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Personal Wireless Service Facility Special Permit PBSP-25-3
125 Nagog Park
September 16, 2025



Planning Board

TOWN OF ACTON
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DECISION
PBSP-25-3

125 Nagog Park

Use Special Permit - Personal Wireless Service Facility

September 16, 2025

GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of ARX Wireless Infrastructure, LLC (hereinafter the Applicant) located at 110 Washington Avenue, Fourth Floor, North Haven, CT, 06473 on property in Acton, Massachusetts, owned by MGCC Realty LLC (hereinafter the owner), with the address of 125 Nagog Park, Acton Massachusetts 01720. The property of 125 Nagog Park is shown on the Acton town map as parcel B5-19-2 (hereinafter the Site).

This Decision is in response to an application for a use special permit, received by the Acton Planning Division on July 2, 2025 pursuant to Section 3.10 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Personal Wireless Facility Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on August 19, 2025. Board members Patricia Clifford, Michaela Moran, James Fuccione, Sam Bajwa, and Ron Beck were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Division or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Items and documentation required by the Rules consisting of:
 - A properly executed Application for a use special permit, received by the Planning Division on 07/02/2025;
 - Cover Letter to Town Clerk;
 - Application Form for Personal Wireless Facility Special Permit;
 - Plans and Drawings (ARX Wireless);
 - Letter of Authorization from Property Owner;
 - Statement in Support of Special Permit Application;
 - Photographic Simulation Package;
 - Viewshed Mapping Package;
 - Radio Frequency Expert Statement of Project Technical Objective and Design Criteria;
 - Radio Frequency Report;
 - Federal Communications Commission Licenses – T-Mobile;
 - Federal Communications Commission Licenses – Verizon;
 - Action Unlimited Notice for Balloon Test on April 11, 2025, dated March 28, 2025;
 - Certified Abutters List;
 - Recorded Property Deed;
 - Recorded Property Plan;
 - List of Mortgage Holders
 - Extendable Tower Design;
 - Other Permits (Order of Conditions File No. 75-62);
 - Other Permits (Site Plan Approval - 125 Nagog Park - Plan 7-27-84);
 - Letter to Planning Board Regarding Co-Location, from Keith Coppins, ARX Wireless, dated August 28, 2025;
 - Cell Tower Decommissioning Cost-Estimate, from Adrien J. Paradis III, CSB Communications, LLC, dated August 28, 2025.
- 1.2 Planning Board Third Party Peer Review
 - Review of Application for Special Permit: New Tower at 125 Nagog Park, Acton, MA, dated August 15, 2025, prepared by Michael Lawton, Isotrope Wireless.
- 1.3 Interdepartmental communication received from;
 - Planning Division, dated August 18, 2025;
 - Health Division, dated July 15, 2025;
 - Town Manager's Department, dated July 15, 2025;
 - Police Department, dated August 7, 2025.

Exhibit 1.1 is referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within the Office Park - 1 (OP-1) zoning district, and partially within Zones 3 and 4 of the Groundwater Protection District. The proposed personal wireless facility is located in the Groundwater Protection District Zone 4. The Site has an existing two-story office building.
- 2.2 The Applicant requests a special permit to construct a personal wireless facility at 125 Nagog Park Way under Zoning Bylaw Section 3.10. The proposed personal wireless facility will be situated within the existing paved parking area located to the east of the existing office building. The qualifying requirements in the Bylaw are below:
- 2.3 The Applicant requested four waivers from the Zoning Bylaw and the Personal Wireless Facility Rules and Regulations:
 - a) Zoning Bylaw Section 3.10.6.4 requires that Concealed-Antenna Monopole (CAM) be the primary method that the antenna shall be installed on the monopole. The plans display external standard antennas on the proposed monopole. The application indicates that the personal wireless facility will have external standard antennas. The Planning Board found that this waiver was reasonable based on the Personal Wireless Facility's height and location, as it was explained in the public hearing that a CAM would have to be taller than what is proposed.
 - b) Personal Wireless Facility Special Permit Rules and Regulations Section 3.8.3.5 requires the Applicant to submit an inventory map of all trees that exceed a height of 75 feet above the mean ground elevation within a circle of 500 feet of the proposed Wireless Communications Facility. The Planning Board found this waiver reasonable due to the proximity of Town owned conservation land.
 - c) Personal Wireless Facility Special Permit Rules and Regulations Section 3.8.3.6 requires the Applicant to show two profiles with an exaggerated vertical scale above the mean elevation within 500 feet showing said trees and the proposed Facility in the center – one capturing all trees in the circle between NW-NE and SE-SW, and the other for SW-NW and NE-SE. The Planning Board found this waiver reasonable due to the proximity of Town owned conservation land.
 - d) Personal Wireless Facility Special Permit Rules and Regulations Section 3.8.9 requires a colored rendering showing that the Facility can blend in with its surroundings when viewed from residential buildings or public streets within 500 feet. The Planning Board found this waiver reasonable because there are no residential buildings within 500 feet of the proposed Personal Wireless Facility. There are public roads, however, the Planning Board deemed the balloon test conducted on April 11, 2025 sufficient in showing that the Facility can blend in with its surroundings.
 - e) All four waivers requests were granted by the Planning Board under Zoning Bylaw Section 3.10.6.18 upon a finding that such waivers were supported by the memorandum by Isotrope Wireless.

- 2.4 The Personal Wireless Facility is proposed to be 140 feet in height (146 feet when including the six-foot air terminal (lightning rod)) with the design capability to extend to 175 feet in accordance with Section 3.10.6.5. The monopole tower is proposed to have a centerline elevation of 135 feet and 125 feet above ground level with three additional locations for future antennas.
- 2.5 The Personal Wireless Facility equipment is proposed to be within a fenced in area consisting of the monopole tower and two concrete pads—one for Verizon (12x20 feet) and one for T-Mobile (10x20 feet). Outside the fenced area is a proposed transformer, meter bank, and a new retaining wall with new landscaping to accommodate the changes.
- 2.6 The Town of Acton Manager's Department and Police Department have indicated a desire to locate town facilities on the tower. Zoning Bylaw Section 3.10.6.12(a) provides the Planning Board the authority to require the installation of transmission devices owned, operated, or used by the Town of Acton or any of its agencies, and may allow such devices to extend above the otherwise applicable maximum Tower height.
- 2.7 The Health Department provided comments indicating the Applicant will be required to apply for a hazardous materials permit.
- 2.8 The Town of Acton hired a third-party reviewer. The memorandum by Isotrope Wireless indicates that this Personal Wireless Facility is designed to minimize visual impact. It also indicates that painting schemes required under Personal Wireless Facility Special Permit Rules and Regulations Section 3.8.9 have in the past led to onerous maintenance routines, and that the galvanized steel finish as proposed is common in the industry. The Planning Board has waived Section 3.8.9 and has found that a galvanized steel monopole with attachments remaining in their standard colors is acceptable.
- 2.9 The memorandum by Isotrope Wireless also indicates that both carriers (Verizon and T-Mobile) have submitted plots to demonstrate a significant gap in service under Zoning Bylaw Section 3.10.3.16.
- 2.10 Under Zoning Bylaw Section 3.10.6.10, the Planning Board shall require suitable fencing to shield the installation from the view of nearby residences or ways. The memorandum by Isotrope Wireless notes that some equipment may be taller than the six-foot fence that is proposed. After consulting with the Planning Division, the Planning Board found that an eight-foot fence would provide sufficient screening while avoiding the need for a variance.
- 2.11 The Personal Wireless Facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. Ch. 40A, S. 11.
- 2.12 The Personal Wireless Facility is designed to provide, in the most community-compatible method practicable, Service Coverage to a Significant Gap within the Town. The applicant satisfied the burden of demonstrating, by clear and convincing evidence, the existence of such Significant Gap.
- 2.13 The Personal Wireless Facility is designed in the most community-compatible method practicable and is necessary to satisfy a Significant Gap in service. The applicant satisfied the burden of demonstrating that other methods preferred by the Town are not feasible for providing Service Coverage to satisfy such Significant Gap.
- 2.14 The Personal Wireless Facility cannot for technical or physical reasons be located on an existing Personal Wireless Facility or Tower that would be expected to provide

comparable Service Coverage. Such alternative existing location or locations need not provide full service to the entire Significant Gap if, in the determination of the Planning Board, the remaining Gap to have been served by the proposed Facility is not Significant and/or if remaining portions of the Significant Gap can be served by new Facilities preferred by the Planning Board.

- 2.15 The Personal Wireless Facility cannot be located at any other practicably available site that is less objectionable to the general public due to technical requirements, topography, or other unique circumstances. The applicant shall have the burden of showing what alternative sites and technologies it considered and why such sites and technologies are not practicably available.
- 2.16 The Personal Wireless Facility is sited in such a manner that it is suitably screened.
- 2.17 The Personal Wireless Facility is colored so that it will as much as possible blend with or be compatible with its surroundings.
- 2.18 The Personal Wireless Facility is designed to accommodate the maximum number of users technologically feasible.
- 2.19 The Personal Wireless Facility is necessary because there is no other existing Facility or Facilities with available space or capacity available to satisfy the Significant Gap.
- 2.20 The Personal Wireless Facility is in compliance with applicable Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health regulations.
- 2.21 Zoning Bylaw Section 10.3.6.9 authorizes the Planning Board to require a sidewalk along the frontage of a lot under the conditions of a special permit. While one does exist up to the last (easterly) access drive, there is approximately 100 feet of remaining frontage without a sidewalk that leads to the trailhead of Nara Park. The Planning Board has accepted Applicant's request to make a monetary contribution to the Town's sidewalk fund in lieu of constructing a sidewalk, based on the Planning Board's standard rate (as used in the past) of \$50 per foot of frontage. In this case, the contribution is $\$50 \times 100' = \$5,000$.
- 2.22 Zoning Bylaw Section 10.3.6.7 authorizes the Planning Board to require a performance bond as a condition of approval in the event the Personal Wireless Facility is abandoned or unused (as mentioned in Zoning Bylaw Section 3.10.6.13). The Planning Board found that a performance bond is necessary. A decommissioning cost estimate was provided by CSB Communications, LLC for the Applicant, totaling \$25,000. The third party reviewer from Isotrope Wireless confirmed that a performance bond in the amount of \$25,000 is acceptable.
- 2.23 The Personal Wireless Facility complies with all applicable requirements of this Bylaw, including Section 10.3.
- 2.24 The Board has received comments from various Town departments, which are listed in Exhibit 1.2 above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as deemed appropriate.

3 BOARD ACTION

Therefore, the Board voted unanimously to GRANT the requested special permit, subject to and with the benefit of the following conditions and limitations.

3.1 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this use special permit null and void, without force and effect, and shall constitute grounds for the revocation of this use special permit, and of any building or occupancy permit issued hereunder. The Town of Acton may elect to enforce compliance with this use special permit using any and all powers available to it under the law.

- 3.1.1 Prior to the issuance of a building permit, in lieu of constructing the sidewalk as otherwise required by the Rules, the Applicant shall donate \$5,000 to the Town of Acton sidewalk fund.
- 3.1.2 Prior to the issuance of a building permit, the Applicant shall consult with the Health Division and obtain a hazmat permit, if so required.
- 3.1.3 Except as provided in Condition 3.1.7, the height of the monopole tower shall not exceed 140 feet, or 146 feet including the six-foot air terminal (lightning rod).
- 3.1.4 The style of the antennas shall be installed consistent with the depictions on the Plan.
- 3.1.5 The lighting proposed shall be set on motion detectors and comply with the standards set forth in Zoning Bylaw Section 10.6.
- 3.1.6 The Applicant shall provide the Town of Acton, or its designee, the right to co-locate municipal communications equipment on the Facility, together with reasonable access to associated ground space and utilities, at no cost to the Town.
- 3.1.7 The monopole tower may be extended to a height of 150 feet, or 156 feet including the six-foot air terminal (lightning rod) solely to accommodate antennas or communications equipment owned, operated, or used by the Town of Acton or its designee. Such municipal extensions shall not require an amendment to this decision. No commercial or non-municipal use shall be permitted to increase the height of the Facility beyond that approved herein without an amendment to this decision, except as otherwise provided by state or federal law.
- 3.1.8 The Applicant shall install and maintain an eight-foot tall security fence around the perimeter of the Facility and all ancillary equipment. The fence shall be designed to provide effective visual screening of the equipment and any associated lighting.
- 3.1.9 Prior to the issuance of a building permit, the Applicant shall provide the Planning Board with a performance guarantee in the amount of \$25,000 to secure the removal of the Facility in the event that it is unused or abandoned, in accordance with Zoning Bylaw Section 3.10.6.13. Such requirements for removal specify that the Facility location shall be restored to pre-existing conditions as is reasonably possible so that no traces of the Facility, including foundation, gravel pads, and driveways, remain visible above ground, and that the location be otherwise stabilized and naturalized as appropriate for the particular Site.
- 3.1.10 The Applicant shall record this Decision at the Middlesex South District Registry of Deeds before the issuance of a building permit.

3.1.11 The Applicant shall meet all requirements of the Town Bylaws.

3.1.12 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to the issuance of a building permit.

3.2 LIMITATIONS

This special permit shall be limited as follows:

3.2.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.

3.2.2 This special permit applies only to the Site identified in this decision and to the proposed use as shown on the Plan.

3.2.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

3.2.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the date this decision is filed with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.

3.2.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 APPEALS

Appeals, if any, shall be made pursuant to MGL, ch. 40A, s. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board



Nathaniel Ryan, Assistant Planner II
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Leo Mercado, Town Clerk

Date

Copies furnished:

Applicant -
Managers Department
Owner
Acton Water District

Land Use Department
Engineering Department
Fire Department

Town Clerk
GIS
Police Department