Kim DelNigro

From: Christopher Schaffner [chris@greenengineer.com]
Sent: Wednesday, February 21, 2007 2:25 PM
To: Planning Board
Cc: Roland Bartl
Subject: FW: sudbury cell tower bylaw

From: Burney, Jennifer [mailto:BurneyJ@town.sudbury.ma.us]
Sent: Wednesday, February 21, 2007 9:36 AM
To: chris@greenengineer.com
Subject: re: sudbury cell tower bylaw

Hi Chris,
It was nice meeting you yesterday. The seminar was excellent. I learned a lot.
You asked about Sudbury's cell phone by law and I just wanted to drop you a note that we don't allow towers within 500 feet of a residential lot line or 1000 feet of a school. We have six selected sites all on Town land or water district sites. 5 of the sites have towers on them.

Enjoy your day,

Jennifer Burney, Assistant Planner
278 Old Sudbury Road, Sudbury, MA 01776
Tel. (978) 639-3389 ext. 3389 Fax: (978) 443-0756
Email: burneyj@town.sudbury.ma.us

Kim DelNigro

From: Christopher Schaffner [chris@greenengineer.com]
Sent: Wednesday, February 21, 2007 2:25 PM
To: Planning Board
Cc: Roland Bartl
Subject: FW: Copy Sudbury Wireless Bylaw

Attachments: Wireless Bylaw.doc

Wireless Bylaw.doc
(64 KB)

-----Original Message-----
From: Burney, Jennifer [mailto:BurneyJ@town.sudbury.ma.us]
Sent: Wednesday, February 21, 2007 9:45 AM
To: chris@greenengineer.com
Subject: FW: Copy Sudbury Wireless Bylaw

Here you go. The basic bylaw allows towers on 6 specified properties, and then allows roof or internally mounted antenna on any business property, church steeple, or barn. All installations (towers and internally mounted antenna) are subject to the 500/1000 foot setback requirements from residential lot lines/schools.

Jody Kablack, Director of Planning and Community Development
278 Old Sudbury Road
Sudbury, MA 01776
(978)639-3387
(978)443-0756 fax

4300. WIRELESS SERVICES OVERLAY DISTRICT.

4310. Purpose. The purpose of this Bylaw is to establish districts within Sudbury in which wireless services may be provided with minimal harm to the public health, safety and general welfare of the inhabitants of Sudbury; and to regulate the installation of such facilities by 1) minimizing visual impact, 2) avoiding potential damage to adjacent properties, 3) by maximizing the use of existing towers and buildings, 4) by concealing new equipment to accommodate the needs of wireless communication in order to reduce the number of towers needed to serve the community and 5) promoting shared use of existing facilities.

4320. Overlay District. Wireless services (including antennas, transceivers, towers, equipment buildings and accessory structures, if any) may be erected in a Wireless Services Overlay District subject to Site Plan approval pursuant to Section 6300 of the Zoning Bylaw, as may be amended, and upon the issuance of a special permit by the Board of Appeals pursuant to Section 6200 of the Zoning Bylaw. The Wireless Services District shall be constructed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

4330. Location. The Wireless Services Overlay District shall include those parcels of land owned by the Town of Sudbury, which is held in the care, custody, management and control of the Board of Selectmen, Park & Recreation Commission, and parcels of land owned by the Sudbury Water District, as of the effective date of this Bylaw, as listed below:

4331. Sudbury Landfill property, Assessor's Map No. K12, Parcel 002
4332. Former Melone property, Assessor's Map No. C12, parcel 100
4333. Sudbury Water District Borrow Pit, North Road, Assessor's Map No. C12, Parcel 004
4334. Raymond Road well field area, including Feeley Park and surrounding Town and Water District land, Assessor's Map Nos. L08, Parcels 001, 002, 008, 009, 010, 012 and M08, Parcel 021
4335. Highway Department property, Old Lancaster Road, Assessor's Map No. H08, Parcel 049

Also included in the overlay district are all properties within Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research districts.

4340. Uses Available As of Right. The following are allowed as-of-right in the overlay district, or elsewhere as specified, subject to section 4360 and Site Plan Review under section 6300 of the Zoning Bylaw.

4341. All interior mounted wireless communications equipment is allowed in any zoning district in the Town. In residential districts, interior-mounted wireless communication equipment shall be permitted only in steeples, bell towers, cupolas and spires of non-residential buildings or structures, or in agricultural buildings.

4342. Roof-mounted wireless communications equipment is allowed in the overlay district if it meets the following conditions:

HEIGHT OF BUILDING	MAX. HEIGHT OF EQUIPMENT ABOVE THE HIGHEST POINT OF THE ROOF	REQUIRED SETBACK FROM EDGE OF ROOF OR BUILDING
More than 36 feet	12 feet above roof	1/2 foot for every foot of equipment height, including antenna
10-36 feet	10 feet above roof	1 foot for every foot of equipment height, including antenna

If there is a parapet on any building or structure which does not exceed 36 feet in height and if the roof-mounted wireless communication equipment will be transmitting or receiving in the direction of that parapet, the required setback from the edge or edges of the roof of the building at or beyond the parapet shall be reduced by the height of such parapet. The height of a parapet shall not be used to calculate the permissible maximum height of roof-mounted wireless communication equipment. For the purposes of this section, a parapet is that part of any wall entirely above the roof line.

4343. Facade-mounted equipment within the overlay district which a) does not extend above the face of any wall or exterior surface in the case of structures that do not have walls, b) does not extend by more than 18 inches out from the face of the building or structure to which it is attached, and c) does not obscure any window or other architectural feature.

4344. Small transceiver sites which utilize technology that does not require the construction of an equipment building, shelter, cabinet or tower (micro-cells), and have a total power input to the antenna of twenty (20) watts or less, in any zoning district.

4345. Changes in the capacity or operation of a wireless service facility which has previously received a special permit under this Bylaw, limited to an increase or decrease in the number of antennae, cells or panels, or the number of service providers (co-locators), shall be permitted, subject to Site Plan review under section 6300 of the Zoning Bylaw and authorization from the lessor of the property.

4350. Uses Available by Special Permit. Free-standing monopoles meeting the following criteria may be authorized by Special Permit. Any special permit granted under this section shall expire in five (5) years from the date of issuance. Continued operation of such facility shall be subject to application for and renewal of the special permit by the Zoning Board of Appeals.

4351. Free-standing monopoles shall be allowed only on those parcels in the overlay district which are listed in sections 4331-4335 herein.

4352. Free-standing monopoles shall be no higher than 100 feet.

4353. The setback for a free-standing monopole shall be at least 125 feet from the property line.

4354. Co-location of wireless communication equipment on existing towers and buildings is encouraged. The applicant for a monopole shall demonstrate that the communication equipment planned for the proposed structure cannot be accommodated on an existing or approved tower or structure or building within a one-half mile search radius of a proposed monopole for one or more structural, technical, economic or other reasons as documented by a qualified engineer or other qualified professional including, but not limited to the following.

a. no such tower or building exists.

b. the structural capacity of the existing tower or structure is inadequate and cannot be modified at a reasonable cost or the proposed equipment will interfere with the usability of existing equipment.

c. the owner of an appropriate building or structure has effectively denied permission to co-locate by unreasonable delay or commercially unreasonable terms or conditions.

d. the height of existing tower or structure in not adequate to permit the proposed equipment to function.

4355. Every new monopole or tower shall be automatically subject to the condition that the permit holder must allow co-location upon the structure by other wireless communication providers upon commercially reasonable terms and conditions and without unreasonable delay, if such co-location is technically feasible. It is expressly provided that any requirement imposed by a permit holder which requires the payment of rent in excess of industry standards or which allows the co-location only if the requesting party provides comparable space on one of its structures to the permit holder shall be deemed commercially unreasonable.

4360. Facility and Site Design Criteria.

4361. All wireless communication equipment shall be sited, screened and/or painted or otherwise colored or finished to blend in with the building or structure on which it is mounted or in a manner which aesthetically minimizes the visibility of the devices in the surrounding landscape or on the building or structure to which they are attached. In certain circumstances, additional architectural features or changes to the façade may be necessary to maintain the balance and integrity of the design of the building or structure with building-mounted wireless communication equipment.

4362. Equipment boxes or shelters for wireless communication equipment must either be interior to the building on which it is located, completely camouflaged, and/or completely screened from view from the public way.

4363. No radiating component of a wireless service facility shall be located within five hundred (500) feet of a residential lot line, measured from the horizontal distance from the radiating structure, except small transceiver sites permitted herein. No component of a wireless service facility shall be located within one thousand (1,000) feet of any school building, except small transceiver sites permitted herein.

4364. Existing on-site vegetation shall be preserved to the maximum extent practicable. Major topographical changes shall be avoided.

4365. Traffic associated with the facilities and structures shall not adversely affect abutting ways. No part of any building-mounted wireless communication equipment shall be located over a public way. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.

4366. 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.

4367. Night lighting of the facilities 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.

4368. Applicants proposing to erect wireless communications facilities and structures on municipal properties shall provide evidence of contractual authorization from the Town of Sudbury or the Sudbury Water District to conduct wireless communications services on said property.

4369. All unused facilities or parts thereof or accessory facilities and structures which have not been used for two (2) years shall be dismantled and removed at the owner's expense. A bond in an amount which shall not be less than the estimated cost to dismantle and remove the wireless communication facility plus twenty-five percent (25%), shall be required to be furnished to the Town prior to construction of the facility.

4370. Submittal Requirements. As part of any application for a special permit under this Section, applicants shall submit, at a minimum, the applicable information required for site plan approval, as set forth herein at Section 6300, as may be amended, and the following additional information:

4371. A color rendition of the proposed facility with its antenna and/or panels at the proposed location is required. One or more renditions shall also be prepared illustrating the visual effects of the facility from prominent areas.

4372. The following information prepared by one or more professional engineers:

a. a description of the facility and the technical, economic and other reasons for the proposed location, height and design.

b. confirmation that the facility complies with all applicable Federal and State standards.

c. a description of the capacity of the facility including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.

4373. If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

4374. A general description of the build-out plan of other wireless communications facilities that the provider plans to install in Sudbury within the next five (5) years, including locations, approximate tower height, the capacity of the facility and the proposed compensation to the Town or Water District.

4375. Balloon Test: Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the proposed facility. The dates (including a second date, in case of poor visibility on the initial date), times, and location of this balloon test shall be advertised, by the applicant, at least 7 days in advance of the first test date in a newspaper with a general circulation in the Town of Sudbury. The applicant shall inform the Board of Appeals, in writing, of the times of the test at least 14 days in advance. The balloon shall be flown for at least four (4) consecutive hours between the hours of 8:00 a.m. and 6:00 p.m. on the dates chosen, which shall be on a weekend.

4380. Exemptions. The following types of uses are exempt from this Section:

4381. Towers, satellite dishes or antennas for non-commercial use are regulated under Section 2632 of the Zoning Bylaw.

4382. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications

Commission, provided that the tower operator is not licensed to conduct commercial business on a daily basis from that facility.

4390. Selectmen Authority to Lease Town-owned sites. The Board of Selectmen may lease Town-owned property to facilitate the purposes of this bylaw.