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**From:** Peter Berry (home)  
**Sent:** Sunday, September 16, 2007 9:09 PM  
**To:** Planning Department  
**Cc:** Peter Berry (office)  
**Subject:**

Roland or Kristin:

Here is my suggested language for the special permit amendment to be added to the Wireless communications Facilities Bylaw:

Relief from General Requirements: The Board (**ZBA or Board of Selectmen?**) may, upon advice of the Planning Board and a qualified independent consultant, grant relief from the general requirements contained in subsections 3.10.6.1 through 3.10.6.9 and from the use restrictions contained in Section 3.4.1 of the Table of Principal Uses, (rather than require an applicant to seek a variance from this bylaw) where the Board finds that the relief is supported by the submittal of a study submitted by a qualified technical consultant showing a significant gap in coverage, where the board finds that the extent of the granted relief is mitigated by a showing that the project provides a minimally intrusive viable means of reducing or eliminating such significant gap in coverage, and where the Board finds that the desired relief may granted without substantial detriment to the neighborhood and without denigrating from the intent and purpose of this Bylaw. However, the Board shall not grant relief from the maximum height limitation in subsection 3.10.6.1. The Board shall be empowered to grant relief from any setback requirements in subsections 3.10.6.4, 3.10.6.5 or 3.10.6.6 provided that the site proposed is demonstrated to be necessary to achieve adequate coverage or capacity and to be minimally intrusive upon the interests of the Town, consistent with subsections 3.10.1 through 3.10.1.3, Purpose. The applicant shall provide the Board with a written statement describing why the requested relief is in the best interest of the Town with reference to subsections 3.10.1 through 3.10.1.3, Purpose.

I also recommend we consider adding the following:

Provision of Independent Consultants: Upon submission of an application for any Special Permit under this Bylaw, the Applicant shall pay a review fee determined by the Planning Board, in accordance with MGL c. 44 sec. 53G consisting of reasonable costs to be incurred by the town for the employment of independent consultants. These consultants shall each be qualified professionals with a record of service to municipalities in the following fields: a) telecommunications engineering, b) structural engineering, c) monitoring of electromagnetic fields, and, if determined necessary by the Planning Board, the Planning board shall select the Independent Consultant(s) after consultation with the Board of Selectmen, the Board of Health, and the Conservation Commission, each of which may propose a list of qualified candidates.

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