

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Special Town Meeting - October 5, 1998

SPECIAL TOWN MEETING
October 5, 1998

Moderator Charles Mann called the meeting to order at 7:38 p.m. in the Memorial Auditorium, Indian Head School with Joseph O'Sullivan, Philip Wyman and James Armstrong appointed and sworn in as tellers.

Town Counsel was Jeanne McKnight from Kopelman and Paige.

The Moderator declared a quorum present.

The Pledge of Allegiance was recited by the Town Meeting.

ARTICLE 1: To see if the Town will vote to transfer from Free Cash or transfer from Reserved Lottery Receipts the sum of \$827.16 for an unpaid bill for a prior fiscal year or take any other action in relation thereto.
Proposed by the Highway Surveyor

Finance Committee recommends.

VOTED Aye unanimous to transfer from Reserved Lottery Receipts the sum of \$827.16 for an unpaid bill for a prior fiscal year.

ARTICLE 2: To see if the Town will vote to authorize a revolving fund under the provisions of G.L. Chapter 44, Section 53E 1/2 for the use by the Parks and Fields Commission for the sport programs including maintenance and equipment. The receipts will be generated through a recycling program at the Hanson Transfer Station. The Parks and Fields Commission is authorized to expend from the fund for the stated purpose without future appropriation subject to the restrictions contained in G.L. Chapter 44, Section 53E 1/2 an amount not to exceed \$15,000.00. Expenditures shall not be made, or liabilities incurred in excess of the balance of the fund at any given time or take any other action in relation thereto.

Proposed by the Parks and Fields Commission

Finance Committee recommends.

VOTED Aye, voice to accept Article 2 as printed in the warrant.

ARTICLE 3: To see if the Town will vote to transfer \$3,000.00 from the 1998 May Special Town Meeting Article 15, Park and Fields, to fund a well and irrigation system for Memorial Field or take any other action in relation thereto.

Proposed by the Parks and Fields Commission

VOTED Aye, voice to transfer \$3,000.00 from the 1998 May Special Town Meeting Article 15, Parks and Fields, to fund a well and irrigation system for Memorial Field.

ARTICLE 4: To see if the Town will vote to transfer a sum of money from Free Cash to be added to the Stabilization Fund or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, voice to transfer \$500,000.00 from Free cash to the Stabilization Fund.

ARTICLE 5: To see if the Town will vote to exempt from zoning under the Town of Hanson Zoning Bylaws Section III subsection E. Municipal Exemption, the installation and construction of a Cell Tower on Town property located off Indian Head Street in the Town Forest, or take any other action in relation there to.

Proposed by the Board of Selectmen

VOTED Aye, voice to Table Article 5 and take it up at the end of the Town Meeting.

SEE: The vote on Article 5 after Article 32.

ARTICLE 6 : To see if the Town will vote to transfer from free cash or transfer from reserved lottery receipts \$20,000 to Article 5, Line 94, Other Tuition and Transportation of the 1998 Annual Town Meeting or take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Necessitated by two extra students and the need to provide (with 6 other towns) transportation from Rockland to Norfolk County Agricultural School.

Finance Committee recommends.

VOTED Aye unanimous to transfer from Reserved Lottery Receipts \$20,000.00 to Article 5, Line 94, Other Tuition and Transportation of the 1998 Annual Town Meeting.

ARTICLE 7: To see if the Town will vote to transfer from free cash or transfer from reserved lottery receipts \$10,000 to Article 5 Line 16 Engineering of the 1998 Annual Town Meeting or take any action in relation thereto.

Proposed by the Board of Selectmen

VOTED Aye unanimous to transfer from Reserved Lottery Receipts \$10,000.00 to Article 5, Line 16, Engineering, of the 1998 Annual Town Meeting.

ARTICLE 8: To see if the Town will vote to accept as Town ways: Acorn Road, Forest Trail, Greenbrier Lane, Lexington Street, Hammond Road, Chandler Mill Road, Country Lane, Donna Drive, and June Elaine Drive, and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Hanson, and to appropriate therefor the sum of \$1.00;

Acorn Road as shown on the plan entitled "Subdivision of Land off Whitman St.", dated June 6, 1969, prepared by Yunits Engineering Co., Inc.

Forest Trail as shown on the plan entitled "Subdivision of Land off Whitman St.", dated June 6, 1969, prepared by Yunits Engineering Co., Inc.

Greenbrier Lane as shown on the plan entitled "Whitman St., Hanson", dated May 11, 1970 prepared by Yunits Engineering Co., Inc.

Lexington Street as shown on "Plan & Profile, Hanson, Ma., dated October 11, 1982 prepared by Deca Land Surveys, Inc.

Hammond Road as shown on a plan entitled "Hammond Road", dated July 2, 1998 prepared by Land Planning, Inc.

Chandler Mill Road as shown on a plan entitled "Lotting Plan Definitive Subdivision Plan" dated November 28, 1986 prepared by Vautrinot & Webey.

Country Lane as shown on a plan entitled "Plan of Land - Lot Layout" dated November 21, 1984 prepared by Malcolm Shaw Co.

Donna Drive as shown of a plan entitled "Definitive Plan Layout - Hanson" dated September 13, 1971 prepared by Roy C. Anderson.

June Elaine Drive as shown on plan entitled "Subdivision Plan of June Elaine Drive" dated May 17, 1985 prepared by Vautrinot & Webey.

or take any other action in relation thereto.

Proposed by the Board of Selectmen and the Street
Acceptance Committee

Finance Committee refers to Town Meeting.

VOTED Aye unanimous as printed in the warrant.

ARTICLE 9: To see if the Town will vote to transfer from free cash or transfer from reserved lottery receipts, transfer from stabilization a sum of money for additional work needed at the Town Hall or take any other action in relation thereto.

Proposed by the Town Hall Building Committee

Finance Committee recommends.

VOTED Aye, voice to transfer \$82,955.16 from Free Cash and transfer \$67,044.84 from Reserved Lottery Receipts for funds needed for additional work needed to finish the Town Hall.

ARTICLE 10: To see if the Town will vote to transfer a sum of money from Article 8 of the May 1997 Annual Town Meeting to the Capital Improvement Fund, take any other action in relation thereto:

Proposed by the Capital Improvement Committee

VOTED Aye unanimous to Pass Over

ARTICLE 11: To see if the Town will vote to transfer from the Capital Improvement Fund a sum of money to conduct engineering study and report for the roof at Maquan School or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

VOTED Aye unanimous to Pass Over.

ARTICLE 12: To see if the Town will vote to transfer from the Capital Improvement Fund a sum of money to lease or purchase a van for the Senior Center or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

VOTED Aye unanimous to Pass Over.

ARTICLE 13: To see if the Town will vote to transfer from the Capital Improvement Fund a sum of money for construction of new drainage at various sites in Town or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

VOTED Aye unanimous to Pass Over.

ARTICLE 14: To see if the Town will vote to transfer from free cash or reserved lottery receipts a sum of money to purchase a fourteen passenger van to benefit the Town of Hanson Senior/homebound residents and the Council for Elder Affairs or take any other action in relation thereto.

Proposed by the Council for Elder Affairs

Finance Committee recommends.

VOTED Aye unanimous to transfer from Free Cash the sum of \$8,000.00 towards the purchase of an eleven (11) passenger van with handicapped access to benefit the Town of Hanson Senior/homebound residents and the Council for Elder Affairs.

ARTICLE 15: To see if the Town will vote to transfer the sum of \$2,311.00 from Elder Affairs Building Maintenance, Line 24 of the 1998 May Annual Town Meeting to Elder Affairs Custodian, Line 23, of the 1998 May Annual Town Meeting for an increase in custodial hours or take any other action in relation thereto.

Proposed by the Council for Elder Affairs

Finance Committee does not recommend.

VOTED Aye 56, Nay 37 to transfer the sum of \$2,311.00 from Elder Affairs Building Maintenance, Line 24 of the 1998 May Annual Town Meeting to Elder Affairs Custodian, Line 23, of the 1998 May Annual Town Meeting for an increase in custodial hours.

ARTICLE 16: To see if the Town will vote to transfer from Free Cash or transfer from Article 5 Line 78 VNA Services of the 1998 Annual Town Meeting \$1500 to Article 5, Line 80, Elder Affairs Other Wages or take any other action in relation there to.

Proposed by the Council for Elder Affairs

VOTED Aye, voice to transfer from Article 5, Line 78, VNA Services, of the May Annual 1998 Town Meeting \$1,500.00 to Article 5, Line 80, Elder Affairs Other Wages.

ARTICLE 17: To see if the Town will vote to transfer from free cash or transfer from reserved lottery receipts a sum of money to Article 5, line 30, Clerical Wages of the May 1998 Annual Town Meeting, or take any other action in relation thereto.

Proposed by the Planning Board

Finance Committee does not recommend.

VOTED Aye, voice to transfer from Free Cash the sum of \$1,626.78 to Article 5, Line 30, Clerical Wages of the May 1998 Annual Town Meeting.

ARTICLE 18: To see if the Town will vote to amend the General Bylaws of the Town of Hanson Article 2-2, Board of Selectmen, Section 4, by deleting the last sentence and inserting the following:

“They shall cause the Annual Reports of the Town to be printed and shall cause a copy to be delivered to every occupied dwelling in the Town at least 14 days prior to the Annual Town Meeting.

or take any other action in relation thereto.

Proposed by the Planning Board

Finance Committee does not recommend.

VOTED Nay, voice to amend the General Bylaws of the Town of Hanson Article 2-2, Board of Selectmen, Section 4, by deleting the last sentence and inserting the following:

“They shall cause the Annual Reports of the Town to be printed and shall cause a copy to be delivered to every occupied dwelling in the Town at least 14 days prior to the Annual Town Meeting.

ARTICLE 19: To see if the Town will vote to amend the General Bylaws of the Town of Hanson, Article 2-10, Finance Committee, Section 3 as follows:

In the third (3rd) sentence, after the word “Report” insert the following “at least 14 days”.

In the fourth (4th) sentence: after the word “preparer”, insert the following: “at least 14 days”

or take any other action in relation thereto.

Proposed by the Planning Board

Finance Committee does not recommend.

VOTED Aye 65, Nay 29 to amend the General Bylaws of the Town of Hanson, Article 2-10, Finance Committee, Section 3 as follows:

In the third (3rd) sentence, after the word “Report” insert the following “at least 14 days”.

In the fourth (4th) sentence: after the word “preparer”, insert the following: “at least 14 days”

ARTICLE 20: To see if the Town will vote to establish a Sewer Commission with the Board of Water Commissioners of the Town of Hanson assuming the duties of that Commission or take any other action in relation thereto.

Proposed by the Board of Water Commissioners

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to establish a Sewer Commission with the Board of Water Commissioners assuming the duties of said Sewer Commission.

ARTICLE 21: To see if the Town will vote to amend Section 11B, Line C of the Personnel Classification and Compensation By-Law of the General By laws to read:

FY98

Youth Services/Children’s Librarian;	\$25.480/\$14.00 hr. to
Reference Librarian; Technical Services Librarian	\$29,120/\$16.00 hr.
(all 3 positions - same salary range)	

or take any other action in relation thereto.

Proposed by the Board of Library Trustees

VOTED Aye unanimous to Pass Over.

ARTICLE 22: To see if the Town will vote to transfer \$1,677.00 from Reserved Lottery Receipts to Line 89, May 1998 Annual Town Meeting, Library Other Wages or take any other action in relation thereto.

Proposed by the Board of Library Trustees

VOTED Aye unanimous to Pass Over.

ARTICLE 23: To see if the Town will vote to transfer from free Cash a sum of money to be added to the 1998 May Special Town Meeting, Article 10, to replenish the monies used for the beautification of the Town's traffic islands or take any other action in relation thereto.

Proposed by Frances Forte and others

VOTED Aye, voice to transfer from Free Cash the sum of \$1,200.00 to be added to the 1998 May Special Town Meeting, Article 10, to replenish the monies used for the beautification of the Town's traffic islands.

ARTICLE 24: To see if the Town will vote to accept the following By-Law concerning violation of open burning:

Any person, firm, company; corporation who is proven to be the responsible party conducting open burning without a permit, or in violation of a permit issued, and the rules/regulations that apply to said open burning permit, shall be held responsible as follows:

1st Offense - Loss of permit (if they have one), written warning, no eligibility for open burning permit for two (2) years.

2nd Offense - Same as 1st offense - plus a charge for apparatus that responds and personnel cost as follows: for each fire apparatus - a flat charge of \$250.00
for each firefighter/officer - 22.5 times payroll costs

3rd, and Other Offenses - same as #2

Any responsible party who has a valid permit, has followed the regulations, and circumstances require the response of the Fire Department - will not be considered in violation and, therefore, no action will be taken.

In the case of refusal to compensate the Town, the Board of Selectmen shall be authorized to take action they deem appropriate on behalf of the Town.

or take any other action in relation thereto.

Proposed by the Fire Chief.

Finance Committee refers to Town Meeting.

VOTED Nay, voice to amend the General Bylaws of the Town by adding

ARTICLE 3-16 FIRE DEPARTMENT REGULATIONS

"Any person, firm, company; corporation who is proven to be the responsible party conducting open burning without a permit, or in violation of a permit issued, and the rules/regulations that apply to said open burning permit, shall be held responsible as follows:

1st Offense - Loss of permit (if they have one), written warning, no eligibility for open burning permit for two (2) years from the date of the offense.

2nd Offense - Same as 1st offense - plus a charge for apparatus that responds and personnel cost as follows:

**for each Fire Department apparatus - a flat charge of \$250.00
for each firefighter/officer - 2.25 times payroll costs**

3rd and Subsequent Offenses - same as 2nd offense.

Each of these offenses as determined by the Fire Chief or his designee.

ARTICLE 25: To see if the Town will vote to amend the fee for Fire Department inspections as follows:

Inspection Fees

1st Inspection \$ 25.00
If necessary

2nd Inspection \$ 50.00
If necessary

3rd Inspection \$100.00
If necessary

4th Inspection \$150.00 each time thereafter
If necessary

or take any other action in relation thereto

Proposed by the Fire Chief

Explanation: There has been a dramatic increase in the level of inspections

Finance Committee refers to Town Meeting.

VOTED Nay, voice to amend the fee for Fire Department inspections as follows:

INSPECTIONS FEES	
1st Inspection	\$25.00
All subsequent Inspections	\$25.00

ARTICLE 26: To see if the Town will vote to transfer from Free Cash or transfer from the Additional Lottery Receipts the sum of \$1,031.00 to be reimbursed to a Hanson Fire Fighter for an EMT I course taken during the prior fiscal year or take any other action in relation thereto.

Proposed by the Fire Chief

VOTED Aye unanimous to transfer from the Additional Lottery Receipts the sum of \$1,031.00 to reimburse a Hanson Firefighter for an EMT I course taken during the prior fiscal year.

ARTICLE 27: To see if the Town will vote to transfer from Free Cash or transfer from the Additional Lottery Receipts a sum of money to be added to the 1998 Annual Town Meeting, Article 12, Exhaust System for the Liberty Street Fire Station or take any other action in relation thereto.

Proposed by the Fire Chief

VOTED Aye, voice to transfer from Free Cash the sum of \$10,500.00 to be added to the 1998 Annual Town Meeting, Article 12, Exhaust System for the Liberty Street Fire Station .

ARTICLE 28: To see if the Town will vote to raise through borrowing the sum of \$216,319 in anticipation of reimbursement from the state under Chapter 113, Acts of 1996, Section 2 (A) for continuing state aid construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department or take any other action in relation thereto.

Proposed by the Highway Surveyor

Finance Committee recommends.

VOTED Aye unanimous to raise through borrowing the sum of \$216,319 in anticipation of reimbursement from the State under Chapter 113, Acts of 1996, Section 2 (A) for continuing State Aid Construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department .

ARTICLE 29: To see if the Town will vote to raise through borrowing the sum of \$212,380 in anticipation of reimbursement from the state under Chapter 11, Acts of 1997, Section 2B for continuing state construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department or take any other action in relation thereto.

Proposed by the Highway Surveyor

Finance Committee recommends.

VOTED Aye unanimous to raise through borrowing the sum of \$212,380 in anticipation of reimbursement from the State under Chapter 11, Acts of 1997, Section 2B for continuing state construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department .

ARTICLE 30: To see if the Town will vote to amend the Hanson Zoning Bylaws by deleting Section VII, B.4. in its entirety and insert in its place as follows:

4. The minimum required frontage may be reduced to forty feet (40') in a residential district according to the provisions of this section. Back lots with less than the required frontage, commonly known as "hammerhead" or "porkchop" lots, shall be subject to the following requirements:

- a. All setbacks shall be at least fifty feet (50').
- b. Each hammerhead lot must be serviced by its own separate driveway located in the access portion of the lot.
- c. the width of the lot between the street line and the proposed building setback line shall be no less than forty feet (40'), which area shall be known as the access portion of the lot.
- d. No access portion of another hammerhead lot shall be allowed to abutt within that distance equal to the frontage requirement of the zoning district of the lots.
- e. One (1) building for residential use shall be permitted and buildings shall comply with maximum percent coverage requirements.
- f. The area of the lot exclusive of the access portion shall be twice that otherwise required in the applicable zoning district.
- g. No more than ten (10) percent of the total number of lots in a definitive subdivision plan may be hammerhead lots, (rounded to the nearest lot). In the case of a definitive subdivision plan of less than ten lots, one (1) hammerhead lot shall be permitted.

or take any other action in relation thereto.

Proposed by Planning Board

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to amend the Hanson Zoning Bylaws by Deleting Section VII,B.4., in its entirety and insert in its place as printed in the warrant.

ARTICLE 31: To see if the Town will vote to amend the Hanson Zoning Bylaws, Section VII, and add a new section entitled "**K. Personal Wireless Service Facilities**" and take any other action thereto.

K. Personal Wireless Service Facilities

1. Purpose and Intent. It is the express purpose of this bylaw to minimize the visual and environmental impacts of personal wireless service facilities, consistent with the provisions of Section 253 and 704 of the Federal Telecommunications Act of 1996. The Bylaw enables the review and approval of personal wireless service facilities by the Town's Zoning Board of Appeals in keeping with existing bylaws and historic development patterns. It sets standards which are intended to preserve the safety, character, appearance, property values, natural resources and historic sites of the Town and mitigate any adverse visual effects through proper design, location and screening of structures and to encourage co-location of antennas where feasible in order to minimize the total number of sites required.

2. Scope. Section K shall apply to all wireless telecommunications antennas and towers and related equipment, fixtures and enclosures, including any modifications to any of the preceding, but shall not apply to fire, police, ambulance and other safety communications antennas, amateur (ham) radio or citizens band radio antennas, or to non-transmitting television antennas.

3. District Regulations. Applications for personal wireless service facilities will only be considered in the **Commercial-Industrial** zoning district

4. Use Regulations. A personal wireless service facility shall require a **building permit** in all cases, and may be permitted as follows:

- a) A personal wireless service facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in Section 6 b) below. Such installations shall not require a Special Permit but shall require site plan approval by the Zoning Board of Appeals.
- b) A personal wireless service facility involving construction of one or more ground or building (roof or side) mounts shall require a Special Permit. Such facilities may locate by Special in all zoning districts within the Town, provided that the proposed use complies with the height and setback requirements of Section 6 and all of the Special Permit Regulations set forth in Section 7 of this bylaw.
- c) A personal wireless service facility that exceeds the height restrictions of Sections 6 (a-c) may be permitted by Special Permit in the **Commercial-Industrial District** provided that the proposed facility complies with the height restrictions of Section 6.d), and with all the setback and Special Permit Regulations set forth in sections 6 and 7 of this bylaw.

5. Location. Applicants seeking approval for personal wireless service facilities shall comply with the following:

- a) If feasible, personal wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more personal wireless service facilities. The applicant may have the burden of proving that there are no feasible existing structures upon which to locate.

b) If the applicant demonstrates that it is not feasible to locate on an existing structure, personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees to create an effective year-round visual buffer.

c) The applicant shall submit documentation of the legal right to install and use the proposed facility at the time of application for a building and/or Special Permit.

6. Dimensional Requirements. personal wireless service facilities shall comply with the following requirements:

a) Height, General. The height of a personal wireless service shall not exceed by more than ten (10) feet the height limits of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged such as within a flagpole, steeple, chimney or similar structure. Personal wireless service facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.

b) Height, Existing Structures. New antennas located on any of the following structures existing on the effective date of this bylaw shall be exempt from the height restrictions of this bylaw: Water towers, guyed towers, lattice towers, fire towers and monopoles, provided that:

1. Location on existing water towers will be subject to approval of the methods and maintenance procedures required by the Hanson Water Department.

2. There is no increase in height of the existing structure as a result of the installation of a personal wireless service facility.

c) Height, Existing Structure, (Utility). New antennas located on any of the following existing structures shall be exempt from the height restrictions of this bylaw provided that there is no more than a twenty (20) foot increase in the height of the existing structure as a result of the installation of a personal wireless service facility: electric transmission and distribution towers, telephone poles and similar existing utility structures. This exemption shall not apply in Historic Districts, or within 150 feet of the right-of-way of any scenic roadway.

d) Height, Commercial-Industrial Zoning District. Personal wireless service facilities of up to 150 feet are permitted by Special Permit. These taller structure shall be of non-guyed design, and shall comply with all setback and Special Permit Regulations set forth in this bylaw.

e) Setbacks. All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:

1. The minimum distance from the base of any ground-mounted personal wireless service facility to any property line, public way, habitable dwelling, shall be three (3) times the height of the facility/mount, including any antennas or other appurtenances.

2. In the event that an existing structure is proposed as a mount for a personal wireless service facility, the setback provisions of the underlying zoning district shall apply. In the case of pre-existing non-conforming structures, personal wireless service facilities and their equipment shelters shall not increase any non-conformities, except as provided in Section 6.e) 3. below.

3. Flexibility. In reviewing a Special Permit application for a personal wireless service facility, the Zoning Board of Appeals may reduce the setback by as much as 1/3 of the required distance, if it finds that a substantially better design will result from such a reduction. In making such a finding, the Zoning Board of Appeals shall consider both the visual and safety impacts of the proposed use.

Section 7. Special Permit Regulations. All personal wireless service facilities shall comply with the Performance Standards set forth in this section.

Section 8. Design Standards.

A. Visibility/Camouflage. Personal wireless service facilities shall be camouflaged as follows: a buffer of dense tree growth shall surround all ground-mounted equipment shelters which are not camouflaged by existing buildings or structures.

A.1 Camouflage by Existing Buildings or Structures:

1. When a personal wireless service facility extends above the roof height of a building on which it is mounted, every reasonable effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

2. Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and, if over five (5) square feet, shall be painted or shielded with material which is consistent with the design features and materials of the building.

A.2 Color.

1. Personal wireless service facilities which are side mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

2. To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding them, they shall be painted in a light gray or light blue hue which blends with sky and clouds to the extent that such requirements do not violate applicable FAA regulations.

B. Equipment Shelters. Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:

1. Equipment shelters shall be located in underground vaults; or
2. Equipment shelters shall be designed to be consistent with the architectural styles, materials and roof design typical of the district in which the facility is located.
3. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence, equal to the height of the proposed building. The Zoning Board of Appeals shall determine the style of fencing and/or landscape buffer that is compatible with the area.

C. Lighting and Signs

1. Personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the property to be developed, and foot-candle measurements at the property line shall be 0.0 initial foot-candles when measured at grade.
2. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All such signs shall comply with the requirements of the bylaw.

D. Historic Buildings and Districts

1. Any personal wireless service facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods or original historic materials of the building.
2. Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
3. Personal wireless service facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

E. Scenic Landscapes and Vistas

1. Equipment shelters shall not be located within open areas that are visible from public roads or residential development. As required in Section 8.A, a buffer of dense tree growth shall surround all ground-mounted equipment shelters, which are not camouflaged by existing buildings or structures.
2. Any personal wireless service facility that is located within 300 feet of a scenic vista, scenic landscape or scenic road as designated by the Town shall not exceed the height of vegetation at the proposed location. If the facility is located farther than 300 feet from the scenic vista, scenic landscape or scenic road, the height regulations described elsewhere in this bylaw will apply.

Section 9. Environmental Standards

- a) Personal wireless service facilities shall not be located in wetlands. Locating of wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
- b) No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on site.
- c) Storm water run-off shall be contained on-site.
- d) Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 dB at the property line.
- e) Roof-mounted or side-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50dB at ground level at the base of building closest to the antenna.

Section 10. Safety Standards

- a) Radio Frequency Radiation (RFR) Standards. All equipment proposed for a personal wireless service facility shall be authorized per the FCC *Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation*.
- b) A security barrier shall surround all ground mounted personal wireless service facilities.

Section 11. Application Procedures.

Section 12. Special Permit Granting Authority. The Special Permit Granting Authority for personal wireless service facilities shall be the Zoning Board of Appeals (ZBA).

Section 13. Application Filing Requirements. The following shall be included with an application for a Special Permit for all personal wireless service facilities.

A. General Filing Requirements

1. Name, address and telephone number of applicants and any co-applicants as well as any agents for the applicants or co-applicants.
2. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
3. A licensed carrier shall either be an applicant or a co-applicant.
4. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

B. Location Filing Requirements

1. Identify the subject property by including the Town as well as the name of the locality, name of the nearest roads or roads and street address, if any.
2. Tax map and parcel number of subject property.
3. Zoning district designation for the subject parcel.
4. A line map to scale showing the lot lines of the subject property and the location of all buildings, including accessory structures, on all properties shown within 300 feet of the proposed wireless service facility.
5. The proposed locations of all existing and future personal wireless service facilities in the Town on a Town-wide map for this carrier.

C. Siting filing Requirements

C.1 A one-inch-equals 40 feet vicinity plan showing the following:

1. Property lines for the subject property.
2. Property lines of all properties adjacent to the subject property within 300 feet of the property line.
3. Tree cover on the subject property and adjacent properties within 300 feet of the proposed wireless service facility, by dominant species and average height, as measured by or available from a verifiable source.
4. Outline of all existing buildings, including purpose (e.g. residential building, garages, accessory structure, etc.) on subject property and all adjacent properties within 300 feet of the proposed wireless facility.
5. Proposed location of antenna, mount and equipment shelter(s).
6. Proposed security barrier, indicating type and extent as well as point of controlled entry.
7. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet of the proposed wireless service facility, including driveways proposed to serve the personal wireless service facility.
8. Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
9. Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet of the property line.
10. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
11. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
12. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed from Sight Lines subsection below).

C.2 Sight lines and photographs as described below:

1. Sight line representation. A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet, to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one residential building within 300 feet, there shall be at least two (2) sight lines from the closest habitable structures or public roads, if any.
2. Existing (before condition) photographs. Each sight line shall be illustrated by one four (4) inch by six (6) inch color photograph, of what can currently be seen from any public road within 300 feet of the proposed wireless service facility.
3. Proposed (after condition) photographs. Each of the existing condition photographs shall have the proposed personal wireless service facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.

C.3 Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

1. Antennas, mounts, and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
2. Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
3. Any and all structures on the subject property.
4. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
5. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

D. Design Filing Requirements

1. Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as runs and security barrier, if any.
2. Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g. anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
3. Colors of the proposed personal wireless service facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
4. Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
5. Appearance shown by at least two (2) photographic superimposed of the personal wireless service facility within the subject property. The photographic superimpose shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any. for the total height, width and breadth.
6. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
7. Within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 14 days, but not more than 21 days prior to the test.
8. If lighting of the site is proposed, the applicant shall submit a manufacturer's computer generated point to point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminous proposed.

E. Noise Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed personal wireless service facilities, measured in decibels (logarithmic scale, accounting for greater sensitivity at night), for the following:

1. Existing or ambient: the measurements of existing noise.
 2. Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.
- Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of the bylaw.

F. Radio Frequency Radiation (RFR) Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:

1. Existing or ambient: the measurements of existing RFR.
2. Existing plus proposed personal wireless service facilities estimate of the maximum of RFR from the proposed personal wireless service facility plus the existing RFR environment.
3. Certification signed by an RF engineer stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Radiation Standards subsection of this bylaw.
4. The applicant is required to certify that it has complied with all other requirements of the FCC and FAA.

G. Federal Environmental Filing Requirements

G.1 The National Environmental Policy Act (NEPA) applies to all applications for personal wireless service facilities. The FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch administers NEPA. 1). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless service facility proposed in or involving any of the following:

- a) Wilderness areas
- b) Wildlife preserves
- c) Endangered species habitat
- d) Historical site
- e) Indian religious site
- f) Flood Plain
- g) Wetlands
- h) High intensity whit lights in residential areas
- i) Excessive radio frequency radiation exposure

G.2 At the time of application filing, an EA that meets FCC requirements shall be submitted to the Town for each personal wireless service facility site that requires such an EA to be submitted to the FCC.

G.3 The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the personal wireless service facility that are considered hazardous by the federal, state or local government.

H. The Zoning Board of Appeals (ZBA) may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed personal wireless service facility.

Section 14. Co-location.

Section 14.1. Licensed carriers shall share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are stand-alone facilities. All applicants for a Special Permit for a personal wireless service facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

- a) A survey of all existing structures that may be feasible sites for co-locating personal wireless service facilities;
- b) Contact with all the other licensed carriers for commercial mobile radio services operating in the Town; and
- c) Providing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

Section 14.2 In the event that co-location is found to be not feasible, a written statement of the reasons shall be submitted to the Town. The Town may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

Section 14.3 If the applicant does not intend to co-locate or to permit co-location, the Town shall request drawings and studies which show the ultimate appearance and operation of the personal wireless service facility at full buildout.

Section 14.4 If the Zoning Board of Appeals (ZBA) approves co-location for a personal wireless service facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit.

Section 14.5 Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

Section 15. Modifications. A modification of a personal wireless service facility may be considered equivalent to an application for a new personal wireless service facility and require a Special Permit when the following events apply:

a) The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the personal wireless service facility in one or more of the following ways:

1. Change in the number of facilities permitted on the site.
2. Change in technology used for the personal wireless service facility.
3. Additional equipment shelter.

b) If the applicant and/or co-applicant would like to add any equipment or additional height not specified in the original design filing.

Section 16. Monitoring and Maintenance

Section 16.1 Within 90 days of the beginning of operations, and annually thereafter, the applicant shall submit measurements of RFR from the personal wireless service facility and copies to be submitted to the Town of Hanson. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Standards section of this bylaw.

Section 16.2 The applicant and co-applicants shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier and maintenance of the buffer areas and landscaping.

Section 17. Abandonment or Discontinuation of Use

Section 17.1 At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

Section 17.2 Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. Physically remove shall include, but not be limited to:

- a) Removal of antennas, mounts and equipment shelters and security barriers from the subject property.
- b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

Section 17.3 If a carrier fails to remove a personal wireless service facility in accordance with this section of this bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The Zoning Board of Appeals (ZBA) shall require the applicant to post a bond at the time of construction to cover costs for removal of the personal wireless service facility in the event the Town must remove the facility.

Section 18. Reconstruction or Replacement of Existing Towers and Monopoles. Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this bylaw may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Zoning Board of Appeals (ZBA) finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the ZBA shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. No reconstruction, alteration, extension or replacement shall exceed the height of the existing facility by more than twenty (20) feet not to exceed the 150 feet permitted in Section 6.(d).

Section 18.1 The Zoning Board of Appeals will need to justify any decision not to grant a permit, in writing.

Section 18.2 Term of Special Permit. A Special Permit issued for any personal wireless service facility over fifty (50) feet in height shall be valid for twenty (20) years. At the end of that time period, the personal wireless service facility shall be removed by the carrier or a new Special Permit shall be required.

Section 18.3 No towers shall be constructed closer than 5,280 feet (one mile) to another existing tower.

DEFINITIONS

ABOVE GROUND LEVEL (AGL) - A measurement of height from the natural grade of a site to the highest point of a structure.

ANTENNA - The surface from which wireless radio signals are sent and received by a personal wireless service facility.

CAMOUFLAGED - A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."

CARRIER - A company that provides wireless services.

CO-LOCATION - The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

CROSS-POLARIZED (OR DUAL-POLARIZED) ANTENNA - A low mount that has three panels, flush mounted or attached very close to the shaft.

ELEVATION (AMSL) - The measurement of height above sea level.

ENVIRONMENTAL ASSESSMENT (EA) - An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

EQUIPMENT SHELTER - An enclosed structure, cabinet, shed, or box at the base of the mount within which are housed batteries and electrical equipment.

FALL ZONE - The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FUNCTIONALLY EQUIVALENT SERVICES - Cellular, Personal Communication Services (PCS), Enhanced Special Mobile Radio, Specialized Mobile Radio and Paging.

GUYED TOWER - A monopole or lattice tower that is tied to the Ground or other surface by diagonal cables.

LATTICE TOWER - A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

LICENSED CARRIER - A company authorized by the FCC to construct and operate a commercial mobile radio services system.

MONOPOLE - The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOUNT - The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof Mounted - Mounted on the roof of a building
2. Side Mounted - Mounted on the side of a building
3. Ground Mounted - Mounted on the ground
4. Structure Mounted - Mounted on a structure other than a building

OMNIDIRECTIONAL (WHIP) ANTENNA - A thin rod that beams and receives a signal in all directions.

PANEL ANTENNA - A flat surface antenna usually developed in multiples.

PERSONAL WIRELESS SERVICE FACILITY - Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

PERSONAL WIRELESS SERVICES - The three types of services regulated by this bylaw.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from personal wireless service facilities.

SECURITY BARRIER - A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION - The distance between one carrier's array of antennas and another carrier's array of antennas.

or take any other action in relation thereto.

Voted Aye unanimous to amend the Hanson Zoning Bylaws, Section VII, and add a new section entitled “K. Personal Wireless Service Facilities” as follows:

K. Personal Wireless Service Facilities

1. Purpose and Intent. It is the express purpose of this bylaw to minimize the visual and environmental impacts of personal wireless service facilities, consistent with the provisions of Section 253 and 704 of the Federal Telecommunications Act of 1996. The Bylaw enables the review and approval of personal wireless service facilities by the Town's Zoning Board of Appeals in keeping with existing bylaws and historic development patterns. It sets standards which are intended to preserve the safety, character, appearance, property values, natural resources and historic sites of the Town and mitigate any adverse visual effects through proper design, location and screening of structures and to encourage co-location of antennas where feasible in order to minimize the total number of sites required.

2. Scope. Section K shall apply to all wireless telecommunications antennas and towers and related equipment, fixtures and enclosures, including any modifications to any of the preceding, but shall not apply to fire, police, ambulance and other safety communications antennas, amateur (ham) radio or citizens band radio antennas, or to non-transmitting television antennas.

3. District Regulations. Applications for personal wireless service facilities will only be considered in the Commercial-Industrial zoning district

4. Use Regulations. A personal wireless service facility shall require a building permit in all cases, and may be permitted as follows:

a) A personal wireless service facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in Section 6 b) below. Such installations shall not require a Special Permit but shall require site plan approval by the Zoning Board of Appeals.

b) A personal wireless service facility that exceeds the height restrictions of Sections 6 (a-c) may be permitted by Special Permit in the Commercial-Industrial District provided that the proposed facility complies with the height restrictions of Section 6.d), and with all the setback and Special Permit Regulations set forth in sections 6 and 7 of this bylaw.

5. Location. Applicants seeking approval for personal wireless service facilities shall comply with the following:

a) If feasible, personal wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers and related facilities, except fire towers, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more personal wireless service facilities. The applicant may have the burden of proving that there are no feasible existing structures upon which to locate.

b) If the applicant demonstrates that it is not feasible to locate on an existing structure, personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees to create an effective year-round visual buffer.

c) The applicant shall submit documentation of the legal right to install and use the proposed facility at the time of application for a building and/or Special Permit.

6. Dimensional Requirements. personal wireless service facilities shall comply with the following requirements:

a) **Height, General.** The height of a personal wireless service shall not exceed by more than ten (10) feet the height limits of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged such as within a flagpole, steeple, chimney or similar structure. Personal wireless service facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.

b) **Height, Existing Structures.** New antennas located on any of the following structures existing on the effective date of this bylaw shall be exempt from the height restrictions of this bylaw: Water towers, guyed towers, lattice towers, and monopoles, provided that:

1. Location on existing water towers will be subject to approval of the methods and maintenance procedures required by the Hanson Water Department.

2. There is no increase in height of the existing structure as a result of the installation of a personal wireless service facility.

c) **Height, Existing Structure, (Utility).** New antennas located on any of the following existing structures shall be exempt from the height restrictions of this bylaw provided that there is no more than a twenty (20) foot increase in the height of the existing structure as a result of the installation of a personal wireless service facility: electric transmission and distribution towers, telephone poles and similar existing utility structures. This exemption shall not apply in Historic Districts, or within 150 feet of the right-of-way of any scenic roadway.

d) Height, Commercial-Industrial Zoning District. Personal wireless service facilities of up to 150 feet are permitted by Special Permit. These taller structure shall be of non-guyed design, and shall comply with all setback and Special Permit Regulations set forth in this bylaw.

e) Setbacks. All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:

1. The minimum distance from the base of any ground-mounted personal wireless service facility to any property line, public way, habitable dwelling, shall be three (3) times the height of the facility/mount, including any antennas or other appurtenances.
2. In the event that an existing structure is proposed as a mount for a personal wireless service facility, the setback provisions of the underlying zoning district shall apply. In the case of pre-existing non-conforming structures, personal wireless service facilities and their equipment shelters shall not increase any non-conformities, except as provided in Section 6.e) 3. below.
3. Flexibility. In reviewing a Special Permit application for a personal wireless service facility, the Zoning Board of Appeals may reduce the setback by as much as 1/3 of the required distance, if it finds that a substantially better design will result from such a reduction. In making such a finding, the Zoning Board of Appeals shall consider both the visual and safety impacts of the proposed use.

Section 7. Special Permit Regulations. All personal wireless service facilities shall comply with the Performance Standards set forth in this section.

Section 8. Design Standards.

A. Visibility/Camouflage. Personal wireless service facilities shall be camouflaged as follows: a buffer of dense tree growth shall surround all ground-mounted equipment shelters which are not camouflaged by existing buildings or structures.

A.1 Camouflage by Existing Buildings or Structures:

1. When a personal wireless service facility extends above the roof height of a building on which it is mounted, every reasonable effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
2. Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and, if over five (5) square feet, shall be painted or shielded with material which is consistent with the design features and materials of the building.

A.2 Color.

1. Personal wireless service facilities which are side mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.
2. To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding them, they shall be painted in a light gray or light blue hue which blends with sky and clouds to the extent that such requirements do not violate applicable FAA regulations.

B. Equipment Shelters. Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:

1. Equipment shelters shall be located in underground vaults; or
2. Equipment shelters shall be designed to be consistent with the architectural styles, materials and roof design typical of the district in which the facility is located.
3. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence, equal to the height of the proposed building. The Zoning Board of Appeals shall determine the style of fencing and/or landscape buffer that is compatible with the area.

C. Lighting and Signs

1. Personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the property to be developed, and foot-candle measurements at the property line shall be 0.0 initial foot-candles when measured at grade.
2. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All such signs shall comply with the requirements of the bylaw.

D. Historic Buildings and Districts

1. Any personal wireless service facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods or original historic materials of the building.

2. Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
3. Personal wireless service facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

E. Scenic Landscapes and Vistas

1. Equipment shelters shall not be located within open areas that are visible from public roads or residential development. As required in Section 8.A, a buffer of dense tree growth shall surround all ground-mounted equipment shelters, which are not camouflaged by existing buildings or structures.
2. Any personal wireless service facility that is located within 300 feet of a scenic vista, scenic landscape or scenic road as designated by the Town shall not exceed the height of vegetation at the proposed location. If the facility is located farther than 300 feet from the scenic vista, scenic landscape or scenic road, the height regulations described elsewhere in this bylaw will apply.

Section 9. Environmental Standards

- a) Personal wireless service facilities shall not be located in wetlands. Locating of wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
- b) No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on site.
- c) Storm water run-off shall be contained on-site.
- d) Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 dB at the property line.
- e) Roof-mounted or side-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50dB at ground level at the base of building closest to the antenna.

Section 10. Safety Standards

- a) Radio Frequency Radiation (RFR) Standards. All equipment proposed for a personal wireless service facility shall be authorized per the FCC *Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation*.
- b) A security barrier shall surround all ground mounted personal wireless service facilities.

Section 11. Application Procedures.

Section 12. Special Permit Granting Authority. The Special Permit Granting Authority for personal wireless service facilities shall be the Zoning Board of Appeals (ZBA).

Section 13. Application Filing Requirements. The following shall be included with an application for a Special Permit for all personal wireless service facilities.

A. General Filing Requirements

1. Name, address and telephone number of applicants and any co-applicants as well as any agents for the applicants or co-applicants.
2. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
3. A licensed carrier shall either be an applicant or a co-applicant.
4. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

B. Location Filing Requirements

1. Identify the subject property by including the Town as well as the name of the locality, name of the nearest roads or roads and street address, if any.
2. Tax map and parcel number of subject property.

3. Zoning district designation for the subject parcel.

4. A line map to scale showing the lot lines of the subject property and the location of all buildings, including accessory structures, on all properties shown within 300 feet of the proposed wireless service facility.

5. The proposed locations of all existing and future personal wireless service facilities in the Town on a Town-wide map for this carrier.

C. Siting filing Requirements

C.1 A one-inch-equals 40 feet vicinity plan showing the following:

1. Property lines for the subject property.

2. Property lines of all properties adjacent to the subject property within 300 feet of the property line.

3. Tree cover on the subject property and adjacent properties within 300 feet of the proposed wireless service facility, by dominant species and average height, as measured by or available from a verifiable source.

4. Outline of all existing buildings, including purpose (e.g. residential building, garages, accessory structure, etc.) on subject property and all adjacent properties within 300 feet of the proposed wireless facility.

5. Proposed location of antenna, mount and equipment shelter(s).

6. Proposed security barrier, indicating type and extent as well as point of controlled entry.

7. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet of the proposed wireless service facility, including driveways proposed to serve the personal wireless service facility.

8. Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.

9. Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet of the property line.

10. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

11. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

12. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed from Sight Lines subsection below).

C.2 Sight lines and photographs as described below:

1. Sight line representation. A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet, to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one residential building within 300 feet, there shall be at least two (2) sight lines from the closest habitable structures or public roads, if any.

2. Existing (before condition) photographs. Each sight line shall be illustrated by one four (4) inch by six (6) inch color photograph, of what can currently be seen from any public road within 300 feet of the proposed wireless service facility.

3. Proposed (after condition) photographs. Each of the existing condition photographs shall have the proposed personal wireless service facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.

C.3 Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

1. Antennas, mounts, and equipment shelter(s), with total elevation dimensions and AGL of the highest point.

2. Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.

3. Any and all structures on the subject property.

4. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

5. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

D. Design Filing Requirements

1. Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as runs and security barrier, if any.

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3. Colors of the proposed personal wireless service facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any,

4. Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.

5. Appearance shown by at least two (2) photographic superimposed of the personal wireless service facility within the subject property. The photographic superimpose shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any. for the total height, width and breadth.

6. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

7. Within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 14 days, but not more than 21 days prior to the test.

8. If lighting of the site is proposed, the applicant shall submit a manufacturer's computer generated point to point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminous proposed.

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1. Existing or ambient: the measurements of existing noise.

2. Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of the bylaw.

F. Radio Frequency Radiation (RFR) Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:

1. Existing or ambient: the measurements of existing RFR.

2. Existing plus proposed personal wireless service facilities estimate of the maximum of RFR from the proposed personal wireless service facility plus the existing RFR environment.

3. Certification signed by an RF engineer stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Radiation Standards subsection of this bylaw.

4. The applicant is required to certify that it has complied with all other requirements of the FCC and FAA.

G. Federal Environmental Filing Requirements

G.1 The National Environmental Policy Act (NEPA) applies to all applications for personal wireless service facilities. The FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CRF Ch administers NEPA. 1). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless service facility proposed in or involving any of the following:

a) Wilderness areas

- b) Wildlife preserves
- c) Endangered species habitat
- d) Historical site
- e) Indian religious site
- f) Flood Plain
- g) Wetlands
- h) High intensity whit lights in residential areas
- i) Excessive radio frequency radiation exposure

G.2 At the time of application filing, an EA that meets FCC requirements shall be submitted to the Town for each personal wireless service facility site that requires such an EA to be submitted to the FCC.

G.3 The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the personal wireless service facility that are considered hazardous by the federal, state or local government.

H. The Zoning Board of Appeals (ZBA) may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed personal wireless service facility.

Section 14. Co-location.

Section 14.1. Licensed carriers shall share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are stand-alone facilities. All applicants for a Special Permit for a personal wireless service facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

- a) A survey of all existing structures that may be feasible sites for co-locating personal wireless service facilities;
- b) Contact with all the other licensed carriers for commercial mobile radio services operating in the Town; and
- c) Providing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

Section 14.2 In the event that co-location is found to be not feasible, a written statement of the reasons shall be submitted to the Town. The Town may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

Section 14.3 If the applicant does not intend to co-locate or to permit co-location, the Town shall request drawings and studies which show the ultimate appearance and operation of the personal wireless service facility at full buildout.

Section 14.4 If the Zoning Board of Appeals (ZBA) approves co-location for a personal wireless service facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit.

Section 14.5 Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

Section 15. Modifications. A modification of a personal wireless service facility may be considered equivalent to an application for a new personal wireless service facility and require a Special Permit when the following events apply:

- a) The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the personal wireless service facility in one or more of the following ways:
 1. Change in the number of facilities permitted on the site.
 2. Change in technology used for the personal wireless service facility.
 3. Additional equipment shelter.
- b) If the applicant and/or co-applicant would like to add any equipment or additional height not specified in the original design filing.

Section 16. Monitoring and Maintenance

Section 16.1 Within 90 days of the beginning of operations, and annually thereafter, the applicant shall submit measurements of RFR from the personal wireless service facility and copies to be submitted to the Town of Hanson. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Standards section of this bylaw.

Section 16.2 The applicant and co-applicants shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier and maintenance of the buffer areas and landscaping.

Section 17. Abandonment or Discontinuation of Use

Section 17.1 At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

Section 17.2 Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. Physically remove shall include, but not be limited to:

- a) Removal of antennas, mounts and equipment shelters and security barriers from the subject property.
- b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

Section 17.3 If a carrier fails to remove a personal wireless service facility in accordance with this section of this bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The Zoning Board of Appeals (ZBA) shall require the applicant to post a bond at the time of construction to cover costs for removal of the personal wireless service facility in the event the Town must remove the facility.

Section 18. Reconstruction or Replacement of Existing Towers and Monopoles. Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this bylaw may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Zoning Board of Appeals (ZBA) finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the ZBA shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. No reconstruction, alteration, extension or replacement shall exceed the height of the existing facility by more than twenty (20) feet not to exceed the 150 feet permitted in Section 6.(d).

Section 18.1 The Zoning Board of Appeals will need to justify any decision not to grant a permit, in writing.

Section 18.2 Term of Special Permit. A Special Permit issued for any personal wireless service facility over fifty (50) feet in height shall be valid for twenty (20) years. At the end of that time period, the personal wireless service facility shall be removed by the carrier or a new Special Permit shall be required.

Section 18.3 No towers shall be constructed closer than 5,280 feet (one mile) to another existing tower.

DEFINITIONS

ABOVE GROUND LEVEL (AGL) - A measurement of height from the natural grade of a site to the highest point of a structure.

ANTENNA - The surface from which wireless radio signals are sent and received by a personal wireless service facility.

CAMOUFLAGED - A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."

CARRIER - A company that provides wireless services.

CO-LOCATION - The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

CROSS-POLARIZED (OR DUAL-POLARIZED) ANTENNA - A low mount that has three panels, flush mounted or attached very close to the shaft.

ELEVATION (AMSL) - The measurement of height above sea level.

ENVIRONMENTAL ASSESSMENT (EA) - An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

EQUIPMENT SHELTER - An enclosed structure, cabinet, shed, or box at the base of the mount within which are housed batteries and electrical equipment.

FALL ZONE - The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FUNCTIONALLY EQUIVALENT SERVICES - Cellular, Personal Communication Services (PCS), Enhanced Special Mobile Radio, Specialized Mobile Radio and Paging.

GUYED TOWER - A monopole or lattice tower that is tied to the Ground or other surface by diagonal cables.

LATTICE TOWER - A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

LICENSED CARRIER - A company authorized by the FCC to construct and operate a commercial mobile radio services system.

MONOPOLE - The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOUNT - The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. **Roof Mounted** - Mounted on the roof of a building
2. **Side Mounted** - Mounted on the side of a building
3. **Ground Mounted** - Mounted on the ground
4. **Structure Mounted** - Mounted on a structure other than a building

OMNIDIRECTIONAL (WHIP) ANTENNA - A thin rod that beams and receives a signal in all directions.

PANEL ANTENNA - A flat surface antenna usually developed in multiples.

PERSONAL WIRELESS SERVICE FACILITY - Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

PERSONAL WIRELESS SERVICES - The three types of services regulated by this bylaw.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from personal wireless service facilities.

SECURITY BARRIER - A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION - The distance between one carrier's array of antennas and another carrier's array of antennas.

ARTICLE 32: To see if the Town will vote to amend the Hanson Zoning Bylaw, Section VI, and add a new section entitled "H. Flexible Zoning Bylaw/Special District", and new section entitled "I. Flexible Zone/Special Overlay District" as follows:

H. FLEXIBLE ZONING BYLAW/SPECIAL DISTRICT

The flexible zone district of this bylaw is intended to provide for a mixture of residential, agricultural, business, commercial and industrial, and mixed uses provided such use does not detract from the livability and aesthetic qualities of the environment:

Uses permitted:

- a. Conservation areas for water, water supply, plants and wildlife, and dams necessary for achieving this purpose.
- b. Farming and horticulture, including raising, harvesting and storing crops, truck gardening, cranberry bogs, grazing, poultry raising, fields, pastures, woodlots, and greenhouses, except that piggeries shall not be located in this district.
- c. Orchards, nurseries, forests and tree farms.
- d. Display and sale or offering for sale of farm produce and related products provided that the major portion of the produce is raised within the Town, and provided that no stand for such sale is located within twenty-five feet (25') of a Street line, and provision is made for off-street parking in accord with Section VII D.
- e. Single-family detached dwellings.
- f. Boarding houses or Rooming Houses for not more than four (4) persons, provided that the house is also occupied as a private residence.
- g. Accessory uses, including normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, cabanas for swimming pools, summer houses, and a structure approved by Civil Defense authorities and designed for use by the inhabitants, employees or customers of the property to which it is accessory and used for shelter from natural disaster or war.
2. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.
 - a. Professional office, Funeral homes, and mortuaries.
 - b. Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building.
 - c. Restaurants, membership clubs.
 - d. Parking areas or garages for use of employees, customers, or visitors, subject to design standards in Section VII D.
 - e. Public, religious or denominational schools, hospitals, churches and religious buildings or uses.

- h. Theaters, museums, and bowling alleys.
- i. Gasoline service stations, provided that:
 - i. Repairs shall be limited to minor repairs and adjustments unless conducted in a building.
 - ii. There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery or in an enclosed structure.
- j. Motels, hotels and bed and breakfast establishments.
- k. Salesrooms and yards for automobiles.
- l. Picnic areas, day camps, overnight camps, recreation and any non-commercial open-air recreation use, including golf courses, parks (but not an amusement park), boating, fishing, hunting (where legally permitted).
- m. Marinas and landings, provided that there are adequate provisions for disposal of waste products and for parking. Storage buildings required in connection with these uses shall be located subject to the same provisions which apply to farm buildings, except that small buildings for the sale of fishing supplies or in connection with a marina may be located below the appliance contour line in accordance with Section V, paragraph c, swimming pools and related accessories
- n. Restaurants, provided that their use is in connection with a permitted use and that adequate parking areas are provided.
- o. Country clubs or other membership clubs.
- p. Public and parochial schools, hospitals, playgrounds, churches or parish houses.
- q. Tourist camps and overnight camps where structures are used for shelter.
- r. Commercial amusements, provided all business is conducted within the structure.
- s. Licensed Kennels, by special permit of the Appeal Board.
- t. Structures containing more than one (1) but not more than eight (8) dwelling units, provided that:
 - i. Each dwelling unit shall have two (2) exposures.
 - ii. Each dwelling unit shall have two (2) separate exits.
 - iii. All off-street parking areas as required under Section VII D shall be in the rear of buildings.
 - iv. Each structure shall be connected to Town water.
 - v. A site plan prepared in accordance with the provisions of Section VII F has been submitted to and been approved by the Board of Appeals.
 - vi. If there is more than one (1) such structure on a lot of record, there shall be at least forty feet (40') between each structure.
 - vii. Demolition of existing historic structures, as designated in the "Bay Circuit/Open Space Plan, Hanson, Massachusetts," Table 1, Hanson Historic Sites, pages 5-6 and accompanying map, by IEP, Inc., dated January, 1988 shall not be permitted in order to construct a new multi-family structure.

Any use determined to be of similar character to the permitted uses of this district and to the intent of this district, said determination to be made by the Board of Appeals following petition of the land owner or owners.

Additional Uses Allowed By Special Permit

In the flexible zone district, the following uses may be allowed by special permit.

Uses permitted:

- a. mixed use in one (1) structure (ie. residence & business).
- b. assisted living residence at a limit of six (6) in one structure

Density Requirements:

- a. The minimum lot size for all structures shall be 35,000 square feet. (At least eighty percent (80%) of the minimum lot size shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Massachusetts General Law, Chapter 131, Section 40.)
- b. The minimum frontage in feet for all structures shall be 150 feet. Measured at the street line. Where a lot has frontage on two streets only one half of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage for a depth of one hundred (100) feet.
- c. The minimum front yard shall be thirty five (35) feet from lot line or the average of the front set back of the buildings on lots on the same side of the street and within three hundred (300') feet of the subject lot, which front yard set back line shall be less.
- d. The minimum side yard shall be twenty (20) feet from the lot line.
- e. The minimum rear yard shall be fifteen (15) feet from the lot line.
- f. The maximum percent building coverage shall be 20 %
- g. The maximum total gross coverage shall be 75 %

Parking Requirements

Throughout this zone, where there is parking for eight (8) or more vehicles, sixty (60%) of the number of spaces shall be to the rear of the main structure on the lot, provided this requirement may be altered by the Board of Appeals in the manner set forth hereinbelow at subparagraph "j."

The requirements for off street parking and loading areas shall be as specified below for specific uses. These requirements shall be met in the case of all new construction, including expansions, additions, or changes of use. Where applicable, such parking areas shall be noted on a required Site Plan under Section VII.F of this By-Law. Where stipulated, "net floor area" shall mean usable floor space, exclusive of enclosed or inaccessible floor areas. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new demand without counting existing parking:

- a. Dwellings: Two spaces per dwelling unit, garage space inclusive.
- b. Motels, hotels, lodging houses: One space per guest unit plus one additional space per eight guest units or fraction thereof, plus one space for each employee on the largest shift.
- c. Retail stores, offices, municipal offices, banks: One space per 150 square feet of net floor area.
- d. Motor vehicle service station or repair or body shop: Three spaces for each service bay plus one space per employee on the largest shift.
- e. Industrial or wholesale: A minimum of five spaces, plus one space for each 2,000 sq. ft. net floor area for the first 20,000 sq. ft., plus one space for each additional 10,000 sq. ft. of net floor area, plus one space per employee on the largest shift.
- f. Places of assembly, restaurants: One space per three seats, or one space per 12 square feet of seating area, whichever is greater.
- g. Hospitals: One space per bed.
- h. Nursing homes: One space per each two beds, plus one space per employee on the largest shift.
- i. Bowling alleys: Four spaces per lane.
- j. All others, including shared parking: As determined by the Board of Appeals only upon its written determination that the proposed use will not have adverse effects on either the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:
 - i.) Social, economic, or community needs which are served by the proposal;
 - ii.) Traffic flow and safety;
 - iii.) Adequacy of utilities and other public services;
 - iv.) Neighborhood character and social structures;
 - v.) Impacts of the natural environment;
 - vi.) Potential fiscal impact.

2. Design of Off-Street Parking and Loading Spaces shall meet the requirements specified below:

a. Location:

Required parking shall be either on the same premises as the activity it serves, or on a separate parcel if said parcel is located within 300 feet of the building's major entrance, and if not separated by a state-numbered highway, and if in a zoning district allowing the activity it serves.

b. Backing:

All parking areas shall be designed and located so that their use does not involve vehicles backing onto a public way. This shall not apply to residential uses.

c. For all required off-street parking spaces, open or enclosed, each 300 square feet of net standing and maneuvering area shall be considered one (1) space. All such parking spaces shall be designed so as to provide a twelve foot (12') clear space adjacent to each building. All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained in such a manner as to permit them to be used at all times. All required parking spaces shall be located on the same lot as the use with which such spaces are connected or, in the case of unenclosed spaces, within 200' of the lot, except that two (2) or more businesses may jointly provide the required spaces on one (1) or more of their lots. The number of spaces in any such joint facilities shall at least equal the total number required under the provisions of this Section for their individual uses.

d. Required off-street parking and loading spaces shall not hereafter be reduced, nor shall one be counted as or substituted for the other.

e. Whenever off-street parking in Business or Commercial-Industrial Districts is required in accordance with Section VII D, there shall be an area at least twenty feet (20') deep between the street line and the balance of the lot which shall be separated from the street and the balance of the lot by a curb which shall encompass an area that shall be seeded and landscaped except at an access. Such access shall be at least twenty feet (20') wide and at least 120' center to center apart, and further provided that there shall be only one (1) access if the street frontage is 200' or less. If the street frontage is greater, additional accesses may be allowed in the ratio of one (1) such access for each additional 200' or portion thereof of frontage.

f. Except in the case of parking spaces provided for dwellings, requirements for paving off-street parking and loading areas shall be determined by the Planning Board.

g. Except in the case of parking spaces provided for single-family dwellings, off-street parking and loading areas used after sundown shall be illuminated with illumination so arranged so as not to shine directly on abutting properties or on streets.

h. Entrance cuts to be made onto a traveled way shall be designed by the Planning Board after consultation with the State DPW Engineers as required, Police Chief, and Highway Surveyor.

i. For Parking areas of fifteen (15) cars or more, the following requirements shall apply:

1. Parking lots for 15 or more cars shall be screened from any residential use or district which is abutting or separated from it only by a street. Screening shall be by a four foot planting strip maintained with densely planted shrubs, or by a fence of not less than four feet in height, and shall be landscaped as required below.

2. Parking lots for 15 or more cars shall contain or be bordered within 5 feet by at least one tree per 10 cars, trees to be of 2" caliper or larger, and if within the parking area, to be planted in curbed soil plots allowing not less than 40 square feet of unpaved soil area per tree.

3. Parking lots for 50 or more cars shall be separated into areas not to contain more than 25 spaces. Parking areas of 25 spaces shall be separated by grass or shrub buffer areas, not less than 10 feet in width.

Signage

1. Non-illuminated signs are permitted in all districts subject to the restrictions of Article XIII of the Town bylaws and as follows:

a. One (1) sign for identification, announcement of professional or home occupations or announcement of membership of an occupant of a dwelling, or announcement of use of any other property, not exceeding three (3) square feet in area.

b. One (1) sign not exceeding twelve (12) square feet in area pertaining to the rent, lease or sale of land or building on which the sign is located except in the case of a corner lot, one (1) such sign for each street.

2. In the Flexible Zone, for non-residential use, signs are permitted as follows:

a. An announcement sign advertising goods and services available on the premises, or the name of the occupant, attached to the facade of the building, not exceeding thirty-six (36) square feet unless approved with the site plan (see Section VII F), and provided that except for clocks the sign is not oscillating, flashing or operated with movable parts.

b. An identification sign for a business development or industrial park of a size and location approved with the site plan (see Section VII F).

c. One (1) free standing sign for identification, announcement of professional occupation, advertising goods and services available on the premises, not to exceed nine (9) square feet in area, and provided that except for clocks the sign is not oscillating, flashing or operated with movable parts, and provided that no sign shall be located within twenty feet (20') of the paved surface of any public or private way.

Landscaping and Buffer Area Requirements

1. A coordinated landscape design for the entire project area, including landscaping of structures, parking areas, driveways and walkways, shall be submitted for approval by the Board of Appeal, and shall be, subsequent to such approval, implemented.

2. Existing trees and vegetative cover shall be conserved and integrated into the landscape design.

3. There shall be a minimum of a twenty (20') foot buffer for each lot, and within buffer areas, screening shall be retained or provided as follows:

a. When natural vegetative cover and natural contours have been preserved, the Special Permit Granting Authority may waive, in whole or in part, the strict enforcement of screening requirements if said natural screening substantially conforms to the intent of this bylaw to the satisfaction of said Authority.

- b. Street plantings shall be required and consist of grass, low ground covers and/or shrubbery and a staggered row of trees within the twenty foot (20') area. Such trees may be planted or retained and if newly planted, shall have a minimum 2 1/2 inch trunk diameter (measured three feet above grade) and of a size, species and spacing such as to approximately meet at maturity. Species shall be common to this area and normally reach a mature height of at least thirty feet (30').
- c. The full length of side and rear buffers shall be planted (or retained) with the ground level screening which is at least three feet (3') in height and which is of a species likely to reach at least five feet (5') within three (3) years. Additionally, higher screening by trees shall be provided as for street plantings except initial minimum size shall be two inches (2") in diameter measured as above.
- d. Any shrubs planted to meet these requirements shall be at least eighty percent (80%) evergreen and planted trees sixty percent (60%) evergreen.
- e. Fencing may be used in conjunction with screening but not in place of it.
- f. All plant materials required by this bylaw including retained vegetation shall be maintained in a healthful condition and dead materials replaced at the earliest appropriate season.

A waiver of the said buffer may be granted by the Zoning Board of Appeals by Special Permit in accordance with the requirements set forth in the Zoning By-Law Section VIII D.

- 4. In this flexible zone, common driveways of not more than twenty (20') feet in width at any point, serving only two abutting lots may be allowed by Special Permit in accordance with the requirements set forth in the Zoning By-Law Section VIII D.

Site Plan Review

The site plan review process is a tool used by the Board of Appeal to help assure that all structures and uses are developed in a manner that considers community needs.

- 1. Traffic circulation and pedestrian safety;
- 2. Architectural and design features, scale of buildings;
- 3. Integration of development into the existing terrain;
- 4. Adequacy of water supply and sewage disposal systems;
- 5. Prevention of groundwater or surface water pollution and flooding;
- 6. Demands on town services and infrastructure;
- 7. Screening or buffering of unsightly uses and
- 8. Minimize odors, noise, glare, and other environmental impacts.

Within the flexible zone, the requirements of an overlay district continue to apply.

I. FLEXIBLE ZONE/SPECIAL OVERLAY DISTRICT

Beginning At The Intersection of the Center Line Of Main Street And The Westerly Side Line Of High Street, Thence Extending the Westerly Side Line of High Street Southerly to the Existing Agriculture-Recreation Line, Said Line Passing Through The Existing Business & Commercial-Industrial Zone; Thence Continuing Westerly Along the Commercial-Industrial Line and Agriculture-Recreation Line to Angle Point (As Shown On Map 43) 800 Feet South Of the Center Line Of Main Street, Thence Running As Shown On Map 43 Along Commercial - Industrial, Agriculture-Recreation, Residential AA and Business, Crossing Elm Street Along Business/Residential AA to the Commercial - Industrial, Agriculture - Recreation (As Shown On Map 36); Thence Continuing To The Commercial - Industrial And Agriculture-Recreation To A point (As Shown On the North East Corner of Map 37); Thence Continuing From That Point Across Poor Meadow Brook to a Point On Map 37 Of Residence AA And the Commercial - Industrial Zone; Thence Continuing To the East Bridgewater Town Line At Approximately Franklin Street; Thence By the Town Line North Westerly to the Center of Line of Central Street (As Shown On Map 75); Thence North Easterly By The Center Line Of Central Street To The Center Line Of Franklin Street; Thence By The Center Line Of Franklin Street To The Center Line Of Main Street; Thence By The Center Line Of Main Street Crossing Elm Street and Continuing To The Westerly Side Line Of High Street.

Beginning At The Center Line At West Washington Street At The East Bridgewater Town Line Running Along The Town Line to A Point That Is 800 Feet Northerly And Parallel To The Center Line Of West Washington; Thence Running North Easterly Crossing The Conrail And the Shumatuscancant River to Brett's Brook; Thence Following Brett's Brook Southerly Until It Meets Residential AA And Commercial-Industrial Zone At A Point, It Being 800 Ft. southerly of And Parallel To West Washington Street; Thence Running South Westerly 800 Ft And Parallel to West Washington Street Crossing Shumatuscancant River And to the Conrail, Continuing 400 Ft. Beyond The Conrail at 800 Ft. and Parallel From The Center Line Of West Washington Street; Thence Running North Westerly 400 Ft and Parallel From The Conrail To A Point That is 250 Feet South Easterly From The Center Line of West Washington Street; Thence South Westerly 250 Ft and Parallel With West Washington Street To A Point; Thence Running North Westerly 250 Ft To The Center Line Of West Washington Street Said Point Is 680 feet North Easterly Of the East Bridgewater Town Line At West Washington Street.

Beginning At The Center Line Of Main Street At The Westerly Side Line Of High Street; Thence Running Westerly By The Center Line Of Main Street By Foster Street, By Phillips Street and Continuing Along The Center Line Of Main Street By Conrail Until Poor Meadow Brook; Thence By The Center Line Of Poor Meadow Brook To A Point That Is 800 Ft And Parallel From The Center Line Of Main Street; Thence Running Parallel 800 Ft. From The Center Line Of Main Street Easterly Crossing The Conrail and to A Point That Is 300 Ft. Westerly From The Easterly Side Line Of Phillips Street; Thence North Westerly In A Line 300 Ft And Parallel To Phillips Street A Distance of 600 Ft; Thence Turning At Right Angles And Running 300 Ft To The Easterly Side Line Of Phillips Street At the Commercial - Industrial/Residential AA Zone; Thence By The Easterly Side Line Of Phillips Street And Running South Easterly Along Phillips Street To A Point Of The Existing Business Zone; Thence South Easterly Along The Existing Business Zone To The Westerly Side Line Of High Street; Thence Southerly By The Westerly Side Line to The Point Of Beginning.

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Finance Committee refers to Town Meeting.

VOTED Aye 76, Nay 8 (2/3's achieved) to amend the Hanson Zoning Bylaw, Section VI, and add a new Section Entitled "H. Flexible Zoning Bylaw/Special District", and new section entitled "I. Flexible Zone/Special Overlay District" as printed in the warrant.

ARTICLE 5: To see if the Town will vote to exempt from zoning under the Town of Hanson Zoning Bylaws Section III subsection E. Municipal Exemption, the installation and construction of a Cell Tower on Town property located off Indian Head Street in the Town Forest, or take any other action in relation there to.

Proposed by the Board of Selectmen

Finance Committee refers to Town Meeting.

VOTED Aye 18, Nay 67 (motion defeated) to exempt from zoning under the Town of Hanson Zoning Bylaws Section III subsection E. Municipal Exemption, the installation and construction of a Cell Tower on Town Property located off Indian Head Street in the Town Forest.

VOTED Aye, voice at 10:50 p.m. to dissolve the meeting.

A true copy of the vote, Attest:

Sandra E. Harris, CMC, CMMC
Town Clerk