

Town of Milton
Application Requirements and Aesthetic Standards For Small Wireless Facility
Installations

The Town of Milton (the “Town”), by and through its Select Board (the “Board”), hereby adopts this policy (the “Policy”) concerning Application Requirements and Aesthetic Standards for Small Wireless Facility installations within the public rights of way of the Town or located on Town-owned property.

Reference is made to (a) Section III.G. of the Milton Zoning Bylaws, which governs wireless telecommunications facilities in the Town of Milton, and (b) an order issued by the Federal Communications Commission in In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, WT Docket Nos. 17-79 and 17-84, 2018 WL 4678555 (September 27, 2018) (“FCC Declaratory Ruling”). The Board finds that it is necessary and beneficial for the health, safety and welfare of the Town and its residents to establish a policy to provide for the development of small wireless facilities within Town or Commonwealth rights of way and upon public property to ensure that such development does not interfere with its usual and primary purposes, such as to facilitate safe travel. Small wireless facilities shall be designed and installed so as to minimize adverse visual effects through careful design and siting with an intent to preserve property values and the aesthetic character of the Town. This policy applies to the placement and operation of a small wireless facility within the public rights of way and on public property without regard to the type or owner of any vertical structure to which it is affixed or attached. The requirements of this policy are not inclusive and are in addition to all other applicable federal, state and local laws.

1. Capitalized terms used but not defined in this policy shall have the meanings set forth in Section III.G. of the Zoning Bylaws. Definitions.
 - a. “ADA” – the Americans with Disabilities Act of 1990, as amended, and the regulations promulgated thereunder.
 - b. “Antenna” – communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of wireless services.
 - c. “Commonwealth” – the Commonwealth of Massachusetts.
 - d. “FCC” – the Federal Communications Commission of the United States
 - e. “Historic district” – a district, building, property or site, or a group of buildings, properties or sites that are either designated as an historic district by the Town as set forth in M.G.L. c. 40C, or is the subject of a pending application for such designation.
 - f. “Person” – an individual, corporation, limited liability company, partnership, association, trust or other entity or organization.

- g. “Right of way” – the area on, below or above a public or private roadway, highway, street, public sidewalk, or alley dedicated for comparable use.
- h. “Small wireless facility” – a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.
- i. “Utility pole” – a pole or similar structure that is used in whole or in part for electric distribution, lighting, traffic control, communications or a similar function.
- j. “Wireless facility” – includes small wireless facilities. “Wireless facility” does not include: (i) the structure or improvements on, under, or within which the equipment is co-located; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.
- k. “Wireless infrastructure provider” – any person authorized to provide telecommunications service in the Commonwealth that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Town.
- l. “Wireless services provider” – a person who provides wireless services.
- m. “Wireless support structure” – a freestanding structure, such as a monopole, tower (either guyed or self-supporting), billboard, or other existing or proposed structure designed to support or capable of supporting wireless facilities. “Wireless support structure” does not include a utility pole.
- n. To the extent these definitions are further refined in the FCC Declaratory Ruling, the definitions contained therein also apply. If there is conflict between these definitions and the definitions contained in the FCC Declaratory Ruling, the more inclusive definition shall apply.

2. Application Process

- a. Applications shall comply with the aesthetic standards set forth in Section 5 hereof and shall be submitted to the Select Board through the office of the Town Administrator accompanied by the application fee of \$500 per application for collocation, payable to the Town of Milton. The \$500 fee will cover up to 5 locations. Each application for more than 5 installations is subject to a separate fee of \$100 per installation. For new installations (i.e., a new pole), the application fee is \$1000 per pole.
- b. The applicant must also pay for legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the abutters list for each pole location within the application.
- c. 11 (eleven) hard copies of the application and 1 (one) electronic copy of the application must be submitted to the office of the Town Administrator. No application will be accepted for review until all items listed in 3, below, have been submitted, as well as all fees and the abutters list paid for. In addition, to the extent any other approvals from the Town are required for the installations set forth in the application, those approvals must be obtained and included within the application, before the application will be accepted.
- d. Upon receipt, the Town Administrator or his or her designee shall: (1) date and time stamp the Application as received; and (2) make a determination as to completeness of the application and notify the Applicant, in writing, within 10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the time periods set forth in this Policy shall be tolled until such time as a complete application has been submitted.
- e. The Town Administrator's designee shall also circulate a copy of the application to the following departments for comment and review: Inspectional Services, Public Works, Planning, Health and any other department that the Town Administrator, in his or her sole discretion, determines is appropriate.
- f. Written comments from the departments shall be submitted to the Town Administrator within 20 days of the date that the application is circulated.
- g. Once the application is deemed complete, and all comments have been received, the Select Board will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within 60 days of receipt of the application, and on a new structure, within 90 days of receipt of the application.

- h. Any material changes to an application, as determined by the Town in its sole discretion, shall constitute a new application for the purposes of the time standards. Where a changed or new application is submitted, the prior application shall be deemed withdrawn.
- i. Upon completion of the hearing, the Select Board may grant, grant with conditions, or deny the application, based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, or failure to meet applicable engineering standards.
- j. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small wireless facility location will require a new application and approval from the Town.

3. Content of Applications. Applications shall include the following information:

- a. Applicant's name, address, telephone number and email address.
- b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.
- c. Detailed drawings and descriptions of the equipment to be installed, whether mounted on utility poles or on the ground, or otherwise, including:
 - i. Type of equipment
 - ii. Specifications of equipment (including but not limited to dimensions and weight)
 - iii. Equipment mount type and material
 - iv. Power source or sources for equipment, including necessary wires, cables, and conduit
 - v. Expected life of equipment
 - vi. Coverage area of equipment, including:
 - 1. Amount of antennas
 - 2. Antenna model
 - 3. Antenna length
 - 4. RRU count and power
 - 5. Antenna height

6. Typical coverage area radius
- vii. Call capacity of equipment, including:
 1. Total RRUs
 2. Max bandwidth per RRU
 3. MIMO per RRU
 4. Backhaul rate per RRU
- viii. Hardening, including:
 1. If there is battery backup
 2. If there is generator backup
 3. If there are multiple fiber paths to switch
- ix. Rendering and elevation of equipment

- d. Detailed map with locations of the utility poles, wireless support structure(s) or other facility on which equipment is to be located, including specific utility pole identification number, if applicable, and the areas it will service.
- e. Detailed map showing existing and proposed small wireless facility installations within 500 feet of the Application site.
- f. Certification by a registered professional engineer that the utility pole, wireless support structure or location will safely support the proposed equipment.
- g. Written consent of the utility pole, wireless support structure or facility owner to the installation.
- h. Affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Milton and how the installations address that need in Milton. Such affidavit should characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of “excellent” “good and “poor” reception areas.
- i. Insurance certificate.
- j. Description as to why the desired location is superior to other similar locations, from a community perspective, including:

- i. Visual aspects
 - ii. Proximity to single family residences
- k. Description of efforts to co-locate the equipment on existing structures, utility poles, wireless support structures or towers which currently exist or are under construction. A good faith effort to collocate is required and evidence of such efforts must be included within the application.
- l. An Affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.

4. Annual Re-Certification and Affidavit.

- a. Each year on July 1 the equipment owner shall submit an affidavit which shall list, by location, all small wireless facility installations it owns within the Town of Milton by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance; and (3) each such installation which is no longer in use.
- b. The equipment owner shall pay an annual re-certification fee of \$270 per installation which remains in use.
- c. Any small cell wireless installation which is no longer in use shall be removed by the owner within 60 days of receipt of the annual re-certification affidavit, at the owner's expense.
- d. Any small wireless facility installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day until such installation is removed.
- e. Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small wireless facility installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

5. Prohibitions.

- a. No small wireless facility shall be installed on double utility poles.
- b. No small wireless facility shall be installed on utility poles that are not ADA compliant.

- c. No small wireless facility or equipment shall be placed in a manner which is inconsistent with ADA regulations for passage around said infrastructure.
- d. Cabinets or other small wireless facility infrastructure may not be placed within the travel way of the sidewalks. Sidewalk travel ways shall maintain a minimum of 4 feet in width to accommodate snow clearing vehicles along the sidewalks.
- e. No small wireless facilities shall remain within a Town right of way or on Town property that has not been certified as being in use in the annual re-certification affidavit.
- f. No small wireless facility installation equipment shall be replaced or altered without a re-application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

6. Aesthetic Standards for Small Wireless Facilities.

The following aesthetic standards apply to all small wireless facilities:

- a. Only small wireless facilities are permitted to be installed within a Commonwealth or Town right of way on new or existing utility poles or wireless support structures. No small wireless facilities shall exceed the size dimensions set forth in the definition of "small wireless facility".
- b. If in a Historic District, new utility poles or wireless support structures shall be designed to match any design parameters established by the Historical Commission for the subject location or in the absence of such design guidance, match the size, girth and design of any existing utility poles or other vertical structures located in the historic district right of way, e.g., decorative light poles.
- c. Whenever small wireless facilities must be placed in a right of way with residential or commercial uses on one (1) or both sides, neither utility poles, equipment, antennas or other structures shall be placed in front of said residential or commercial structure. If a right of way has residential and/or commercial structures on only one (1) side, the small wireless facilities shall be located on the opposite side of the right of way whenever possible. All small wireless facilities shall be located in such a way that they do not interfere with views from residential structures.
- d. All small wireless facilities shall be located so as to minimize adverse visual effects on the landscape.

- e. All small wireless facilities either independently sited or mounted on or to existing buildings and structures shall be camouflaged.
- f. When a small wireless facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal every component within or behind existing architectural features to limit its visibility from public view.
- g. All small wireless facility components mounted on a roof shall be stepped back from the front façade in order to limit its impact on the building silhouette and the public view.
- h. The Select Board shall determine if sufficient area exists immediate to the proposed small wireless facility so that landscape improvements would be aesthetically beneficial. If so, it shall request a landscape plan from the applicant. Said landscape plan will seek to screen or buffer the public view of the proposed small wireless facility.
- i. Any small wireless facility and equipment shall be painted to as to visually blend into the pole or wireless support structure, or if placed on the ground, to visually blend into nearby vegetation. Small wireless facilities may also be painted a light gray or light blue hue that blends with the sky and clouds.
- j. Exposed wires are not permitted. All cables, wires and connectors related to the pole or wireless support structure shall match the color of the support structure. There shall be no external cables or wires hanging off of or otherwise exposed on the pole or wireless support structure.
- k. Corporate or company names, logos, identifying graphics or other advertisements are not permitted on small cell wireless facilities or equipment, except for location and ownership information only.
 - i. Location and ownership information, and an emergency contact number, shall be included on the small wireless facility or equipment, in a manner that is visible to the public. Such information shall not exceed a total size of 4 inches by 6 inches in size, unless otherwise required by law.
- l. The height of a standalone pole including its antenna shall not exceed 32 feet or no more than 10 percent taller than other adjacent poles. The height of a wood pole including its antenna shall not exceed 45 feet.
- m. New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulation, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

n. Placement of small wireless facilities shall be organized using the smallest, most streamlined, and least intrusive means available to provide wireless services to the community. The following additional guidelines on placement apply:

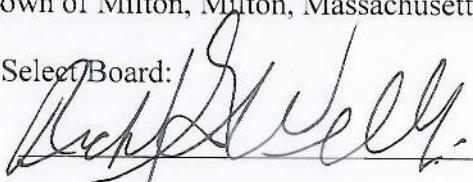
- i. Small wireless facilities and pole or wireless support structures shall be located no closer than 150 feet away from, radially, another small wireless facility and pole or wireless support structure.
- ii. Small wireless facilities and poles or wireless support structures shall be located with appropriate clearance from existing utilities.
- iii. Small wireless facilities and poles or wireless support structures shall be located in a manner that does not obstruct the legal use of a right of way by a utility provider.
- iv. Small wireless facilities and poles or wireless support structures shall be located in a manner that does not conflict with or violate the zoning and general bylaws of the Town, applicable law or regulations, or this policy.
- v. Small wireless facilities and poles or wireless support structures shall be located in a manner which does not negatively impact the structural integrity of the associated pole or wireless support structure.
- vi. Small wireless facilities and poles or wireless support structures shall not be located in a pedestrian path of a sidewalk, or otherwise impact safe and optimal access and circulation along sidewalks.
- vii. Small wireless facilities and pole or wireless support structures shall not impede, obstruct, violate, conflict with, or hinder any mode of travel over or access to any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or driveway, including obstruction of sight lines.
- viii. A minimum of 15 feet shall be maintained between a small wireless facility and pole or wireless support structure, and any driveway.

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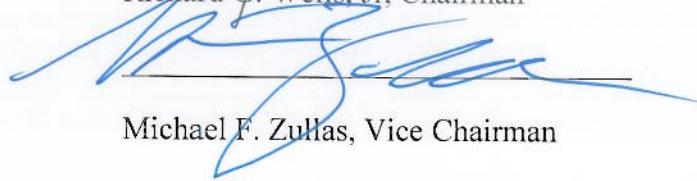
Approved

The Town of Milton, Milton, Massachusetts

by its Select Board:

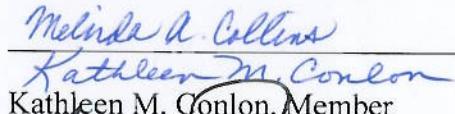
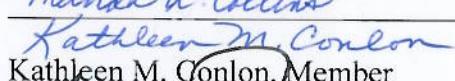


Richard G. Wells, Jr., Chairman

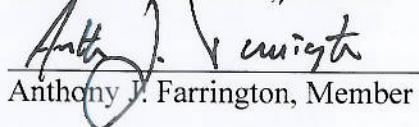


Michael F. Zullas, Vice Chairman

Melinda A. Collins, Secretary

Kathleen M. Conlon, Member



Anthony J. Farrington, Member

Dated: April 10, 2019