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Town of North Reading
Community Planning Commission
SMALL CELL WIRELESS FACILITIES
POLICY FOR LOCATION OUTSIDE PUBLIC WAYS

I. Purpose

The purpose of the Policy for Location Outside Public Ways ("Policy") is to set forth the application, procedural, renewal, siting, design and aesthetic requirements relative to Small Wireless Facilities outside of the layout of public ways, on property located within the Town of North Reading in accordance with the Federal Communications Commission Declaratory Ruling and Third Report and Order, Docket No. 18-133, and to preserve the aesthetic character of the Town; to safeguard public safety, health and welfare; to protect against intangible public harm resulting from unsightly or out-of-character deployments; and to protect public infrastructure investments.

II. Applicability

This Policy applies to the placement, permitting, siting, design, aesthetics, construction, and modification of all Small Wireless Facilities located outside of public ways in North Reading. It does not apply to ways and public properties within the jurisdiction, custody and control of the Town, including installations subject to a Grant of Location from the Select Board pursuant to G.L. c.166, §22.

III. Definitions

The following words and phrases shall have the meanings set forth below. Any words and phrases not defined herein shall be construed according to their generally accepted meaning as noted in a dictionary of general usage.

Small Wireless Facility or Facility: A wireless telecommunications facility, including all equipment required for the operation and maintenance thereof, that meets the following requirements:

(i) mounted on structures 50 feet or less in height including their antennas, or

(ii) mounted on structures no more than 10 percent taller than other adjacent structures, or

(iii) does not extend existing structures on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and

(iv) where each antenna is no more than three cubic feet in volume; and

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(v) where all antenna equipment (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and

(vi) that does not result in human exposure to radiofrequency radiation in excess of federal safety standards.

IV. Site Plan Approval Required

(A) No person or entity shall install, place, construct, substantially modify or operate a Small Wireless Facility on any property in the Town without obtaining a Site Plan Approval, or Amended Site Plan Approval, from the Community Planning Commission.

(B) If a Small Wireless Facility is not operated in compliance with the Policy for a continuous period of ninety days, it shall be considered abandoned, and the Town may, following written notice, order that such Installation be removed within thirty days after such notice.

(C) If a Small Wireless Facility is abandoned and ordered removed within thirty days, and the applicant refuses to do so, the Town may, through all available legal means, have that Installation or Facility removed, and the applicant shall be responsible for reimbursing the Town for its related expenses. The Town may also, or in the alternative, issue a fine of $100/day for each such Installation or Facility that is not so timely removed.

(D) If a Small Wireless Facility is abandoned and removed, its Site Plan Approval shall be considered terminated.

(E) In the event that a Small Wireless Facility is sold, leased or otherwise assigned to another entity, written notice of such sale, lease, or assignment shall be provided to the Town, and all successors, lessees, or assignees shall be bound by the terms of the original Site Plan Approval.

V. Application and Approval Process

(A) Three (3) hard copies and one (1) electronic copy of the completed Application for a Site Plan Approval ("Application"), in the form required by the Town, along with the required filing fee shall be filed by mail or in person with the Town Clerk who shall note thereon the date and time of filing and forthwith deliver a copy of the application to the Community Planning Commission.

(B) If filed by mail, the date of filing shall be the date the completed Application and filing fee is received by the Town Clerk.

(C) No incomplete Application or Application submitted without the required filing fee will be accepted for review. The required filing fee shall be indicated on the Town's Application Form.

(D) Within seven (7) days of the receipt of the Application by the Town Clerk, the Town Planner should forward the Application to the DPW Director and Building Commissioner, or their designee, who should review the Application and make a determination of completeness. If the Application is incomplete, the Town may, within ten (10) days of the receipt of the Application, provide written notice to the Applicant including the specific details that render the Application incomplete.

(E) Upon confirmation that the Application is complete, the Town Planner shall circulate a copy of the Application to the following departments for comment and review: Building, Public Works, Planning, Board of Health, Police, Fire, Conversation Commission and any other necessary department in the discretion of the Town Administrator. Written comments from such departments shall be submitted to the Town Administrator within twenty (20) days of the date the Application is circulated for review and comment.

(F) In reviewing any Application filed under this Policy the Community Planning Commission shall consider and apply the Town's Siting, Design and Aesthetic Criteria ("Criteria"), which are set forth in Section VII herein. The Criteria may be amended and revised from time to time in the discretion of the Community Planning Commission.

(G) Within 10 (ten) days of the date of the Town's receipt of a completed Application requiring the installation of a Small Wireless Facility, the Community Planning Commission shall schedule a public hearing on the Application, to be held within 45 (forty-five) days after the receipt thereof.

(H) The Applicant shall be responsible for publishing in a local newspaper and mailing to all owners of real estate (as such ownership is determined by the last preceding assessment for taxation) abutting upon that part of the way upon, along, across or under which the line is to be constructed, as well as abutters within 300 feet of each Small Wireless Facility included in the application, legal notice of the public hearing on the Application, which notice must be published and mailed at least seven (7) days before the public hearing. The Applicant is responsible for obtaining the necessary certified abutters' list from the Assessor's Office for each Small Wireless Facility included within the application. The Applicant must provide proof of such mailing and publication to the Community Planning Commission.

(I) Following close of the public hearing on the Application, the Community Planning Commission shall render a decision, based on a majority vote and may:

(i) approve the Application on the terms and conditions set forth therein;

(ii) approve the Application on conditions deemed necessary by the Community Planning Commission; or

(iii) deny the grant of location in the event of the following:

a. the Application is incomplete and the Town has notified Applicant in writing of the missing information;
b. the proposed Small Wireless Facility is inconsistent with the Criteria or otherwise exceeds the height, dimensional or other parameters for that Installation or Facility under applicable law or the Policy;
c. the pole's design documents attached to the Application show that the Small Wireless Facility will create interference with the Town's public safety radio system, traffic signal light system, or other communications components;
d. the Application does not include a load bearing study indicating that a pole has sufficient capacity for the Small Wireless Facility;
e. The Application does not include adequate proof from a qualified independent RF engineer that the proposed Small Wireless Facility, including any co-located equipment, will comply with the allowable FCC limits for RF radiation exposure to the general public or
f. any other lawful reason supported by substantial evidence.

(J) The decision of the Community Planning Commission on an Application relative to a Small Wireless Facility on an existing pole or wireless support structure shall be made within sixty (60) days from the date the Application is filed, and for a new pole or wireless support structure, the decision shall be made within ninety (90) days from the date the Application is filed. In the event an Applicant was timely notified of an incomplete application, the above decision deadlines shall be measured from the date the Application is deemed complete. Nothing in this paragraph shall prohibit a greater approval period if mutually agreed to by the Town and Applicant. Any decision denying an application for a Small Wireless Facility shall include a written statement setting forth the substantial evidence supporting the denial.

(K) Any material change to an Application made hereunder, as determined in the sole discretion of the Community Planning Commission or their designee, shall constitute a new application for the purposes of the time standards set forth herein. Where an Application is materially modified, the original Application shall be deemed withdrawn.

VI. Annual Recertification and Recurring Fee- Small Wireless Facilities

(A) Each year, commencing on the first anniversary of the issuance of the Site Plan Approval for a Small Wireless Facility, the Applicant shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns or operates within the Town by location, certifying that: (1) each active Small Wireless Facility is covered by liability insurance in the amount of $2,000,000 per installation, naming the Town as additional insured and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits.

(B) The Applicant shall pay an annual reoccurring license fee of $270 per Small Wireless Facility.

(C) Any Small Wireless Facility which is no longer in use shall be removed by the Applicant within 30 days of being taken out of use.

(D) Any owner or operator of a Small Wireless Facility which is not removed within 30 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of $100/day for each such installation until such installation is removed.

(E) Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for Small Wireless Facilities will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

VII. Siting, Design and Aesthetic Criteria for Small Wireless Facilities Outside Public Rights of Way

In order to promote safe, well-organized, and aesthetically acceptable Small Wireless Facilities using the least intrusive means available to provide wireless services, all Small Wireless Facilities, including poles, support structures and installations shall, to the greatest extent possible, comply with the following Siting, Design and Aesthetic Criteria:

A. General Requirements: An Applicant shall construct and maintain Small Wireless Facilities and wireless support structures in a manner that does not: (1) obstruct, impede or hinder the usual use of, travel or public safety on a right-of-way; (2) obstruct the legal use of a right-of-way by other utility providers; (3) violate or conflict with any section of the Town's Charter, Bylaws or Rules and Regulations; or (4) violate the Americans with Disabilities Act ("ADA").

B. Collocation: The Town encourages collocations between Small Wireless Facilities whenever feasible. Applications for new pole installations for Small Wireless Facilities will only be approved upon a showing that the new pole is necessary to avoid materially inhibiting the provisions of wireless services.

C. Concealment: Cabinets are to be located underground, to the extent feasible. All antenna(s) and equipment, other than the electric meter and disconnect switch, must be concealed within housing that also conceals the cable connections, antenna mount and other hardware. Antennas and equipment shrouds or cabinets must be pointed, wrapped or otherwise treated to match the primary pole to which it is attached. New poles shall match the color and finish of existing decorative lighting or other poles in the area, (or black where no nearby poles exist).

D. Utility Lines: Unless not technically feasible, new service lines must be undergrounded to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external protruding junction box, unless it is contained within an approved ground mounted equipment cabinet. In areas where underground wiring exists (electric, cable, telephone, or other) but is not in conduits, the applicant shall use its best efforts to coordinate with all other underground utilities to provide

conduits for each utility. Conduits for all utilities shall be installed at the time the applicant's new service lines are undergrounded.

E. Lights: Unless otherwise required for compliance with any applicable law, rule or regulations, the Small Wireless Facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. This subsection is not meant to prohibit installations on streetlights or the installation of luminaires or additional street lighting on new poles when required by the Town. In the case that the Town does require lighting on poles, the poles shall be aligned with existing streetlights so as to create visual order.

F. New Technology: Where feasible, as new technology becomes available, the Applicant shall replace larger more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required by the Town.

G. Dimensional Requirements:

(i) Existing support structures: Small Wireless Facilities attached to poles or other structures shall be installed at least 12 feet above the ground, depending on RMLD requirements and specifications. Antennas and any associated shroud or concealment material are permitted to be collocated at the top of the existing wireless support structure and shall not increase the height of the existing wireless support structure by more than 10% of its existing height, or to a total of 50 feet, whichever is greater. Installations on existing RMLD poles must also adhere to RMLD requirements and specifications.

(ii) New support structures: In areas where there are no wireless support structures or utility poles taller than 50 feet in height above ground level, the maximum allowable height for Small Wireless Facilities shall be 32 feet in residential zones and 50 feet in all other zones. In areas where there are existing utility or other Town-owned poles, the wireless support structure may not increase such poles to greater than a total height of than 50 feet above ground increase such poles by 10% more than the height of the existing structure on which it is mounted, whichever is greater.

(iii) Ground-Mounted Equipment: The dimensions of ground-mounted cabinet must not exceed 28 cubic feet. Any square or rectangular cabinets must be chamfered along all exposed sides and top edges. Ground mounted cabinets must be installed flush to the ground and painted or finished to match any decorative lighting or other poles in the area. Ground mounted equipment on sidewalks must not interfere with the flow of pedestrian traffic and must conform to the ADA in regards to appropriate sidewalk spacing.

(iv) Protrusion: The wireless support structure and equipment that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with ADA and shall not obstruct an existing or planned sidewalk or walkway. No installation may protrude into the roadway or interfere with traffic.

(v) The wireless support structure and equipment shall be mounted no closer than 12 feet from the nearest residence.

H. Location of Wireless Equipment:

(i) Location of Ground Mounted Equipment: Ground equipment should be placed to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a right-of-way, maximize the line of sight required to add to safe travel of vehicular and pedestrian traffic and maximize that line of sight at street corners and intersections and minimize hazards at those locations. An application that negatively impacts vehicular and/or pedestrian safety may be denied. To the extent feasible, ground equipment shall be installed at or near property lines to avoid placement directly in front of residential dwellings.

The equipment shroud or cabinet must contain all the equipment associated with the Small Wireless Facility, other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the metal pole (with the exception of wood power poles) and undergrounded between the pole and the ground-mounted cabinet.

(ii) Location of Pole Mounted Equipment: When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cabinet. All pole-mounted equipment must be installed as flush to the pole as possible. The bottom of a pole mounted equipment cabinet, must be installed no lower than 12 above ground level on the pedestrian side of the pole or 12 above the street level on the vehicular side of the pole.

It is preferred that equipment shrouds be mounted flush to the pole, subject to the pole owner's approval. Standoff mounts are permitted. Cabinets shall not exceed 4 feet in height. All pole mounted equipment shall be located as close together as technically possible and if possible, on the same side of the pole.

(iii) Electric Meter: The Town strongly encourages Small Wireless facility operators to use flat-rate electric service when it would eliminate the need for a meter. When a meter is necessary, site wireless services providers

shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should be painted to match the pole.

(iv) Spools and Coils: To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for Small Wireless Facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

(v) Above-Ground Conduit: On poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter / channel, conduit, u-guard, or shroud feasible. Such conduit shall be finished in zinc, aluminum or stainless steel, and painted or finished to match the color of the utility pole.

I. New Pole and Support Structures:

(i) Spacing: The Town strongly discourages the installation of new poles or support structures for Small Wireless Facilities, unless it can be demonstrated that existing poles and support structures in the area are inadequate or insufficient for the stated need and that the provision of wireless telecommunications will be materially inhibited without the addition of a new support structure.

Wireless support structures shall be spaced apart from utility poles or wireless support structures supporting Small Wireless Facilities with the spacing as currently exists in the immediate proximity.

The minimum wireless equipment pole separation for new poles is 150 feet.

To the extent feasible, new poles and support structures shall be installed at or near property lines to avoid placement directly in front of residential dwellings.

Additional spacing requirements for new poles:

1. The minimum separation from intersection curb line is 50 feet.
2. The minimum separation from hydrant or a building fire connection is 6 feet.
3. The minimum separation from a tree is 15 feet.
4. The minimum separation from light poles and traffic signal poles is 10 feet.
5. The minimum separation from existing water and sewer mains and laterals is 4 feet.
6. The minimum separation from the outside edge of a driveway is 15 feet.

7. The minimum separation from bicycle racks is 3 feet and shall not impede the attachment of bicycles.

(ii) Alignment with Other Poles: The centerline of any pole or support structure must be aligned, as much as possible, with the centerlines of existing poles on the same street segment.

(iii) New Wood Poles: In all locations, the Town reserves the right to require a metal pole rather than a wood pole based on the building and/or natural environmental character of the proposed site location.

All new wood poles must be direct buried to a depth based on structural requirements. The design shall be stamped, sealed and signed by a professional engineer licensed and registered by the Commonwealth of Massachusetts, and subject to the Town's review and approval.

(iv) New Metal Poles: All new metal poles must be supported with a reinforced concrete pier. The design including the pier, footings and anchor bolts shall be stamped, sealed and signed by a professional engineer licensed and registered by the Commonwealth of Massachusetts, and subject to the Town's review and approval. All anchor bolts must be concealed from public view with an appropriate pole boot or cover subject to the Town's approval.

All metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant materials approved by the Town and finished in accordance with these guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvement.

Metal pole finish must match nearby poles. The applicant may select a paint or powder coat system in compliance with applicable standards.

(v) Lighting, Planters, Flags, Banners: The Town may require the applicant to install functional streetlights and/or brackets to hold hanging flower planters, flags and/or banners when technically feasible and the Town determines that such additions will enhance the overall appearance and usefulness of the proposed Small Wireless Facility. The Town may install hanging flower planters, flags and/or banners utilizing the brackets.

J. Utility and Traffic Poles or Structures:

(i) Required Load Analysis: Installations on all utility poles or other Town-owned structures shall have an industry standard pole load analysis completed, sealed and signed by a Professional Engineer licensed and registered by the Commonwealth of Massachusetts and submitted to the Town with each permit application indicating that the utility pole or other

structure to which the small wireless facility will to be attached will safely support the load.

(ii) Installations on Traffic Signals: Installations on all utility poles that supports a traffic signal or related structures will not be permitted. For non-Town owned traffic poles or structures, the wireless facility must not interfere with the integrity of the traffic signalization and related equipment in any way that may compromise the safety of the public.

(iii) Installations on Street Light Poles: Installations on utility pole with street lights owned by the Town will rarely be permitted. Where it is considered, the wireless equipment must not interfere with the integrity of the street lighting equipment in any way that may compromise the safety of the public. The installation must not interfere with other existing uses on the pole such as, street lights, smart nodes, photocells, hanging flower planters, flags, and/or banners. Installation of small wireless facilities on any street light pole shall (a) be encased in a separate (internal to the pole) conduit than the street light electronics; (b) have a separate electric power connection than the street light; and (c) have a separate access point than the street light pole.

K. Historic Districts and Scenic Ways. Installation of Small Wireless Facilities within a designated Historic District pursuant to G.L. c. 40C or along a roadway designated by the Town as a Scenic Way pursuant to G.L. c. 40, §15C shall comply with the following requirements in addition to the foregoing:

(i) A Small Wireless Facility shall not be attached to a decorative pole.

(ii) Concealment techniques shall be designed to be consistent and harmonious with the nature and character of the Historic District or Scenic Way, including color, shape and size of proposed equipment;

(iii) New utility poles or wireless support structures shall be designed to match the size, girth, and design of any existing utility poles or other vertical structures located in the Historic District right-of-way or Scenic Way, i.e. decorative light poles;

(iv) This subsection shall not be construed to limit the Town's enforcement of historic preservation in conformance with the requirements adopted pursuant to M.G.L. c. 9, §§ 26-27C, c. 40C, or the National Historic Preservation Act of 1966, 54 U.S.C. § 300101 et seq., and the Bylaws and regulations adopted to implement those laws.

L. Noise Mitigation: The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less

likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.

M. Public Safety Communication Interference: For colocations on poles or structures containing existing public safety equipment, the applicant shall prepare and include in its application a study by a firm qualified in undertaking such studies, confirming that the proposed Small Wireless Facilities will not adversely create interference with the Town's public safety radio system, traffic light signal system, or other communications components.

N. Order of Preference – Location: The order of preference for the location of small cell installations in the Town from most preferred to least preferred, is:

O.

Zoning Districts:

1. Industrial/Office Zoning District
2. Highway Business Zoning District
3. General Business Zoning District
4. Multi-Family Zoning Districts and overlays
5. Local Business Zoning District (except within Town Center Historic District)
6. All other Residential Zoning Districts

Lastly, Town Center Historic District

1. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
2. Concealment techniques shall be designed to be consistent and harmonious with the nature and character of the historic district, including color, shape, and size of proposed equipment.
3. A certificate of appropriateness, certificate of hardship, or certificate of non-applicability shall be obtained from the Historic District Commission, if otherwise required by applicable law.

No Small Wireless Facility shall interfere with the health of public shade trees. Tree "topping" or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the right-of-way must be noted in the application and must be approved in accordance with all applicable bylaws governing trees in the public right-of-way.

VIII. Severability

Any finding of the invalidity of any section, provision, paragraph, sentence, or clause of this Policy shall not invalidate any other section, provision, sentence, or clause thereof, nor shall it invalidate any grant of location, license, permit or determination that has been previously issued under this Policy.