

ARTICLE 5:

Supplemental Regulations

540 WIRELESS COMMUNICATIONS FACILITIES

541 PURPOSE

It is the purpose of this Section to minimize the adverse impacts of communication structures, towers, and facilities by establishing requirements, guidelines, standards for review, and procedures to permit their installation in the Town of Wareham.

The purpose of this section is to regulate the design and location of wireless telecommunications service facilities in a manner that minimizes the visual and environmental impacts of such facilities by establishing requirements, guidelines, standards for review, and procedures to permit their installation in the Town of Wareham.

The standards set forth herein are intended to preserve the safety, character, appearance, property values, natural resources and historic structures of the Town; mitigate adverse visual effects through proper design, location and screening; encourage co-location of antennas on a structure where feasible in order to minimize the number of sites and structures required; encourage location of antennas on existing towers; and protect the Town from the effects of uncontrolled development and location of wireless telecommunications towers, wireless service facilities and accessory structures, while recognizing federally granted rights of carriers to provide necessary and marketable telecommunications services and the desire of the public and the Town departments to access and utilize available technologies.

In addition to any applicable sections of the Zoning Bylaw, Section 540 shall apply to all wireless telecommunications service antennas and tower related equipment, fixtures and enclosures, including any modifications to any of these, but shall not apply to Police, Fire, EMS, or any other communications systems used by the Town's public entities.

542 APPLICABILITY

- 542.1 No wireless communications facility or structure shall be erected or installed except in compliance with the provisions of this Section.
- 542.2 Any proposed extension in the height or construction of a new or replacement facility, or additional appurtenances, shall be subject to a new application.

543 GENERAL REQUIREMENTS

- 543.1 Only freestanding structures are allowed. Structures requiring guy wires for support are prohibited.
- 543.2 All towers shall be set back a distance at least equal to the height of the tower

from all property lines. Antennas or structures to be used exclusively by a federally licensed amateur radio operator may be closer than the above-described 300 feet, but must be located so as to minimize harm to any nearby structures.

- 543.3 Abandoned structures shall be removed within one (1) year of cessation or use. The applicant shall post a performance bond of an amount, which the Board of Appeals deems to be sufficient for removal of the structure. If not removed within one year of cessation or use, the Town shall have the right to remove the structure at the owner's expense.
- 543.4 Applicant for a tower shall post an insurance certificate naming the Town as additional insured -minimum of \$1,000,000 - for general liability insurance for any lawsuit either for damage, interference, or health-related claims. Proof shall be furnished to the Town Clerk, including a stipulation claims. Proof shall be furnished to the Town Clerk, including a stipulation that if the policy is canceled due to nonpayment, the Town will be notified. Any cancellation shall constitute a violation of the Special Permit.

544 DESIGN GUIDELINES

- 544.1 Towers and attached accessory antennas shall not exceed one hundred ninety (190) feet in height as measured from ground level at the base of the pole.
- 544.2 The height of a satellite dish located on a building or in the yards of residential structure shall not exceed the tree line on the lot. Satellite dishes located on non-residential buildings shall not exceed ten (10) feet in height above the highest point of the structure.
- 544.3 All wireless communication facilities shall be sited to limit visibility from abutting properties. Tower facilities may not be placed in open areas, but shall be surrounded by a mature stand of trees.
- 544.4 Towers and satellite dishes shall be painted or otherwise colored so they will blend in with the landscape or structure on which they are located. A different color scheme shall be used to blend the structure with the background below and above the tree or building line.
- 544.5 Towers and antennas shall be designed and constructed to withstand a category 5 hurricane.
- 544.6 An applicant proposing a wireless communication facility in a residential zoning district shall prove to the satisfaction of the Board that the visual, economic, and aesthetic impacts of the facility on residential abutters will be minimal; and shall also prove that the proposed location is required due to technical, topographic or the unique circumstances.
- 544.7 Lighting of communication facilities and other appurtenances shall be limited to that which is required by Federal Law.
- 544.8 Co-Location. To the extent feasible, licensed carriers and Town communication systems shall co-locate on a single wireless telecommunications service monopole or tower. The Town shall reserve the right to place its communications antenna(s) within the top ten

(10) percent of the vertical height above ground level of any monopole or tower in order to accommodate its communications needs. It shall remain the licensed carrier's responsibility to ensure that the installation or location of other antenna(s) on the monopole or tower does not cause interference with the Town's communications system. Such facility shall be designed insofar as is reasonable to structurally accommodate foreseeable future users. A new tower or monopole facility shall be considered only after a finding that existing or approved structures or facilities cannot accommodate the equipment planned for the proposed facility.

545 APPLICATION REQUIREMENTS

In addition to materials required by the Board of Appeals for a Special Permit application, the applicant for a communication facility shall provide:

- 545.1 A statement of need for the proposed facility with as much specific information as required to demonstrate the need, including a description of the proposed system and how the proposed facility would eliminate or alleviate an existing deficiency or limitation.
- 545.2 A color photograph or rendition of the proposed tower with its antenna and/or panels. A rendition shall also be prepared showing a view of the tower, antenna, or dish from the nearest street.
- 545.3 The following information prepared by one or more professional engineers;
 - 1. A description of the tower and the technical, economic, and other reasons for the proposed location, height, and design;
 - 2. Confirmation that the tower complies with Federal and State standards;
 - 3. A description of the capacity of the tower including the number and type of panels, antenna, and/or transmitter receivers that it can accommodate and the basis for these calculations.

546 SPECIAL PERMIT REVIEW

- 546.1 Applications shall be approved or approved with conditions, if the petitioner can fulfill the requirements of these regulations to the satisfaction of the Board.
- 546.2 Applications shall be denied if the petitioner cannot fulfill the requirements for these regulations to the satisfaction of the Board.
- 546.3 When considering an application for a communication facility, the Board shall place great emphasis on the proximity of the facility to residential dwellings and its impact on these residences, new facilities shall only be considered after a finding that existing (or previously approved) facilities cannot accommodate the proposed use(s).
- 546.4 When considering an application for an antenna or dish to be placed on a structure, the Board shall consider the visual impact of the unit from the abutting neighborhoods and streets, and highways.

Or take other action relative thereto.