

**ARTICLE ZC.2**  
(Two-thirds vote)

**WIRELESS COMMUNICATION FACILITIES  
AMENDMENTS**

To see if the Town will vote to amend the Zoning Bylaw, section 3.10 – Wireless Communication Facilities, as follows:

A. In section 3.10.6, add the following sentences to the end of sub-section 3.10.6.1:

“The height of a Wireless Communication Facility shall be the higher of:

- a) The elevation of the top of the pole structure above the mean ground elevation directly at the base of the pole; or
- b) The elevation of the top of the pole structure above the mean ground elevation within 500 feet of the base of the pole.

B. In section 3.10.6, insert new sub-sections 3.10.6.2 and 3.10.6.3 as follows:

3.10.6.2 Wireless Communication Facilities shall be single monopoles with internal or flush-mounted antennae, also known as stealth monopoles. On a case by case basis, the Planning Board may allow monopoles with externally mounted equipment arrays, generally when aesthetic considerations are less important.

3.10.6.3 Wireless Communication Facilities shall be located, designed, and constructed to support a final maximum height allowed under section 3.10.6.1 above fully loaded with wireless service transmitters, antennae, and equipment in the top half.

And, renumber existing sub-sections 3.10.6.2 through 3.10.6.9 to become sub-sections 3.10.6.4 through 3.10.6.11 respectively.

C. In section 3.10.6.5 (renumbered to 3.10.6.7 in A. above), insert a new sub-section e) as follows:

- e) The Planning Board may require long-term easements, leases, licenses, or other enforceable legal instruments that fully support a Wireless Communications Facility at its maximum potential technical capacity, including sufficient space for facility base equipment, adequate access and utility easements to the facility from a public STREET, and the right for all telecommunication service providers to co-locate on the facility and to upgrade the utilities and equipment as needed for maintaining and improving service and capacity.

D. In section 3.10.6.7 (renumbered to 3.10.6.9 in A. above), delete the word “vegetation” and replace it with “foliage”.

*[Note: The relevant sentence in section 3.10.6.7 currently states: The application shall also include maps showing areas where the proposed top of the Wireless Communication Facility will be visible when there is vegetation and when there is not.]*

E. In section 3.10.6.9 (renumbered to 3.10.6.11 in A. above), delete sub-section a), and renumber current subsections b) through j) to become sub-sections a) through i) respectively.

*[Note: Section 3.10.6.9 sets forth mandatory findings that the Planning Board as the Special Permit Granting Authority for Wireless Telecommunication Facilities must make in the affirmative when granting special permits. In the current sub-section a) the required finding is that the facility “is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s.11”.]*

, or take any other action relative thereto.

## SUMMARY

This article would make several amendments to the existing regulations in the zoning bylaw for wireless communication facilities, which includes cell towers. The amendments reflect lessons learned since the adoption of special permit standards for cell towers in the late 1990's. The original adoption of these standards came in response to the Federal Telecommunications Act of 1996, which, in summary, requires that Towns allow seamless mobile communications in a competitive market place. Towns may regulate cell towers to minimize their aesthetic effects, but cannot prohibit them or thwart the Federal law's intent for achieving seamless mobile communication.

Part A of this article further defines how the height of a wireless communication facility is measured.

Part B states a preference for "stealth monopoles" without externally mounted equipment, while retaining the discretion for the Planning Board, as the special permit granting authority, to allow external mounting in some cases, such as in remote locations or for small equipment installed for Town agency use. Stealth monopoles have proven to be the least noticeable type of tower. The zoning bylaw limits the height of cell towers to 175 feet. Part B also contains an amendment that specifies that every tower must be sited and built to eventually support the maximum allowed height of 175 feet. This ensures that approved towers can be used to their maximum capacity allowed under the bylaw. The specified height usually allows all regional and national mobile phone operators to co-locate on a tower with effective signal transmission above the tree line. Every mobile phone service provider occupies a certain amount of vertical space on a tower. Sufficient tower height enlarges signal coverage areas and allows for co-location of service providers as tenants on the same tower. The trade-off is between fewer taller towers as currently allowed in the zoning bylaw, or a greater number of shorter single occupancy towers.

Part C aims to secure maximum utility of an approved tower location by requiring that all rights and easements are in place for all operators to locate on the tower, giving them access, and allowing unlimited technical and capacity upgrades.

Part D clarifies the intent of the bylaw to require a visual survey for visibility conditions in both winter and summer months.

Part E would delete one of ten findings that the Planning Board must make to grant a special permit. The subject finding, that the facility is "*is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s.11*" is too subjective and without measurable criteria to be a helpful decision making tool. The general special permit findings of section 10.3.5 still apply, which include a finding that the proposed use will not be detrimental or injurious to the neighborhood in which it is to take place.

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**Board of Selectmen:**  
**Finance Committee:**  
**Planning Board:**

**ARTICLE ZD**  
(Two-thirds vote)

**REMOVAL OF OWNER OCCUPANCY REQUIREMENT  
FOR MULTI-FAMILY USES**

To see if the Town will vote to amend the Zoning Bylaw, section 3, by deleting the second and third sentence in footnote 3 of the Table of Principal Uses.

*[Note: The sentences that are proposed for deletion read as follows:*

*"At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes."]*

, or take any other action relative thereto.

**SUMMARY**

This article would eliminate the owner occupancy requirement for multi-family dwellings in West Acton's Village Residential District and in the South Acton Village District. These two zoning districts remain the only two areas where owner occupancy is still required. No such requirement applies in the R-A, R-AA, EAV, EAV-2, or WAV districts where multi-family uses are also allowed, and no owner occupancy requirement applies to single-family homes. The owner-occupancy requirement acts as a barrier to creating rental housing stock and therefore also as a barrier to affordable market-rate rentals. The requirement is also impossible or unrealistic to enforce. The assumption that owner-occupancy brings with it pride in ownership that would ensure well maintained rental properties does not appear to be reflected in reality. There are many investment rental properties in Acton, which for the most part are being kept in decent condition and appearance. On the other hand, there are from time to time owner-occupied properties, including some single family homes that appear neglected, run-down, or abandoned.

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**Board of Selectmen:**  
**Finance Committee:**  
**Planning Board:**