

SPECIAL PERMIT APPLICATION
FOR
WIRELESS COMMUNICATION FACILITIES,
ANTENNAE, AND/OR EQUIPMENT

The undersigned hereby petitions the Nahant Planning Board, acting as Special Permit Granting Authority for a Special Permit under the terms of the Town of Nahant's Zoning bylaw Section 13 at premises located at _____, owned by _____.

Special Permit fee must be submitted with this application (as of July, 2008 fee = \$200.00)

In order to be acted upon by the Planning Board, all applications for a WCF Special Permit shall include all items described in SECTION 9.09 of the Zoning Bylaw, with the following exceptions:

Application need not include a Traffic Study

Application must include the following items

1. Justification of Need:

2. Technical Data:

3. Alternative study:

4. Consultant Reimbursement: Application must include a deposit of \$5,000.00 for each proposed WCF.

5. Photos:

6. Bond: Proponent shall make a statement committing it to the provision of a financial surety or other form of financial guarantee acceptable to the Planning Board to cover the cost of removal of the facility and the remediation of the landscape, should the facility cease to operate. Application shall indicate proposed amount of surety.

7. FCC Applications and approvals.

8. Permitting: Application shall include a list of all permits that must be received prior to operation of WCF and proponent's schedule for applying for said permits

Petitioner: _____ for/by: _____

Address: _____ Address: _____

Telephone numbers: _____ email: _____

WIRELESS COMMUNICATION GUIDELINES

FOR

APPLICATION OF WCF, ANTENNAS AND EQUIPMENT

Nahant Zoning Bylaw Section 13

BACKGROUND – refer to section 13.01

The Town of Nahant is a unique densely populated residential coastal community extending 2 ½ miles into Massachusetts Bay by a causeway. It is the smallest town in the Commonwealth of Massachusetts. The objective of locating wireless communication facilities and antenna installations is to provide cellular phone coverage, as mandated by the Federal Communications Act of 1996, while preserving the health, safety, recreation/open space areas and historical character of the community.

OBJECTIVES – refer to section 13.02

As the Special Permit Granting Authority for Wireless Communication Facilities, the Planning Board's objective is to adopt a zoning by law to regulate the development, installation, and operation of wireless communication facilities for telecommunication use only that:

1. Protects the cultural and historic character of Nahant, including the health and safety of its citizens by minimizing the visual and physical impact of wireless facilities and antenna installations;
2. To provide standards with respect to wireless communication facilities and antenna installations that protect and preserve recreation/open space areas, health, and safety concerns with minimal impact of any visual and historical character on the various neighborhoods of Nahant;
3. Complies with the Federal Telecommunications Act of 1996.

OPERATING REQUIREMENTS – refer to section 13.07

For approved applications, the Planning Board shall issue an Order of Conditions, to which the WCF's must comply and which will be enforced by the Building Inspector. Each Order of Conditions shall include at least the following:

1. **Reporting Requirements:** Proponents and/or carriers must periodically file with the Town, no less than every two years, information on operational aspects of the WCF including power consumption, RFR generation, frequency transmission; number, location and orientation of antennae, types of services provided, monthly average number of calls handled, and copies of all written complaints received about the WCF. In addition, the Planning Board and the Board of Health shall receive a copy of all reports filed by the proponent and/or carrier with the FCC.
2. **Removal Requirements:** All structures associated with a WCF are to be removed within ninety (90) days of the cessation of the use. At the time of removal, the site must be remediated and all equipment removed. If a tower based WCF ceases to operate for a period of two years, the Special Permit associated with the site will terminate and be considered (deemed) null and void, the tower structure and foundation shall also be removed and the site shall be revegetated. Landscaping shall be returned to its original state or to a modified version as decided and approved, in advance, by the Nahant Planning Board. (Rev. 4/01?)

Please refer to section 13 of the Nahant Zoning Bylaws for additional details

Application requirements include:

1. **Justification of Need:** The proponent is required to justify to the Planning Board the need for proposed WCF. The report shall include documentation on the coverage area of the proposed facility, whether other WCF's controlled by the proponent would be capable of providing coverage, the capacity of the other facilities controlled by the applicant that could provide the coverage, and whether other technology could be used to increase the coverage without the necessity of constructing the proposed facility.
2. **Technical Data:** Application must include existing and maximum future projected measurements of RFR from the proposed WCF, along with projected noise and light levels. Application must describe types of supporting equipment, back-up power, and the route of telecommunications lines servicing the WCF.
3. **Alternative study:** The proponent must demonstrate that it has sought to achieve its objectives through WCF's creating lesser visual impact, as described above. Documentation should include description of alternative structures considered, owners of said structures, communication with the owner, and reasons why the alternative structures were determined not to be feasible.
4. **Consultant Reimbursement:** Application must include a deposit of \$5,000 for each proposed WCF, which funds will be used to pay reasonable costs associated with the Planning Board's review of the application, including fees for outside consultants with expertise in wireless communications technology and law. Any unused funds will be returned to applicant upon approval or withdrawal of application.
5. **Photos:** Application shall include close-up and distance photos of existing conditions from all sides and photos with the WCF superimposed showing the proposed final condition so that the Planning Board can make an informed determination as to the visual impact of the proposed WCF.
6. **Bond:** Proponent shall make a statement committing it to the provision of a financial surety or other form of financial guarantee acceptable to the Planning Board to cover the cost of removal of the facility and the remediation of the landscape, should the facility cease to operate. Application shall indicate proposed amount of surety.
7. **FCC Applications and approvals.**
8. **Permitting:** Application shall include a list of all permits that must be received prior to operation of WCF and proponent's schedule for applying for said permits

PLANNING BOARD'S GUIDELINES FOR ISSUANCE OF SPECIAL PERMITS – section 13.05

In granting Special Permits or WCF's, the Planning Board will consider:

1. The visual, safety and environmental impact of the proposed WCF,
2. The need for the WCF in servicing the community and complying with the Federal Communications Act of 1996,
3. Alternative locations investigated by the WCF proponent, and
4. The ability of the proponent to maintain the WCF and comply with the Order of Conditions.

In granting Special Permits or WCF's, the Planning Board need not consider:

1. Costs to the proponent to lease or acquire the facility site, to construct the tower, or to install the antennae;
2. Costs to the proponent to operate and maintain the WCF; and
3. The extent to which the proposed WCF provides the proponent with adequate coverage.

In order to minimize the overall impact of WCF's throughout the Town, one or two new towers are contemplated with heights that will provide adequate coverage for most of the Town for several competing carriers. In granting a Special Permit for said tower(s), the Planning Board will seek to:

1. Minimize visual impact through tower design, height, and location; restrict antennae to an internal array; and have supporting equipment placed within a single structure;
2. Minimize other environmental impacts including, but not limited to, noise, lighting, RFR, and obstruction to wildlife;
3. Maximize opportunities for multiple (co-located) carriers to satisfy their requirements for adequate coverage of the Town's residents and
4. Ensure adequate ongoing maintenance of the tower.

Consistent with the bylaw objective, the Planning Board will seek to approve WCF's that minimize overall visual impact throughout the Town. Therefore, with the exception of the Town's first tower discussed above, an application should demonstrate that the proponent has attempted to satisfy its adequate coverage requirements through the following WCF alternatives, in order of preference:

1. Co-location on an existing, approved tower,
2. Co-location at a facility site where a concealed WCF has been approved,
3. Co-location at a facility site where a camouflaged WCF has been approved,
4. Concealed WCF,
5. Camouflaged WCF,
6. Freestanding tower WCF, with co-location.

Special Permits will be granted for limited terms of 5 years and will require reapplication for term extensions. The operating history of the WCF will be taken into account by the Special Permit Granting Authority when issuing extensions. The Planning Board, acting as the SPGA, will develop regulations and standards for the WCF including the antenna, equipment, and tower.

For approved applications, the Planning Board shall issue an Order of Conditions, to which the WCF's must comply and which will be enforced by the Building Inspector. Each Order of Conditions shall include at least REPORTING REQUIREMENTS & REMOVAL REQUIREMENTS.