



# Town of Sturbridge Planning Board

Charles Blanchard  
Wally Hersee  
Dane LaBonte  
Taylor Stedman  
Brad Goodwin  
David Bourbeau  
Susan Waters

Jean M. Bubon, Town Planner

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## PLANNING BOARD NOTICE OF DECISION SPECIAL PERMIT & SITE PLAN APPROVAL

Date: January 24, 2024

Applicant: Vertex Towers, LLC  
c/o Parisi Law Associates  
225 Dyer Street  
Providence, RI 02903

Phone: (401)447-8500

Owner: Pamela Soper  
Trustee of the Pamela A. Soper 2009 Irrevocable Trust  
92 Stallion Hill Road  
Sturbridge, MA 01566

Parcel Information: Assessor's Map 605-02812-092

Book/Page: 45302/267

Zoning Designation: Rural Residential

Property Location: 92 Stallion Hill Road

Description of Request: The applicant is requesting a Special Permit, Site Plan Approval, and average tree canopy waiver for the construction of a wireless communications facility consisting of a 130' monopole style tower with antennas and electronic equipment on mounting brackets, inside a 60'x60' fenced-in compound which will contain ground-based electronic equipment and a generator on a concrete pad and related site improvements.

The following information was submitted as part of the Site Plan Approval application on November 8, 2023:

### Documents Provided

- Application Packet for Special Permit, Site Plan Review and Waiver for Wireless Communication Facility which includes:
  - Completed application;
  - Abutters list;
  - Copy of the Deed;

- Letter of Authorization from land owner;
- Project Narrative dated November 8, 2023 (26 pages);
- TOWAIR (FAA analysis re No hazard to air navigation/no FAA lighting required);
- Report of the site acquisition specialist dated August 30, 2023;
- RF Report Proposed Wireless Facility – 92 Stallion Hill Road, Sturbridge, MA 01566;
- Removal Cost Estimate and draft Removal Bond;
- Kohler Generator specifications;
- Site Plan entitled “Vertex Towers Sturbridge MA VT-MA-3155D – 92 Stallion Hill Road, Sturbridge, MA 01566” Plan prepared by Dewberry Engineers Inc. – 99 Summer Street, Suite 700 – Boston, MA 02110. Plan date 7/26/2023 revised through 11/1/2023.

**Additional Documents Provided and Reviewed**

- A document from Francis D. Parisi, Esq., Parisi Law Associates, P.C. dated December 20, 2023 entitled “Supplement No. 1 to Application for Special Permit, Site Plan Review and Waiver (Planning Board) for Wireless Communication Facility.” The Supplement contains the following items:
  - PowerPoint Presentation 12/19/23 Planning Board Meeting;
  - Visibility Demonstration Photos and Simulations;
  - Wetlands Review Report;
  - Information on Backup Batteries and Cabinet;
- Report from David Maxson, WCP, Isotope, LLC entitled “Report on Vertex Application for Special Permit and Site Plan Review – 92 Stallion Hill Road Sturbridge”. Report dated January 16, 2024;
- A document from Francis D. Parisi, Esq., Parisi Law Associates, P.C. dated January 17, 2024 entitled “Supplement No. 2 to Application for Special Permit, Site Plan Review and Waiver (Planning Board) for Wireless Communication Facility.” The Supplement contains the following items:
  - Letter to the Planning Board regarding Fire Safety;
  - Revised Wetlands Review Report;
  - Radio Frequency Emissions Report;
  - Revised Site Plan with erosion controls. Site Plan entitled “Vertex Towers Sturbridge MA VT-MA-3155D – 92 Stallion Hill Road, Sturbridge, MA 01566.” Plan prepared by Dewberry Engineers Inc. – 99 Summer Street Suite 700 – Boston, MA 02110. Plan date 7/26/2023 revised through 1/17/2024.

**Staff Comments were received from:**

- Ken Lacey, Health Agent dated December 15, 2023;
- Nelson Burlingame, Building Inspector dated November 30, 2023;
- Lt. Jen Ashe, Fire Insepctor dated November 21, 2023
- Rebecca Gendreau, Conservation Agent dated November 15, 2023;

**Applicable Section of Zoning By-Law:**

- Article XIX – Site Plan Review
- Article IX – Wireless Communications Facilities
- Article IX §300-9.3(H) – Average Tree Canopy Waiver

**Meeting Dates and Members Present:**

- The Planning Board opened the Public Hearing on December 19, 2023 and heard testimony, at the conclusion of that session the Hearing was continued to January 23, 2023.
- Members Present 12/19/23: Charles Blanchard, Wally Hersee, David Bourbeau, Brad Goodwin, Taylor Stedman, Dane LaBonte, Sue Waters.
- The Board re-convened the session on January 23, 2023 and heard testimony.
- Members Present 1/23/24: Charles Blanchard, Wally Hersee, David Bourbeau, Brad Goodwin, Taylor Stedman

**Waivers:**

The applicant has requested an average tree canopy waiver:

- *Article IX §300-9.3(H) – Requested to waive average tree canopy elevation requirement.*

**Votes/Determinations:**

At the Planning Board meeting of **January 23, 2023:**

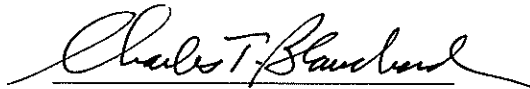
- Determination if camouflage of the facility is needed: The Board discussed and determined that camouflage would not be needed.
- A motion was made by Wally Hersee, seconded by David Bourbeau and voted 5-0, to approve the waiver request to allow the facility to be constructed at a height of 15' above the average tree canopy.
- Secondly, a motion was made by Wally Hersee, seconded by David Bourbeau and voted 5-0, to grant the Special Permit and Site Plan Approval as requested for the construction of a wireless communications facility at 92 Stallion Hill Road as presented with the following conditions:
  1. Prior to any site disturbance, the applicant shall provide documentation that the facility complies with the National Environmental Policy Act.
  2. All construction and site improvements shall be in conformance with the plans and specifications submitted and approved by the Planning Board.

3. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to.
4. All other necessary permits must be obtained prior to the start of construction.
5. The site shall be kept in a neat and orderly condition throughout the construction process.
6. Exterior construction shall only occur during the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to Noon on Saturday. No exterior construction shall occur on Sundays or the following holidays – New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
7. An emergency contact phone list with at least two names and numbers on it be supplied to the Sturbridge Police Dept. and Planning Department to be used by the dispatchers, in case of an off hour emergency, prior to the start of the project. The list must be updated whenever necessary for the duration of the project.
8. All erosion and sedimentation controls shall be installed as shown on the plan and inspected prior to the pre-construction meeting noted in Condition #9.
9. A pre-construction meeting shall be held at least one week prior to the start of work. Present shall be the applicants contractors and other appropriate designees, the Town Planner, DPW Director, Police Chief, Fire Chief, Building Inspector, Conservation Agent, or their designee. The purpose of the meeting shall be to discuss the construction process, appropriate traffic and safety control measures during construction, stockpile of materials, and inspection of erosion controls.
10. The applicant shall notify the Planning Department office forty-eight hours prior to the start of construction.
11. Construction monitor reports shall be provided to the Planning Department on a monthly basis until completion of the project. Reports shall be provided by the Engineer of Record and shall detail work completed, any issues encountered and any deviations from approved plans.
12. An as-built shall be provided to the Planning Department after completion of the project. The Engineer of Record shall also provide certification that the

facility has been constructed as proposed and noting any deviations shall be provided with the plan and the request for final inspection by the Town Planner.

13. After the wireless communication facility is operational, the applicant shall submit, within 90 days of beginning operations, a verification of compliance of RFE emissions with applicable regulations employing methods appropriate to the circumstances as guided by FCC Office of Engineering and Technology Bulletin 65.
14. The proposed noise enclosure shall be constructed and maintained at all times.
15. The applicant shall maintain the wireless communication facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and any security barrier, and maintenance of the buffer area and landscaping.

Approval has been limited to matters of Special Permit and Site Plan Review only and not to construction details. Any persons aggrieved by a decision of the Planning Board may appeal to the Superior Court in accordance with the General Laws, Chapter 40A, Section 17.

  
Charles Blanchard, Chair

1/24/2024  
Date Filed

cc: Applicant  
Nelson Burlingame, Building Inspector