

TOWN OF BUCKLAND  
MASSACHUSETTS



**PLANNING BOARD**

**SPECIAL PERMIT APPROVAL FOR VERTEX TOWERS, LLC**

Applicant: Vertex Towers, LLC  
Property Owner: Amos M. Franceschelli and Christopher Franceschelli  
Property Address: 28 Martin Road  
Special Permit No. 2022-02  
Decision date: August 17, 2022

Special Permit Process

On March 24, 2022, Francis D. Parisi of Parisi Law Associates, P.C. filed an application with the Buckland Town Clerk on behalf of Vertex Towers, LLC, for a **Special Permit, pursuant to Section 10** of the Buckland Zoning Bylaws, to construct a 150-foot tall “monopole” wireless communication facility, including a tower and ground equipment within a fenced compound, for the property located at 28 Martin Road.<sup>1</sup>

The owners of the property are Amos M. Franceschelli and Christopher Franceschelli. The property is located in the Rural Residential zoning district, by a deed duly recorded in the Franklin County Registry of Deeds. In the Tax Assessor’s records for the Town of Buckland, the site is listed as 8-0-60 (facility) and 8-0-61(access).

Proper notice was given and a joint Public Hearing of the ZBA and Planning Boards was held at the Buckland Town Hall (in hybrid form to accommodate remote attendees via Zoom) on July 7, 2022 at 6:30 pm. Continued sessions of the hearing were held on July 12 and on July 26. The ZBA held its hearing on these dates for the purpose of acting upon Vertex’s application for variances from the Zoning Bylaws to accommodate the tower proposed in the Special Permit application. The Public Hearing for both the ZBA and the Planning Board was closed on July 26. The ZBA deliberated and voted on July 26 to grant the requested variances. The ZBA’s decision is attached hereto and incorporated herein. Submission of written comments on the special permit application were allowed until August 4, 2022. The Planning Board met again to deliberate and vote on August 11 and August 17, 2022.

The Planning Board submitted a **Letter of Deficiency** to Vertex dated April 21, 2022 owing to several incomplete and/or insufficient components of their **March 24 application**. Vertex responded to the Letter of Deficiency with a submission identified as **Supplement No. 1** dated May 13, 2022. The Planning Board **deemed the application complete at its meeting on May 19, 2022.**

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<sup>1</sup> The original application and the first supplement identified the property address as 26 Martin Road, but this was corrected in later filings.

The applicant sought relief from several requirements in Section 10 of the Buckland Zoning Bylaw. The Planning Board is designated in the bylaw Section 10-3a as the Special Permit Granting Authority; however, the bylaw does not contain language authorizing the Planning Board to vary anything other than filing requirements; therefore, to grant relief variances were required. **Only the Zoning Board of Appeals has the authority to grant variances; accordingly, the Zoning Board of Appeals participated in the process through the conclusion of the Public Hearing on July 26. See Buckland Zoning Board of Appeals cell tower decision, July 26 2022, for details and explanation.** Following the ZBA approval and conditions, the Planning Board continued with the Special Permit process.

**As specifically authorized in Section 10** of the Buckland Zoning Bylaws, the Town hired an experienced **telecommunications consultant**, Fred Goldstein of the Interisle Consulting Group, in order to gain professional expertise on the merits of the Vertex application. Mr. Goldstein was a virtual attendee at several Board meetings and submitted a final written report on his findings.

Further, **as specifically authorized in Section 10** of the Buckland Zoning Bylaws, the Board, in consultation with the Select Board and Town Administrator, obtained guidance from the town's **legal counsel**, KP Law, P.C. the town's contracted counsel concerning the tower applications, which guidance included attending by remote access multiple meetings of the ZBA and Planning Board at which the tower applications were considered.

On June 14, members of the Board participated in a **site visit** to 28 Martin Road. The party, accompanied by members of the Zoning Board of Appeals, the Vertex representative (attorney Fran Parisi), and the Vertex engineer, walked the length of the proposed access road to the site of the tower in order to ascertain the effects that the project would have to the surrounding landscape, as well as its proximity to wetlands.

Also on Tuesday, June 14, Vertex undertook the first of a series of **balloon flights** in order to provide members of the Board, as well as members of the public, with a visual marker (3-4' red balloon) that would indicate the height of the proposed tower. These first balloon flights were also held on Wednesday, June 15 and Saturday, June 26. Vertex, members of the Board, and members of the public took photographs of the balloon from various sites in the town in order to afford the public the opportunity to consider the visual effect of the proposed tower.

Vertex submitted a photographic simulation package identified as **Supplement No. 2** dated June 28, 2022. Additional simulations of a "monopine" tower and a correction to Supplement No. 2 were submitted as **Supplement No. 3** dated July 7, 2022. However, because members of the Planning Board and the public observed the balloon to be higher on the Saturday June 26 flight than the simulation, making the balloon visible in several locations where it was deemed "not visible," Vertex agreed to a **fourth flight date for the balloon test**, and this was held on Saturday, July 16, 2022. **Representatives of both the Planning Board and Zoning Board** visited the site and witnessed the raising of the balloon that morning. For this flight, flags were hung on the string at heights of 145, 135, 125, 115, and 90 ft from the ground level. A narrative and photo simulations at just two of the sites from which the tower would be visible was submitted as Supplement No. 4 dated July 25, 2022.

Vertex also submitted **Supplement No. 5** dated August 2, 2022, which contained information about coverage at various tower heights.

**Public comment** included remarks and questions, primarily about the visual impact and proposed height, but also regarding the necessity of improving and extending communications in an underserved area; which was underscored by testimony from the town's emergency ser-

vices. While maintaining their desire for maximum height, applicant discussed various options for mitigating appearance and expressed willingness to accommodate emergency services. Other remarks were addressed to the considered health effects of radiation from cell towers; while the board may not consider these in a decision, the town's consultant did respond by addressing them in technical terms, in comparison of different types and amounts of emissions from various sources, locations and devices including cell phones themselves. Members of the public also suggested alternative sites; these were discussed with consultant and applicant and determined to each possess some undesirable characteristic relative to coverage and visibility.

Throughout the deliberations the board was aware of the overarching Federal Communications Commission requirement, which is that, absent any failure of the applicant to demonstrate that a gap in communication exists or that their proposal is the appropriate way to address it, the town may not prohibit, nor create the effect of a prohibition of a wireless communication installation, without substantial evidence of public harm produced at the hearing or determined at site visit; or risk court annulment of the decision. For the ZBA decision it had been determined to pursue the process on two tracks: the local and state regulations, then the Federal considerations. In final discussion the Planning Board was prepared to act in the same manner: if, on the local level, a member could not reach approval, then the Board must consider the application in light of the FCC rules. This has additional significance since a special permit decision requires a super-majority, four out of five: given that at this time there are only four members of an intended five-member board, that means no member can dissent, the decision must be unanimous. In the event, consensus was reached without resorting specifically to Federal law, and the Board did achieve a unanimous decision, making their best effort to strike a balance among the desires of the public, the need for emergency communications improvement and the commercial viability of the proposal.

**Discussions and public comment** are available in the **minutes** of the meetings as posted and on the Planning Board page of the Town of Buckland website, as well as documents submitted by applicant, under the Vertex cell tower application.

After public meetings held on August 11 and August 17, the **Board issued its formal approval, with conditions, of the Special Permit application. The decision will be posted with Order of Conditions.**

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### Special Permit Criteria

In accordance with **Section 10-21 a)** the Board considered the special permit criteria set forth in **Section IX.i)** of the Bylaw as applied to the application, and made the following findings:

**In acting upon Special Permits, the Zoning Board of Appeals shall consider whether:**

**1. There is sufficient Town capacity to service the premises, considering existing roads, town equipment, and other municipal services and resources.**

The Board observed no town-specific utilities such as water and sewer were involved; the fire chief having been shown the applicant's proposed access road and compound was confident emergency access would be available typically with a brush truck if necessary. Applicant stated they would provide keys for any locks employed. Town capacity to service the premises was considered sufficient.

**2. The impact on adjoining premises from water, air, noise or light pollution and other disturbances is avoided or minimized.**

The Board understood there would be impacts in these areas during the construction period. According to the applicant, in normal operation after completion of construction, there

will be no water use, no air pollution, no lighting at the facility or on the access road, and minimal visits to the property other than maintenance or installation; thus these disturbances would be avoided or minimized.

**3. The proposal will avoid or minimize topographic change, removal of mature trees or other botanical assets, removal of cover vegetation, risk of erosion or siltation, increased storm water runoff from the site, or displacement of natural habitats.**

The construction of the access road and compound would require removal of trees and rocks. There was discussion of how this was to be minimized, and how it would be enforced. It was considered to be in both the applicant's and the landowner's interest not to expand areas of disturbance or unsightliness more than necessary; applicant's engineer noted the permit with the Environmental Protection Agency requires inspections and reporting. There is little understory cover vegetation. Applicant provided extensive drainage plans in application, to address runoff and siltation. There will be displacement of habitat within the construction zone and compound, but this is a bounded area with little activity once established; therefore these impacts would likely be minimized.

**4. The proposal will cause surface or groundwater pollution, surface or subsurface drainage detrimental to abutting properties, or result in adverse effects upon the natural environment in the area where the use is located.**

As mentioned above the applicant has submitted extensive drainage plans to address water issues related to the project, and both applicant and the adjacent landowner as host will be incentivized to avoid such adverse impacts. Applicant noted that there is a frequent problem with ospreys nesting on cell towers. It was not clear if there is an effective or usual practice to discourage or remedy this.

**5. There is adequate sight distance at the entrance to public ways and other traffic and pedestrian safety concerns have been addressed.**

The access road will begin at the physical end of the town road in a sparsely settled area with very little traffic other than the host landowner and few neighbors; the location is an open area and sight distance does not appear to be an issue.

**6. The proposal is compatible with the neighborhood character.**

Board observed that viewing the tower as infrastructure it could be considered compatible with the neighborhood, if one considers telephone poles, power lines, and roads as present visible infrastructure, and certainly an existing part of the neighborhood character.

**7. The proposal minimizes adverse effects upon historic and other cultural resources.**

The Board referenced its earlier conversation about vistas and the public concern about visual impacts. It is the Board's concern in this process to do what may be done to minimize those impacts. There are no historic resources in the immediate area known to the Board.

**8. There are positive employment and fiscal consequences including an increase in tax revenues.**

This would be the town's first such installation, and the property would be duly assessed. It was not clear to the board if neighboring property values would be affected negatively or positively, given considerations both of visual impacts and improved communications. Improved cell phone service could be seen as a positive enhancement. Given the growing number of citizens working from home the provision of improved connectivity could only be an improvement.

**9. The activity, traffic, site plan, and building design will influence positively the Town's character.**

Activity and traffic would be minimal; with the exception of the tower itself site plan and design are not within public view. Regarding the town's character it is likely to be in the eye of the beholder; while most would acknowledge the need for improved service, it often conflicts with views of the town's rural scenic character. At the same time it is the rural nature of the town that presents the challenge, and the necessity, for improved communications, that the

proposal is intended to address; and it is these considerations that the Planning Board has weighed in its decision.

**Having made the Findings set forth above, the Board voted unanimously that the application satisfied the general requirements for a Special Permit as set forth in Section IX.**

## **Special Permit Decision**

**Vertex Towers, Application PB 2022-02/ZBA 2022-02, for a Special Permit under Section X of the Buckland Zoning Bylaws, to construct a 150' monopole personal wireless service facility, at 28 Martin Rd., Buckland:**

8/17/2022 Planning Board voted to GRANT special permit 2022-02, Vertex Towers, to construct, use, and maintain a telecommunications facility as particularly set forth on the 1/13/2022 Site Plan as submitted by applicant, and all documents submitted by the applicant in support of their application as modified by the following Conditions as voted by the Buckland Zoning Board of Appeals and the Buckland Planning Board.

The following four members of the Planning Board were present at each session of the public hearing and voted unanimously to grant the special permit with the conditions set forth herein:

Michael Hoberman  
Andrea Donlon  
Jon Wyman  
John Gould

The Boards's specific findings on each of the special permit criteria set forth in Sections IX and X, as well as the Board's reasoning for imposing the conditions set forth herein, are set forth in part above and in the minutes of the Board's proceedings, which are incorporated herein by reference.

Vertex Towers Application PB2022-02  
Special Permit Decision  
**Order of Conditions**

**General Conditions of Approval**

- 1) Applicant must abide by Order of Conditions
- 2) Applicant must adhere to the requirements of the Zoning Bylaws except where modified by this decision.

**Special Permit conditions**

**1) Section 10-15(1)(c) ("licensed carrier" requirement):**

Because the board has not received notice of any wireless carrier intending to locate on this proposed facility, the board will adopt the condition proposed by the applicant, page 20 of the Supplement 1 Project Narrative:

"As an infrastructure developer, Applicant shall provide evidence of an executed lease for antenna space with at least one (1) duly licensed wireless carrier to the Buckland Planning Board and the regional Building Commissioner, prior to issuance of a Building Permit to construct the wireless service facility."

Further, as this is a request that Vertex Towers, the applicant and an infrastructure developer should be accorded the same standing as "licensed carrier" in the bylaw, that substitution shall hold and carry throughout the applicable requirements of the Zoning Bylaws, to the effect that wherever "licensed carrier" or "applicant" are named, or have responsibilities or expenses under the bylaw, there shall be substituted "applicant and Landowner", as advised by counsel.

(See 10-15 (1) (b) Co-applicants may include the landowner of the subject property...)

The Board also approved waivers from the following filing requirements in Section 10-15 of the Zoning Bylaws: Measurement of existing and ambient noise, and of RFR, to be signed by engineers; given standing requirements of bylaw for both measurements to be taken at 90 days from operation and annually. (10-18 a and b).

**2) Section 10-15.3: Proposed security barrier**

Applicant shall install a security gate or chain *to impede vehicular access to tower driveway.*

**3) Sections 0-19 (c) and 10-22 (f): Removal of facility**

If a permit holder (applicant and landowner) fails to remove a personal wireless service facility in accordance with this bylaw and the terms of this permit, the Town shall have the authority to enter the subject property and physically remove the facility. The permit holder shall post a bond or other acceptable security at the time of construction along with removal cost estimate supplied by a licensed engineer, provided to building inspector, in an amount and form acceptable to the Planning Board and Town, securing the Town for the costs of removing the personal wireless service facility in the event such removal is required. The permit holder shall provide written confirmation to the Planning Board and the Building Inspector prior to January 1 of each year that the security remains in place for the following year. The *Building Inspector* may require an increase in the amount of required security as necessary at any time to account for inflation or other changes.

**4) Section 10-22 (c): Evidence of operational facility**

The building inspector may require the permit holder to provide evidence that such facilities are operational, such that within a period of six months, the location of any personal wireless

service facility which has not operated four consecutive months, unless the cause is major damage which prohibits operation, shall be restored to its natural condition, except that any landscaping or grading shall remain in the after condition.

**5) Section 10-23 (a): Insurance**

Insurance in a reasonable amount determined and approved by the Planning Board or Town after consultation at the expense of the applicant with one (1) or more insurance companies shall be in force to cover damage and/or personal injury from the structure, and damage and/or personal injury from transmissions and other site liabilities. Proof of insurance as required pursuant to Section 10-23 a) shall be required at the start of construction.

**6) Section 10-23 (b): Expenses incurred**

The permit holder, which shall include the property owner, the applicant, and the owner of the facility, shall pay and **reimburse the town** prior to the issuance of a building permit for all reasonable costs as agreed by both parties within the appeal period as incurred by the town in reviewing the application. The Town shall provide invoices of its costs to the applicant concurrent with the issuance of this written decision. Expenses incurred by the town for reviewing the installation of the applicant's facility shall be paid within 30 days of demand.

**7) Antenna space for emergency services.**

The Permittee, and/or owner(s) of the tower shall, and at no cost to the Town of Buckland, permit and accommodate the reasonable use of the tower facility, as may be determined from time to time, by said Town, for the purpose of attaching to the tower and operating one or more antennas, with space *for* necessary equipment shelter and related facilities on the ground, at such governmental entities' effort and expense, sufficient to accommodate the requirements of public emergency services, which use the applicant has represented can be conducted consistent with the location and operation of antennas for the number of mobile carriers permitted.

**8) Height**

Maximum Tower Height: 135 feet, with top 5 feet reserved for emergency services

**9) Martin Rd**

Prior to heavy vehicle traffic related to the construction process, applicant will walk and inspect the public roadway (Martin Rd) with the town's highway department and/or town administrator to agree and/or record the existing road conditions. Applicant shall restore or repair roadway to the extent of damage caused during construction.

**10) 10-6.2,3 Camouflage**

Tower shall be in a COR-TEN or equivalent weathering steel finish. Antenna and attached hardware shall be painted and maintained to match in non-gloss finish to minimize visibility.

***ZBA Variance conditions, as approved 7/26/22***

1) 10-5 (b) (5) Setbacks. Condition: APPROVED. *ZBA approval of the request for a variance to the 150' setback to wetlands requirement, is granted conditional upon Conservation Commission approval of the project as it falls within the Commission's jurisdiction.*

2) *ZBA approval of the request for a variance to the 150' setback to slopes greater than 5%. Granted- requirement appears impractical, and denial may create a conflict with Federal law.*

3) Tower height up to and not to exceed 150'.

4) Per request of applicant, bylaw prohibition on use of barbed wire is upheld here as a condition: No barbed wire to be used.

5) Request for variance to requirement for applicant to be a licensed carrier: withdrawn by applicant, as applicant status was granted by Planning Board through a waiver of this filing requirement.



TOWN OF BUCKLAND  
PLANNING BOARD  
NOTICE OF DECISION

In accordance with MGL Chapter 40A, Section 11, **abutters are hereby notified:**

PB 2022-02, **Vertex Towers LLC**, represented by Parisi Law Associates, P.C., Application for a Special Permit under Section X of the Buckland Zoning Bylaws, to construct a 150' monopole Personal Wireless Communication Facility, at 28 Martin Rd., Buckland, Map 8 lots 60-61, owner Christopher and Amos Franceschelli:

**GRANTED WITH CONDITIONS:**

- 1) Applicant to provide evidence of executed lease with at least one licensed wireless carrier prior to issuance of building permit. "Applicant and landowner" to replace "licensed carrier" where so named or bearing responsibilities or expenses under bylaw.
- 2) Applicant shall install security gate or chain to impede vehicular access to tower driveway.
- 3) At time of construction applicant shall post bond, along with removal cost estimate supplied by licensed engineer provided to building inspector; reconfirmed yearly with adjustments for inflation or other cause as deemed necessary by building inspector.
- 4) Building inspector may require evidence facility is operational, if not over a period of six months location shall be restored to natural condition, less grading.
- 5) Proof of insurance required at start of construction.
- 6) Permit holder (includes applicant, property owner and owner of facility) shall pay and Reims use the Town of Buckland prior to issuance of a building permit for all reasonable costs agreed by both parties within the appeal period as incurred by the town in reviewing the application. Expenses for reviewing installation payable within 30 days of demand.
- 7) Antenna space to be made available for emergency services.
- 8) Maximum height: 135', with top 5' reserved for emergency services.

ZBA Variance conditions (Previously approved 7/26/22)

Variance to setback 150' to slopes greater than 5%; variance to setback 150' to wetlands, subject to Conservation Commission approval within their jurisdictional area; tower height not to exceed 150'; no barbed wire to be used, per bylaw.

Decision filed with Town Clerk on this date. 9/1/2022

In accordance with MGL Chapter 40A Section 11 there is a twenty day appeal period following the filing date.

Buckland Planning Board  
17 State St, Buckland  
413-625-6330

TOWN OF BUCKLAND  
COMMONWEALTH OF MASSACHUSETTS  
Planning Board  
NOTICE OF DECISION

VERTEX TOWERS LLC  
APPLICANT

8/17/2022  
DATE

28 MARLIN RD  
PREMISES AFFECTED

CASE NUMBER 2022-02

Book: \_\_\_\_\_ Page: \_\_\_\_\_

Map: 8 Block: \_\_\_\_\_ Lot: 60-61

Referring to the above (Appeal) (Variance) (Special Permit) (Comprehensive Permit) (Finding) application,  
so as to permit Applicant to: CONSTRUCT 150' MONOPOLE P.W.S.F. TOWER

After a public hearing held on 7/7, 7/12, 7/26, the Planning Board, at its meeting on  
(8/11) 8/17

**VOTED TO:**

Uphold the decision of the Building Inspector

Overturn the decision of the Building Inspector

**VOTED TO GRANT:**

A variance from requirements under Article \_\_\_\_\_, Section \_\_\_\_\_ of the Buckland Zoning Bylaws, subject to the following conditions:

A special permit under Article \_\_\_\_\_, Section 10, of the Buckland Zoning Bylaws, subject to the following conditions:

A \_\_\_\_\_, under Article \_\_\_\_\_, Section \_\_\_\_\_ of the Buckland Zoning Bylaws, subject to the following conditions:

SEE ATTACHED CONDITIONS

Alan C. Auld  
Co-Chair, Buckland Planning Board

FILED \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ a.m. / p.m., IN THE  
OFFICE OF THE BUCKLAND TOWN CLERK, \_\_\_\_\_

TWENTY (20) DAY APPEAL PERIOD EXPIRES \_\_\_\_\_, 20\_\_\_\_

NOTICE OF DECISION MAILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, TO THE  
ATTACHED LIST OF NAMES BY \_\_\_\_\_ FOR THE BOARD.



CASE # PB 2022-02

MAP: 8 BLOCK: \_\_\_\_\_ LOT: 60-61

TOWN OF BUCKLAND  
COMMONWEALTH OF MASSACHUSETTS

Planning Board

RECORD OF PROCEEDINGS

I, JOHN GOULD <sup>CO-CHAIR</sup> Clerk of the Buckland Planning Board operating under the Buckland Zoning Bylaws, hereby certify that the following is a detailed record of all its proceedings relative to the application of VERTEX TOWERS LLC, for a Special Permit under Section 10 of the Zoning Bylaws.

The Applicant desires to: CONSTRUCT A 150' MONOPOLE WIRELESS COMMUNICATION TOWER

The premises affected is located at 28 MARTIN RD, Buckland, Massachusetts, in the IR zone, in which zone the above-mentioned use is not allowed without relief from the Buckland Planning Board.

1. On MARCH 24 2022, an application was presented to and certified by the Buckland Town Clerk, and a filing fee of 300 was paid. A copy of the application accompanies this certificate. In the case of an appeal, the "Refusal of the Building Inspector" to issue the permit accompanies this certificate and is made part of this record.
2. A legal advertisement, a true copy of which accompanies this certificate and is made a part of this record, was published in *The Greenfield Recorder*, a newspaper published in Greenfield, Massachusetts, and was circulated in Franklin County, on JUNE 24, and JULY 1.
3. A copy of the advertisement in the form of a Notice was posted at the Buckland Town Hall for a period of not less than fourteen (14) days prior to the date of the public hearing, and copies of said Notice were mailed to the petitioner, abutters, owners of land directly opposite on the public or private way, owners of land within 300 feet of the property lines as appearing on the most recent applicable tax list, the Buckland Planning Board, and the Planning Board of every abutting town, the Building Inspector, and the Buckland Board of Selectmen. A copy of said Notice accompanies this certificate and is made a part of this record.
4. On 7/7, 7/12, 7/26\*, a public hearing was held at the Buckland Town Hall, at 6:30 p.m., at which hearing opportunity was given to all those interested to be heard in favor of or in opposition to said application, and the following took place:

\* PUBLIC MEETINGS 8/11, 8/17

SUMMARY OF PROCEEDINGS

Please see minutes of JULY 7, 12, 26, 8/11, 8/17.

EVIDENCE SUBMITTED

Please see minutes of ABOVE DATES.

RECORD OF VOTE: VERTEX TOWERS LLC

PLANNING BOARD

Map: 8 Block: Lot: 60-61

PB 2022-02

The vote of each member, upon each question, is detailed below. If a member was absent or failed to vote, said absence or failure is noted:

Member John Gould  
 Vote: Grant with conditions  
 Member Michael Howard  
 Vote: Grant with conditions  
 Member Andrew F. Davis  
 Vote: Grant with conditions  
 Member Tim Whelan  
 Vote: Grant with conditions  
 Member \_\_\_\_\_  
 Vote: \_\_\_\_\_

The record of these proceedings and all attachments relating to said hearing shall be filed with the Buckland Town Clerk and shall be a public record, said filing to be made within ninety (90) days of the public hearing date. Notice of said decision shall be mailed forthright to the petitioner, applicant, or appellant, to all parties in interest, and to every person present at the hearing who requested the same.

8. DECISION OF THE BOARD: DENY The application or appeal  
GRANT The application or appeal subject to the conditions:

SEE ATTACHED CONDITIONS

John C. Gould

Co-Chair, Buckland Planning Board

Date: 8/17/2022

Filed with the Town Clerk on:

By \_\_\_\_\_

Any person aggrieved by a decision of the Board of Appeals may appeal to the Superior Court Department in which the land concerned is situated or to the Land Court Department, or to the division of the District Court Department within whose jurisdiction the land is situated by bringing an action within twenty days after the decision has been filed in the office of the Town Clerk. Notice of the action with copy of the complaint shall be given to such Town Clerk so as to be received within twenty days in accordance with M.G.L. Chapter 40A, Section 17.

Planning Board Special Permit Application 2022-02  
Vertex Towers

Required Finding, 10-5 b) 7). (Dimensional Requirements)

The Planning Board find that the application satisfies the standard special permit criteria. (Section 1X)

Moved by John Gould, seconded by Michael Hoberman. All voted in favor.

John Gould, Michael Hoberman, Andrea Donlon, Jon Wyman

MH  
JG  
AD  
JW

10-3(6)

10-5 (b) 7. Required Finding

Proposed Finding language:

Motion:

The Planning Board Finds that:

As represented by the applicant with explanations in the application's Alternative Site Analysis, and shown in their Existing and Alternative Sites Overview Map; and as corroborated by consultant Fred Goldstein of Interisle Consulting Group; To the board's knowledge "there are no feasible pre-existing structures to support personal wireless services for the intended use."

Second

Discussion

Vote  
John Gould Yes  
Michael Hoberman Yes  
Andrea F. Donlon Yes  
Jon Wyman Yes

# PLAPC

PARISI LAW ASSOCIATES, P.C.

August 18, 2022

Town of Buckland Planning Board of Appeals  
17 State Street  
Buckland, MA 01370

RE: APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL (Planning Board)  
FOR PERSONAL WIRELESS SERVICE FACILITY

Applicant: Vertex Towers, LLC  
Property Address: 28 Martin Road, Buckland, MA 01338  
Tax Assessors: 8-0-60 (facility)  
8-0-60.1 (access)  
Property Owner: Amos M. Franceschelli and Christopher Franceschelli

Dear Members of the Planning Board

As you are aware, Vertex Towers, LLC (the "Applicant") has applied to the Buckland Planning Board for a Special Permit and Site Plan Approval for the above referenced project. The Planning Board voted to GRANT the Special Permit and APPROVE the Site Plan, with conditions, at its meeting on August 17, 2022.

The Applicant agrees to extend the date by which the Buckland Planning Board must act pursuant to the Federal Telecommunications Act Section 332(c)(7)(B) and the Federal Communications Commission's "shot clock" regulations adopted pursuant thereto, until September 2, 2022.

This agreement shall not be construed as an extension of any other date or deadline.

Very truly yours,



Francis D. Parisi, Esq.  
Parisi Law Associates, PC  
225 Dyer Street  
Providence, RI 02903  
(401) 447-8500 cell  
fparisi@plapc.com

Please see the following documents for further specific information.

Documents accompanying this Decision:

Application  
Letter of Deficiency-Application  
Abutters' list  
Legal notices  
Notice to Abutters  
Joint Public Hearing Posting 7/7  
Balloon Demonstration, legal posting and notice (1 and 2)  
Planning Board/ZBA site visit report  
PB/ZBA second balloon test report  
Continued Public Hearing postings, 7/12, 7/26  
Continued Public Meeting notices, 8/11, 8/17  
Letter of extension for Planning Board dated 8/18, extending to 9/2/2022

Finding: 10-5 b) 7 (No feasible pre-existing structures)  
Finding: Satisfies Section IX Special Permit criteria  
Notice of Decision  
Record of Vote  
Order of Conditions

Documents available on Town of Buckland website:

ZBA decision with supporting documents

Submitted by applicant:

Application

Supplements 1,2,3,4 and 5

Letters of extension-ZBA, Planning Board