

Bolton Board of Selectmen
WIRELESS COMMUNICATION FACILITY
Application Form for Special Permit

20_____
(Date of Filing)

Name of Applicant _____

Applicant Address _____

Applicant's Telephone Number _____

Address of Proposed Wireless Communication Facility: _____

Applicant is: ☐ Owner ☐ Licensee ☐ Tenant ☐ Prospective Buyer

Property Address _____

Deed or Property Recorded in: Book No. _____ Page _____

Owner Name: _____

Owner Address: _____

Application for: ☐ New Special Permit ☐ Renewal of Existing Special Permit ☐ Site Plan Review

Description of Activities for Which Approval(s) are Sought: _____

Plans and Revisions Submitted as Part of Application: _____

Signature of Applicant: _____

Address: _____

Phone Number: _____

If the applicant does not own the property, please provide a statement signed by the owner authorizing the applicant to file the application.

Please submit six copies of all materials including this form, certified abutters list from town assessor's office, and all site plans with your application.

2.5.7 Wireless Communication Bylaw

2.5.7.1 Purpose

The purpose of the Wireless Communication Bylaw is to establish predictable and balanced regulations for the siting of wireless communication equipment in order to accommodate the growth of wireless communication systems within the Town of Bolton while protecting the public against adverse impacts upon the Town's aesthetic resources and the public welfare and to:

1. Promote the public health, safety, general welfare, quality of life and rural character of the Town of Bolton;
2. Guide sound development;
3. Conserve the value of lands, natural resources, residences and buildings;
4. Encourage the most appropriate use of the land;
5. Minimize the adverse aesthetic and visual impact of wireless communication facilities;
6. Minimize the number of wireless communication facility sites;
7. Encourage co-location of licensed wireless communication carriers;
8. Ensure that wireless communication facilities are sited, designed and screened in a manner that is sensitive to the surrounding neighborhood and the Town of Bolton;
9. Avoid damage to and limit the impact upon abutting properties.

2.5.7.2 Definitions

Communication Device - Any antennae, dish or panel or similar equipment mounted out of doors on a tower, building or structure used by a licensed commercial telecommunications carrier(s) to provide telecommunication(s) services. The term Communication Device does not include a tower. High gain point to point antenna are not permissible.

Tower -. Any equipment mounting structure that is used primarily to support any reception equipment, transmission equipment or Communication Device that measures twelve (12) feet or more in its longest vertical dimension. The definition of tower shall include, but not be limited to, monopole and lattice structures.

Wireless Communication Facility - Any and all construction, installation, expansion, extension or use of any Communication Device(s), Tower(s), materials, equipment, storage structures, accessory buildings, dishes and antennas used by a licensed commercial telecommunication carrier(s), the Town of Bolton's municipal public safety services and/or the Town of Bolton's public schools to provide telecommunication services including personal wireless communication.

2.5.7.3 Applicability and Special Permit

No Wireless Communication Facility shall be erected, installed, modified, replaced or maintained except upon the grant of a Special Permit in compliance with the provisions of this Wireless Communication Bylaw. The provisions of the Wireless Communication Bylaw will apply to all Wireless Communication Facilities whether as a principal use or an accessory use and to any and all modification, extensions, and additions to, or replacements of existing Wireless Communication Facilities.

All modifications, extensions and additions to, or replacements of a Wireless Communication Facility shall be subject to a modification of the Wireless Communication Bylaw Special Permit following the same requirements as required for an original application.

A Wireless Communication Bylaw Special Permit may be granted only for:

A. Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in the business, limited business, commercial and industrial zoning districts as specifically provided for hereafter, in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit.

B. Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in the residential zoning district as specifically provided for hereafter in conformance with 2.5.2.5 Agricultural/Business Use and in compliance with the

provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit.

No Wireless Communication Facility shall be erected, installed, modified, replaced, maintained and/or used in the Water Resource Protection District.

2.5.7.4. Jurisdiction

The Board of Selectmen is authorized to grant and modify Special Permit(s) pursuant to Massachusetts General Laws Chapter 40A, for Wireless Communication Facility(s) within the Town of Bolton. The Board of Selectmen are further authorized to grant or modify Special Permit(s) for the construction, installation, replacement, maintenance and/or use of Wireless Communication Device(s) and Wireless Communication Facility(s) on already existing buildings or structures in the residential, business, limited business, commercial or industrial zoning districts.

The Wireless Communication Bylaw Special Permit will establish (i) the intensity of use, including the number, type and location of Wireless Communication Device(s), (ii) periodic monitoring and reporting and (iii) other provisions as determined by the Board of Selectman.

A Wireless Communication Facility shall not be required to be sited on its own lot as required by 2.3.5.3 One Building Per Lot.

To facilitate the administering of this Wireless Communication Bylaw, the Board of Selectmen may establish and amend: (i) rules and regulations, (ii) application fees, requirements and procedures, (iii) engineering, consulting, review, and periodic monitoring fees, and (iv) reasonable Special Permit license fees.

2.5.7.5 Expiration

Any Wireless Communication Special Permit granted or renewed pursuant to this Bylaw shall expire five (5) years after the date of the decision of the Board of Selectmen or the determination of an appeal as referred to in Massachusetts General Laws, Chapter 40A, Section 17.

An application to renew or extend a Special Permit granted pursuant to this bylaw will be considered and administered as a new Special Permit application.

2.5.7.6 Required Findings For A Special Permit

The Board of Selectmen may grant or modify a Wireless Communication Bylaw Special Permit only if they find:

1. That there is no existing or approved Wireless Communication Facility(s), Tower(s), or other structure(s) reasonably available that could accommodate the Wireless Communication Facility or could reasonably provide the service(s) or a reasonable alternative service.
2. That the applicant demonstrated to the satisfaction of the Board of Selectmen that the siting and proposed location of the Wireless Communication Facility is critical and cannot be reasonably accommodated by co-locating on existing Wireless Communication Facilities.
3. That the applicant and all tenants hold at the time of application all necessary Federal, State and FCC telecommunications licenses required to operate the Wireless Communication Facility.
4. That the applicant has certified to the Board of Selectmen that they are in compliance with all applicable Federal, State and local laws and regulations including any amendment(s) thereto.
5. That the size and height of the Wireless Communication Facility is the minimum necessary to accommodate all users thereon and that any Tower, including all appurtenant equipment, Wireless Communication Device(s) and or Communication Device(s) shall:
 - i) Not exceed seventy-five (75) feet above the average grade of the existing terrain at the tower's base, unless the applicant demonstrates to the satisfaction of the Board of Selectmen that a taller structure is required.
 - ii) In no event exceed a height of one hundred and fifty (150) feet above the average grade of the existing terrain at the tower's base; and
 - iii) In no event be of such a height or location as to require aviation warning lighting.
6. That the Wireless Communication Facility has been designed in all respects to accommodate multiple licensed telecommunication carriers and that the

applicant has agreed to and will permit other licensed telecommunications carriers to co-locate on the facility at commercially reasonable terms.

7. That the Wireless Communication Facility will not have a material adverse impact upon any Bolton viewshed as determined solely by the Board of Selectmen.
8. That any Wireless Communication Facility in the business, limited business, commercial or industrial zoning districts is set back from:
 - i) Any property line, other than a property line immediately bordering Rt. 495, the greater of 400 feet or a distance equal to two (2) times the height of the Wireless Communication Facility, including any appurtenant equipment, device(s) or Wireless Communication Device(s) attached thereto. From a property line bordering Rt. 495 the setback shall be at least one (1) time the height of the Wireless Communication Facility, including any appurtenant equipment, device(s) or Wireless Communication Device(s) attached thereto; and
 - ii) The centerline of an approved or accepted right of way, other than RT. 495, by not less than 500 feet; and
 - iii) Any residence which has been built or for which a building permit has been granted at the time of the application, or from the site of any residence shown on a plan of land approved by the Town of Bolton or under consideration for approval by the Town of Bolton at the date of application, by not less than 1,000 feet.
9. That any Tower has been designed, using the best available technology to blend in to the surrounding environment through the use of color, camouflaging techniques, or other architectural treatments. Monopole construction is preferred.
10. That the Wireless Communication Facility includes a provision(s) for the reasonable co-location at no cost to the Town of Bolton of communication systems to support the Town's emergency and safety services and its municipal public schools.
11. That the Wireless Communication Facility complies with the following minimum design requirements:
 - a) that the Wireless Communication Facility has been so sited so as to make use of natural

vegetative screening and that an adequate replacement of vegetation providing a noise buffer to neighboring properties is provided for, and

- b) that to the greatest extent practical the clearing of existing vegetation and the impact on the site's natural resources and topography is minimized, and
- c) that any clearing of existing on-site vegetation will preserve such vegetation to the maximum extent practicable and that any disturbed areas will be restored to the maximum extent practicable, and
- d) that access to any Wireless Communication Facility has been engineered and will be built to ensure that the Town of Bolton's emergency services can respond safely to the site, and
- e) that emergency access to the site is available at all times to the Town of Bolton's emergency services, and
- f) that any emergency backup generators will be installed such that they only cycle periodically during non-holiday weekdays, between 8:00AM and 5:00PM, and
- g) that any wireless communication facility or tower is fenced so as to control access to the facility and that any fencing is designed so as to be as unobtrusive as possible, and
- h) that only signage acceptable to the Board of Selectman will be visibly posted. At a minimum an announcement sign, a no trespassing sign and a sign giving a phone number where the owner or operator can be reached on a twenty-four hour basis, and
- i) that any accessory buildings and structures (i) do not exceed one story in height, (ii) contain no more than 300 square feet in floor area for each user, (iii) is located within the fenced in area, and (iv) is compatible in appearance.

2.5.7.7 Non Use

The operator must provide immediate acceptable written notice to the Board of Selectmen in the event of any change of ownership in any wireless communication facility, tower, communication device, accessory building, or of the underlying property. The operator or

the property owner must provide immediate notice to the Board of Selectmen if the use of any wireless communication facility, tower, communication device or accessory structure is discontinued. Any unused wireless communication facility, tower, communication device and/or accessory structure, shall be removed from the Town of Bolton within one (1) year of cessation of use and the property shall be restored to substantially the same condition as it was in prior to the alteration.

To secure compliance with this provision, the Board of Selectmen may require that the applicant post adequate and acceptable surety as determined solely by the Board of Selectmen.

All unused wireless communication facility(s), tower(s), communication device(s), accessory structure(s) and or any parts thereof, which have not been used for two years and which have not been removed from the Town of Bolton, may be dismantled, removed and the site restored to substantially the same condition as it was in prior to the alteration by the Town of Bolton. All costs incurred by the Town of Bolton directly related to and incidental to any such dismantling, removal and restoration shall be payable by the owner of the property.

As conditions to any Special Permit granted under this Wireless Communication Bylaw the property owner shall be required (i) to enter into an agreement with the Town of Bolton whereby the property owner is liable for all costs set forth in the preceding sentence and agrees to the conditional lien on the property as set forth below; (ii) to execute a document creating a lien on the property which by its terms shall become effective in the event that the Wireless Communication Facility has not been used for two years and has not been removed and the site restored within thirty days of written notice by certified mail to the owner; and (iii) to execute a Notice of Contract regarding the real estate. Both the lien document and the Notice of Contract shall be in a form suitable for recording at the Registry of Deeds. The Notice of Contract shall be recorded at the time of recording the Special Permit; the lien document shall be recordable upon the attachment of an affidavit signed by the Chair of the Board of Selectmen that the Wireless

Communication Facility was unused for two years and has not been removed by the owner and setting forth as the amount of the lien a sum equal to all costs incurred by the Town of Bolton to dismantle and remove the facility and restore the property.

2.5.7.8 Compliance

The failure of the applicant, owner, owner of the property, and or any licensed telecommunications carrier tenant to comply with the Bylaws of the Town of Bolton or with any section of the Wireless Communication Bylaw Special Permit shall be sufficient grounds for the immediate revocation or non-renewal of the Special Permit.

2.5.7.9 Exemptions

The following are exempted from this Wireless Communication Bylaw:

1. Amateur radio tower or communications device(s). An amateur radio tower or communications device(s) defined as a Tower or Communication Device(s) used solely in accordance with the terms of an amateur radio license(s) issued by the Federal Communications Commission. In order to qualify for this exemption, the Tower and any Communication Device(s):
 - i) must not be used or licensed for any commercial purposes; and
 - ii) must be immediately dismantled if the amateur radio license is revoked or not renewed by the FCC.
2. Wireless Communication Facility(s), Tower(s) or Communication Device(s) erected and maintained by the Town of Bolton and/or the Town of Bolton's public schools solely for the Town of Bolton's municipal emergency and safety communication purposes. In the event that any Wireless Communication Facility(s), Tower(s) or Communication Device(s) exempted by this section is no longer used, or any part thereof is no longer used, the unused portion must be removed within one (1) year as provided for and in compliance with Section 2.5.7.7 Non Use.

Lawfully preexisting Wireless Communication Facility(s), Tower(s) or Communication Device(s) and any accessory structure(s) may not be modified,

replaced, extended or added to except in accordance with 2.1.3.3. Pre-existing Nonconforming Uses and Structures and, if applicable, this Wireless Communication Bylaw. For any pre-existing nonconforming Wireless Communication Facility(s), Tower(s) or Communication Device(s) the provisions in 2.1.3.3. a) Extension or Alteration that considers any increase of not over 100% from the original floor area of the building at the time of the adoption of the Zoning Bylaw on April 13, 1972, or not over 50% of the ground area in use at that time as not substantially more detrimental to the neighborhood will not apply. Any increase will need to conform with the requirements of 2.5.7 Wireless Communication Bylaw.



Board of Selectmen

Bolton, Massachusetts 01740

REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES

May 17, 2000

These Regulations for Wireless Communication Facilities (these Regulations) are adopted under authority of, and pursuant to, the Zoning Bylaws of the Town of Bolton, Section 2.5.7, Wireless Communication Bylaw; and for the purposes enumerated therein.

No application, plans, or other materials shall be deemed to have been submitted to the Town of Bolton under these Regulations or the Massachusetts General Laws until one (1) copy of a complete application, including all required plans and materials, has been filed in person by the applicant, owner, or petitioner (the Applicant), or its agent, or by registered or certified mail, with the Town Clerk; and until all remaining copies of the complete application, including one (1) copy bearing the date and time of filing with the Town Clerk, have been filed forthwith in person by the Applicant or its agent with the Board of Selectmen (the Board) at a meeting thereof, or in person by the Applicant or its agent with an agent of the Board, or by registered or certified mail with the Board or its agent.

A complete application for a special permit under these Regulations shall consist of a properly executed application form and plans, and all other required forms, fees, and items (together, the Application). The complete Application shall include and conform with all the requirements of these Regulations and the Zoning Bylaws, Section 2.5.7, Wireless Communication Bylaw. Prior to submitting the final complete Application, the Applicant is strongly encouraged to submit a draft copy of the complete Application to the agent of the Board for review as to completeness.

The Board or its agent shall, within five (5) work days of submittal of the Application, or of submittal of additional missing material, determine whether the Application is complete. This determination, which shall be made in writing to the Applicant with a copy filed forthwith with the Town Clerk, shall include a detailed explanation of why the Application is incomplete. This determination shall also include a statement that the Application shall not be considered complete until all missing materials are submitted; and until a written letter confirming that the Application is complete is submitted to the Applicant, with a copy filed forthwith with the Town Clerk. The timeframes and deadlines mandated by Massachusetts General Laws, chapter 40A, section 9 (MGL c. 40A, s. 9) shall not commence until the Application is determined to be complete.

A complete Application for a special permit for a wireless communication facility (the Facility) shall include all of the information listed in paragraphs 1 to 10 below.

1. One (1) original and sixteen (16) copies of a properly completed and executed application form shall be submitted as part of the Application. Except for the copy to be filed with the Town Clerk by the Applicant, all other copies shall be distributed by the Town as follows: the original to the Board of Selectmen file; one copy filed by the Applicant with the Town Clerk; four copies to the Board of Selectmen and staff; four copies to the Planning Board and staff; one copy to the Conservation Commission; one copy to the Police/Communications Department; one copy to Town Counsel; one copy to the Highway Department; one copy to

the Historic Commission; and two copies for public viewing. If there is no application form, the Applicant shall provide all of the information required for a complete Application in a format based upon these Regulations and the Zoning Bylaws. In either case, the Applicant is responsible for including and submitting all information required by these Regulations and the Zoning Bylaws.

2. A list comprised of the following names and addresses shall be submitted as part of the Application.

- a) All abutters to the lots or parcels on which the Facility is proposed (the Property).
- b) All owners of land directly opposite the Property on any public or private street or way.
- c) All abutters to the abutters within three hundred (300) feet of the property lines of the Property.

These names and mailing addresses shall be as they appear on the most recent applicable tax list, notwithstanding that the land of any such owners is located in another city or town. This list of interested parties shall include a certification by the Bolton Assessors or their agent that the names and addresses are accurate and complete based on the most recent applicable tax list. In addition to the above list of interested parties, a separate list shall also include the following names and addresses.

- d) The name and mailing address of the Applicant.
- e) The name and mailing address of the Bolton Planning Board.
- f) The names and mailing addresses of the planning boards of each town abutting Bolton.
- g) The names and addresses of all ham or similar radio operators, other tower users or operators, and other businesses in the communications industry, all located within Bolton or any of the towns abutting Bolton.

If, after the submittal of the Application, the Board determines that other parties would be affected if this special permit were granted, the names and addresses of these parties shall also be submitted.

3. One (1) reproducible, plus sixteen (16) black line copies, of the plans shall be submitted as part of the Application, to be distributed with the other application materials as required in paragraph 1 above. These plans shall be prepared for recording in conformance with the requirements of the Worcester Registry of Deeds, and shall include the following information, all properly and clearly labeled.

- a) Certification by a Massachusetts registered land surveyor.
- b) A key sheet showing the Property and all properties listed in paragraph 2 above.
- c) Detail sheets at appropriate scales of all construction, equipment, structures, features, and activities that are part of the Application.
- d) A detailed and complete legend on each page of the plans that includes the following information.
 - i) The following notation: Special permit issued by the Town of Bolton Board of Selectmen dated:_____.
 - ii) A signature and date block with sufficient space for the signatures of all members of the Board.
 - iii) A signature and date block with sufficient space for the Town Clerk's certification of the following notation: The twenty-day appeal period has expired without notice of appeal pursuant to MGL c. 40A, s. 17.

- e) The frontage and area of all lots and parcels (the Property) on which the Facility will be located and the frontage and area of the properties of all abutters listed in paragraph 2 above.
 - f) All structures, including residences, on the Property and on the properties within one thousand (1,000) feet of the Property.
 - g) For all lots or parcels upon which any activity associated with the Application will occur, all areas within the Flood Plain and Water Resource Protection Districts; all areas subject to the Wetlands Bylaw, Section 1.18.1 of the Town of Bolton Bylaws (the Bylaws); all areas subject to the Wetlands Protection Act, MGL c. 40, s. 131; and all areas subject to other regulations of the Conservation Commission, the Massachusetts Department of Environmental Protection (DEP), and the U.S. Army Corps of Engineers governing said activity. If there is no area within, or subject to, one or more of these districts, laws, or regulations, the plans shall bear a statement that there is or are no such area or areas, as applicable.
 - h) The distances from the Facility to the nearest property lines; to the nearest structures, each labeled as to use; and to the property and center lines of the nearest accepted or approved public or private streets and ways.
 - i) All stone walls, geologic and other natural resources, including vegetation within and surrounding the sites of all activities.
4. Detailed stamped engineering drawings showing the design and location of the Facility shall be submitted as part of the Application. Said drawings shall include the following information.
- a) The dimensions, including the heights, of the Facility, including all of the elements of said Facility as defined in the Zoning Bylaws, Section 2.5.7.2; and the locations and dimensions, including the heights, of all existing structures and equipment.
 - b) Vegetative clearing and site work required to construct the Facility.
 - c) All signage.
 - d) All accesses to the Facility, designed and built to ensure that the Town of Bolton's emergency services can respond safely to the Facility.
- 5) The following documentation shall be submitted as part of the Application.
- a) For the Facility, a list of all proposed and potential wireless communication devices and their transmission and reception specifications. (Note that all direct line-of-sight transmission devices, such as parabolic devices, are prohibited.)
 - b) Proof that the Applicant and all proposed tenants hold, at the time of the submission of the Application, all federal and state licenses required to operate the Facility.
 - c) Proof that the Applicant is in compliance with the National Environmental Protection Act (NEPA), the Massachusetts Environmental Protection Act (MEPA), and all other applicable federal, state, and local laws and regulations.
 - d) A list and plan indicating the locations of all existing, permitted, and potential wireless communication facilities owned, leased, or used by the Applicant within four (4) miles of the Facility; and a separate list and plan indicating the locations of all other existing, permitted, and potential wireless communication facilities with four (4) miles of the Facility.
 - e) An explanation as to why the facilities identified in paragraph 5.d) above cannot provide

the proposed services.

- f) Certification by an appropriate professional that the Applicant cannot co-locate on the facilities identified in paragraph 5.d) above for technical reasons, or because co-location would not further the purposes of the Zoning Bylaws or these Regulations.
- g) Certification by the appropriate agency that the Applicant has inquired about, and been denied the use of, federal or state lands potentially suitable for the Facility.
- h) Proof that the size and height of the Facility are the minimums necessary to accommodate all users thereon.
- i) Certification that any tower, including all appurtenant equipment and communication devices, does not exceed seventy-five (75) feet above the average grade of the existing terrain at the tower's base, unless the Applicant demonstrates to the satisfaction of the Board that a taller structure is needed.
- j) Certification that no tower shall be of such a height or location as to require aviation warning lights.
- k) Certification that the Facility will be designed, and contracts will be offered, to allow the co-location of the facilities of Town of Bolton, the Nashoba Regional School District, and other service providers, with an indication of the number of other such facilities to be co-located on the Facility.
- l) Certification that any accessory buildings and structures:
 - i) do not exceed one (1) story in height;
 - ii) contain no more than three hundred (300) square feet in floor area for each user;
 - iii) are located within the required fenced area; and,
 - iv) are compatible in appearance with the style and character of surrounding structures.
- m) Detailed information explaining and showing how the Facility's impacts on viewsheds will be minimized; and detailed information explaining and showing the proposed methods of minimizing the visibility of the Facility and all existing structures, buildings, and equipment, and all activities required to construct the Facility, from surrounding properties, including the use of existing vegetative screening (the use of which shall be maximized), landscaping, other screening, painting, cladding materials, etc.
- n) Detailed information showing that any clearing will preserve existing vegetation and topography to the maximum extent practicable, and that, to the maximum extent practicable, any disturbed areas will be restored as near to their original conditions before the completion of construction.
- o) Detailed information showing how existing and new vegetation will provide a noise buffer to neighboring properties, and showing that the best available noise reduction technology will be used to minimize any noise emitted from the Facility, both during and after construction.
- p) Detailed information showing that all utilities will be installed underground.
- q) A schedule showing that any emergency backup generators will be installed such that they only cycle periodically during non-holiday weekdays, between 8 a.m. and 5 p.m.
- r) Information showing that lighting shall be limited to that needed only for emergencies.
- s) Information showing that the Facility will be fenced to control access, and that any fencing is designed to be as unobtrusive as possible.
- t) Certification that emergency access to the Facility will be available at all times to the Town of Bolton's emergency services.
- u) Detailed information showing the signage that will be posted visibly on the Facility. The

type, size, and location of such signage shall be acceptable to the Board, and, at a minimum, shall consist of an announcement sign, a no trespassing sign, and a sign listing the telephone number where the owner or operator can be reached on a twenty-four (24)-hour basis.

6. If the Application proposes a tower, the Application shall include an artist's renderings, or photographic images, of the Facility showing all components of the Facility and the vegetative and other screening to be employed.
7. If any Application includes a tower, or a modification to an existing tower, the Applicant shall place, not more than twenty one (21) days prior to the public hearing, and on two (2) different occasions, a balloon or crane at the location and height of the proposed tower, in accordance with the following requirements.
 - a) The balloon or crane shall be of a size and color that accurately reflect the appearance of the proposed tower to the extent feasible.
 - b) The balloon or crane shall remain in place at least from 8 a.m. through 5 p.m.
 - c) One (1) of the trials shall take place on a weekday; the other trial shall take place on a Saturday.
 - d) The Applicant shall post notices of the time and place of the trials at the Town Hall at least two (2) weeks prior to the first trial, shall publish the notices in a newspaper of general local circulation, and shall deliver a copy of the notices to the Board and to all the parties listed in paragraph 2 above. The notices shall be published for two (2) consecutive weeks immediately preceding the trials, and shall be at least two (2) columns wide and two (2) columns long. The notices shall specify a "rainy or windy day date" in the event that weather causes a delay in the trials.
8. The operator must provide immediate acceptable written notice to the Board of Selectmen in the event of any change of ownership in any wireless communication facility, tower, communication device, accessory building, or of the underlying property. The operator or the property owner must provide immediate notice to the Board of Selectmen if the use of any wireless communication facility, tower, communication device or accessory structure is discontinued. Any unused wireless communication facility, tower, communication device and/or accessory structure, shall be removed from the Town of Bolton within one (1) year of cessation of use, and the property shall be restored to substantially the same condition as it was in prior to the alteration. To ensure that these requirements are met, the Application shall include the following documents required by the Zoning Bylaws, Section 2.5.7.7, Non Use.
 - a) As required by the second paragraph of Section 2.5.7.7, adequate and acceptable surety as determined solely by the Board of Selectmen.
 - b) As required by item (i) of the fourth paragraph of Section 2.5.7.7, the draft agreement with the Town of Bolton whereby the property owner is liable for all costs incurred by the Town of Bolton directly related and incidental to any dismantling and/or removal of the Facility, and/or any restoration of the site, including the conditional lien on the property as set forth below.
 - c) As required by item (ii) of the fourth paragraph of Section 2.5.7.7, the draft document, in a form suitable for recording at the Registry of Deeds, creating a lien on the property,

which by its terms shall become effective in the event that the Facility has not been used for two (2) years, and has not been removed and the site restored, within thirty (30) days of written notice by certified mail to the owner. This lien document shall be recordable upon the attachment of an affidavit signed by the chair of the Board of Selectmen that the Facility was unused for two (2) years and has not been removed by the owner, and setting forth as the amount of the lien a sum equal to all costs incurred by the Town of Bolton to dismantle and remove the Facility and restore the Property

- d) As required by item (iii) of the fourth paragraph of Section 2.5.7.7, the draft Notice of Contract, in a form suitable for recording at the Registry of Deeds, and which shall be recorded at the time of recording the special permit.
9. If the Facility requires a special permit pursuant to the Zoning Bylaws, Section 2.5.2.5, Agricultural/Business Use, the Application shall include one of the following documents.
- a) The draft Agricultural Development Restriction and right of first refusal in perpetuity required by paragraph e) of Section 2.5.2.5.
 - b) The draft Agricultural Preservation Restriction required by paragraph e) of Section 2.5.2.5.
10. The Application shall include the following filing fees.
- a) An application fee of eighty dollars (\$80).
 - b) A review fee deposit of three thousand dollars (\$3,000), with any additional review fees to be paid as incurred by the Town prior to issuance of the special permit. Any remaining deposit shall be returned to the Applicant.

In addition, the Board may impose an annual monitoring fee deposit based on the estimated cost of annually monitoring the facility to confirm that the facility complies with the approved plans and application, and the requirements of the special permit. The first annual monitoring fee shall be determined as part of the review of the Application, and included as a requirement of the special permit; subsequent monitoring fees shall be determined annually thereafter.

Failure to pay any required fee may result in the denial or revocation of the special permit.

The Applicant shall attend the public hearing and present the Application; representatives of the Applicant may also attend the public hearing and assist in the presentation.

The Board shall act upon a complete application, to include holding a public hearing and making and filing its decision, in accordance with the requirements of MGL c.40A, ss. 9 and 11, and the Zoning Bylaws, Section 2.2.3, Special Permits. In the event of a conflict between c. 40A and Section 2.2.3, c. 40A shall prevail. Approval of special permits issued by the three (3)-member Board requires a unanimous vote.

Public hearing: 5/11/00

Adopted by Board of Selectmen: 5/11/00

Filed with Town Clerk: 5/17/00.