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TOWN OF HAMILTON PLANNING BOARD

Town Offices at Patton Homestead
650 Asbury Street
Hamilton, MA 01982

NOTICE OF DECISION

SPECIAL PERMIT AND SITE PLAN APPLICATION, 265 BAY ROAD

Application Type:	Special Permit and Site Plan Review pursuant to Sections 7.2 and 10.6 of the Hamilton Zoning By-laws
Applicant:	EIP Communications I, LLC
Applicant's Representative:	Brian Grossman, Strang Scott Giroux, LLP
Location of Project:	265 Bay Road / Hamilton Public Safety Building property / Assessors Map 56, Lots 32, 32A, and 32B
Property Owner:	Town of Hamilton
Public Hearing Date:	May 19, 2026 and June 2, 2026
Decision Date:	June 2, 2026
Decision Rendered:	Conditional Special Permit and Site Plan Review Approval
Date of Written Decision:	June 16, 2026

I. APPLICATION INFORMATION & EXHIBITS SUBMITTED:

The applicant, EIP Communications I, LLC, submitted a Special Permit application and a Site Plan application to the Hamilton Planning Board, pursuant to Sections 7.2 *Communication Towers and Telecommunication Antenna Facilities* and 10.6 *Site Plan Review* of the Hamilton Zoning By-laws, with respect to the installation of a monopole telecommunications tower behind the Public Safety Building located at 265 Bay Road in Hamilton. The applications also were filed with the Hamilton Town Clerk. The Planning Director determined the applications to be complete and distributed notice of the applications to the Building Department, Fire Department, Police Department, Department of Public Works, Board of Health, Town Manager, and Conservation Commission. Notice of the Public Hearing was published in the *H-W News* on April 24, 2026 and May 1, 2026 and posted on the Town's website on April 22, 2026. Notice of the Public Hearing was also mailed to abutters and other parties of interest by the Planning Department on April 24, 2026.

The following Exhibits were submitted to the Planning Board:

- 1.0 Application for Special Permit, signed by applicant Ted Uminski of EIP Communications I, LLC and Joseph Domelowicz, Hamilton Town Manager, dated April 15, 2026.
- 2.0 Application for Site Plan Review, signed by applicant Ted Uminski of EIP Communications I, LLC and Joseph Domelowicz, Hamilton Town Manager, dated April 15, 2026.
- 3.0 Project Narrative, prepared by Brian Grossman of Strang, Scott & Giroux, LLP, dated April 17, 2026.
- 4.0 Certified list of abutters for parcels 300 feet from the subject parcel at 265 Bay Road, prepared and signed by Town Assessor Jane Dooley, dated February 27, 2026.
- 5.0 Site Plans, prepared by ProTerra Design Group, LLC and stamped by Jesse M. Moreno, Professional Engineer, dated April 6, 2026.
- 6.0 Radio frequency exposure report, prepared by Donald L. Haes, Jr., Certified Health Professional, dated February 20, 2026.
- 7.0 Radio frequency report, prepared by C Squared Systems, LLC, dated January 29, 2026.
- 8.0 Analysis of alternative project locations, prepared by Ted Uminski of Everest Infrastructure Partners, dated April 15, 2026.
- 9.0 TOWAIR determination results, submitted by EIP Communications I, LLC, not dated.
- 10.0 Applicant response to Peer Reviewer questions, received May 14, 2026.
- 11.0 Project presentation, prepared by Everest Infrastructure Partners, dated May 19, 2026.
- 12.0 Applicant response to Peer Review Report, including a cost estimate for the removal of the facility and restoration to its pre-development condition and revised photosimulations, prepared by Brian Grossman of Strang, Scott & Giroux, LLP, dated May 29, 2026.

Public Comments:

No members of the public submitted written comments with respect to either application. One resident, Benjamin Revette of 61 Union Street in Hamilton, addressed the Board during the Public Hearings on May 19, 2026 and June 2, 2026. Mr. Revette spoke of the telecommunications coverage gap in Hamilton, which he noted represented both a public safety concern and a quality of life issue, and expressed his support for locating the facility on Town-owned property.

Peer Review Expert Services

The Planning Board obtained the services of a Peer Review expert, Michael Lawton from Isotrope, LLC, to assist the Board in its review of the application. Mr. Lawton is a Radio Frequency (RF) engineer who specializes in providing third-party peer review services to municipal governments and regional planning commissions. He previously has advised the Towns of Nahant and Acton,

the City of Greenfield, and the Cape Cod Commission, among others. Isotrope, LLC, based in Boston, Mass., provides design, contracting, project management and support, regulatory guidance and peer review services in the field of radio communications facility development. Mr. Lawton attended the Public Hearings on May 19, 2026 (via Zoom) and on June 2, 2026 (in-person) and provided the following written exhibits to assist the Board in the review of the application:

- 1.0 Initial Questions for Applicant, submitted by e-mail on April 29, 2026
- 2.0 Peer Review Report, prepared by Michael Lawton of Isotrope, LLC, dated May 24, 2026.

II. FINDINGS OF FACT

Following public hearings on May 19, 2026 and June 2, 2026, the Planning Board determined that the applications were comprehensive and complete and eligible for issuance of a Special Permit under Section 7.2 and for Site Plan Review approval under Section 10.6 of the Hamilton Zoning By-laws. The Board determined that as a telecommunications facility the application also is subject to applicable federal and state laws and regulations, including the federal Telecommunications Act of 1996 (Public Law No. 104-104) and the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law No. 112-96) and associated FCC regulatory orders, as well as Massachusetts General Laws Ch. 166, § 21 and 22 for telecommunication wires and wireless attachments. The Planning Board further determined that a significant gap in wireless telecommunications coverage exists in the vicinity of the Hamilton Public Safety Building and Hamilton Town Center.

The Planning Board determined the Special Permit application met the minimum requirements and included the required exhibits as specified under Sections 7.2.3 *Application* and 7.2.4 *Required Reports* of the Hamilton Zoning By-laws. The Town's peer review expert noted that the application was fully compliant with these sections in his written report dated May 24, 2026.

The Planning Board further determined that the Special Permit application complied with Section 7.2.5 *On Site Demonstration*. The applicant conducted a Crane Test at the site on Saturday, May 9, 2026 and on Sunday, May 10, 2026 between the hours of 9 am and 5 pm for the purposes of evaluating the visual impact of the tower. A crane was positioned at the site and extended to the proposed height of the tower during those hours. The applicant further provided a package of photosimulations (Exhibit X) depicting the facility from several vantage points in Hamilton on May 14, 2026.

Sections 7.2.6 *Requirements* and 7.2.8 *Design Requirements* are most germane to the Special Permit application and adherence to the requirements of those sections is discussed further below. The Planning Board determined that Section 7.2.7 *Clearing* was not germane to the application as no clearing is needed to install the facility.

Section 7.2.6 Requirements:

1. *New Towers*. The Board determined that the proposed facilities could not feasibly be located on any existing structures or towers to meet the existing telecommunications coverage gap.
2. *Co-Location*. The Board determined that the proposal would include two co-location facilities which would be sufficient to serve the two other major national wireless carriers.

3. *Setback.* The Board determined that the proposed tower location complied with the minimum setback requirement of 110-feet (required to be equal to the height of the tower).
4. *Wetlands.* The Board determined that there were no wetlands on the property or within 150-feet on adjacent properties.
5. *Existing Structures.* The Board determined that the tower was sited at least 200-feet from existing structures located on other lots.
6. *Fencing.* The Board determined that the proposal did include fencing at the base of the tower.
7. *Access.* The Planning Board determined that no access roads were required to access or construct the facility.
8. *Design.* The Planning Board determined that the proposed location was on a relatively flat area consisting of grassland and an existing parking lot and would not require clearing or significant ground disturbances.
9. *Height.* The Planning Board determined that the proposed tower height was the minimum necessary to adequately fill the existing telecommunications coverage gap, to adequately provide for co-location facilities, and to reduce the need for future telecommunications facilities in the vicinity.
10. *Signs.* The Planning Board determined that the proposal would not include any signage apart from those needed for basic identification and security purposes.
11. *Interconnections.* The Planning Board determined that electrical connections would be provided via existing poles with an underground connection to the tower location.
12. *Visual Impact.* The Planning Board further found that, although the facility will be visible from several areas in the immediate vicinity, visual impacts were mitigated by the location of the proposed site on a large parcel containing the Public Safety Building and associated facilities, the distance from the Bay Road (State Route 1A) right-of-way, and the proposed placement of the tower on a relatively flat, previously developed parcel which would not require any clearing of major vegetation or significant ground disturbances.

Section 7.2.8 *Design Requirements.* The Planning Board determined that the proposal was for a monopole telecommunications facility at a maximum height of 110-feet. The Planning Board determined that the proposed tower height was the minimum necessary to adequately fill the existing telecommunications coverage gap and to reduce the need for future telecommunications facilities in the vicinity. The Planning Board determined that no exterior lighting of the tower or access roads to the facility were proposed. The Planning Board further found that, although the facility will be visible from several areas in the immediate vicinity, visual impacts were mitigated by the location of the proposed site for the tower on a large parcel containing the Public Safety Building and associated facilities and the distance from the Bay Road (State Route 1A) right-of-way. The Planning Board further found that the tower will include two colocation facilities sufficient to accommodate the two other major wireless carriers.

Section 7.2.16 *Waivers* of the Zoning By-laws provides the Board has the power to waive strict adherence to individual requirements of Section 7.2. However, the Board found that the applicant did not request any waivers and that none were required for review of the application.

The Planning Board further determined that the Site Plan Review application complied with all of the relevant minimum requirements of Section 10.6 *Site Plan Review* of the Hamilton Zoning By-laws including Sections 10.6.7 *Site Plan Review Application Contents* and Section 10.6.10 *Site Plan*

Standards.

III. VOTE

Based on its Findings of Fact and the Exhibits submitted by the applicant and representations made by the applicant's representative at the public hearings on May 19, 2026 and June 2, 2026, the Planning Board, acting on two motions offered by Member Dale and seconded by Member Dahlquist, voted to approve the Special Permit and Site Plan Review applications contingent on the Conditions of Approval noted under Section IV of this Notice of Decision. The roll call of the vote to approve the application was as follows:

Member:	Special Permit:	Site Plan:
Marnie Crouch, Chair:	YES	YES
Emil Dahlquist, Vice Chair:	YES	YES
Jonathan Poore, Member:	YES	YES
Darcy Dale, Member:	YES	YES
William Wheaton, Member:	YES	YES
Beth Herr, Member:	YES	YES
Matt Hamel, Member:	YES	YES

III. PLANNING BOARD CONDITIONS OF APPROVAL:

Based upon the foregoing, and the submissions of EIP Communications I, LLC and the Town's Peer Review expert listed in this Notice of Decision, the Planning Board imposes the following binding conditions of approval on the approval of the Special Permit and Site Plan:

- 1.) The facility shall be constructed in accordance with the Site Plan prepared by Proterra Design Group, LLC, last revised April 6, 2026 except for amendments as specifically noted in this decision. In the even that changes to the plan are proposed, the applicant shall notify the Planning Director in writing with a revised Site Plan prior to the installation of such improvements. The Planning Director may require that the Planning Board review and approve of the modifications to the plan.
- 2.) Prior to the issuance of a building permit, the site plan shall be revised to show the perimeter screening fence height modified to a height of 8 feet. No barbed wire or razor wire is permitted.
- 3.) Prior to the issuance of a building permit, the applicant shall pay all outstanding peer reviewer invoices, if any.
- 4.) Prior to the issuance of a building permit, the Town Manager shall provide written confirmation that the proposal is consistent with the lease agreement executed with the Hamilton Select Board.

- 5.) Prior to the issuance of a building permit, the applicant shall enter into an agreement or Memorandum of Understanding with the Town that is satisfactory to the Hamilton Police and Fire Chiefs governing the applicant's authorized access to the site for the purposes of maintaining the telecommunications facility on Town property.
- 6.) Prior to the issuance of a building permit, the applicant shall request the Planning Director schedule a Pre-Construction Meeting with representatives from the Police and Fire Departments, Building Department, Town Manager's Office, and Department of Public Works to discuss construction impacts and timeline.
- 7.) Clearing of vegetation on the site shall be limited to what is shown on the Site Plan.
- 8.) Utility connections to the proposed facility shall be via underground conduits as shown on the Site Plan.
- 9.) In the event that a colocation facility is proposed for the tower, the applicant shall notify the Planning Director in writing prior to its installation and provide documentation confirming that the facility, with colocation facilities, will conform with all applicable FCC emissions requirements. The Planning Director, at his discretion, may require the documentation to be reviewed by a third-party expert, the costs of which shall be fully borne by the applicant.
- 10.) Prior to the issuance of a building permit, the applicant shall update the Site Plan to show any signage associated with the facility proposed on the outside of the compound. No advertising or other signage shall be permitted associated with the facility except what is required for safety and basic identification purposes.
- 11.) In the event that Town Public Safety antennas are removed or not placed on the tower, the applicant shall provide the Planning Department a performance guarantee in the form of a check, letter of credit, or bond in the amount of \$27,750 for as long as the tower is located on the property to assure the complete removal of the facility and the return of that part of the site to its pre-development condition.
- 12.) A building permit for the facility must be submitted to the Building Department by June 17, 2027, unless a written request for a waiver or amendment to this requirement is submitted before this date and approved by the Planning Board, or the Special Permit will lapse and re-approval by the Planning Board shall be required. Substantial construction of the facility shall be completed by December 17, 2027 unless a waiver or amendment is approved by the Planning Board.
- 13.) As stipulated under Section 7.2.17 of the Zoning By-laws, this Special Permit shall expire on June 17, 2031. The applicant shall be responsible to file a renewal of the Special Permit with the Planning Department on or before June 17, 2031 in order to prevent the lapse of the permit.

IV. CERTIFICATION

By signature below, I certify that this Notice of Decision is a true and accurate account of the Planning Board's decision and deliberations relative to the Special Permit and Site Plan Review applications submitted by EIP Communications I, LLC:

Marnie Crouch

6/16/2026

Marnie Crouch, Planning Board Chair

Date

This Notice of Decision shall be stamped by the Hamilton Town Clerk and maintained on file with the Planning Department and the Town Clerk's Office.