requested from which Section(s) of the Zoning By-Law: Article 8

Description of relief requested: To permit application who is not a duly licensed wireless carrier to construct a wireless communication facility consisting of a 156' tall monopole + cable tower \* construct a wireless communication facility

Purpose of requesting relief (what do you want to do?):

\* 156' top of highest appurtenance

THE PLAN - attach a separate sheet or draw here a detailed, scaled plan of the section of the property affected and everything within 200' of the requested relief site, showing site boundaries, all structures on this or abutting properties, public ways, any bodies of water, trees or permanent plantings, and the proposed changes for which variance is requested. Also attach a copy of the original Building Permit Application and its notice of denial.

Scale: \_\_\_\_\_ Date: \_\_\_\_\_

Drawn by: Protera Design Corp, LLC

PETITION FOR VARIANCE

page 3

FINDINGS (why/how does your petition qualify for variance in relation to these criteria?) -  
Hardship - related to soil conditions, lot shape, topography:

see attached Project Narrative

Proposal will not be a substantial detriment to the public good:

Proposal will not nullify or substantially derogate from the intent and purpose of the zoning ordinance by-law:

In your opinion, is it physically possible to accomplish this proposal on any other location on the property where it would comply with the zoning by-law? Please explain your answer.

Vertex Tower Aspet, LLC  
By Francis D. Parry, ESQ, Auth Agent  
Signature of Petitioner Date 12/13/19  
*Do not write below this line*

Received by Town Clerk:

Received by Zoning Board of Appeals:

Date \_\_\_\_\_ Complete? 65 days 100 days  
Site visit: \_\_\_\_\_ Posted: \_\_\_\_\_ Ads: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_ for \$ \_\_\_\_\_  
Rec'd Check # \_\_\_\_\_ Turned over to Treasurer \_\_\_\_\_

3

4

## Francis D. Parisi

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**From:** Conway Board of Assessors <assessors@townofconway.com>  
**Sent:** Thursday, December 12, 2019 12:17 PM  
**To:** Francis D. Parisi  
**Subject:** RE: Abutters list for 1384 S. Deerfield Road  
**Attachments:** Abutters list for 1384 S.Deer.xls

Good afternoon,  
The abutters list for 1384 is attached.  
Hope this helps

Laura Hutt Assessors' Clerk  
Conway Board of Assessors  
5 Academy Hill Rd., Conway, MA 01341-0240  
Phone: 413 369-4235, x5  
Hours: Mon-Wed 9am-2pm, Thurs-10am-2pm

**From:** Francis D. Parisi <fparisi@plapc.com>  
**Sent:** Thursday, December 12, 2019 9:54 AM  
**To:** Conway Board of Assessors <assessors@townofconway.com>  
**Subject:** Abutters list for 1384 S. Deerfield Road

I am in the process of preparing applications to the Planning Board and Zoning Board for 1384 S. Deerfield Road and need an abutters list.

I tried to create on online but it does not appear that your GIS system will allow me to do that.

Please let me know what I need to do to obtain an abutters list.

THANK YOU!



Francis D. Parisi, Esq.  
Parisi Law Associates, P.C.  
38 N. Court Street  
Providence, RI 02903  
(401) 447-8500 (cell)  
[fparisi@plapc.com](mailto:fparisi@plapc.com) (email)

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip
411-102-001	411-102-001	411-102-001	434 MATHEWS RD	Sterling Hubbard	Kathleen Lowry	434 Mathews Rd		Conway	Ma	1341
411-103-000	411-103-000	411-103-000	420 MATHEWS RD	Andrew Soles		420 Mathews Rd		Conway	Ma	1341
411-105-000	411-105-000	411-105-000	328 MATHEWS RD	Susan Bourque		PO Box 545		Northampton	Ma	1061
411-105-000	411-105-000	411-105-000	0 MATHEWS RD	Susan Bourque		PO Box 545		Northampton	Ma	1061
411-106-000	411-106-000	411-106-000	328 MATHEWS RD	Susan Bourque		PO Box 545		Northampton	ma	1061
411-120-000	411-120-000	411-120-000	234 MATHEWS RD	Lisa Fortin	Leopoldo De La cruz	234 Mathews Rd		Conway	Ma	1341
412-008-000	412-008-000	412-008-000	0 ROARING BROOK RD	Boyden Bros.Parnership	Josh Boyden	88 Roaring Brook Rd		Conway	MA	1341
412-011-000	412-011-000	412-011-000	1118 S DEERFIELD RD	Walter Goodridge	Katherine Maccoll	1118 S.Deefield Rd		Conway	Ma	1341
412-012-000	412-012-000	412-012-000	0 S DEERFIELD RD	Eric Plasse	Krista Plasse	PO Box 904		Conway	MA	1341
412-013-000	412-013-000	412-013-000	0 DEERFIELD TOWN LINE	Eve/Cowles Tree Farm		100 Blackberry Lane		Amherst	Ma	1002



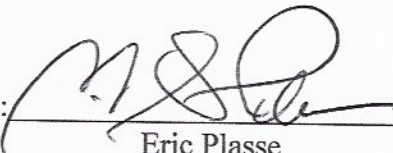
5




LETTER OF AUTHORIZATION

We, Eric and Krista Plasse, are owners of a certain parcel of land located 1384 S. Deerfield Road in the Town of Conway, Franklin County, Massachusetts with an Assessor's Parcel ID of 068/411.0-0121-0000.0, and being further described as the same real property conveyed by that certain deed recorded in Deed Book 3785 at Page 5 of the Franklin County Registry of Deeds

As owners of the above-referenced property, we hereby authorize Vertex Tower Assets, LLC and any of its designated agents or assigns, to apply for all necessary municipal, state, federal and other permits necessary to accommodate the installation of a wireless telecommunication facility on our property.

Sign:   
Eric Plasse

Date: June 10 2018

Sign:   
Krista Plasse

Date: 6/11/18

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# PLAPC

PARISI LAW ASSOCIATES, P.C.

**APPLICATION FOR  
SPECIAL PERMIT  
(Planning Board)  
AND  
PETITION FOR VARIANCE  
(Zoning Board of Appeals)  
FOR  
WIRELESS COMMUNICATION FACILITY**

**Applicant:** Vertex Tower Assets, LLC  
**Site Id:** VT-MA-0014A  
**Property Address:** 1384 S. Deerfield Road, Conway, MA 01341  
**Tax Assessors:** 411-121  
**Property Owner:** Eric Plasse and Krista Plasse  
**Date:** December 20, 2019

## **PROJECT NARRATIVE**

### **INTRODUCTION**

The Applicant Vertex Tower Assets, LLC, a Massachusetts limited liability company (“Vertex”) is a telecommunications infrastructure developer. Vertex develops, manages and owns telecommunications facilities in strategic locations across the country. The Vertex team has been working in the industry since the industry was founded and has the experience and expertise to navigate the challenges of the most complex markets.

Vertex is sometimes herein referred to as the “Applicant”.

The Applicant’s proposed Telecommunications Facility is shown on plans submitted with this Application (the “Plans”). The Applicant proposes to construct a 140’ tall “monopine” style tower (156’ to top of highest appurtenance) at 1384 S. Deerfield Road, Conway, MA 03884 Tax Assessors Parcel 411-121 (the “Property”) that will structurally accommodate at least 4 wireless broadband telecommunications carriers and associated antennas, electronic equipment and cabling; and fence in the base of the tower to accommodate ground based telecommunications equipment. As shown on the Plans that accompany this Application, various telecommunications companies, including AT&T Wireless, Verizon Wireless, T-Mobile / SprintPCS and other wireless communications companies will place panel style antennas and required electronic equipment at heights of approximately 145’, 135’, 125’ and 115’ (centerline) on the tower, and each will place telecommunications equipment and backup batteries inside equipment shelter(s) and/or weatherproof cabinets to be located immediately adjacent to the base of the tower. Power/telephone cabinets will be installed just outside the fenced in compound. Applicant’s

Project Narrative  
December 20, 2019  
Page 2

Telecommunication Facility is similar to the other telecommunication facilities already located in the surrounding area and has been designed in accordance with the Town's Ordinance as much as possible.

The Property is a large, 55 acre substantially undeveloped parcel in the Rural Residential / Agricultural Zoning District.

## **THE PROJECT**

Wireless telecommunications carriers are in the process of independently designing, constructing and upgrading wireless telecommunications networks to serve areas in and around the Town of Conway. Such a network requires a grid of radio transmitting and receiving cell sites located at varying distances depending on the location of existing and proposed installations in relation to the surrounding topography. The radio transmitting and receiving facilities require a path from the facility to the user on the ground. This requires the antennas to be located in a location above the tree line where the signal is not obstructed or degraded by buildings or topographical features.

Once constructed, the Facility will be unmanned and will involve only periodic maintenance visits. The only utilities required to operate the facility are electrical power as well as telephone service which are currently available at the property. The traffic generated by the facility will be one or two vehicle trips per month by maintenance and technical personnel to ensure the telecommunications site remains in good working order. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character. The Applicant's maintenance personnel will make use of the access roads and parking to be constructed at the Property. The proposed Facility will not obstruct existing rights-of-way or pedestrian access and will not change the daily conditions of access, egress, traffic, congestion hazard, or character of the neighborhood. The installation will not require the addition of any new parking or loading spaces.

The construction of the Applicant's Facility will enhance service coverage in the Town of Conway and surrounding communities. The enhancement of service coverage in the Town of Conway is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. Once constructed, the facility will comply with all applicable local, state and federal safety regulations.

Moreover and most importantly:

1. The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of Conway by enhancing telecommunications services within the Town.
2. The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters.
3. The proposed Facility will preserve and increase the amenities of the Town by enhancing telecommunications services.
4. The proposed Facility will facilitate the adequate provision of transportation by improving mobile telecommunications for business, personal and emergency uses.

Wireless service is important to public safety and convenience. As of the end of 2016, there were an estimated 396 million mobile wireless subscribers in the United States. *See* FCC's *Twentieth Report to Congress on the State of Competition in the Commercial Mobile Radio Services Marketplace*, p. 5 (September 2017). There are now more wireless subscriptions than landline telephone subscriptions in the United States, and the number of landline telephone subscribers across the nation is declining each year while the number of wireless users increases. Moreover, it is forecasted that wireless connections will become more significant as network service providers facilitate increase connectivity directly between devices, sensors, monitors, etc., and their networks. *Id.*

For many Americans, wireless devices have become an indispensable replacement for traditional landline telephones. Even when Americans maintain both types of telephone service, Americans are opting increasingly to use wireless devices over their landline telephones. For Americans living in "wireless-only" homes and for those others while away from their homes, cell phones are often their only lifeline in emergencies. Over 95% of Americans now own a cellphone of some kind and more than 77% own smartphones; more importantly, more than 50 percent of American households are now "wireless only." *http://www.pewinternet.org/fact-sheet/mobile/* The FCC estimates that approximately 70% of the millions of 911 calls made daily are placed from cell phones, and that percentage is growing. *See http://www.fcc.gov/guides/wireless-911-services*

**COMPLIANCE WITH SITING CRITERIA  
FOR WIRELESS COMMUNICATIONS FACILITIES**

**ARTICLE 8: WIRELESS COMMUNICATION FACILITIES** *(added 23 October 2000)*

**Purpose.** The purpose of this Wireless Communications Facilities Bylaw is to protect the scenic, historic and natural resources of the Town of Conway while accommodating the wireless telecommunications needs of town residents and businesses. *(Amended 11 April 2005)*

**This Bylaw does not apply to satellite dishes and antennas for residential use.** *(Amended 11 April 2005)*

The proposed Facility has been designed to fulfill the purpose and intent goals of the Town's Bylaw as much as possible. The location of the proposed Facility is on a large (55 acre) substantially undeveloped and heavily treed lot. There are no other structures of sufficient height anywhere near the Property which would provide the requisite telecommunications coverage. As a wireless infrastructure developer, Vertex encourages co-location and has relationships with all of the existing wireless telecommunications carriers licensed in this market and intends to provide space on the proposed Facility at commercially reasonable rates, which will minimize the total number of towers in the community. Once constructed, the proposed Facility will have no adverse impact on the Town's scenic and historic assets, safety, health, environment, general welfare, values and quality of life, and will facilitate the provision of telecommunications services throughout the municipality and enhance the ability of wireless carriers to provide telecommunications services to the community quickly, effectively and efficiently.

**The Conway Planning Board shall issue Special Permit to duly licensed wireless carriers, as defined in the Telecommunications Act of 1996, 47 U.S.C. §332(c)(7)(ii), in Conway, providing the following:**

As is indicated throughout this Project Narrative, the Applicant is a wireless infrastructure developer, but is not a "duly licensed wireless [carrier] as in the Telecommunications Act of 1996, 47 U.S.C. §332(c)(7)(ii)." Section 704 of the Telecommunications Act of 1996 or "TCA", which is codified at 47 USC §332(c)(7), is a federal law that regulates the siting of wireless facilities. The Applicant is engaged in the business of developing "personal wireless communications facilities" for the deployment of "personal wireless services" as defined by the TCA at 47 USC §332(c)(7)(C)(i). Under 47 USC §332(c)(7)(C)(i), the term 'personal wireless services' is defined as "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services." Under 47 USC §332(c)(7)(C)(ii), the term 'personal wireless service facilities' is defined as "facilities for the provision of personal wireless services." Its facility, like those of other independent wireless infrastructure developers, are an integral component of the wireless communications industry, recognized by the FCC, and used by licensed providers of "personal wireless services" as that term is defined by the same federal statute.

To the extent that the Conway Planning Board does not believe that it can issue a Special Permit to the Applicant because it is not a "duly licensed wireless carrier", the Applicant has respectfully requested a VARIANCE from this provision from the Conway Zoning Board of Appeals.

**Applicants shall:**

- (a) Recognize the Conway Planning Board as the sole permit authority, for the town of Conway.**

The Applicant has applied to the Conway Planning Board for a Special Permit to construct the proposed Facility. Although the proposed Facility has been designed to fulfill the purpose and intent goals of the Town's Bylaw as much as possible, the Applicant has also requested certain VARIANCES from the Conway Zoning Board of Appeals. Once the Planning Board and the Zoning Board of Appeals grant the requested permits, the Applicant intends to apply for a building permit from the Town of Conway building inspector in accordance with the state building code.

- (b) Demonstrate that existing facilities cannot accommodate applicant's needs.**

As is evidenced by the Affidavit of Site Acquisition Specialist and accompanying maps that accompanies this Application, there are no existing telecommunications facilities in the area of the proposed Facility, nor are there existing structures of sufficient height in the area of the proposed Facility that will achieve the coverage objective of the proposed Facility.

- (c) Be responsible for the cost of designing the entire wireless communication infrastructure for the entire Town of Conway.**

The Applicant has applied to the Conway Planning Board for a Special Permit to construct ONLY the proposed Facility. The Applicant has identified other sites to provide coverage along the Route 116 corridor in Conway and Ashfield. However, the Applicant has not yet completed its due diligence and engineering on any other site, and is not seeking any other Special Permits at this time.

- (d) Contact all other wireless carriers, currently licensed in Massachusetts, and demonstrate having made sufficient provisions for their shared and cooperative use of facilities.**

As a wireless infrastructure developer, the Applicant encourages co-location and has relationships with all of the existing wireless telecommunications carriers licensed in this market, and intends to provide space on the proposed Facility at commercially reasonable rates, which will minimize the total number of towers in the community. The Applicant has and continues to market the Facility to all other wireless carriers operating in the area, but requires a Special Permit from the Conway Planning Board and Variances from the Conway Zoning Board of Appeals. Most importantly, as is indicated in the Site Plans and other materials which accompany this Application, the Applicant has designed a facility in a location and with the height and structural capacity to attract and accommodate multiple wireless carriers deploying multiple wireless telecommunications technologies.

- (e) Demonstrate that proposed new facilities will:**

- (1) maximize use for all currently licensed carriers,**



As is indicated in the Site Plans and other materials which accompany this Application, the Applicant has designed a facility in a location and with the height and structural capacity to attract and accommodate multiple wireless carriers deploying multiple wireless telecommunications technologies.

- (2) protect the town's esthetic concerns by addressing color or camouflage, backdrop to protect ridge line, preservation of on site vegetation, and illumination, to minimize visual impact, (Amended 11 April 2005)**

The Facility has been designed to be camouflaged to the greatest extent possible, given the coverage objective and other technical requirements and limitations. The Facility will be sited to minimize the visibility of the Facility as much as possible from adjacent properties and shall be suitably screened from abutters and public rights of way. Moreover, the tower will be a disguised as a 'monopine' to minimize the visual impact of the Facility. The Facility will be amply buffered by a dense stand of existing trees, and as such will be suitably buffered and camouflaged to reduce the visual impact of the Facility.

- (3) use existing structures where possible. (i.e., high tension tower, inside steeples, disguised on water towers, on public buildings), and where free-standing antenna are proposed, that only monopoles shall be used.**

As is shown on the Site Plans which accompany this Application, the Facility will be a monopole style tower disguised with faux pine branches to minimize the visual impact of the Facility.

- (4) yield to the Conway Planning Board concerns of monopole height and number of monopoles. New towers shall be the minimum height necessary to comply with the purpose of this Bylaw, and not exceed 120 feet. (Amended 11 April 2005)**

The Facility has been designed to be the minimum height necessary to achieve the coverage objective, facilitate co-location of multiple carriers and minimize the number of new towers in town. Given the height and density of the area tree canopy and the area terrain and topography relative to the height and structural capacity of the existing utility infrastructure and as well at the technical requirements and limitations of wireless carriers, the Facility represents the only technically viable alternative to achieve the coverage objectives and satisfy all of the other requirements of the Ordinance, including co-location. Because the Facility will be more than 120' tall, the Applicant has respectfully requested a VARIANCE from this provision from the Zoning Board of Appeals.

- (5) comply with existing building codes and the Conway Protective Bylaws.**

The proposed Facility has been designed to comply, and once constructed will comply, with all applicable local, state and federal safety regulations.

- (f) Meet requests by the Town for access and antenna space to serve the needs of the Town's emergency service providers. (Amended 11 April 2005)**

The Applicant agrees to meet the Town's reasonable requirements for antenna space at the top of the tower and reasonable requirements for space within the fenced in compound for the Town's ground based equipment to serve the needs of the Town's emergency service providers free of space rental charges, subject to the

execution by the Town of Applicant's form of municipal tower use agreement with terms and conditions satisfactory to Applicant in all respects.

- (g) Comply with requirements set forth by the Planning Board to demonstrate the visibility of any proposed new tower(s), e.g., by a balloon or mast raised at the location of the proposed Wireless Communication Facility. (Amended 11 April 2005)**

The Applicant will conduct a Visual Demonstration to illustrate the location and height of the proposed Facility by means of a balloon raised at and to the height of the proposed Facility. Said Visual Demonstration will be held SATURDAY JANUARY 11, 2020 from 8:00 am to 11:00 am, weather and wind conditions permitting. In the event of inclement weather on January 11, 2020, the Visual Demonstration will be rescheduled until Saturday January 18, 2020 from 8:00 am to 11:00 am, wind and weather condition permitting.

- (h) Not post any advertising on proposed facilities.**

There will be no signage or advertising on the tower. Signage shall be limited to those needed at the base of the Facility to identify the property and owners, and to comply with applicable safety standards.

- (i) Pay for the cost of the Planning Board's communications consultants and attorneys to evaluate the application and provide any information requested by these agents.**

The Applicant agrees to comply with all reasonably and lawfully required procedural and other conditions generally or uniformly and lawfully imposed and applied by the Town with respect to the Application.

- (j) Post bond sufficient to cover the cost of seizing and dismantling the proposed facilities, if not in continuous active use, for said purpose, for a period of six months and recognize the Conway Planning Board's authority to order such.**

Accompanying this Application is a removal cost estimate certified by an independent civil engineer licensed in in this state, as well as draft removal bond from a surety licensed to provide such bonds in this state.

- (k) Provide, if applicable, a written statement that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.**

The proposed Facility has been designed to comply, and once constructed will comply, with all applicable local, state and federal safety regulations.

- (l) Provide annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration, the Massachusetts Department of Public Health and the National Standards Institute and required maintenance shall be filed with the Building Inspector by the Special Permit Holder.**

The Applicant agrees to comply with all reasonably and lawfully required procedural and other conditions generally or uniformly and lawfully imposed and applied by the Town with respect to the Facility.

Project Narrative  
December 20, 2019  
Page 8

**(m) Severability – if any portion of this Bylaw is determined to be invalid, it shall not render the rest of the bylaw invalid.**

No response required.

## **COMPLIANCE WITH THE GENERAL STANDARDS AND REQUIREMENTS FOR SPECIAL PERMITS**

As has been discussed throughout this Project Narrative and Petition for Waivers, the proposed Facility has been designed to comply with the general Standards and requirements or Special Permits. Once constructed, the Facility will be unmanned and will involve only periodic maintenance visits. The only utilities required to operate the facility are electrical power as well as telephone service which are currently available at the property. The traffic generated by the facility will be one or two vehicle trips per month by maintenance and technical personnel to ensure the telecommunications site remains in good working order. These visits will not result in any material increase in traffic or disruption to patterns of access or egress that will cause congestion hazards or cause a substantial change in the established neighborhood character. The Applicant's maintenance personnel will make use of the existing access driveway which will be extended to the base of the Facility. The proposed Facility will not obstruct existing rights-of-way or pedestrian access and will not change the daily conditions of access, egress, traffic, congestion hazard, or character of the neighborhood. The installation will not require the addition of any new parking or loading spaces.

The Facility will enhance service coverage in the Town of Conway and surrounding communities. The enhancement of service coverage in the Town of Conway is desirable to the public convenience for personal use of wireless services and for community safety in times of public crisis and natural disaster. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. In addition, the requested use at this location will not result in a change in the appearance of the surrounding neighborhoods. The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances, nor will it pollute waterways or groundwater. There will be only a de minimus increase in impervious surfaces, and removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. There will be no signage on the tower. Signage shall be limited to those needed at the base of the facility to identify the property and owners, and to comply with applicable safety standards. Once constructed, the Facility will comply with all applicable local, state and federal safety regulations.

### **COMPLIANCE WITH CRITERIA FOR VARIANCES**

MGL c.40A, Section 10 permits the Zoning Board of Appeals to grant, with respect to particular land or structures a variance from the terms of the zoning by-law where

owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

The proposed Facility meets all of the requirements of a Variance under the Town's Zoning Bylaw and respectfully requests that the Zoning Board of Appeals make the requisite findings to issue the requested Variances under those and such other provisions of the Bylaw, if any, that the Board deems necessary to approve the Facility as proposed.

Given technical limitations with respect to:

- (i) the location of the tower relative to the surrounding neighborhoods and other existing telecommunication sites in and around the Town of Conway;
- (ii) the topography of the surrounding area;
- (iii) the lack of viable alternatives in the area;
- (iv) the height restrictions of the tower imposed by the Ordinance;
- (v) the Town's requirement to accommodate multiple wireless communications companies;
- (vi) the demand for robust and reliable telecommunications coverage; and
- (vii) the requirement to accommodate rapidly evolving technologies;

the Applicant requires the requested Variances to permit construction of the Facility as proposed. As the Plans indicate, the proposed Facility has been designed to accommodate the antennas at least 4 wireless broadband co-locators. There are no existing or previously approved telecommunications facilities in the area of the proposed Facility, nor are there existing structures of sufficient height in the area of the proposed Facility, that will achieve the coverage

objective of the proposed Facility. The Facility has been situated on the Property in such a way to achieve the objectives of the Bylaw as much as possible.

As has been shown throughout this Project Narrative, the granting of the Variances will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest. The Variances will substantially secure the objectives, standards and requirements of these regulations, and a particular hardship exists and special circumstances warrant the granting of the Variances.

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104-104, § 704; 110 Stat. 56 (1996) (the “TCA”). The intent of the TCA enacted by the U.S. Congress was to institute a framework to promote competition and innovation within this telecommunications industry. Under their respective licenses from the FCC, wireless telecommunications providers are obligated to provide a reliable “product” [i.e. wireless communications service] to the population in the metropolitan Boston region, which includes the Town of Conway. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier’s failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. The proposed Facility and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the various wireless carriers’ existing network infrastructure.

The Applicant has investigated alternative sites in and around the defined geographic area within which engineers determined that a facility must be located to fill the gap in service coverage and to function effectively within the network of existing and planned facilities. No existing structure or property in or near the vicinity of the proposed Facility is feasible to accommodate the coverage network requirements.

Accordingly, a literal enforcement of the provisions of the Bylaw would prevent the Applicant from eliminating an existing gap in reliable service coverage, resulting in a potential loss of subscribers and the inability to effectively compete for subscribers with FCC licensed competitors in the market, contrary to the intent of the Bylaw and the U.S. Congress in enacting the TCA.

Moreover, this hardship is owing to the circumstances relating to topography of the surrounding area. The property is a large, commercially used parcel abutting business and industrial zones and undevelopable wetlands. The surrounding area is provides no other feasible location in which to install and operate a wireless telecommunications facility. Existing structures and buildings in the area are insufficient in height to allow wireless carriers to operate thereon and provide adequate coverage to this significant gap in its network. The property provides a unique opportunity, given the existing tower as well as the location and area

topography surrounding the Facility, to minimize any adverse visual impacts to the surrounding area. The proposed design conforms to the existing characteristics of the Property, and utilizes the existing structures on the property to screen the proposed Facility, thereby minimizing potential impacts.

The wireless communications systems being developed by the various telecommunications carriers operating in the Conway area have been designed employing the most sophisticated radio frequency engineering methods available. Radio frequency engineers determine the placement of network points-of-presence using computer engineering models that simultaneously evaluate topography and population patterns to identify specific geographic areas to be serviced by each antenna facility in the network. As a result of this modeling, combined with actual coverage data provided by existing “on air” facilities, the carriers’ radio frequency engineers have identified a limited geographic area as a necessary location for a communications facility to remedy an existing gap in reliable service coverage in the general vicinity of the Property. Without the requested relief, there would remain a substantial “gap” in reliable service coverage in the carriers’ respective networks. Radio frequency coverage maps confirm that a telecommunications facility located at the Property is required to remedy the existing gap in the wireless network coverage in the area. The requested height has been determined by engineers to be the minimum height necessary to connect coverage from the proposed Facility with coverage from adjacent cell sites in the carriers’ respective networks (i.e. to remedy the existing “gap” in service and to effect reliable handoffs between adjacent cell sites as a subscriber travels through the area).

Additionally, the requested height will allow future carriers to co-locate on the Facility hereby minimizing the number of new facilities needed to provide coverage to the Town.

In the context of a utility service where the critical criteria in the development of each facility is its ability to integrate with a network of surrounding sites and subsequently, for each cluster of sites to function within a regional/national network, there is an underlying premise that each site chosen by the Applicant for a facility possesses a unique location and topographical characteristics.

Finally, as noted in *Nextel Communications of the Mid-Atlantic, Inc. v. Town of Wayland*, 231 F.Supp. 2d 396, 406-407 [D. Mass. 2002], the “need for closing a significant gap in coverage, in order to avoid an effective prohibition of wireless services, constitutes another unique circumstance when a zoning variance is required.” No existing structure or property in an allowed zoning district is technically suitable to resolve the existing gap in the wireless service coverage in the area. In addition, the existing structures located near the Property are not at a height sufficient to provide adequate coverage to this significant gap in its network. The Facility will be the minimum height necessary to provide coverage for multiple wireless carriers. Given the location and size of the Property, as well as the proposed design of the Facility, the proposed

installation will have a minimal visual impact to the surrounding neighborhood while achieving the carriers' requisite coverage.

- The proposed Facility will reduce the number of new structures ultimately needed to provide wireless communication services in the surrounding area by providing co-location potential;
- The proposed Facility is designed to be at the minimum height necessary to provide adequate coverage to the area and keep potential visual impacts to a minimum;
- The proposed Facility will comply in all respects with radio frequency emission standards established by the FCC;
- The proposed Facility will not have any adverse effect on the value of land and buildings in the neighborhood or on the amenities thereof. The proposed use is passive, requires no employees on the premises, and has no characteristics that are incompatible with the underlying zoning. Specifically, it will generate only about two vehicle trips per month by a service technician for routine maintenance, will be served by standard electrical and telephone service, and requires no water, septic or other town services;
- The proposed Facility will promote and conserve the convenience and general welfare of the inhabitants of the Town by enhancing telecommunications services within the town;
- The proposed Facility will lessen the danger from fire and natural disasters by providing emergency communications in the event of such fires and natural disasters;
- The proposed Facility will involve no overcrowding of land or undue concentration of population because it is an unmanned Facility;
- The proposed Facility will preserve and increase the amenities of the Town by enhancing the telecommunications services and will facilitate the adequate provisions of transportation by improving mobile telecommunications for business, personal and emergency uses;
- The proposed Facility will involve no adverse effects on public and private water supplies and indeed will utilize no water at all;
- The proposed Facility will involve no adverse effects on drainage, schools, parks, open space, or other public requirements, and will involve no excessive noise or pollution to the environment;
- The proposed Facility will have no adverse effect on historic sites; and



- The proposed Facility will be an appropriate use of land within the Town.

Due to the unique size, shape, location and elevation of the subject Property and the topography of the surrounding area as well as the existing zoning of the property and surrounding area, unique circumstances exist to justify the granting of the requested Variances. Moreover, Applicant's proposed Facility will have no impact on adjoining properties and the surrounding neighborhood in that the proposed Facility will produce no objectionable noise, glare, dust, smoke, fumes, odors, of effluent, and will not have any impact of traffic or circulation.

Accordingly, the Applicant requests findings that

1. a literal enforcement of the provisions of this chapter would involve a substantial hardship to the Applicant.
2. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
3. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning bylaw.

In addition (or in the alternative), the Applicant requests a finding that strict compliance would cause a conflict with the TCA.

### **THE TELECOMMUNICATIONS ACT OF 1996**

In 1996, the U.S. Congress enacted the Telecommunications Act of 1996, Pub. L. No. 104-104, § 704; 110 Stat. 56 (1996) (the "TCA" or the "Telecommunications Act"). The intent of the TCA as enacted by Congress was to institute a framework to promote competition and innovation within the telecommunications industry. Although this law specifically preserves local zoning authority with respect to the siting of wireless service facilities, it clarifies when the exercise of local zoning authority may be preempted by federal law. Section 704 of the TCA provides, in pertinent part, that

#### **(7) PRESERVATION OF LOCAL ZONING AUTHORITY-**

**(A) GENERAL AUTHORITY-** Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

#### **(B) LIMITATIONS-**

**(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--**

**(I) shall not unreasonably discriminate among providers of functionally equivalent services; and**

**(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.**

The intent of the TCA enacted by the U.S. Congress was to institute a framework to promote competition and innovation within this telecommunications industry. Under its respective licenses from the FCC, wireless telecommunications carriers are obligated to provide a reliable “product” [i.e. telecommunications service] to the population in western Massachusetts, which includes the Town of Conway. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier’s failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. As demonstrated in the Application and supplemental materials provided by the Applicant, the proposed Facility and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the existing network infrastructure. In Daniels v. Town of Londonderry, 157 N.H. 519 (2008), the New Hampshire Supreme Court upheld the grant of use and area variances for the construction of a cell tower in an agricultural-residential zone, noting that the Londonderry ZBA correctly treated the TCA as an “umbrella” that preempted local law under certain circumstances.

In a growing number of cases, the federal courts have found that permit denials violate the TCA, even if such denials would be valid under state law. For example, in Omnipoint Telecommunications Facility v. Town of Lincoln, 107 F. Supp. 2d 108 (D. Mass. 2000), the court found that denial of a variance for a location outside of the town’s wireless overlay district violated the TCA and ordered the variance to issue despite an Ordinance provision prohibiting use variances. The court in Nextel Telecommunications Facility v. Town of Wayland, 231 F. Supp. 2d 396 (D. Mass 2002) reached the same result. In that case, the court stated: “Although the Board’s statement [regarding its lack of authority to issue a use variance] may be correct statement in Massachusetts regarding variances, it is not controlling in the special case of Telecommunications facilities...Under the Telecommunications Act, the Board cannot deny the variance if in so doing it would have the effect of prohibiting wireless services.” Wayland at 406-407. Most notably, in Omnipoint Holdings, Inc. v. Town of Cranston, No. 08-2491 (1st Cir. Nov. 3, 2009), the United States Court of Appeals for the First Circuit affirmed a judgment of the United States District Court for the District of Rhode Island, which found that the Cranston Zoning Board of Review violated the TCA by effectively prohibiting the provision of wireless services in Cranston when it denied an application for a special use permit and variance to construct a wireless facility in a

residential area. The Court noted that “[t]he effective prohibition clause does not stand alone; it is also part of the TCA's larger goal of encouraging competition to provide consumers with cheaper, higher-quality wireless technology.... As cell phone use increases, carriers need to build more facilities, especially in populated areas, to continue providing reliable coverage, and local regulations can present serious obstacles.” Cranston, p. 25. More recently, in New Cingular Wireless, LLC v. City of Manchester, Case No. 11-cv-334-SM (USDC D. NH Feb. 28, 2014), the United States District Court for the District of New Hampshire indicated that the City of Manchester impermissibly denied a variance to construct a telecommunications tower in a (non-permitted) residential zone, in that the tower addressed significant coverage gaps and provided competitive and reliable wireless services and there was no feasible alternative. The Court noted that the City must consider the public benefits of wireless services in determining whether to grant a zoning variance for a tower. Id.

The Applicant has investigated alternative sites in and around the defined geographic area within which its engineers determined that a facility must be located to fill the gap in service coverage and to function effectively within the wireless network of existing and planned facilities. No existing structure or property in or near the vicinity of the proposed Facility is feasible to accommodate the wireless network requirements. The proposed Facility is on large substantially undeveloped parcel and provides a substantial vegetative buffer. The wireless communications systems being developed by the various telecommunications carriers operating in the Conway area have been designed employing the most sophisticated radio frequency engineering methods available. Radio frequency engineers determine the placement of network points-of-presence using computer engineering models that simultaneously evaluate are topography and population patterns to identify specific geographic areas to be serviced by each antenna facility in the network. As a result of this modeling, combined with actual coverage data provided by existing “on air” facilities, the carriers’ radio frequency engineers have identified a limited geographic area as a necessary location for a communications facility to remedy an existing gap in reliable service coverage in the general vicinity of the Property. Without the requested relief, there would remain a substantial “gap” in reliable service coverage in the carriers’ respective networks. Radio frequency coverage maps confirm that a telecommunications facility located at the Property is required to remedy the existing gap in the wireless network coverage in the area. The requested height has been determined by engineers to be the minimum height necessary to connect coverage from the proposed Facility with coverage from adjacent cell sites in the carriers’ respective networks (i.e. to remedy the existing “gap” in service and to effect reliable handoffs between adjacent cell sites as a subscriber travels through the area).

Accordingly, denial of a permit to construct the Facility would prevent the Applicant from eliminating an existing gap in reliable service coverage, resulting in a potential loss of subscribers for the carriers and the inability to effectively compete for subscribers with other FCC licensed competitors in the market, contrary to the intent of the Ordinance and the U.S. Congress in enacting the TCA.

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**SUMMARY**

Because the proposed facility meets all of the requirements for a Wireless Communications Facility under the Conway Zoning Bylaw except for those provisions for which VARIANCE(S) have been requested from the Zoning Board of Appeals, and pursuant to §704(a) of the Federal Telecommunications Act of 1996 which provides, among other things, that wireless facilities may not be prohibited in any particular area and that any denial of zoning relief must be based upon substantial evidence, the Applicant respectfully requests that the Planning Board GRANT A SPECIAL EXCEPTION as proposed, the Zoning Board of Appeals GRANT THE VARIANCES as requested, and the Town grant such other permits, relief or waivers deemed necessary by the Town of Conway under the current Bylaw and pending Bylaws amendments, if any, so that the Applicant may construct and operate the Facility as proposed.

Respectfully submitted,



Francis D. Parisi, Esq.  
Parisi Law Associates, P.C.  
38 N. Court Street  
Providence, RI 02903  
(401) 447-8500 cell  
[fparisi@plapc.com](mailto:fparisi@plapc.com)

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# ProTerra

DESIGN GROUP, LLC

December 11, 2019

Mr. Stephen Kelleher  
Manager  
Vertex Tower Assets, LLC  
155 South Street, Suite 205  
Wrentham, MA 02093

**RE: Opinion of Cost for Removal of Tower  
Vertex Tower Assets, LLC  
Conway (VT-MA-0014A)  
1384 S. Deerfield Road  
Conway, MA 01341**

Mr. Kelleher:

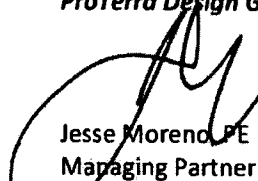
The Engineer's estimate attached herein has been prepared for the take down and removal costs of the proposed Vertex Tower Assets, LLC telecommunications tower referenced above. These costs are based upon the permitting plan set dated December 11, 2019 and on data compiled in the *2019 Site Work & Landscape Cost Data, 38<sup>th</sup> Annual Edition* published by RSMMeans with industry specific data adjusted to location and present-day costs.

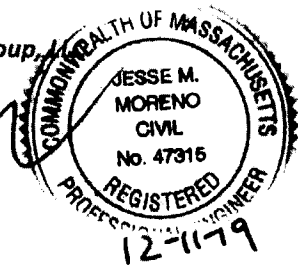
The estimate includes removal of the compound fence, monopine tower, disconnection of utilities, removal of utility cabinets, and revegetation of the compound area. Removal of carrier specific tower and ground mounted equipment shall be handled by the individual carriers. The estimate assumes gravel surfaces for the driveway, wetland crossing bridge, concrete foundation, underground portions of the grounding ring, utility conduits, utility poles, and drainage features will remain. No salvage value has been credited.

Based on the construction cost estimates provided, it is my professional opinion that approximately \$29,850 will be adequate to recover the take down costs of the proposed telecommunications tower in the current construction environment.

If you have any questions or need further information, please do not hesitate to call.

Sincerely,  
ProTerra Design Group,

  
Jesse Moreno, PE  
Managing Partner



Enclosure

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ProTerra Design Group, LLC  
4 Bay Road; Building A; Suite 200  
Hadley, MA 01035

(413)320-4918  
info@protterra-design.com

RS Means Ref.	Description	Unit	Quantity	Unit Cost	Total Cost
Crew R-1A	General - Disconnect utilities	DAY	1	\$ 1,290.40	\$ 1,290.40
024119.19-0840	General - Dumpster rental (40 CY - 10 ton)	EA	2	\$ 850.00	\$ 1,700.00
015433.40-7600	General - Deliver tower salvage to yard (tractor)	DAY	2	\$ 594.90	\$ 1,189.80
015433.40-6800	General - Deliver tower salvage to yard (trailer)	DAY	2	\$ 262.90	\$ 525.80
Crew B-34 (part)	General - Deliver tower salvage to yard (driver)	DAY	2	\$ 566.00	\$ 1,132.00
Crew B-34M	General - Light Equipment (Material Handler, Skid Steer)	DAY	1	\$ 890.95	\$ 890.95
Crew B-34B	General - Truck and Operator	DAY	1	\$ 1,189.76	\$ 1,189.76
024113.60-1770	Compound - Demolish fence & gates	LF	200	\$ 3.97	\$ 794.00
024119.20-0020	Demolition - Dump Charges & Tipping Fees	TON	15	\$ 81.00	\$ 1,215.00
015436.50-1800	Tower - Mob/Demob Crane	EA	2	\$ 555.00	\$ 1,110.00
015433.60-2300	Tower - Crane rental	DAY	3	\$ 2,021.00	\$ 6,063.00
Crew B-12 (part)	Tower - Crane operator	DAY	3	\$ 690.00	\$ 2,070.00
Crew L-5A (part)	Tower - Removal Crew	DAY	3	\$ 2,169.60	\$ 6,508.80
312514.16-1000	Erosion Control - Silt fence install, maintain, & removal	LF	200	\$ 1.93	\$ 386.00
329119.13-0800	Restoration - Furnish & spread loam	SY	267	\$ 6.50	\$ 1,733.33
329119.13-1000	Restoration - Fine grade	SY	267	\$ 3.99	\$ 1,064.00
329219.13-0100	Restoration - Seed	SY	267	\$ 0.57	\$ 152.00
329113.16-0200	Mulch & Hay	SY	267	\$ 1.56	\$ 416.00
	<i>Subtotal</i>				\$ 29,430.84
	Regional Adj. (Greenfield, MA)	101.4%			\$ 412.03
	2019 CI Adjustment	100.0%			\$ -
	<b>Total Estimated Cost (Present-Day)</b>				<b>\$ 29,842.88</b>

DRAFT

**ISSUED THROUGH**

**A.A. DORITY COMPANY**

BOSTON

**TOWER / STRUCTURE / EQUIPMENT REMOVAL BOND**

Location tower/structure/equipment:

Site ID:  
Bond No.

**KNOW ALL MEN BY THESE PRESENTS:**

That Vertex Tower Assets, LLC, 155 South Street, Suite 205, Wrentham, MA 02093 as Principal and, NGM Insurance Company, a corporation duly organized under the laws of the State of Florida as Surety, are held and firmly bound unto the Town of \_\_\_\_\_ as Obligee, the penal sum of \_\_\_\_\_ for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

WHEREAS, the Principal has entered into a written agreement with the property owner for the placement of a tower, structure or equipment furnishing telephone, television or other electronic media service, which agreement sets forth the terms and conditions which govern the use of such towers, structures or equipment and which agreement is hereby specifically referred to and made part hereof, and

WHEREAS, the Town of \_\_\_\_\_ and/or the property owner, requires the submission of a bond guaranteeing the maintenance, replacement, removal or relocation of said tower,

NOW THEREFORE, the condition of this obligation is such, that if the above bounded Principal shall perform in accordance with the aforesaid ordinance and/or agreement, and Indemnify the Obligee against all loss caused by the Principal's breach of any ordinance or agreement relating to the maintenance, replacement, removal or relocation of a tower, structure or equipment, then this obligation shall be void; otherwise to remain in full force and effect unless cancelled as set forth below.

THIS BOND may be cancelled by Surety by giving thirty (30) days written notice to the Obligee by certified mail. Such cancellation shall not affect any liability the surety has incurred under this bond prior to the effective date of the termination.

PROVIDED that no action, suit or proceeding shall be maintained against the Surety on this bond unless the action is brought within twelve (12) months of the cancellation date of this bond.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_

Principal: Vertex Tower Assets, LLC

Surety: NGM Insurance Company





KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and:

does hereby make, constitute and appoint

its true and lawful Attorneys-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

1. No one bond to exceed

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Resolved: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such officer and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this day of

NGM INSURANCE COMPANY By:

State of Florida,  
County of Duval

On this before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me fully sworn, deposed and said that he is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company, that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this day of

I, of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this day of

WARNING: Any unauthorized reproduction or alteration of this document is prohibited.

TO CONFIRM VALIDITY of the attached bond please call 1-800-225-5646.

TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431 Attn: Bond Claims.



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## TOWAIR Determination Results

### \*\*\* NOTICE \*\*\*

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

#### DETERMINATION Results

**Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.**

#### Your Specifications

##### NAD83 Coordinates

Latitude	32-30-16.6 north
Longitude	072-39-41.6 west

##### Measurements (Meters)

Overall Structure Height (AGL)	47.5
Support Structure Height (AGL)	45.7
Site Elevation (AMSL)	224

##### Structure Type

MTOWER - Monopole

#### [Tower Construction Notifications](#)

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

[CLOSE WINDOW](#)

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**AFFIDIVIT OF SITE AQUISITON SPECIALIST**  
**Vertex Tower Assets, LLC**

I, Stephen Kelleher, hereby state the following in support of the application submitted by Vertex Tower Assets, LLC for a multi-user Personal Wireless Service Facility ("PWSF") to be located at 1384 S. Deerfield, Conway, Massachusetts, the ("Site"), consisting of a mono-pine tower and related ground equipment contained within a fenced compound.

1. I have worked in the telecommunications industry for 12 years overseeing and assisting in the leasing, zoning, permitting and construction of wireless facilities and specifically in the investigation of all feasible alternatives for the location of a wireless facility within a telecommunications provider's search ring which would fill a significant gap in that carrier's wireless coverage.
2. I have participated directly or through my present and past employment in the development of hundreds of such facilities, including wireless communication facilities similar to the facility proposed for the Site.
3. I have personally visited the Site and the surrounding area on numerous occasions. I submit this affidavit based on my personal knowledge of the Site and the surrounding area working together with the experience and documentation provided by the civil and radio frequency engineers and environmental consultants and based on my professional experience in the development of wireless communication facilities.
4. Part of my site acquisition and development duties include identifying potential candidates within the areas identified as having a significant gap in coverage. The candidate identification process includes reviewing the applicable zoning ordinance with legal counsel, engineers, wetland scientists, and other professionals to identify areas where the proposed use is allowed and feasible. First, I explore to determine whether there are any viable candidates of existing structures of sufficient height from which an antenna installation can provide sufficient coverage. If there are no existing tall structures which will close the significant gap in coverage, I look to parcels located within the narrowly defined search area upon which a tower may be constructed to a sufficient height to close the gap. In order to be viable, a candidate must provide adequate coverage to the identified significant gap in coverage. In addition, all viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are found within the search area, I attempt to identify other potentially suitable locations with preference always given to existing structures.
5. Based on my personal knowledge of the Site and the surrounding area, there are no potential alternative candidates located within this topography driven search ring that would be considered superior to the proposed Site. In addition, based on my experience and in my professional opinion, the proposed PWSF to be located at 1384 S. Deerfield

Street is the least intrusive and only available and viable alternative to adequately meet the coverage objective to fill this significant gap in coverage.

Executed this 19<sup>th</sup> day of February, 2019.



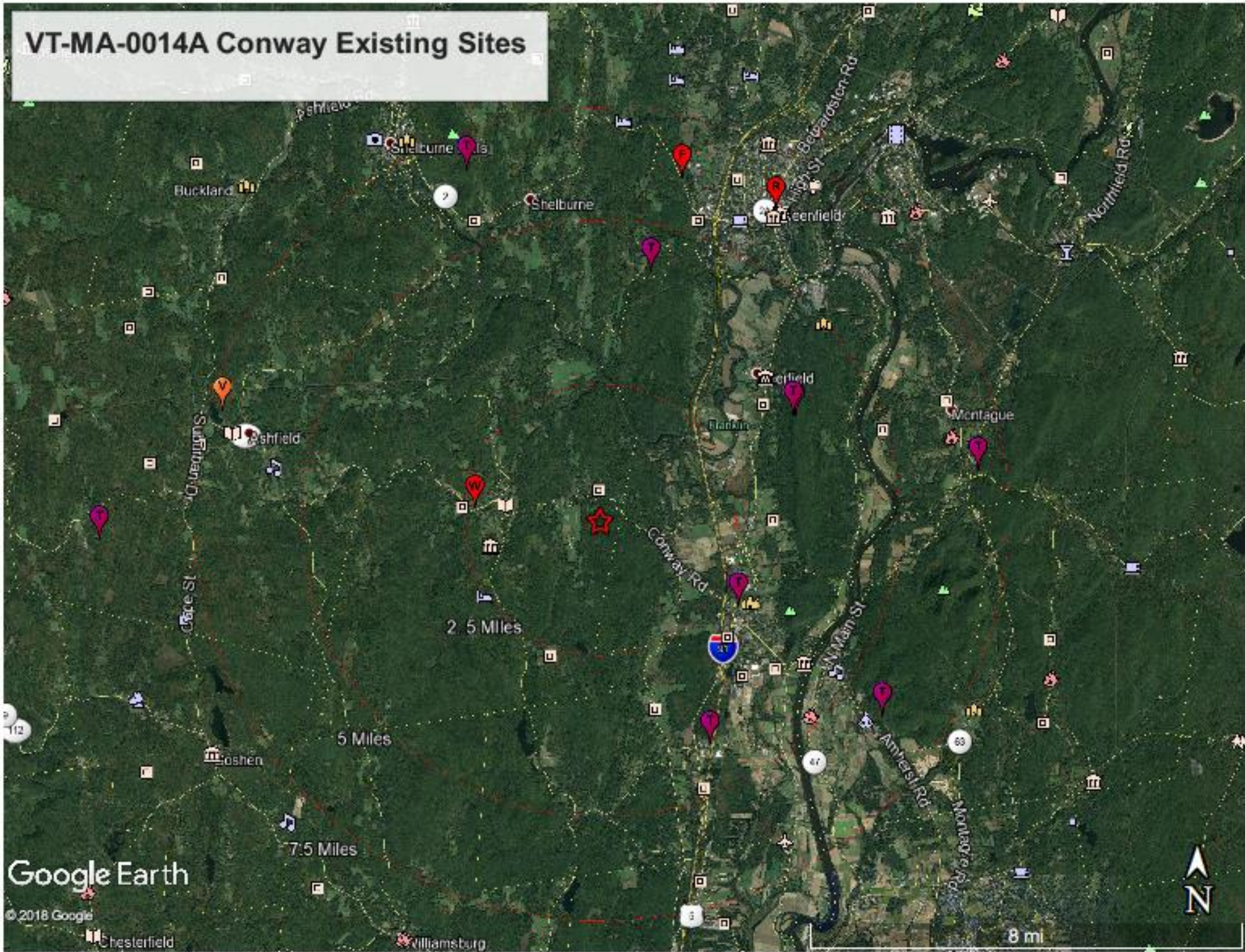
Stephen Kelleher  
Vertex Tower Assets, LLC

**Existing Sites within 7.5 Miles of the  
Proposed Monopine Tower to be located at 1384 S Deerfield Road**

<b>Address</b>	<b>Town</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Distance from Proposed Location</b>	<b>Structure Height</b>	<b>Structure Type</b>	<b>Known Tenants</b>
8-10 Ashfield Road	Conway	42.507376	-72.706689	2.3	60'	Water tank	AT&T
84 Greenfield Road	Deerfield	42.482551	-72.611307	2.91	100'	Monopole	Verizon
79 Christina Lane	Deerfield	42.445667	-72.62075	4.45	170'	Monopole	AT&T, TMO, Sprint, VZW
Old Nook Pine Road	Deerfield	42.533277	-72.591785	4.1	120'	Self-Support	AT&T, VZW
Old Nook Pine Road	Deerfield	42.533648	-72.592518	4.05	105'	Self-Support	TMO, Sprint
Amherst Road	Sunderland	42.453917	-72.558861	6.25	150'	Monopole	ATT, TMO
N.Leverett Road	Montague	42.519555	-72.525616	7.01	160'	Monopole	AT&T
400 Main Street	Greenfield	42.587895	-72.59981	6.64	50'	Rooftop	TMO
Mohawk Trail	Greenfield	42.596083	-72.633806	6.55	75'	Fire tower	Sprint
Old Albany Road	Shelbourne	42.571116	-72.644555	4.75	150'	Guyed Tower	AT&T, TMO, VZW?
Cooper Lane Road	Shelbourne Falls	42.5975	-72.711639	6.95	180'	Self-Support	AT&T, TMO



# VT-MA-0014A Conway Existing Sites





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## **AFFIDAVIT OF RF ENGINEER**

I, Brian Webster hereby state the following in support of the application for Vertex Tower Holdings, LLC (“Vertex”) of proposed monopole located at 1384 S. Deerfield Rd, Tax Assessor ID: 411-121, Conway, MA (the “Site”) and the attachment of antennas, cabling and other telecommunications equipment on and at the base of the monopole by various wireless broadband telecommunications carriers as proposed in the attached application (the “Facility”).

1. I am a currently an independent consultant Senior Radio Frequency Engineer. I have been involved with the wireless telecommunications industry for 30 years, and have held various contract technical, operational and supervisory positions with Nextel Partners, T- Mobile, Extenet Systems, Earthlink, Ericsson and Illinois PCS/Sprint.
  
2. In order to satisfy its obligations under its radio licenses acquired from the FCC and under the Code of Federal Regulations 47 C.F.R. § 27.14(a), wireless broadband telecommunications carriers must have in place a system of strategically deployed “cell sites” to provide wireless communications services to their subscribers’ throughout their licensed area. These cell sites generally consist of an antenna support structure such as a telecommunications tower, building, water tank, or other structures used to elevate the antennas to the height necessary for providing adequate service to the targeted area. The antennas are connected via cabling to radio equipment located near the antennas and/or at the base of the support structure. The cell sites operate by transmitting and receiving low power radio frequency signals to and from their subscribers’ portable wireless communication devices such as basic handheld phones, smartphones, PDA’s, tablets, and laptop aircards. These wireless voice and data signals are then transferred through ground telephone lines, fiber, microwave or other means of backhaul transport, and routed to their destinations by sophisticated electronic equipment.
  
3. Cell sites are a vital and necessary part of carriers’ network infrastructure. In order to maintain effective, uninterrupted service throughout a given area, there must be a series of cell sites, interconnected to each other with slightly overlapping coverage areas. This allows for the subscribers to move freely about a geographic area while maintaining a consistent and reliable wireless connection to the network.
  
4. A proposed cell site must consider the locations and coverage provided by the surrounding cell sites in the network, and must be located within a limited geographical area, which is defined by factors such as terrain, land use characteristics, and population density. By locating within this limited area and at a sufficient height, the cell site would have a high probability of meeting the targeted objectives, thereby providing reliable coverage and capacity throughout the cell.
  
5. In compliance with the requirements of its FCC licenses, carriers are actively building their respective networks to provide coverage throughout its licensed area. In order to meet the responsibility of providing seamless, uninterrupted service, carriers must continue to acquire interest in sites for additional facilities, and is applying for and obtaining local governmental

zoning approvals to construct its sites in order to eliminate deficient service areas due to gaps in coverage or insufficient capacity. Any delays severely curtail carriers' ability to satisfy both mandated time requirements, and to achieve a market position that will allow it to compete for customers with other similar companies also issued licenses to operate in this area.

4. Using computer simulations to model radio frequency propagation, Vertex has determined that a wireless transmission facility located at or near to the proposed Facility would facilitate wireless communications within the local area along South Deerfield Rd, South Mill River Rd, Lee Rd and surrounding areas of Conway. These simulations model characteristics such as antenna types, antenna height, output power, terrain, ground elevations and RF propagation effects of the frequency utilized.
5. In my opinion based upon substantial research and analysis, without a cell site located at or very near the proposed site, this area of Shutesbury would not meet the typical coverage requirements for multiple wireless carriers, resulting in a substantial gap in wireless coverage.
6. Based upon the technologies currently being deployed by wireless carriers, it is my opinion that the proposed Facility is at the minimum height necessary to satisfy the coverage objectives of multiple wireless carriers providing in the area.
9. All of the transmitter facilities to be located at the proposed location are required to comply, and when constructed and operational will comply with, all applicable regulations of the FCC regarding radio frequency (RF) exposure as detailed in FCC OET Bulletin 65, Edition 97-1.

Signed and sworn under the pains and penalties of perjury, December 13, 2019.



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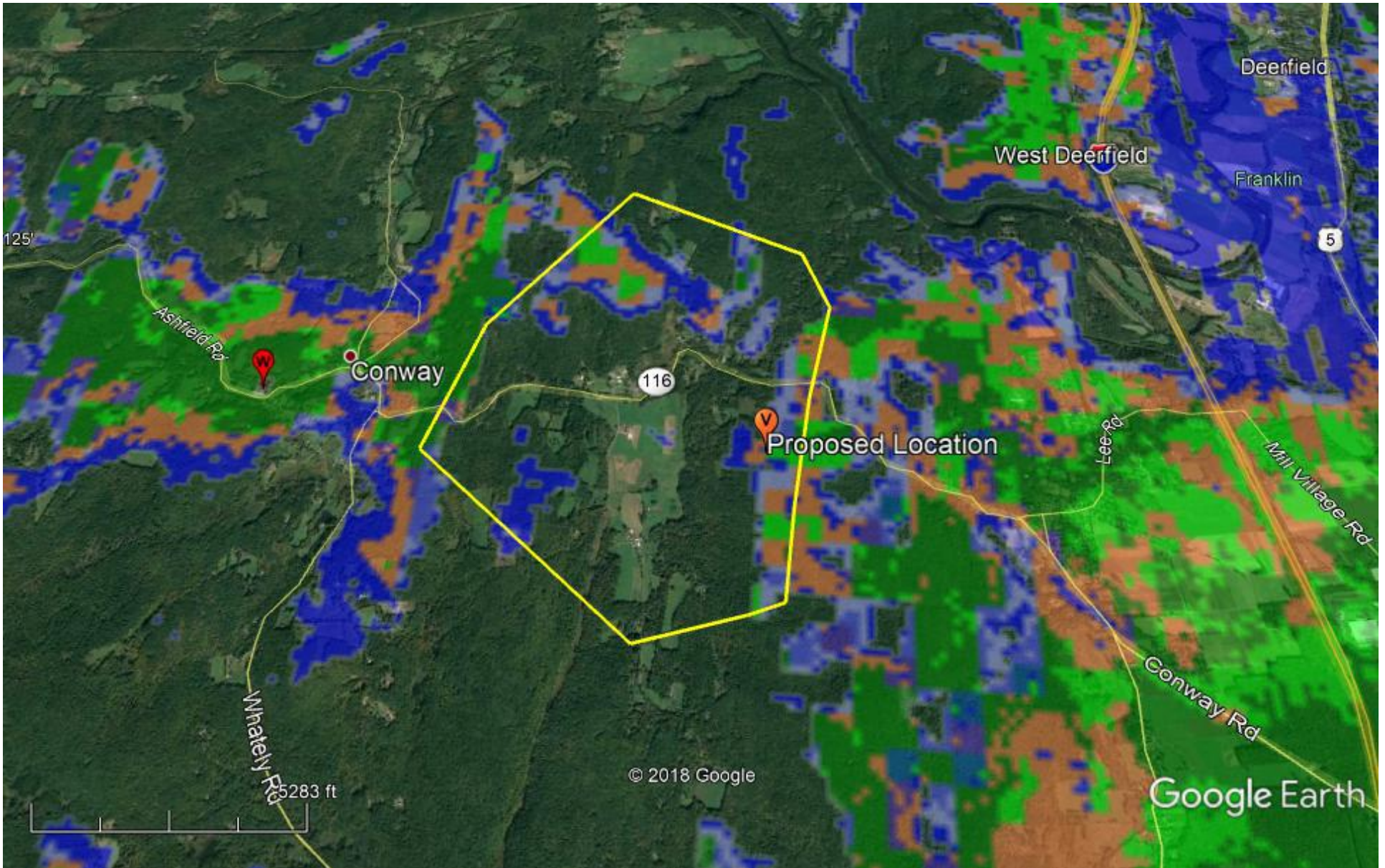
Brian Webster

Wireless Mapping Inc

President / Radio Frequency Engineer

# EXISTING COVERAGE AND COVERAGE OBJECTIVE

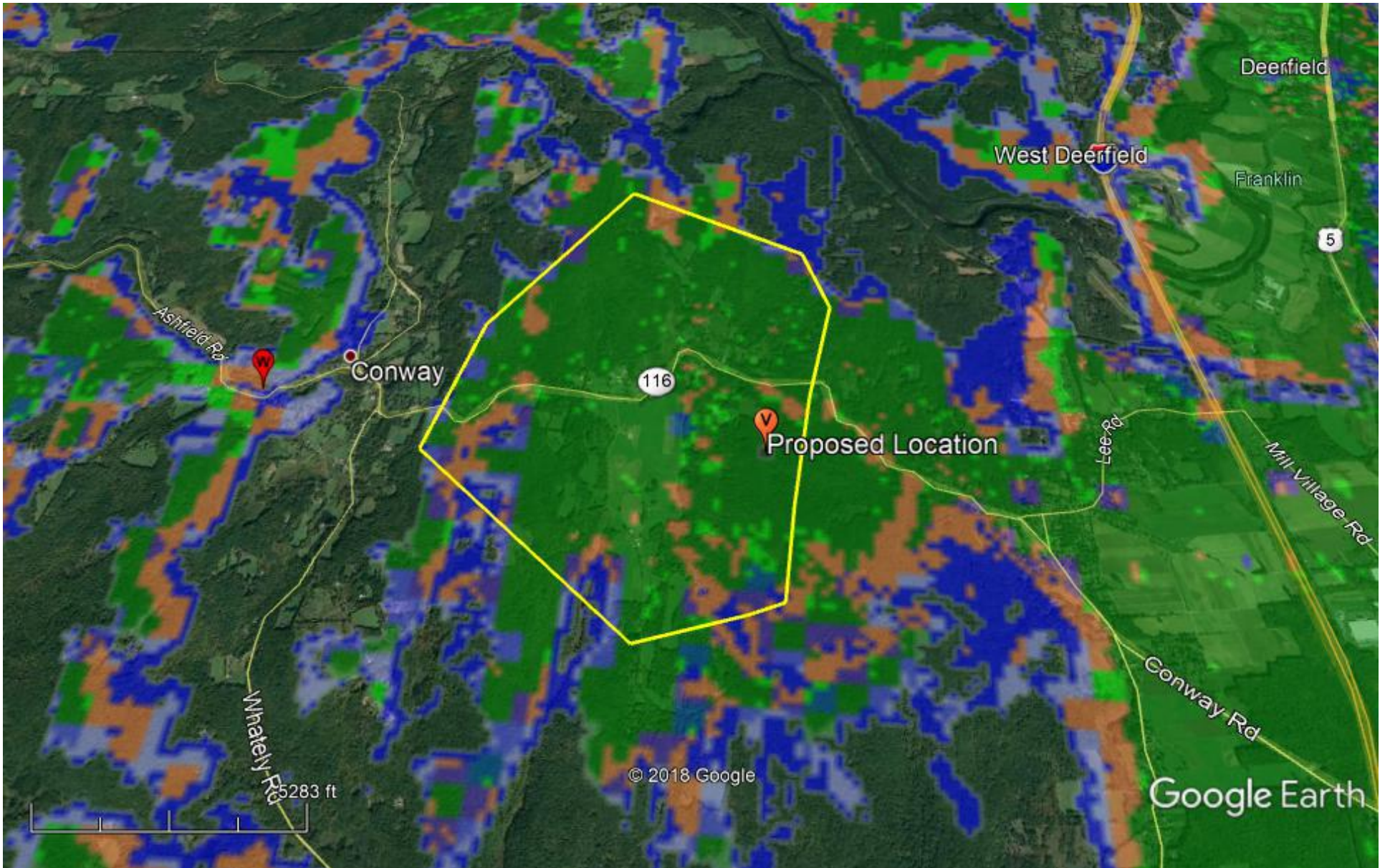
700 MHz





# PROPOSED COVERAGE @ 145'

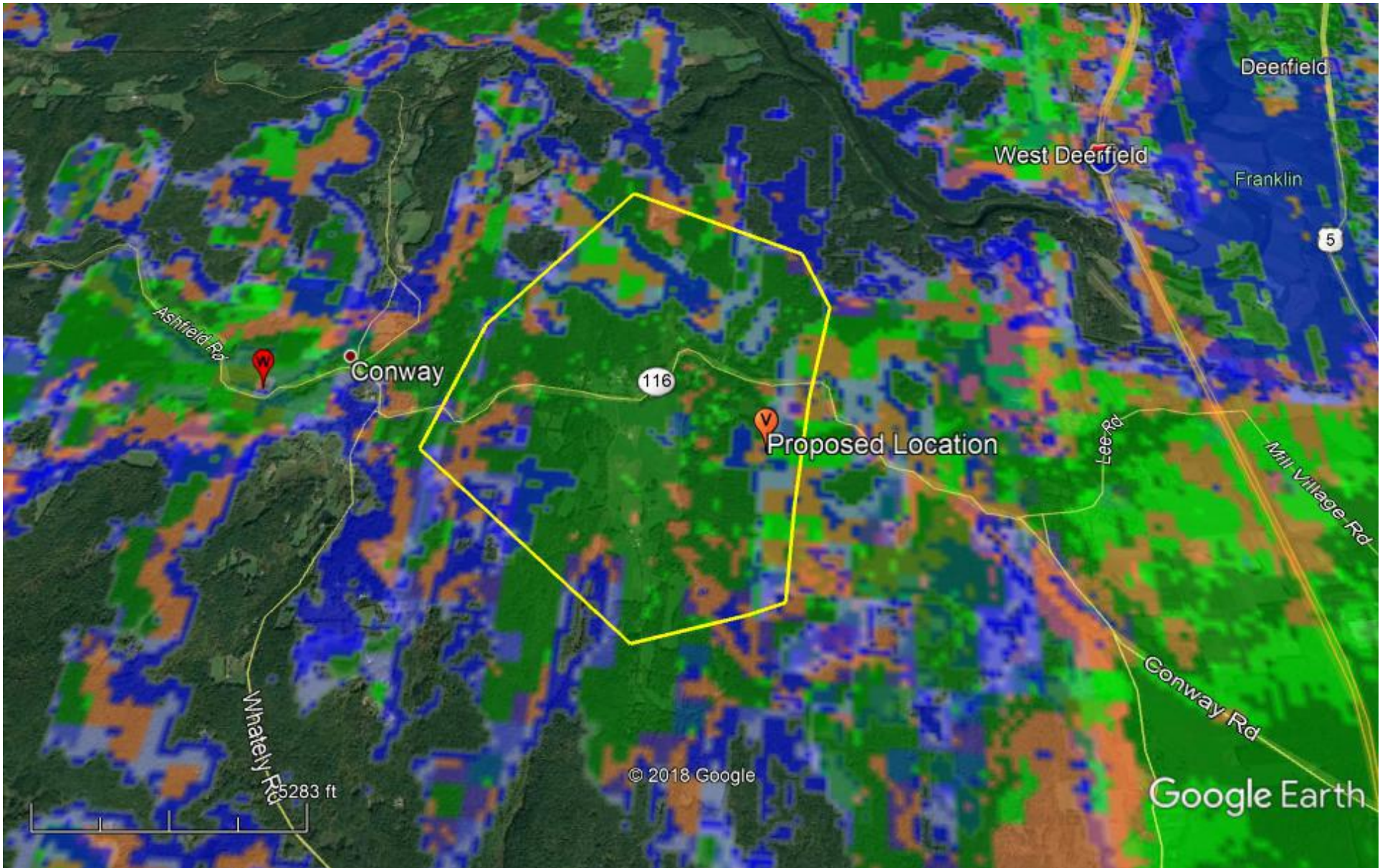
700 MHz





# EXISTING AND PROPOSED COVERAGE @ 145'

700 MHz



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# WirelessMapping.com

## Site Emissions Report For VT-MA-0014A Conway in S. Deerfield Rd, Conway, MA - 12/13/2019

This site emissions analysis was created for Vertex Towers, LLC. The tower analysis was performed to include all 4 major carriers. According to the analysis, this tower, located on Conway in S. Deerfield Rd, Conway, Massachusetts does pass the FCC requirements for Radio Frequency emissions. The FCC requirements used in this report were determined from the FCC OET65 documentation and calculations.

The study assumes the maximum equipment case scenario which is unlikely. It assumes that all 4 carriers are using all frequency bands and are all at the lowest mounting height of the tower. If all 4 were to use the tower only one carrier would be at the lowest height, others would be higher so actual levels would be less than reported here.

The approach taken for calculations takes into account the typical antenna used, since a Cell Site antenna is directional and has different gains at different angles.

At the lowest height of 112ft, the highest emissions do not go above 4.107074  $\mu\text{W}/\text{cm}^2$  which is 0.411% of the Maximum Permissible Emissions requirements.

Site Name: VT-MA-0014A Conway

Coordinates: (42-30-16.64N / 72-39-41.35W)

Address: S. Deerfield Rd, Conway, Massachusetts

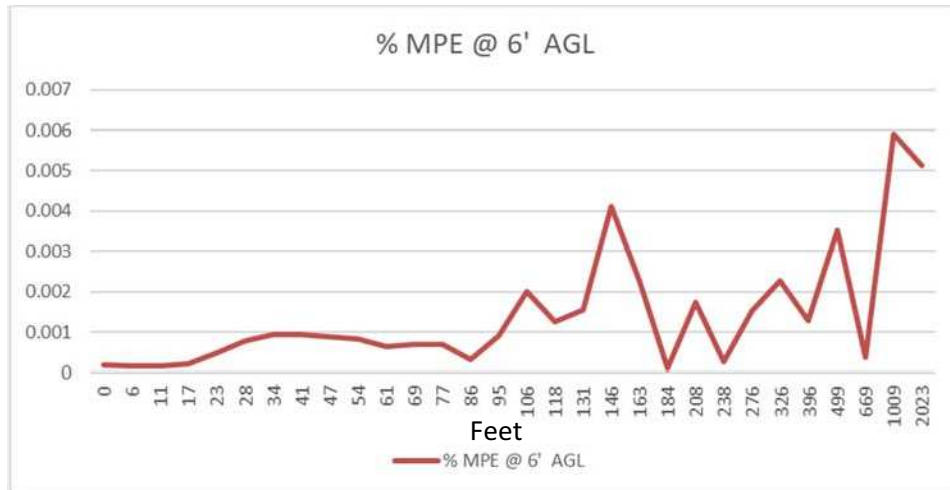
Carrier Available Heights (ft): 142, 132, 122, 112

### Equation for Predicting RF Fields:

$$S = \frac{EIRP}{4\pi R^2} \quad (4)$$

where: EIRP = equivalent (or effective) isotropically radiated power  
S = power density (in appropriate units, e.g.  $\text{mW}/\text{cm}^2$ )

Reference: OET Bulletin 65



Wireless Service Provider	Frequency Band	ERP (Watts)
Carrier 1	1900MHz	1250
Carrier 1	700MHz	1000
Carrier 1	850MHz	1000
Carrier 1	2100MHz	2500
Carrier 2	1900MHz	2000
Carrier 2	700MHz	1000
Carrier 2	850MHz	1000
Carrier 2	2100MHz	1000
Carrier 3	1900MHz	1360
Carrier 3	2100MHz	1360
Carrier 3	700MHz	1000
Carrier 4	850MHz	400
Carrier 4	1900MHz	1360

Analysis Performed by: Brian Webster Date 12/13/2019  
 Brian Webster – President / Sr. RF Engineer - Wireless Mapping Inc

*Brian Webster is an independent Radio Frequency Engineer with 30 years of experience as an engineer in the Wireless Telecommunications field. Brian has performed numerous emissions reports for the Wireless Telecommunications Industry.*



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