



**TOWN OF STOUGHTON
ZONING BOARD OF APPEALS**

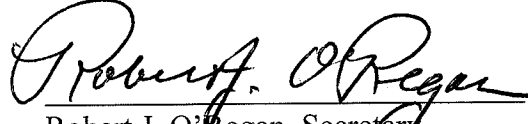
AMENDMENT OF RULES

By unanimous vote at a regular meeting held on September 16, 2010, the Zoning Board of Appeals has amended the General Rules of the Zoning Board of Appeals by adding new rules 14 and 15 and renumbering from the former rule 15 to the end. These amendments become effective immediately:

14. **Telecommunications Applications.** Any application for special permit or variance relief for a telecommunications use shall be accompanied by evidence provided by a proper telecommunications expert that establishes and documents in detail whether a new telecommunications facility or new telecommunications array proposed for an existing facility is necessary and shall do so by providing evidence to the Board as to any asserted existing gap in the delivery of telecommunications services that is being experienced by the provider(s) seeking the relief and, in addition, this evidence shall detail and document the various heights at which any such gap is said to exist. In other words, if a facility with 150 feet of height is proposed, then proper documentation shall be provided to establish that the 150 feet of height is necessary to close the gap and that a lower height could not be used to close the gap. The Board shall have the right to engage an outside consultant and use the escrowed funds, under G.L. c.44, § 53G, to review the documentation submitted by a telecommunications applicant and provide a report to the Board.
15. **Project Review Fees.** The Board may require an applicant for relief to pay reasonable funds into escrow to allow the Board to engage an outside consultant, as provided for under G.L. c.44, § 53G. The Board shall give notice to an applicant of its selection of a consultant and an applicant may take an administrative appeal from the Board's selection, as provided for under G.L. c.44, § 53G. Any such funds received into escrow shall be expended and administered as provided for under G.L. c.44, § 53G. No consultant shall be engaged by the Board unless and until the necessary funds have been paid by the applicant into escrow and have been confirmed to be available for use by the Town Treasurer. In the event that an applicant refuses to provide reasonable funds into escrow

under G.L. c.44, § 53G, as requested by the Board, so as to allow the Board to engage an outside consultant to assist the Board's review and consideration of the application, then the Board may deny the relief sought by the applicant for that sole reason. If an applicant refuses to pay the necessary funds into escrow, then the Board shall give 7 days written notice to the applicant that the Board has the right to deny the application at the next or any subsequent session of the public hearing for that reason and that the Board may condition the final effect of any such relief upon the payment of the necessary funds.

Dated: September 16, 2010


Robert J. O'Regan, Secretary

Copies to: Town Clerk
 Town Manager
 Board of Selectmen
 Planning Board