

**WIRELESS COMMUNICATIONS FACILITIES
ZONING BYLAW
PUBLIC HEARING**

Lenox Planning Board

November 29, 2022

6:00 p.m.

PUBLIC HEARING

GENERAL – M.G.L. 40A, Section 5

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard.

MEETING OUTLINE

- Town Meeting Warrant Article
- Key Take-Aways
- Bylaw presentation
- Correspondence
- Public comment
- Board discussion
- Adjourn

**SPECIAL TOWN MEETING
THURSDAY, DECEMBER 8, 2022 @ 7:00PM
DUFFIN THEATER-LMMHS**

ARTICLE 10

To see if the Town will vote to amend the Zoning Bylaw by deleting section 10.3, Wireless Telecommunications Overlay District, and replacing it with a new section 8.18, Wireless Communications Facilities, as set out in a handout available at Town Meeting, in substantially the same form as discussed at the Planning Board's November 29, 2022 public hearing, or take any other action in relation thereto.

[2/3 vote required]

APPROVED BY PLANNING BOARD

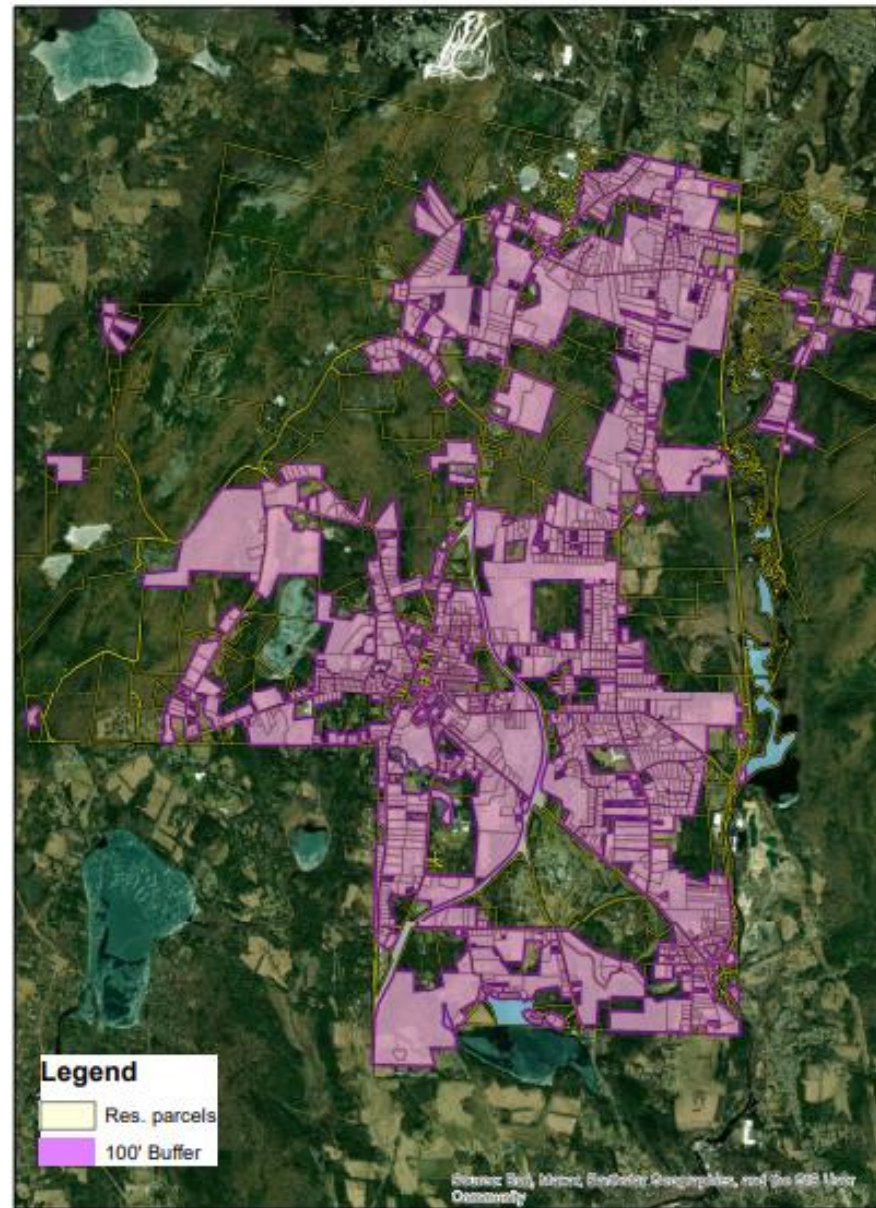
PLANNING PROCESS

The goal:

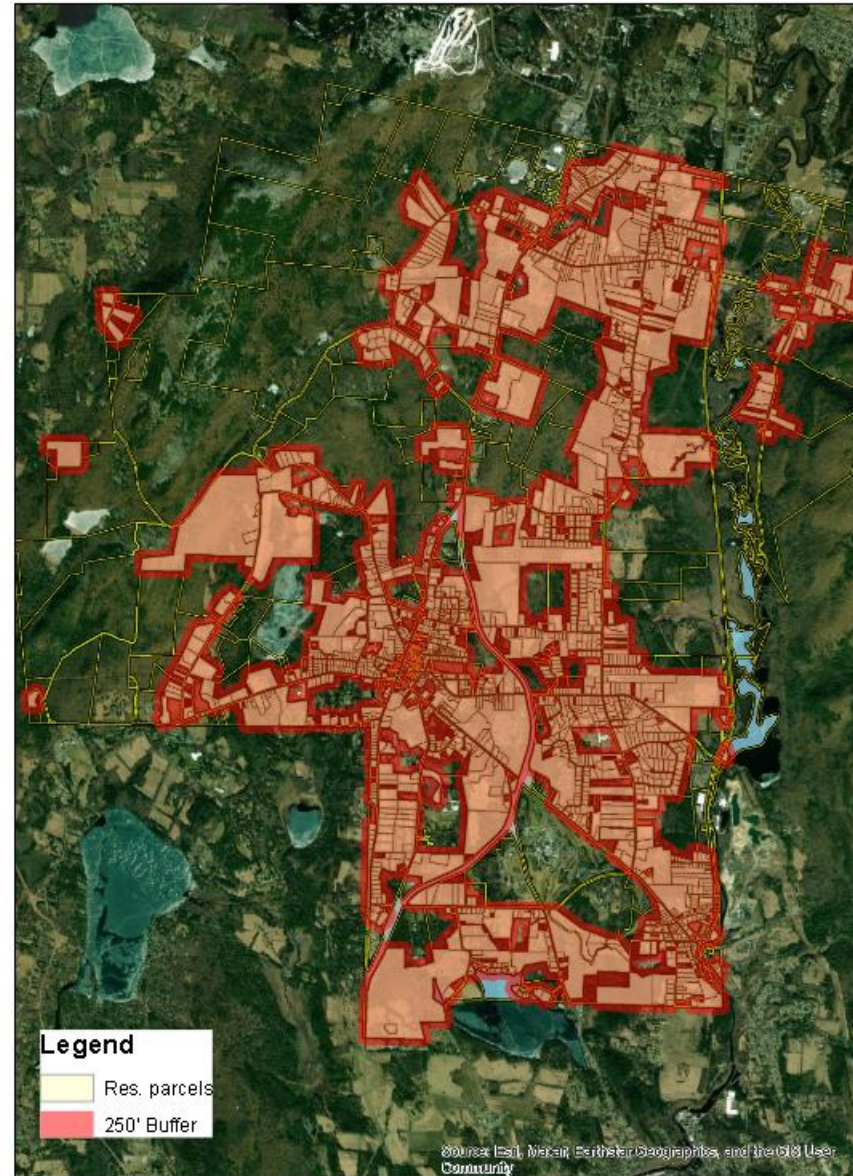
A zoning bylaw that allows the Town to say “yes” to new wireless infrastructure as suitable --- with tools to carefully review and say “no” as needed --- compliant with federal law.

- Engaged an outside expert
- Identified siting preferences
- Compared other zoning bylaws
- Evaluated existing coverage conditions—100 miles of drive test
- Identified “pressure points”
- Compared setback implications
- Zoning bylaw reviewed by Town Counsel
- Open, public process
- Ample input from community with follow-up research and discussion

100' Buffer--Residential Properties



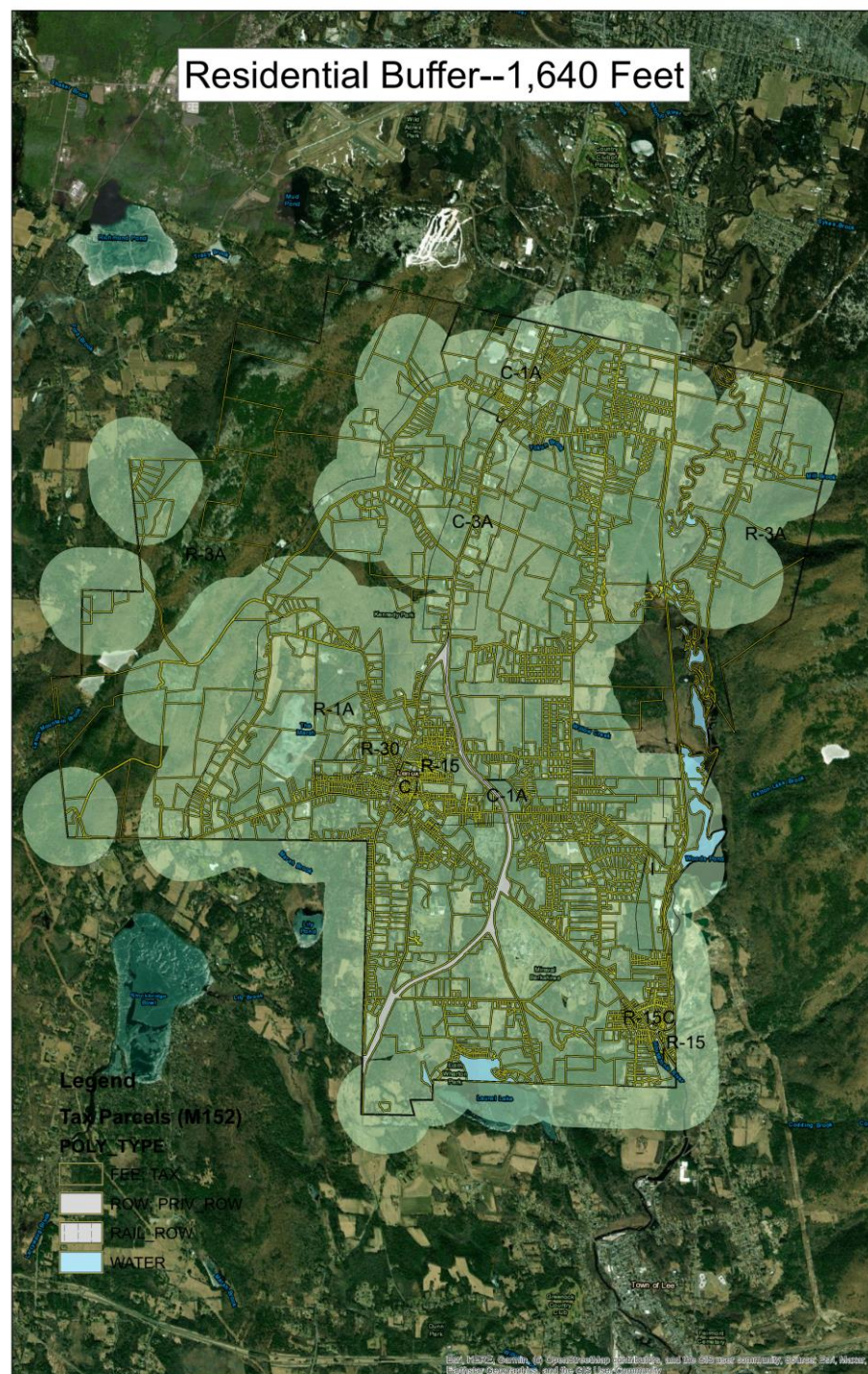
250' Buffer--Residential Properties



500' Buffer--Residential Properties



Residential Buffer--1,640 Feet



NEW BYLAW KEY TAKE-AWAYS

- Replaces an existing bylaw which restricts wireless infrastructure to only five specific parcels along the Rt. 7 & 20 corridor in the vicinity of the MassDOT district building.
- Compliant with Federal Law in that it would not “prohibit, or have the effect of prohibiting the provisions of personal wireless services” in the Town of Lenox.
- Requires a Determination of Need and establishes a quantitative/qualitative matrix that wireless service providers would have to demonstrate to the Zoning Board of Appeals.
- Establishes a strict set of Design Standards which wireless service providers would be required to follow.
- Requires a more rigorous abutter notification process for a location where a proposed wireless infrastructure would be sited. 600 ft from property lines rather than the normal 300 ft.
- Requires the applicant to pay for a wireless infrastructure consultant, hired by the Town, to assist and advise the Zoning Board of Appeals when reviewing applications.
- Allows for public input and comment through the Zoning Board of Appeals Special Permit Process.

SECTION 8.18.1 - PURPOSE

The purpose of this bylaw is to establish general guidelines for the locating of Wireless Communications Facilities, including without limitation, Wireless Communication Towers, antennas, ground equipment, and related accessory structures.

The intent of this bylaw is to:

1. Accommodate the growing need and demand for Wireless Communications Services.
2. Establish review procedures to ensure that applications for Wireless Communications Facilities are compliant with federal, state, and local regulations and acted upon within a reasonable period of time as required by applicable state and federal regulations.
3. Minimize the impacts of Wireless Communications Facilities on surrounding land uses by establishing standards for location and compatibility.
4. Encourage the placement of Wireless Communications Facilities on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, or effects upon the natural environment and wildlife.
5. Respond to the policies embodied in the Telecommunications Act of 1996 and subsequent FCC regulation of wireless facility placement in such a manner as not to unreasonably discriminate between providers of functionally equivalent Personal Wireless Services or to prohibit or have the effect of prohibiting Personal Wireless Services.
6. Protect the character of the Town while meeting the needs of its citizens to access Wireless Communications Services.

SECTION 8.18.2

APPLICATIONS AND PERMITS REQUIRED

Installation, modification or operation of a Wireless Communication Facility on property other than a public way shall require a Special Permit (BA) (ZBL 3.4) or Administrative Approval (AA). Completion of a Lenox Wireless Communications Facility Application form available from the Land Use department is required for each Wireless Communication Facility being requested. Application processing fees for Wireless Communications Facilities shall be paid at the time of application in accordance with the Town of Lenox Fee Schedule.

Note: The Special Permit process is detailed under Section 3.4 of the Zoning Bylaw.

USE TABLE

Zoning District	R-3A	R-1A	R-30	R-15	C	C-1A	C-3A	I
Collocation (unless the Collocation qualifies as an Eligible Facility)	BA	BA	BA	BA	BA	BA	BA	BA
New Tower	BA	BA	N	N	N	BA	BA	BA
Substantial Changes	BA	BA	BA	BA	BA	BA	BA	BA
Eligibility Facility Request per 47 USC §1455	AA	AA	AA	AA	AA	AA	AA	AA

AA = Administrative Approval; BA = Special Permit; N = Not Permitted

R-3A: (Residential, 3 Acre Min.)

Parcels on the west side of town from Under Mountain Rd. to the border. Also parcels on the east side of town from Roaring Brook Rd. to the border.

R-1A: (Residential, 1 Acre Min.)

Most parcels throughout town.

R-30: (Residential, 30,000 sq. ft. min.)

The neighborhood roughly bordered by Sunset Ave., Yokun Ave., Greenwood St., and Main St.

R-15: (Residential, 15,000 sq. ft. min.)

Parcels bordered by Main St., the Bypass, Housatonic St., and part of Walker St. Also parcels bordered by West St., Brunell Ave., Sunset Ave. and Main St. Also the neighborhoods in Lenox Dale.

C: (Commercial)

The downtown village and parcels east of Crystal St. from roughly Brown St. to the River in Lenox Dale.

C-1A: (Commercial, 1 Acre min.)

A 1,300 ft wide strip along Rt. 7 & 20 from New Lenox Rd. to the Pittsfield border.

C-3A: (Commercial, 3 Acre min.)

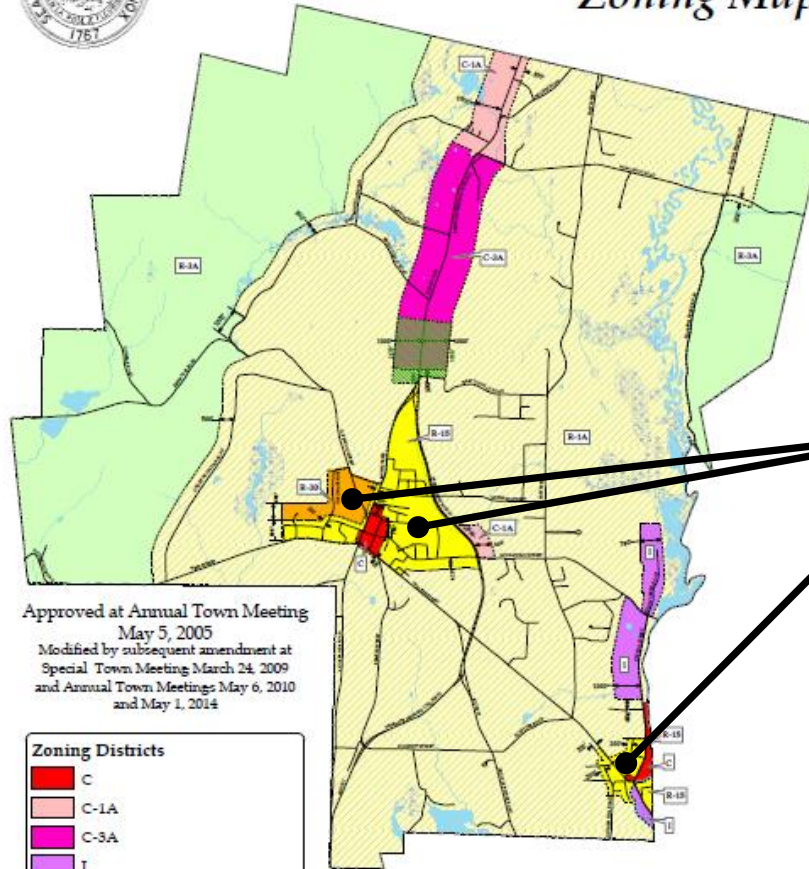
A 2,000 ft wide strip along Rt. 7 & 20 from East Dugway Rd. to New Lenox Rd.

I (Industrial):

The narrow strip along Willow Creek Rd. and Crystal St. from the old landfill to Brown St. Also the old Niagra Mill site.



Town of Lenox Zoning Map



Approved at Annual Town Meeting
May 5, 2005
Modified by subsequent amendment at
Special Town Meeting March 24, 2009
and Annual Town Meetings May 6, 2010
and May 1, 2014

Zoning Districts

- C
- C-1A
- C-3A
- I
- R-15
- R-1A
- R-30
- R-3A
- Open Space Flexible
Development Overlay District
- Gateway Mixed Use
Development Overlay District

For the Flood Plain District see the Town of Lenox
Flood Insurance Rate Map (FIRM), dated July 5,
1982 and Flood Boundary Floodway Map (FBFM),
dated July 5, 1982.



Massachusetts State Plane Meters
North American Datum 1983

- Town Boundary
- Roads
- Lake / Pond
- Wetland / Marsh
- Perennial Stream
- Intermittent Stream

The proposed zoning bylaw
PROHIBITS *New Towers* in the R-30,
R-15 and C districts
Collocation is STRONGLY
DISCOURAGED on residential
buildings in all districts.

SECTION 8.18.3

DETERMINATION OF NEED

1. **Demonstration of Need:** All applications for special permits for Wireless Communications Facilities (except Eligible Facilities Requests) shall be accompanied by a Demonstration of the Need for the proposed Facility. Demonstrations of Need shall include at a minimum an evaluation of existing coverage and the combined effect of existing and proposed coverage, including coverage maps and an accompanying narrative explaining the maps and the need. When the stated Need for the proposed Facility includes claims regarding network capacity, applicants shall include information (such as network statistics) demonstrating the capacity need quantitatively.
2. **Determination of Alternatives:** All applications for special permits for Wireless Communications Facilities(except Eligible Facilities Requests) shall be accompanied by a demonstration of a lack of less impactful solutions composed of one or more alternative Facilities.
3. **Findings:** To approve such applications, among other findings, the Zoning Board shall find that there is a Demonstrated Need for the proposed Facility that cannot be addressed with a solution composed of one or more alternative facilities that have a lesser impact on the community.
4. **Applicant Assertion of Federal Rights:** If the application involves a project that the applicant asserts federal rights over, the applicant shall provide a brief outline of the relevant law and the applicant's standing, and include such substantial evidence as is necessary to demonstrate applicant's claim. Examples of such rights are: claims of effective prohibition or discrimination if denied, or assertions that a design qualifies as a Small Wireless Facility or an Eligible Facilities Request.

SECTION 8.18.4

FACILITY IMPACTS

8.18.4(a) Qualitative Criteria

The selection of location and design of WCFs shall conform to the following Qualitative Criteria:

Review Criterion: The Zoning Board, in its review, shall engage with the applicant to assess the following preferred Qualitative factors, each of which shall be given substantial consideration in deliberations to approve the proposal, or to examine alternative sites.

Application Submission Criterion: The applicant shall provide substantial evidence why and how they meet or cannot meet each of these objectives and define why and how their proposal is demonstrably better:

- New Personal Wireless Service Facilities shall not have an undue adverse impact on historic resources, scenic views, residential property values, or natural or man-made resources.
- Ideally, a new Wireless Communication Facility shall be located on an existing non-residential structure (including an existing Tower) in a manner that does not materially increase its impact on the community.
- The preferred locations for each New Tower are along commercial and industrial corridors or in suitable municipal locations or other quasi-public sites where the settings, other structures, and intensity of uses already in place are more compatible with the industrial nature of wireless facilities. Remote locations on largely undeveloped areas may be acceptable if the result is a New Tower that is generally not visible to the public.
- While setback requirements are included in this bylaw, it is preferred that New Towers be located as far from residential lot lines as possible to avoid detrimental visual impacts and adversely affecting property values, and to preserve the privacy of adjoining properties.
- New Towers may be acceptable when they do not diminish the quality of experience of Lenox such as by piercing valuable scenic and historic skylines, or unduly compromising the look of traditional land development and use.

SECTION 8.18.4 FACILITY IMPACTS

8.18.4(b) Quantitative Criteria

As a complement to the Qualitative factors and at the discretion of the Zoning Board, new Wireless Communication Facility types shall be considered in accordance with the below preferences.

Where a lower ranked alternative is proposed, the applicant must provide in its application relevant information demonstrating:

1. that diligent efforts were made to adhere to the established hierarchy within the search area, and that higher ranked options are not technically feasible, practical, or justified given the location of the proposed Wireless Communication Facility, and/or,
2. that the impact of the proposed Facility is demonstrably better than any available higher priority solutions.

Location preferences are as follows:

- First Preference: Concealed Collocation on a non-residential structure, or attachment to existing Tower (not a Substantial Change)
- Second Preference: Camouflaged Collocation
- Third Preference: Collocation (not Concealed or Camouflaged) on a non-residential structure except Substantial Change to existing base station or Tower.
- Fourth Preference: Substantial Change to existing base station or Tower (i.e., not an Eligible Facilities Request)
New Camouflaged or Concealed Tower.
- Fifth Preference: New Tower
- Sixth Preference: Collocation on a residential structure.

In addition to the foregoing, if any New Tower or any Collocation on a residential structure is approved, the applicant must demonstrate that it is not feasible or effective to locate their Facility on an existing Tower or non-residential structure. Before a New Tower is proposed in a residential district, the applicant must also demonstrate that it is not feasible or effective to locate the Facility in

SECTION 8.18.5 COLLOCATIONS

Wireless Communications Facilities may be mounted onto a building or support structure that is not primarily constructed for the purpose of holding Wireless Communications Facilities or as an attachment to an existing Tower, subject to the following standards:

1. **Antenna Setbacks:** An Antenna Array attached to any structure that is not a Tower is exempt from the setback requirements for the zoning district in which the existing structure is located. An Antenna Array attached to the side of such a structure may extend up to five (5) feet horizontally from the side of the structure, provided that the Antenna Array does not encroach upon an adjoining parcel.
2. **Height Extensions:** The top of an attached Antenna shall not extend more than fifteen (15) feet above the structure other than a Tower to which it is attached. Notwithstanding this provision, the height of the Antenna shall not extend more than eight (8) feet above the maximum allowed height for such a structure in the zone in which it is located. These height limitations may be waived to accommodate the height of an architecturally appropriate concealment structure.
3. **Stanchion and Pole Extensions:** Additional height may be allowed on power transmission stanchions and utility poles to accommodate the minimum safety separation necessary from electrical lines, as required by the National Electrical Safety Code and the utility provider. For the purposes of classifying an application for the replacement of an existing utility pole, a replacement pole with up to five (5) feet greater height above ground (including attachments) is considered a replacement pole and is subject to Collocation requirements of this Zoning Bylaw. Replacement utility poles that will be more than five (5) feet above ground (including attachments) taller than the pole being replaced will be considered new poles.

SECTION 8.18.6

NEW TOWERS

Mailed Notice to Neighbors.

All new Towers shall require that mailed notice, in addition to meeting the standards of M.G.L. C. 40A, Section 11, be sent to all property owners within 600 feet of the property subject to the application.

8.18.6(a) Height Limitation

1. New Towers shall not exceed the minimum height necessary to provide adequate coverage for the Personal Wireless Service Facilities proposed for use on the Tower.
2. In working with the applicant to determine approved height, the Zoning Board will consider the following as part of the Special Permit process:
 - Balancing test:
 - The Personal Wireless Service Facility shall be designed to accommodate multiple users to the maximum extent technologically practicable in order to reduce the number of Personal Wireless Service Facilities that will be required to be located in the Town.
 - However, at its discretion, the Zoning Board may reduce the capacity for multiple facilities (typically by a decrease in height or width) if the Board finds that it is preferable to risk the need for a second Tower rather than approve one taller Facility.
3. The Zoning Board may allow height greater than the allowable height (8.18.6(a)(1)) if such height does not materially increase the impacts of the proposed Facility.

SECTION 8.18.6

NEW TOWERS

8.18.6(b) Setbacks

New freestanding Towers shall be subject to the setbacks described below:

1. The minimum setback distance to the nearest residential property line shall be 250 feet.
 - As part of the Special Permit process, the Zoning Board by supermajority vote may reduce this setback to no less than 1.5 times the Tower height based on the following findings:
 - a. This does not materially increase the impact of the proposed Tower on its surroundings in comparison to satisfying the full setback, or
 - b. There is no viable location on any parcel in the subject area from which to provide the necessary service that would comply with the full setback, or
 - c. This results in a design that is fully compatible with the purpose and intent of the Zoning Bylaws.
2. In the C-1A, C-3A, and Industrial Zones the minimum setback from parcels shall equal the height of the new Tower. The Zoning Board may allow a shorter setback if the shorter setback provides adequate safety and aesthetics.

SECTION 8.18.7

DESIGN CRITERIA FOR ALL WIRELESS COMMUNICATIONS FACILITIES

1. A Wireless Communications Facility should not significantly impact viewsheds and views from nearby locations and should be architecturally compatible with respect to such views.
2. Monopole Tower designs are preferred over lattice and guyed Towers.
3. Concealment or Camouflage shall be used when appropriate for mitigating visual impacts. The following are examples or options, not to be viewed as recommendations per se:
 - A faux carillon tower artfully placed on an institutional parcel;
 - A unipole inconspicuously placed near the rear of a lot;
 - A mimicked manmade or natural object consistent with a feature of the surrounding landscape;
 - Field light stanchions for athletic or recreational facilities or developed park areas;
 - Clock tower for commercially developed area;
 - Fire watch tower or monopine “tree” (native evergreen) compatible with rural or undeveloped area dominant points of view. For example (and not a recommendation), a faux carillon tower artfully placed on an institutional parcel or a unipole inconspicuously placed near the rear of a lot might provide satisfactory visual mitigation in some situations. Other options that may be proposed for concealment include mimicking a manmade or natural object that is consistent with the surrounding landscape; for example, field light stanchions for athletic and recreational facilities or developed park areas, clock tower for commercially developed areas, fire watch tower or “monopine” evergreen tree native to Berkshire County for rural or undeveloped areas. With respect to monopine designs, they are notorious for being poorly executed and being placed in awkward locations. Care should be taken to consider monopine designs only when they are compatible with the dominant points of view of the tower

SECTION 8.18.7

DESIGN CRITERIA FOR ALL WIRELESS COMMUNICATIONS FACILITIES

4. Landscaping and existing vegetation shall be employed to minimize visual impacts.
5. Antennas, cables, associated equipment, and mounting apparatus should be enclosed, Concealed, screened, or obscured so that they are not readily apparent to a casual off-site observer, except that a Facility may be approved with exposed Antennas and associated equipment if Concealment or Camouflage would not mitigate any visual impacts and no less visually impactful alternative locations or designs are available.
6. Signage: Commercial messages shall not be displayed on any WCF. Required noncommercial signage shall be restricted to FCC Antenna Structure Registration Number (when required), information about the Facility owner/operator, and any additional security and/or safety signs as applicable.
7. Lighting: Lighting shall be prohibited on all WCFs unless required by the Federal Aviation Administration (FAA). Applicants shall demonstrate efforts to avoid FAA lighting requirements, such as reduced Tower height or alternative locations. If lighting is required, night lighting shall be red and employ luminaires with the lowest practicable beam spread toward the earth.
8. Noise: Sound levels contributed by Facility operations including generators shall not exceed 40 dBA at the property lines of the parcel containing the Wireless Communication Facility and operations when no generator is running shall not exceed 30 dBA at said property lines. Emergency generators are permitted and are exempt from noise requirements during emergencies. Routine generator tests shall be conducted between 8 AM and 5 PM on business days except holidays.

SECTION 8.18.7

DESIGN CRITERIA FOR ALL WIRELESS COMMUNICATIONS FACILITIES

10. Equipment Compound and Cabinets: When practicable, equipment cabinets should be installed inside existing structures. If installed outdoors, equipment should not be visible to the public and neighbors or be screened behind an architecturally appropriate enclosure, behind a screen on a rooftop, or on the ground with landscape screening as required. Equipment compounds shall not be used for storage. Equipment compounds shall be subject to the setback requirements of their underlying zone.

11. Parking: WCFs shall include at least one parking space for personnel accessing the facilities in addition to any parking minimums for other uses on the parcel.

SECTION 8.18.8

ELIGIBLE FACILITIES REQUEST

1. The Zoning Board of Appeals is the Administrative Approval Granting Authority and shall grant Administrative Approval of an Eligible Facilities Request. Applicants with Eligible Facilities Requests shall submit application materials and undergo a review process that shall be conducted in a manner consistent with federal limitations. The Zoning Board shall verify that the application for an Eligible Facilities Request is bonafide and may apply conditions that are not otherwise preempted by the FCC.
2. The design of an Eligible Facilities Request shall maintain the appearance intended by the original Facility and shall comply with any conditions of prior approvals for wireless facilities on the site, including, but not limited to, color, screening, landscaping, Camouflage, Concealment techniques, mounting configuration, or architectural treatment.
3. Administrative Approval: Applicants shall submit application materials to the Lenox Town Clerk. Detailed instructions and application content requirements are available from the Lenox Land Use Department.

SECTION 8.18.9 TOWER REPLACEMENT

1. Existing Towers may be replaced pursuant to this Section 8.18, provided that the replacement accomplishes a minimum of one of the following:
 - a. Increases the number of wireless service providers the Tower can support or otherwise materially improves the provision of wireless service in Lenox;
 - b. Contributes to the reduction of the proliferation of new Towers in Lenox;
 - c. Replaces an existing Tower with a Tower with less impact on the town, such as reduced height or improved appearance (by Camouflage or Concealment).
2. Landscaping: At the time of replacement or upgrade, the Tower equipment compound shall be brought into compliance with any applicable landscaping requirements.
3. Setbacks: A replacement of an existing Tower shall not be required to meet new setback standards so long as the new Tower and its equipment compound do not increase the existing nonconformity.

SECTION 8.18.10 APPLICATION

For details of the many requirements, see pages 13-15 of the handout (proposed bylaw)

All Applications shall include:

1. Plans – Drawings of the proposed site showing equipment, abutters, driveways, property lines, etc.
2. Photosimulations – Photographic simulation of what the wireless infrastructure will look like.
3. Design – Details of concealment or camouflage.
4. Radio Frequency Emissions Analysis – Required to demonstrate compliance with applicable safety standards.
5. Noise Analysis – Required to demonstrate compliance with state and local noise regulations.
6. Applicant shall provide a narrative and any additional exhibits as necessary to demonstrate fulfillment of and compliance with the criteria outlined in all sections of this bylaw 8.18.
7. A report and supporting technical data shall be submitted, demonstrating:
 - the need for additions to existing infrastructure or new infrastructure.
 - Visual impacts.
 - Compliance with FAA hazard to air navigation requirements.
 - Balloon/Crane test.

SECTION 8.18.11

EMPLOYMENT OF OUTSIDE CONSULTANTS

Pursuant to MGL Ch 44 Sec 53G, the Zoning Board shall engage outside consultants at the expense of the applicant to assist the Zoning Board's review of an application under this Wireless Communications Facilities Bylaw.

SECTION 8.18.12 DECISION

Special Permits:

In addition to the findings required by the Bylaw in Section 3.4, the Board of Appeals shall, in consultation with the Independent Consultant(s), make all of the applicable findings before granting the Special Permit as follows:

8.18.12(a) Special Permit Findings

1. The Zoning Board of Appeals shall evaluate the application in light of Section 3.4 of the Zoning Bylaw and make findings and apply conditions as appropriate.
2. The Board also shall make findings that:
 - a. The application meets all the Application Criteria 8.18.10 or is granted waivers to specific application requirements.
 - b. The applicant has/has not met the burden of Demonstrating the Need for the proposed Wireless Communication Facility Section 8.18.3.
 - c. The application satisfies the Qualitative and Quantitative Criteria for Facility Impacts Section 8.18.4
 - d. The application meets the performance criteria for Collocation (8.18.5), New Tower (8.18.6), or Tower Replacement (8.18.9) as applicable.
 - e. The application is an acceptable Design and meets Design Criteria 8.18.7. f. The application and any waivers granted are consistent with the Purpose 8.18.1 of this Bylaw.

SECTION 8.18.12 DECISION

8.18.12(b) Administrative Approval / Eligible Facilities Requests Finding

Eligible Facilities Requests 8.18.8 shall be granted Administrative Approval consistent with findings based on requirements and application in this bylaw 8.18.

SECTION 8.18.13

POST CONSTRUCTION RFR STUDY

Any time after the installation of an approved Wireless Communication Facility, the Town shall require operators of such facilities to demonstrate compliance with FCC regulations regarding the safety of all relevant radio frequency emissions from the site (47 CFR 1.1310). As appropriate to the situation, such demonstrations of compliance may require either the conduct of a field survey of emissions and/or by production of calculations consistent with FCC OET Bulletin 65, as directed by the Town. The Town may require the operator(s) to reimburse the Town for such analysis independently commissioned by the Town. In the event the results demonstrate that the Wireless Communication Facility is not in compliance with the applicable rules, the applicant shall immediately bring the facility into compliance, including by cessation of operations if necessary prior to implementing changes.

SECTION 8.18.14

ABANDONMENT (DISCONTINUED USE)

1. Towers, Wireless Communications Facilities, Antennas, and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use.
2. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Town may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the Tower or Antenna is not removed within this time, the Town may give notice that it will contract for removal within 30 days following written notice to the owner either with the Owner's permission or pursuant to a court order. Thereafter, the Town may cause removal of the Tower with costs being borne by the owner.
3. Upon removal of the Tower, Wireless Communication Facility, Antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal. At the Town's discretion, the foundation may be abandoned in place if reduced to below finished grade.
4. All applicants shall, upon grant of Administrative Approval or a Special Permit, furnish a performance bond or irrevocable letter of credit naming Town of Lenox as beneficiary in an amount to be determined by the Zoning Board of Appeals ("Performance Bond) which shall state, inter alia, that it is for the purpose of assuring the removal of the permitted Wireless Communication Facility in the case of abandonment as contemplated herein.

SECTION 8.18.15 EXEMPT FACILITIES

The following are exempt from the standards for wireless communication facilities notwithstanding any other provisions:

1. Satellite earth stations used for the transmission or reception of wireless communications signals with satellites that are one (1) meter (39.37 inches) or less in diameter in all residential zones and two (2) meters or less in all other zones.
2. A temporary Wireless Communication Facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town designee; except that such Facility must comply with all federal and state requirements. No communications Facility shall be exempt from the provisions of this Section beyond the duration of the state of emergency.
3. A government-owned Wireless Communication Facility erected for the purposes of providing communications for public health and safety.
4. A temporary Wireless Communication Facility for the purposes of providing coverage of a special event, and subject to federal and state requirements. Said Communications Facility may be exempt from the provisions of this Section up to one week before and after the duration of the special event.
5. Amateur radio towers solely used for licensed amateur services up to 70 feet in height, or at such additional height as approved by informal application to the Zoning Board of Appeals.

SECTION 8.18.16

DEFINITIONS

Antenna – a device consisting of exposed elements or of an enclosure containing one or more elements that transmits and/or receives electromagnetic radio frequency signals. Two or more Antennas operated by one carrier/owner at one site constitute an Antenna Array. In context, a single enclosure that contains multiple Antenna elements connected to multiple electrical ports that provide for any of the following is considered an Antenna herein: multiple frequency bands, multiple input/multiple output Arrays, transmit/receive isolation, polarization and space diversity.

Camouflaged (Facility/Antennas) – the use of materials added to an installation, including when applicable added to existing architecture, to render a Facility or Antennas less noticeable.

Collocation - to install a Wireless Communications Facility on an existing structure, including but not limited to an existing Tower, building, or other structure (such as water or fire tower, pole, etc.).

Concealed (Facility, Antennas) - a Wireless Communication Facility or portion thereof that is designed in a manner that it is not visible to the public, typically through the use of radio frequency transparent materials integrated with existing architecture; any Tower that is designed to conceal the Antennas is considered a Concealment.

Eligible Facilities Request – an application for a type of modification to an existing approved Wireless Communications Facility as defined in 47 CFR 1.6100. FCC - the Federal Communications Commission of the United States.

Person - an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

SECTION 8.18.16

DEFINITIONS

Substantial Change – a type of modification to an existing approved Wireless Communications Facility as defined in in 47 CFR 1.6100

Tower - A structure constructed on the ground for the sole or primary purpose of supporting Antennas and their associated equipment. Wireless Communications Facility (WCF) (Facility) – an installation of equipment and utilities for the provision of Personal Wireless Services to link remote user equipment to a communications network,

Personal Wireless Services – Personal Wireless Services as defined in the National Wireless Telecommunications Policy, 47 U.S.C. 332(c): “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.” Note: This covers telecommunications services offered to the public or a subset thereof using a network of base stations to link remote subscribers to the telecommunications network.