

For Immediate Release

The Town of Plympton has entered into an Agreement for Judgment with Industrial Tower and Wireless, LLC re. Construction of a Telecommunications Tower at 0 Palmer Road

The Town of Plympton (“Town”) has entered into an Agreement for Judgment with Industrial Tower and Wireless, LLC (“ITW”) re. Construction of a Telecommunications Tower at 0 Palmer Road.

The Board of Selectmen would like to review the history of this matter for the public and to outline the final outcome:

August 2018: The Zoning Board denied the application of ITW for variances necessary to construct a telecommunications tower on the real property located at 0 Palmer Road.

2018 and 2019: ITW appealed that denial in an action against the Zoning Board entitled Industrial Tower and Wireless, LLC, v. Thompson et al., D. Mass Civil Action Number 18-11893-DJC. The Town was later added as a defendant in the action.

The Federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(i)(II), provides, in relevant part, that in regulating the placement and construction of wireless telecommunications facilities, a state or local government or instrumentality “shall not prohibit or have the effect of prohibiting the provision of personal wireless services.” As this language has been interpreted by the federal courts, the legal standard for establishing whether there is a prohibition or effective prohibition regarding the provision of personal wireless (telecommunications) services is whether: (1) there is a significant gap in coverage without the facility and (2) there is no other feasible alternative available site for the facility.

ITW provided significant evidence that its proposed telecommunications tower is needed to fill a significant gap in coverage. The Zoning Board and Town thoroughly explored the potential for alternative sites. The Zoning Board and Town, with the assistance of Town Counsel, ultimately concluded that the Town did not have a strong likelihood of prevailing in this action.

November 2019: The Zoning Board, Town and ITW entered into an Agreement for Judgment resolving ITW’s appeal and allowing the Court to issue the requested variances as well site plan approval and other required local permits. The Building Permit shall be issued by the Building Inspector upon ITW’s request for purposes of obtaining typical sign-offs and approvals.

Pursuant to the Agreement for Judgment, ITW may construct and operate a monopole telecommunications tower on the property and is required to provide space at the top of that tower for the Town’s public safety equipment. Night lighting is prohibited on the tower except as required by an authorized government agency. ITW is also required to provide additional screening by planting, and maintaining in perpetuity, trees around the outside of the tower facility security fence and a decommissioning bond to the Town.

The Board of Selectmen would like to thank the Zoning Board for their dedication and acting in the best interest of the Town.