

**RULES AND REGULATIONS
OF THE LUNENBURG PLANNING BOARD
FOR TELECOMMUNICATION AND CELLULAR TOWERS
FEBRUARY 26, 1996
AMENDED, APRIL 22, 1996
AMENDED DECEMBER 10, 1996
AMENDED OCTOBER 6, 1997
AMENDED SEPTEMBER 18, 2001
AMENDED JUNE 23, 2008**

Telecommunication and cellular towers, are subject to the following conditions to minimize the adverse visual impacts of towers including the scenic, historic, environmental and natural or man-made resources of the Town, to avoid damage to adjacent properties, to lessen impacts on surrounding properties, to lessen traffic impacts, to minimize use of towers, to reduce the number constructed and to limit emissions in order to minimize potential adverse effects on human and animal health, including attractive nuisance, noise and falling objects and regard to the overall general safety, welfare and quality of life in the community.

Standards and requirements shall be submittals, applications and procedures for approval and for regulation, placement, construction, monitoring, design, modification and removal of wireless communicational facilities. They shall provide a procedural basis for action within a reasonable period of time for requests to place, construct operate or modify wireless communication facilities, encourage use of certain existing structures and towers, minimize the total number and height of towers located within the community and require tower sharing.

1. Submittal An application for a special permit shall be filed in accordance with Section 8.0. and shall be accompanied by six (6) copies of the following:
 - a) The site plan prepared by a professional engineer at a scale of 1:40 which will show the following:
 1. Tower location, including guy wires, if any, and tower height
 2. Accessory building for switching equipment
 3. Topography
 4. Other feasible sites, if any
 5. Fencing and landscaping
 6. Access and parking
 7. Lighting
 8. Areas to be cleared of vegetation and trees
 9. Site boundaries
 10. Abutters
 11. Eight (8) view lines in a one (1) mile radius from the site, shown beginning at True North and continuing clock-wise at forty-five (45) degree intervals.
 - b) The locus map at a scale of 1:1000 which shall show all streets, bodies of water, landscape features, historic sites, habitats for endangered species within two-hundred (200) feet, and all buildings within five-hundred (500) feet.
 - c) Reports prepared by one or more professional engineers, which shall:
 1. Describe the tower and the technical, economic, aesthetics and other reasons for the tower design.

2. Demonstrate that the tower complies with all applicable standards of the Federal and State governments.
 3. Describe the capacity of the tower including the number and type of transmitter receivers that it can accommodate and the basis for the calculation of capacity.
 4. Demonstrate that the tower and site comply with this regulation.
- d) A copy of the certification received by the applicant from the Federal Communications Commission (FCC), and a written report by a certified Radio Frequency Engineer that the proposed tower complies with the FCC certification to the applicant, or that the tower is exempt from any FCC regulations. A copy of said exemption shall be submitted in writing. If such response is not received within sixty (60) days, the application will be considered incomplete. *When reviewing the application, the Board may request an extension in writing from the applicant of the statutory deadline if the Board deems it necessary to wait to review such response.*
 - e) Between submittal and the date of the advertisement of the public meeting, a balloon shall be put in place at the height of the proposed tower. The balloon shall be of a size and color that can be seen from every direction for a distance of one (1) mile. *The applicant shall provide the Planning Board 10 days advance notice for the date and time of the balloon test.*
2. Approval Site Plan Approval and a Special Permit shall be granted by the Planning Board in accordance with the (Massachusetts General Law) *Massachusetts Zoning Act*, and the provisions of the Bylaw relative to Special Permits.
 1. All legal documentation including a copy of the leased area between the Applicant and the Town or the private land owner shall be submitted prior to approval.
 - a) Any extension, addition of cells or construction of new or replacement towers or transmitters shall be subject to an amendment to the Special Permit, following the same procedure as for an original granting of a Special Permit.
3. Adequate Coverage Requirements
 - a) Coverage is adequate within the area served by a (base station) *an applicant's service tower* where the predicted or measured median field strength of the transmitted signal required by an applicant is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the (base station) *tower* without (objectionable noise) *static* and without calls being dropped. In the case of cellular communications in a low-density area, a determination shall be made for adequate signal strength for that area as not to require (over coverage with) additional towers. It is acceptable for there to be minor temporary loss of signal within the area of adequate coverage if such loss is due to the topography or other natural or environmental hindrances.

- b) The Applicant shall provide written documentation that any facility sites in Town and/or in abutting towns or cities do not already provide or do not have the potential to provide by (site adjustment) *tower location*, adequate coverage.
 - c) The Applicant shall provide written documentation that it has examined all facility sites located in the Town and abutting Towns to determine whether those existing facility sites can be used to provide adequate coverage in portions of the Town of Lunenburg.
 - d) The Applicant shall provide written documentation that the proposed facility uses the least disruptive technology by which it can provide adequate coverage in conjunction with all facility (sites listed above) *sites referred to subsections 3.b) and 3.c) above*. Factors to be considered include aesthetics, environmental issues, noise and traffic.
4. Location and Site Requirements The tower and its appurtenances shall be located in accordance with the Federal Communication Commission (FCC) in effect at the time of construction and further that the operation shall comply with all requirements of these agencies.
- a) (Irrespective of the requirements of Section 5.0., the setback from property lines shall be a one and half minimum of a distance at least equal to the height of the tower, plus ten feet from each lot line of the site). *In addition to the requirements of Section 5, below, the setback from the property lines shall be one and a half times the height of the tower, plus ten feet from each lot line of the adjoining lots.* If an antenna is attached to an existing tower, the Planning Board will determine that the addition of the antenna does not materially (alter the basis) *change the structure* of the existing tower and no new set-back is needed. A waiver on Town owned land to allow a (less) *reduced* setback can be granted if *the Planning Board* finding that such (lesser) a *reduced* setback does not negatively impact the appearance and character of the neighborhood, *or invoke a safety hazard*.
 - b) Setback from designated wetlands, *as defined in G.L. c 131, S40*, water bodies and areas with a slope in excess of five (5) percent shall be at least one hundred and fifty (150) feet.
 - c) Distance from all existing buildings shall be at least five hundred (500) feet, unless otherwise approved by the Planning Board.
 - d) Distance between towers shall be a minimum of two and one half miles from each other unless it is determined by a qualified engineer, registered in the Commonwealth of Massachusetts, *or other qualified radio frequency expert*, that a closer proximately is needed for adequate coverage. (Town may hire a consultant to render a determination at the applicant's expense).
 - e) No tower or facility shall be placed in or within one-hundred (100) feet from a Massachusetts or Federally regulated wetland, certified vernal pool, or two-hundred (200) feet from any river or perennial stream. Determination shall be made by the Conservation Commission.

- f) No tower or facility shall be placed within a distance equal to the overall height of stealth or camouflaged facilities to any property line unless incorporated within an existing building.
- g) No tower or facility shall be placed in the front yard setbacks.
- h) Fencing shall be provided to control access to the base of the tower which fencing shall be compatible with the scenic character of the Town and shall not be of barbed wire or razor wire.
- i) Access shall be provided to a site by a roadway, which respects the natural terrain, does not appear as a scar on the landscape, and is approved by the Planning Board and the Fire Chief to assure emergency access at all times. Consideration shall be given to design, which minimizes erosion, construction on unstable soils and steep slopes. A registered copy of said area, known as 'lease area' shall be presented to the Planning Board.
- j) The Applicant shall demonstrate to the satisfaction of the Planning Board that the location of the tower is suitable and that the type, size and height is the minimum necessary for the purpose.
 - Type: Monopole, camouflaged towers, concealed, (facility within a building or other structure), stealth or any new technical tower type that is small in size and/or is an attachment to an existing building or structure, but not including fences.
 - Size: Conducive to surrounding area as not to invade residential, or scenic areas.
 - Height: In no case shall the height exceed one hundred and fifty (150) feet as measured from existing ground level at the base of the proposed tower (ex. *Example*- monopole type) or in the case of an addition or attachment to an existing structure shall the attachment be more than fifteen (15) feet higher than the existing structure, unless otherwise approved by the Planning Board.
- k) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform to the sign requirements of this Bylaw and shall be subject to Development Plan Review.
- l) Accessory uses shall be limited to one (1) structure per use per (tower) *antenna array or other installation on the tower and*, shall not exceed ten (10) structures per tower. If more than one (1) use, the accessory buildings may be connected by a common wall. Each structure shall not exceed four hundred (400) square feet in size and ten (10) feet in height, and shall be of the same design and color. All structures shall be compatible with the surrounding area. Determination of amenities to achieve this will be determined during the Planning Board review. On the case of a stealth type or comparable types, determination for accessory housing of accompanying apparatus will be made in the Planning Board review as to the suitability to the existing structure.
- m) Clearing shall be performed in a manner, which will maximize preservation of natural beauty and conservation of natural resources, which will minimize marring and scarring of the landscape or silting of streams.

1. The time and method of clearing right-of-ways should take into account soil stability, the protection of natural vegetation, the protection of adjacent resources, such as the protection of natural habitat for wildlife, and appropriate measures for the prevention of silt deposition in water courses.
2. Clearing of natural vegetation should be limited to that material which poses a hazard to the tower.
3. The use of “brush blades” instead of dirt blades on bulldozers is recommended in clearing operations where such use will preserve the cover crop of grass, low growing brush or other vegetation.
4. Areas should be cleared only when necessary to the operation, maintenance, and construction of the tower.

5. Development Requirements Visual impacts of the tower shall be minimized.

- a) The Applicant shall demonstrate that the proposed tower is the minimum height necessary to accommodate transmitter receiver.
- b) All towers shall be types as described in Section 4j or as approved by the Planning Board.
- c) Silver paint or a galvanized finish shall be used on the tower above the tree line to blend with the landscape. Green paint to blend with the landscape shall be used to the tree line. A cellular tower constructed within one hundred (100) feet of a Residential District shall be camouflaged.
- d) Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
- e) Siting shall be such that the view of the tower from other areas of Town shall be as minimal as possible.
- f) Shared use of towers is to be encouraged. When technically not practical, towers shall be separated on the site so that, if the support structure of one falls, it will not strike another.
- g) The tower shall be designed to accommodate the maximum number of uses technologically practical, and wherever practical use may be made of existing Town or suitable existing structures, (such as water towers) as determined by the Planning Board. The type of attachment should be compatible to the structure as determined by the Planning Board.
- h) There shall be a minimum of one (1) parking space for each tower, to be used in connection with the maintenance of the tower and the site, and not to be used for the permanent storage of vehicles.

6. Conditions of Use The Applicant shall be required that:

- a) Any material change or proposed change to a facility including but not limited to power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit or special permit shall be required to seek an amendment to the present permit or apply for a new special permit.
- b) Towers shall be removed within one (1) year of cessation of use.

7. Approval Criteria Before approval, the Planning Board shall consider the following:

- a) That existing coverage is inadequate.
- b) That an existing facility site is unable to provide adequate coverage.
- c) That a proposed facility minimizes any adverse impact on historic resources, scenic views, residential property values, natural or man made resources.
- d) That a plan is presented that will implement all reasonable measures to mitigate the potential adverse impacts of proposed facilities.
- e) That the plan provides a description of existing and proposed coverage. In the case of new tower proposal, that the applicant demonstrate the inadequacy of a ten-mile radius of the proposed site of any existing site that cannot be reasonably modified to provide adequate coverage.
- f) That the applicant provide a written five-year plan for use of the proposed wireless communication facility as well as plans for additional development and coverage within the Town of Lunenburg.

8. Conditions and Terms of Approval

- a) By January 15th of each year, the service provider shall provide to the Planning Board the name of the operator, name of property owner or tenants, insurance certificates, and all emergency telephone numbers.
- b) By January 15th of each year, the service provider shall certify the structural integrity from a structural engineer and evidence of continuing compliance with the industry standards, including compliance with updates and modifications.
- c) By January 15th of each year the service provider shall supply the Planning Board data regarding the operational aspects of the facility including but not limited to the amount of power consumption, power radiation, frequency transmission, the number location and orientation of antennas and type of service provided.
- d) A Special Permit shall be valid for a fixed or conditional period of time as determined by the Planning Board for a maximum of fifteen (15) years. Said facility shall be removed by the carrier or a new Special Permit shall be required (unless facility is abandoned).

9. Performance Guarantees

- a) Insurance in a reasonable amount determined and approved by the Planning Board after consultation at the expense of the Applicant with one (1) or more insurance companies shall be in force to cover damage from the structure, damage from transmissions and other site liabilities. Annual proof of said insurance shall be filed with the Town Clerk.
- b) An annual maintenance bond shall be posted for the access road, site and tower(s). The amount will be approved by the Planning Board.
- c) Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute shall be filed with the Building Official by the Special Permit holder.
- d) The Applicant must post a bond with the Town to cover the cost of removal in the event that the owner does not remove the tower and any accessory structures within six months of the date that the facility ceases to be used. The Applicant shall submit, in writing to the Planning Board, notification of the date the use is terminated.