



Town of Conway, Massachusetts Planning Board

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SPECIAL PERMIT APPROVAL FOR VERTEX TOWER ASSETS, LLC.

Applicant: Vertex Tower Assets, LLC

Property Owners: Barbara Melville and Theodore H. Lefkowitz

Site Location: 1352 and 1356 Ashfield Road, Conway, MA

Deed Reference: Book 7136/Page 80 and 82

Plan Reference: Book 142/Page 35

At a duly posted Public Meeting held on 7 July 2022, the Conway Planning Board voted 5-0-0 to issue a Special Permit with Order of Conditions approval to Vertex Tower Assets, LLC for a Wireless Communication Facility located at 1352 and 1356 Ashfield Road, Conway, MA subject to the following findings and Conditions

Special Permit Approval w/Conditions

Vertex Tower Assets, LLC

7 July 2022

The Planning Board of Conway issues the following findings:

The Petitioner, Vertex Tower Assets, LLC, has identified a wireless communication coverage gap located along the Westerly section of State Highway 116 in Conway, from the route 116 (Ashfield Rd.) corridor south of the proposed tower, and specifically the westernmost mile and a half in Conway and west to South Ashfield.

The Conway peer review consultant, Interisle Consulting, has confirmed the existence of this coverage gap. The proposed 150-foot monopole tower would be located at 1352 and 1356 Ashfield Road, Assessor's Parcel Number: Facility: 409-013-001 Access: 409-013-000, and would provide antenna

space for up to four (4) wireless carriers and reserved antenna space for emergency services. This wireless facility would provide continuous wireless coverage for mobile users and wireless service to residents situated in the identified coverage gap area.

Conway Town Counsel has previously ruled that a use variance for an “infrastructure developer” is not required and further stated that the Planning Board may issue a Special Permit for this type of wireless tower facility to Vertex Tower Assets, LLC.

The Planning Board of Conway, Massachusetts, issues the following Special Permit conditions:

1. As an infrastructure developer, Petitioner shall provide evidence of an executed lease for antenna space with at least one (1) duly licensed wireless carrier to the Conway Planning Board and the regional Building Commissioner, prior to issuance of a building permit to construct the referenced wireless facility.
2. The Petitioner shall reserve reasonable antenna space for future communication antenna(s) to be utilized by local or regional emergency services, subject to the execution of a mutually satisfactory lease agreement between the Town and Petitioner.
3. The Petitioner shall deliver a Tower/Structure/Equipment Removal Bond for \$35,000.00 with an escalation clause of 15% (fifteen percent) increase every five (5) years, prior to issuance of a building permit to construct the referenced wireless tower.
4. Petitioner and Property Owner and the Conway Selectboard shall execute and deliver an Agreement for Decommissioning of Wireless Tower Facility and Reclamation of Wireless Tower Facility in the form previously submitted to and approved by the Planning Board, prior to issuance of a building permit to construct the referenced wireless tower.
5. The Petitioner shall meet Wetlands Protection Act conditions as promulgated by the Conway Conservation Commission and by the Massachusetts Department of Environmental Protection
6. The Petitioner shall provide a copy of the recorded dimensional Variance granted by the Zoning Board of Appeals for a tower height of 150 feet.
7. The Petitioner and Property Owner shall deliver an executed Landscape Easement, which also includes a specified “no-cut area,” in the form previously submitted to and approved by the Planning Board, prior to issuance of a building permit to construct the referenced wireless tower.

8. Access to the wireless facility will be partially via an existing gravel driveway and then via an extension off the existing driveway that runs up the hill from the existing driveway to the tower Site. The Petitioner shall be responsible for measures to control runoff and erosion on the entire driveway, including but not limited to riprap sloping, vegetative swale, and ditch turnout/level spreader for additional water catchment and silt containment, as described in Petitioner's Application and submitted NPDES form

9. The Building Commissioner shall be provided with Certified Construction Drawings for the tower structure and associated equipment, prior to issuance of a building permit to construct the referenced wireless tower.

10. All construction shall comply with Site Drawings titled site number VT-MA-00901, site name Conway 2, dated March 9, 2022, with addendum sheet A-4 dated May 10, 2022

This Special Permit is subject to the terms and conditions found in the State and local regulations and is issued to Vertex Tower Assets, LLC, and the Property Owners, Barbara Melville and Theodore H. Lefkowitz. This Permit shall expire upon termination or expiration of a Lease for said wireless tower facility referenced in the Memorandum of Lease recorded in Deed Book 7136 at Page 80 and 82 of the Franklin County Registry of Deeds. This Special Permit shall be effective after certification by the Conway Town Clerk, either 20 days after issuance by the Conway Planning Board or upon expiration of any and all appeals of this decision, whichever occurs latest.

Respectfully submitted
Conway Planning Board

Beth Girshman, Chair _____

Jennifer Mullins, Vice Chair _____

William Moebius _____

Joseph Strzegowski, Associate Member _____

Conway Planning Board: Chair: Beth Girshman, Vice-Chair: Jennifer Mullins, Susan Fentin, George Forcier, William Moebius, Associate member: Joseph Strzegowski

Attachments A and B:

Landscape Easement

Decommissioning agreement

Special Permit application accompanied by the following:

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. TOWAIR (FAA Analysis re No Hazard to Air Navigation)
8. Affidavit of Site Acquisition Specialist
9. Affidavit of RF Engineer and RF Coverage Maps
10. Site Emissions Report
11. Removal Cost Estimate and draft Removal Bond
12. Site Plans
13. Long-Term Stormwater Pollution Prevention Plan
14. Operation and maintenance Plan
15. Site Plan Supplement Sheet A-4 (Driveway Resurface Plan)
16. Photographic simulation package
17. Drainage Report for 1356 Ashfield Road, Conway, MA 01341
18. Photos from other Vertex sites showing erosion control measures
19. Excerpts from EPA NPDES Form re erosion control
20. Vertex Towers Assets, LLC Construction References
21. Example Form of Construction Control Affidavit (from Monterey, MA site)

