

*2194 Wireless Communication Facility shall mean a facility for the reception and transmission of personal wireless communication signals including towers, antennas, panels, and appurtenant structures designed to facilitate the following types of services: cellular telephone services, personal communication systems, and enhanced specialized mobile radio service. **A wireless telecommunications facility shall not include Small Wireless Facilities as defined herein.***

2XXX Small Wireless Facilities are facilities as defined in 47 C.F.R. § 1.6002(l) as may be amended from time to time.

3000 Districts

3001 Types of Districts

For the purpose of this Bylaw, the Town of Boxborough is hereby divided into the following types of districts:

- (1) Agricultural-Residential (AR)
- (2) Residential-1 (R1)
- (3) Business (B)
- (4) Business-1 (B1)
- (5) Office Park (OP)
- (6) Town Center (TC)
- (7) Industrial-Commercial (IC)
- (8) Aquifer Protection Overlay
- (9) Flood Plain Overlay
- (10) Wireless Communication Facilities Overlay
- (11) Recreational Marijuana Establishments Overlay

3002 Location of Districts

Said Districts, with the exceptions of the Aquifer Protection, Flood Plain, Recreational Marijuana Establishments, and Wireless Communication Facilities Districts, which are individually mapped, are located and bounded as shown on a map entitled “Zoning Map of Boxborough, Massachusetts” as it may be amended.

4003(3) UTILITY AND PUBLIC SERVICE USES.

	DISTRICTS						
	AR	R1	B	B1	OP	TC	IC
Public utility	SP	SP	Y	Y	SP	SP	SP
<i>Small Wireless Facilities</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>
Wireless Communication Facility	-----See Footnote 17-----						

¹⁷ See Section 7200 Wireless Communication Facilities. ***Wireless Communication Facilities do not include Small Wireless Facilities***

7200 Wireless Communication Facilities

7201 Purpose

The purposes of this Bylaw are as follows:

- (1) to minimize adverse impacts of wireless communication facilities on residential neighborhoods and the community;
- (2) to encourage the shared use of facilities to reduce the need for new facilities; and
- (3) to limit the overall number and height of facilities to what is necessary to serve the public.

7202 Applicability

This Section shall apply to reception and transmission facilities for the purpose of personal wireless communication services. This Bylaw shall not apply to towers or antennas installed for use by a federally licensed amateur radio operator. ***A wireless telecommunications facility shall not include Small Wireless Facilities as defined herein.***

7203 General Requirements

Wireless Communication Facilities shall be allowed only in the Wireless Communication Facilities Overlay District only upon issuance of a special permit in accordance with the provisions of MGL Ch 40A, § 9, this Bylaw and any rules and regulations adopted hereunder. The ***Planning Board*** ~~Board of Appeals~~ shall be the Special Permit Granting Authority for Wireless Communication Facilities.

- (1) Wireless Communication Facilities should be concealed within existing structures where possible.
- (2) Lattice style towers and similar facilities requiring more than one leg or guy wires for support are prohibited.
- (3) All structures associated with wireless communication facilities shall be removed ***by the owner*** within one year of cessation of use.
- (4) The tower height shall not exceed 100 feet measured from the base of the tower to the highest point of the tower including anything on it.

- (5) All towers shall be set back from lot lines a minimum of the height of the tower except where the tower abuts the right of way of Route I-495 and Route 2 where the setbacks shall be the minimum permitted by the Commonwealth of Massachusetts. All towers shall be setback a minimum of 500 feet from any school building.
- (6) No tower shall be located within 1500 feet of another such tower.
- (7) Any utilities servicing a tower shall be located underground.
- (8) Lighting of wireless communication facilities shall be limited to low level security lighting installed at or near ground level, except for lighting required by the Federal Aviation Administration (FAA) **and in accordance with the town lighting bylaw.**
- (9) Fencing shall be provided to control unauthorized access to the tower. All equipment areas shall be landscaped and screened from public view **to minimize visibility year-round.**
- (10) The facility shall contain one sign no greater than one square foot that provides the phone number where the operator in charge can be reached on a 24-hour basis.

7204 Criteria

A special permit for a wireless communication facility shall not be issued unless the Special Permit Granting Authority finds the following:

- (1) Existing or approved facilities cannot accommodate the applicant's proposal.
- (2) The facility has been designed to accommodate the maximum number of providers but in no case less than three (3).
- (3) The applicant has agreed to allow other service providers to co-locate on the tower, now, or at anytime in the future.
- (4) The tower has been designed, using the best available technology, to blend into the surrounding environment through the use of color, camouflaging techniques, or other architectural treatments.
- (5) The facility has been designed to minimize adverse visual impacts on the abutters and the community as demonstrated by illustrations and by a balloon test performed in accordance with any requirements adopted by the Board of Appeals.
- (6) The facility is sited in such a manner that it is screened, to the maximum extent possible, from public view.
- (7) A qualified engineer has certified that the facility is designed to meet all health and safety standards of applicable state and federal law.

7205 Conditions

Before approving any special permit under this Section, the Special Permit Granting Authority may impose conditions, safeguards, and limitations to assure that the proposal is in harmony with the general purpose and intent of this Bylaw.

7206 Bonding

Prior to the issuance of a building permit the Special Permit Granting Authority may require a performance guarantee to ensure compliance with the plan and conditions set forth in their decision.

7XXX Small Wireless Facilities Outside of the Public Right-of- Way

7XXX.1 Purpose and Intent

The Purpose and Intent of this bylaw section is to permit regulation of the installation of Small Wireless Facilities outside of public rights-of-way so as to respect the neighborhood characteristics in which they are proposed to be installed consistent with the purposes set forth in Section 7201 and with federal and state law.

7XXX.2 Special Permit

All installations of Small Wireless Facilities outside of the public rights-of-way require a Special Permit. The Special Permit Granting Authority is the Planning Board in accordance with the provisions of MGL Ch 40A, § 9, this Bylaw and any rules and regulations adopted hereunder. All such facilities shall comply with the Technical and Aesthetic Standards for Small Cell Siting published by the LELWD to the extent feasible.

7XXX.3 Policies and Procedures

The Planning Board shall adopt and from time to time amend policies, rules and regulations relative to the issuance of Special Permits under this Section (7XXX). A copy of the policies, rules and regulations shall be on file with the Town Clerk. Such rules shall prescribe the form, contents, style, and number for application forms, the fees collectible with the application, the process by which the application will be reviewed, the design and location criteria for approval, the time within which the Planning Board will issue a decision, and requirements for recertification.

7XXX.4 Special Requirements

The following Special Requirements shall apply to Small Wireless Facilities located outside of the Public Right of Way. The Special Permit Granting Authority 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 color, camouflaging techniques, or other architectural treatments.***
- c) No tree trimming or pruning to allow line of sight 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 limit and/or minimize tree trimming or pruning along the Route 111 Corridor and designated scenic roads.

- d) Small Wireless Facilities outside of public rights of way may be co-located on same structure if the Special Permit Granting Authority determines that aesthetics and structures will not be adversely impacted. A demonstration as to the necessity to co-locate facilities on to the same structure will be required to be made to the Special Permit Granting Authority. Input may be requested from the Building Inspector or other Town Personnel to determine the safety of such proposed facilities.*
- e) 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.*
- f) Stealth designs that are not visible to the public are preferred. Examples of stealth locations include chimneys, light poles, rooftop pads and cupolas.*