



Applications for Small Wireless Facilities Located Within Public Rights of Way Policy

Boxborough Select Board
Town of Boxborough, MA

Intent and Purpose

The Town of Boxborough ("Town") by and through its Select Board, acting pursuant to G.L. c. 166, §22 hereby adopts this policy ("Policy") concerning Applications for Small Wireless Facilities within the public rights of way of the Town.

For the purposes of this policy, a "Small Wireless Facility" or "Facility" is a facility as defined in 47 C.F.R. § 1.6002(l), as may be amended from time to time.

1. Permit Required

No person or entity shall install, locate, use, modify or maintain a Small Wireless Facility within the limits of any public right of way without first applying for and obtaining a Grant of Location or Amended Grant of Location from the Select Board for that Facility pursuant to and consistent with this Policy.

2. Application Process

- a. An application for a Small Wireless Facility shall be submitted to the Select Board through the Office of the Town Administrator along with the required application fee, payable to the Town of Boxborough. No application shall be accepted for filing without the required application fee. The application fee is \$500 for each application requesting approval to install up to five (5) Facilities. There shall be an additional fee of \$100 for each additional Small Wireless Facility included in a single application. The application fee shall be \$1,000 to construct a new pole or other structure to support one or more Facilities. An application for a new structure also requires either: (1) a co-application with an entity covered by G.L. c. 166, §22, or (2) a showing that the new structure is necessary to avoid an effective prohibition of wireless services.
- b. Three hard copies and one electronic copy of the application must be submitted. Applications may be hand-delivered during normal Town Offices hours or mailed. Applications are deemed submitted when received by the Town. No application shall be accepted for filing by e-mail.
- c. Each application shall identify all properties within 300 feet of the proposed location, and shall include a list of the owners of those properties with their addresses obtained from the Town Assessors' Office.
- d. Upon receipt, the Office of the Town Administrator shall date and time stamp the application as received.
- e. The Town Administrator, or designee, shall make a determination as to the completeness of the application and notify the Applicant, in writing within ten (10) days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the time for acting on the application shall be governed by the Federal Communication Commission Declaratory ruling and Third Report and Order ("FCC 18-133").
- f. The Town Administrator, or designee, shall circulate a copy of the application to other Town departments

or boards who, in the Town Administrator's discretion, are determined to have input or insights that would be helpful to the review process.

- g. Written comments from departments and boards shall be submitted to the Office of the Town Administrator as soon as possible, but not later than twenty days from the date the application is circulated.
- h. Once the application is deemed complete, and all comments have been received, the Select Board shall schedule a public hearing to consider the application, so that a determination may be made on any application within the time required by law. The Select Board shall cause notice of such hearing to be given in accordance with the requirements of G.L. c.166, §22 for a petition to construct a line for transmission or the wires, poles, piers, abutments or conduits necessary therefor upon, along, under or across a public way.
- i. 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. Whenever an application is amended or new application submitted, the original application shall be deemed withdrawn.
- j. Upon completion of the hearing, the Select Board shall either grant, grant with conditions, or deny the application based on such factors as pole capacity, mounting structures, safety concerns, reliability concerns, the failure to meet applicable engineering, design or aesthetic standards, refusal to co-locate where possible, the existence of a suitable alternative siting location, interference with the Town's public safety radio system, traffic signal light system, or other communication components, or the failure to comply with any requirement of this Policy. Any Grant of Location issued to an applicant shall be only for the specific applicant and application.
- k. The holder of a Grant of Location shall provide advance written notice to the Town of any change in the name, carrier or sistered service provided by another carrier concerning an approved Facility, and such change will require a new application and approval from the Town in the event it constitutes a substantial modification of the Facility or will result in a violation of the terms of an existing Grant of Location or this Policy.
- l. Any modification of the approved Facility will require a new application for an amended Grant of Location.

3. Application Content

- a. Applicant's name, address, phone number and email address.
- b. Names, addresses, phone numbers, and e-mail addresses of anyone acting on behalf of the Applicant with respect to the application.
- c. Detailed drawings, with wet stamp/wet signature, and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:
 - I. Type of equipment
 - II. Specifications of equipment (including but not limited to dimensions and weight of each piece of equipment and of all equipment)
 - III. Dimensions of each piece of equipment and total dimensions of all equipment
 - IV. Equipment mount type and materials

- V. Power source or sources for equipment, including necessary wires, cables, and conduits
 - VI. Expected life of equipment
 - VII. Coverage area of equipment, including: number, model, length and height, remote radio units (RRU) count and power, and typical coverage area radius
 - VIII. Call capacity of equipment, including: Total RRUs, max bandwidth per RRU, multiple input, multiple output (MIMO) per RRU, and backhaul rate per RRU
 - IX. Hardening, including: if there is battery backup, or generator, and whether there are multiple fiber paths to switch.
 - X. Frequency of equipment proposed to be installed.
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- d. Photos, renderings, and elevation of equipment proposed to be installed.
 - e. Detailed map with locations of the poles or other structures on which equipment is to be located, including specific pole identification number, if applicable.
 - f. Detailed map illustrating existing and proposed Small Wireless Facilities within 500' of the Application site or sites.
 - g. Certification by a registered professional engineer that the pole or location will safely support the proposed equipment.
 - h. Written consent from the pole/structure owner confirming permission to attach/install.
 - i. Affidavit from a radio frequency engineer outlining the current level of coverage and, if applicable, how the desired Facility(s) will address an existing coverage gap, using coverage maps, as set forth in Section 7200 of the Boxborough Wireless Communication Facilities provisions of the Boxborough Zoning Bylaw.
 - j. Insurance certificate evidencing workers compensation and comprehensive general liability coverage for the Small Wireless Facility and naming the Town as an additional insured.
 - k. Description as to why the desired location is superior to other similar locations,
 - l. Description of efforts to co-locate the equipment on structures, poles, or towers which currently exist or are under construction, as applicable. A good faith effort to co-locate is required and evidence of said efforts must be included within the application.
 - m. An affidavit from the applicant that it will maintain the Facility in good repair and in accordance with FCC standards, and will remove any Facility(s) not in good repair, or not in use, within 60 days of being taken out of service.
 - n. Completed cover sheet on Town form, using extra sheets as necessary, to provide all necessary information.

- o. Surety bond with Town named as obligee, or other security approved by the Town in its reasonable judgment, sufficient to ensure removal of equipment by the Town when equipment is no longer in service. The Town may require new or additional security while a Grant of Location is in force to ensure continued sufficiency.

4. Annual Re-certification and Affidavit

- a. Each year, not later than by July 1st, the Applicant shall submit an affidavit listing, by location, all Small Wireless Facilities it maintains within the Town of Boxborough, and certifying: 1) that all such Facilities remain in use and in good working condition; and 2) that all such Facilities remain covered by the required level of insurance, and identifying any equipment or Facility no longer in service and the date of removal of that equipment or Facility.
- b. The Applicant shall pay an annual re-certification fee of \$270 for each Facility that remains in use/service.
- c. Any small cell wireless Facility which is no longer in use/service shall be removed, at the expense of the Applicant, within sixty days of the date the Facility ceased to be used.
- d. Any Small Wireless Facility that is not removed within the above sixty-day deadline shall be subject to a fine of \$100 per day, per Facility, until said Facility is removed. The Town may impose and collect that fine pursuant to G.L. c. 40, §21D. In addition, the Town may employ any remedy at law or in equity to cause removal of such a Facility.
- e. Whenever said annual re-certification has not been timely submitted, or equipment no longer in use has not been timely removed, applications for small cell wireless installations submitted by the responsible entity will be deemed incomplete until such time as the annual re-certification has been submitted and all relevant fees and/or fines have been paid.

5. Siting, Design and Aesthetic Criteria

The following Requirements shall apply to Small Wireless Facilities located inside of the right of way. The Select Board shall review all Applications to ensure the following:

- a. To the extent feasible, Applicants shall follow Section 5, General Technical and Aesthetic Requirements and Guidelines as outlined in Littleton Electric Light and Water Department's Technical and Aesthetic Standards for Small Cell Siting.
- b. The proposed facility(ies) shall be designed, using the best available technology, to blend into the surrounding environment through the use of camouflaging techniques (including minimizing size, tapered shapes and colors that match the surrounding area and infrastructure, or other architectural treatments.

- c. No tree trimming or pruning for improved line of sight or for other functional needs will be allowed without explicit permission from the Tree Warden. Requests for tree trimming or pruning and identification of locations shall be included as part of the Application. Applicants shall specifically avoid, when possible, tree trimming or pruning along the Route 111 Corridor and along designated scenic roads.
- d. In neighborhoods served by underground electric and other utilities, no above- ground facilities shall be installed if there is an underground alternative. Such installations shall be done at the Applicant's expense. A waiver of this requirement may be granted by the Select Board upon request by the Applicant if the Applicant can demonstrate sufficient mitigation of visual, aesthetic and other impacts to the neighborhood, with the implementation of stealth design and the addition of landscaping and screening as determined by the SPGA.
- e. Stealth designs that are not visible to the public are preferred. Examples of stealth designs include shapes and colors that match surrounding infrastructure and minimize adverse visual impacts.
- f. No Small Wireless Facility shall be installed on double poles.
- g. No Facility shall be permitted that inhibits or prevents compliance with the Americans with Disabilities Act.
- h. No Facility shall remain within the Town right of way or on any Town property that has not, during the course of re-certification, been confirmed to be in ongoing use.
- i. No Facility shall be altered without first having been approved by the Select Board, after a proper hearing. The Select Board shall generally require that the equipment be replaced by the same or substantially same equipment.