

Small Wireless Facilities Zoning Bylaw

ARTICLE 35

Summary

The purpose of this bylaw amendment is to address the anticipated installations of Small Wireless Facilities (SWF's) in Boxborough and to minimize adverse aesthetic impacts associated with such facilities.

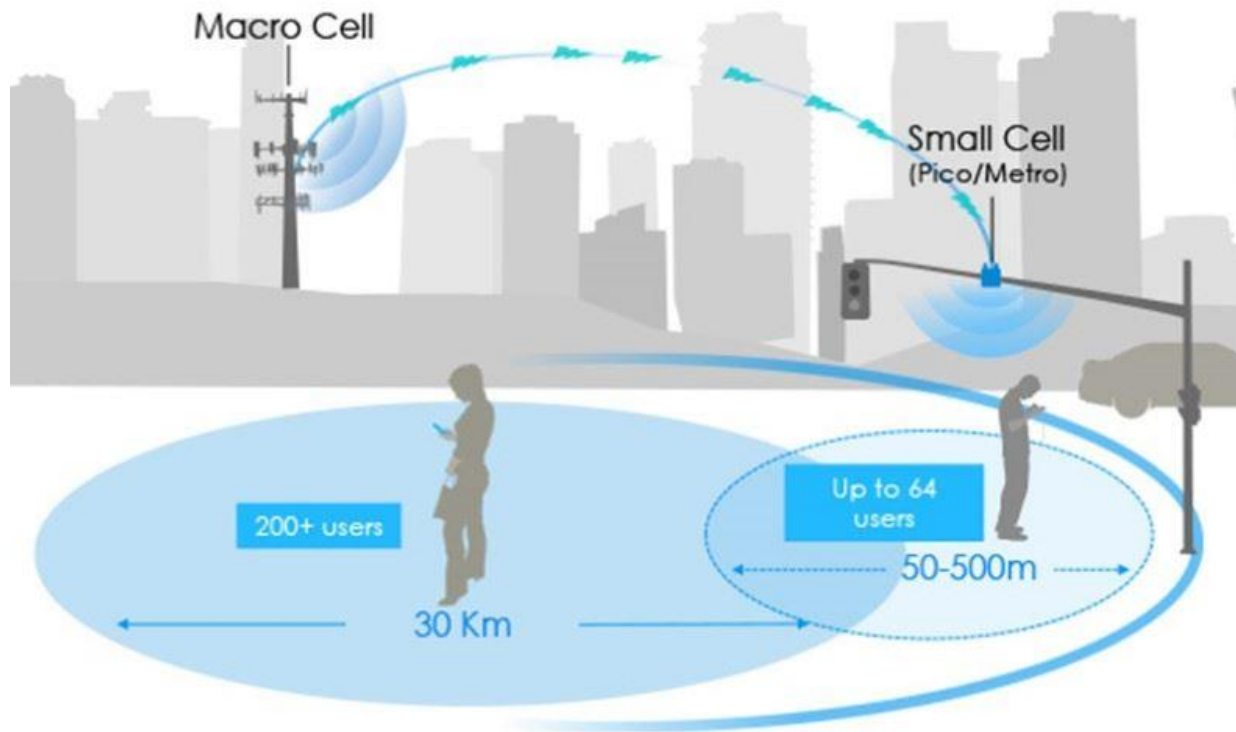
Issue

- Federal Regulations provide for rollout of Small Wireless Facilities (SWF's).
- Municipalities may not effectively prohibit such facilities but may regulate aesthetics and visual impacts.
- Current zoning bylaw (Section 7200) addresses large cell towers but does not provide for review of SWF's.
- Select Board has adopted a policy for SWF's **within** the public Right of Way (ROW).
- We do not have any regulations to address SWF's **outside** of the public ROW.

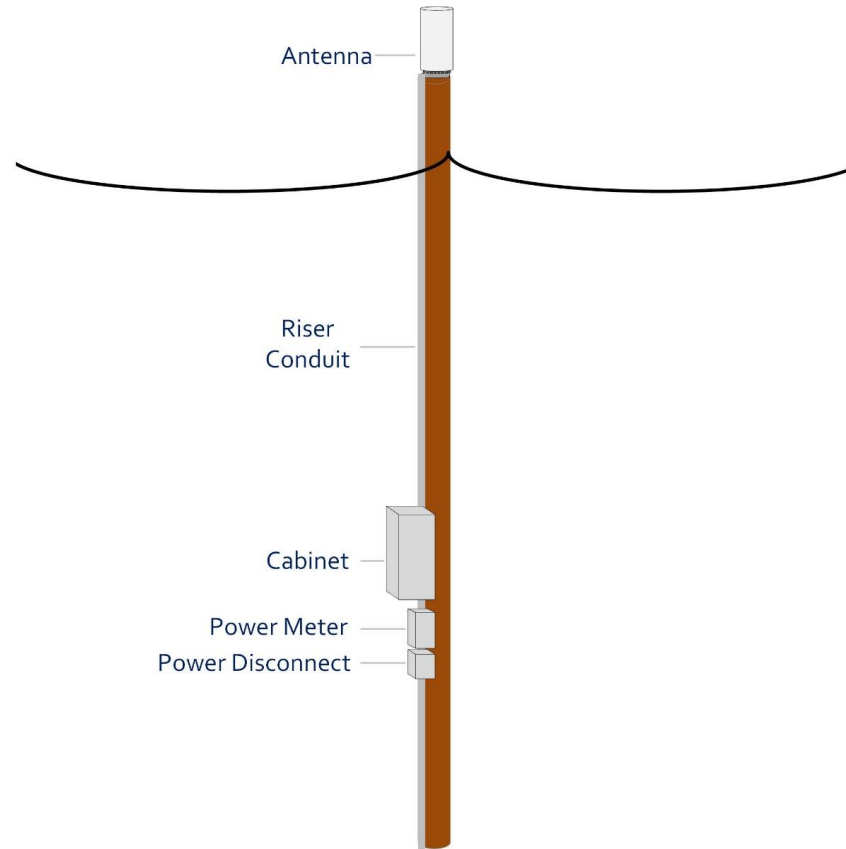
What is a Small Wireless Facility (SWF)?

- A cellular network facility capable of delivering high transmission speeds but at lower ranges.
- Also known as “small cell” or “5G”.
- Although they are called “small,” this is in reference to their small coverage area, not their physical size.

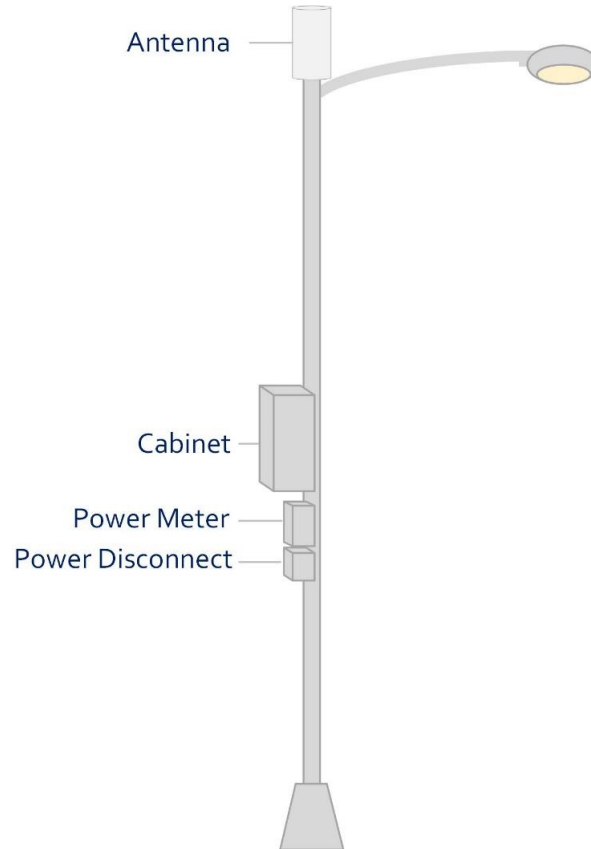
Small Wireless Facilities Concept



Conceptual Drawing of a Small Cell on a Utility Pole



Conceptual Drawing of a Small Cell on a Light Pole



Conceptual Drawing of a Small Cell on a Light Pole with Concealed Cabinet



Review Process for Small Wireless Facilities

- Federal and State policy continues to evolve and are undergoing legal challenges.
- However, SWF's are coming to Boxborough.
- Three entities may be involved in reviewing applications:
 - Littleton Electric Light and Water Department (owns most poles in public ROW)
 - Boxborough Select Board (Grant of Location)
 - Boxborough Planning Board (Special Permit)

Reviewing Entities - LELWD

- SWF's to be located on poles owned by LELWD are subject to their policies.
- However, Boxborough must put in place its own review requirements.

Reviewing Entities - Town

Within the Public Right of Way:

- **Select Board** has authority for Grant of Location (MGL c.166, Sec. 22).
- Select Board has adopted Applications for Small Wireless Facilities Policy (March 29, 2021).

Outside the Public Right of Way:

- **Planning Board** will require a Special Permit under MGL Chapter 40A, Section 9.
- Requires adoption of a Zoning Bylaw.

Small Wireless Facilities Zoning Bylaw - Details

- **Definitions (Section 2000)**
 - Insert Definition of “Small Wireless Facilities”.
- **Use Table (Section 4003(3))**
 - Add Small Wireless Facilities to Use Table allowed in all zoning districts by Special Permit.
- **Minor changes to existing Wireless Communication Facilities Bylaw (Section 7200)**
 - Distinguish SWF’s from Wireless Communication Facilities (larger cell towers).
 - Planning Board is the Special Permit Granting Authority (SPGA) for both larger cell towers as well as for SWF’s.
- **Create New Section 7210** for SWF’s Outside Public ROW.

Small Wireless Facilities Zoning Bylaw - Details

- **New Section 7210 :**
 - Minimize adverse aesthetic impacts to the community.
 - Requires a Special Permit; Planning Board is the SPGA.
 - Must meet the LELWD Standards where feasible.
 - Other Special Requirements:
 - Use of camouflage techniques.
 - Tree Warden approval for any proposed tree pruning.
 - Facilities may be co-located on structure in certain cases.
 - Underground alternatives must be evaluated in neighborhoods served by underground utilities.
 - Concealment / Stealth designs preferred.

Unconcealed Facilities on Buildings



Concealment on Rooftops or Building Integration



Benefits

- The Internet-of-Things is coming. Small Wireless Facilities will be here soon.
- Proposed Zoning Bylaw allows for review of proposed SWF's outside of the public ROW.
- With no zoning bylaw, we may end up with visually unappealing SWF's added to buildings or structures with no public input.
- Adopting this zoning bylaw will be protective of our neighborhoods and community at large.

Costs

- This Zoning Bylaw should not result in any costs to the town; Applicants are required to pay the cost of application review and installation;
- There is potential for revenue for private or municipal facilities that wish to lease there space, but this is to be determined.

Want to Avoid



Vote Yes

- Gives the Town some control over aesthetics for facilities not regulated by LELWD or the Select Board.
- Bylaw can be modified once the technology and regulatory requirements have further evolved.