

TOWN OF TEMPLETON
WARRANT FOR SPECIAL TOWN MEETING
SEPTEMBER 26, 2000
COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

To either of the Constables of the Town of Templeton in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and town affairs to meet at the Narragansett Regional High School, 464 Baldwinville Road, Baldwinville, MA on Tuesday, September 26, 2000, at 7:00 PM, then and there to act on the following articles:

Meeting started with pledge of allegiance at approximately 7:35 after long lines waiting to get into the auditorium.

A motion was made, seconded and passed to videotape the meeting at 7:40.

A motion was made, seconded and passed unanimously to take Article 14 out of order and acted upon first.

Article 1 To see if the Town will vote to acquire by gift, purchase or eminent domain a temporary construction easement and/or permanent easement on the following property, described as follows, for the installation, use and maintenance of public sanitary sewers in the project area of the "Route 68 Sewer Project", so called:
A certain parcel of land now or formerly owned by the Stone Land Trust, shown as easement parcel PE-5 on a plan entitled "Sewer Easement Plan, Hillside Place, Templeton. MA, dated July 6, 2000, prepared by Earth Tech, Inc.

On a motion duly made and seconded the Town voted to acquire by gift, purchase or eminent domain a temporary construction easement and/or permanent easement on the following property, described as follows, for the installation, use and maintenance of public sanitary sewers in the project area of the "Route 68 Sewer Project", so called:

A certain parcel of land now or formerly owned by the Stone Land Trust, shown as easement parcel PE-5 on a plan entitled "Sewer Easement Plan, Hillside Place, Templeton. MA, dated July 6, 2000, prepared by Earth Tech, Inc.

Passed 2/3 vote @ 8:57

Article 2 To see if the Town will vote to accept a sum of money for the purpose of financing the following water pollution abatement facility projects: repair, replacement and /or

upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the MA General Laws: and to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or take any other action relative thereto.

On a motion duly made and seconded the Town voted to accept a sum of money for the purpose of financing the following water pollution abatement facility projects: repair, replacement and /or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the MA General Laws: and to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise.

This article authorizes the Town to borrow up to \$200,000, at 0% interest, from the Mass. Water Pollution Abatement Trust, to be loaned for septic system improvements, and to be repaid by assessment of a betterment to the property owner.

Passed 2/3 vote @ 9:03 Unanimously

Article 3 To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,758.00 to the Town Gasoline Expense Account to pay an FY 2000 bill for gasoline.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$1,758.00 to the Town Gasoline Expense Account to pay an FY 2000 bill for gasoline.

Passed 9/10 vote @ 9:05

Article 4 To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$3,420.00 to the Street Lighting Expense Account, to pay an FY 2000 bill for street lighting.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$3,420.00 to the Street Lighting Expense Account, to pay an FY 2000 bill for street lighting.

Passed 9/10 vote @ 9:09 Unanimously

Article 5 To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$430.96 to the Treasurer's Expense Account to pay an FY 2000 bill for payroll processing services.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$430.96 to the Treasurer's Expense Account to pay an FY 2000 bill for payroll processing services.

Passed 9/10 vote @ 9:16 Unanimously

Article 6 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$47.54 to the Solid Waste Disposal Expense Account, to pay an FY 2000 bill for solid waste disposal expenses.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$47.54 to the Solid Waste Disposal Expense Account to pay an FY 2000 bill for solid waste disposal.

Passed 9/10 vote @ 9:18 Unanimously

Article 7 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$98.44 to the Recreation Committee Expense Account to pay an FY 2000 bill for equipment expenses.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$98.44 to the Recreation Committee Expense Account to pay an FY 2000 bill for equipment expenses.

Passed 9/10 vote @ 9:18 Unanimously

Article 8 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$100.00 to the Town Buildings Expense Account to pay an FY 2000 bill for furnace maintenance.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$100.00 to the Town Buildings Expense Account to pay an FY 2000 bill for furnace maintenance.

Passed 9/10 vote @ 9:20 Unanimously

Article 9 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$13,567.00 for the NRSF Fiscal Year 2001 Teacher Deferral Account or take any other vote in relation thereto.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$13,567.00 for the NRSF Fiscal Year 2001 Teacher Deferral Account.

Passed Unanimously @ 9:22

Article 10 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$22,500.00 for the purchase of a sander body for use by the Templeton Highway department.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$22,500.00 for the purchase of a sander body for use by the Templeton Highway department.

Passed Unanimously @ 9:24

Article 11 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1000.00 to fund a position for an Alternate Health Agent, who would act

on an as-needed basis in the absence of the full-time Health Agent, or take any other vote relative thereto.

Passed Over

Article 12 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Account, or take any other vote relative thereto. Requested by the Advisory Board and the Capital Improvements Committee

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$45,002.06 to the Stabilization Account.

Passed @ 9:31

Article 13 To see if the Town will vote to accept the following:

Capital Planning By-Law

Section 1: Capital Improvements Committee:

The Board of Selectmen is hereby authorized to establish and appoint a Capital Improvements Committee, to be composed of five members, for a term of one year.

The following Boards and Committees shall nominate one of their members to serve annually:

- The Advisory Board
- The Board of Selectmen:
- The School Committee
- The Planning Board
- A member from the community, (preferably with some relevant experience in purchasing or general business practices).
- The Town Coordinator (or Town Accountant) as ex-officio member
-

The Committee shall choose its own officers.

Section 2: Committee duties:

To facilitate the reasonable acquisition and replacement of capital items (defined as assets and projects with a useful life of five or more years, and a cost of more than \$10,000.00), the Committee shall have the following duties and responsibilities:

- Annually collect all proposed capital improvements for the coming six years from all departments, on forms designed for that purpose.
- Consider all requests and the relative need and impact of these requests on the Town's financial position.
- Establish and annually update a five-year Capital Improvement Plan, based on this information.

- Annually, prepare a report prioritizing capital needs for the coming fiscal year, and recommend a Capital Improvement Budget for that fiscal year.
- Submit this annual report and their recommendations for purchases or improvements, in the form of a separate capital article, to the Board of Selectmen for its consideration and approval.

Upon endorsement by the Board of Selectmen, the Capital Budget shall be included on the Annual Town Meeting Warrant for consideration.

It is the intent of this bylaw that all capital improvements requested by a Town Department or Board should be considered in the Committee's report before presentation to the Town for appropriation. It is the responsibility of the Committee to submit an explanation of the omission of any request. This explanation is to be provided to the Board of Selectmen before any vote for appropriation takes place on the omitted request.

The Committee's report and the Selectmen's recommended Capital Budget shall be made available to the Advisory Board for review and inclusion in the annual recommendations of the Advisory Board.

On a motion duly made and seconded the Town voted to accept the following;

Capital Planning By-Law

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- Consider all requests and the relative need and impact of these requests on the Town's financial position.
- Establish and annually update a five year Capital Improvement Plan, based on this information.
- Annually, prepare a report prioritizing capital needs for the coming fiscal year, and recommend a Capital Improvement Budget for that fiscal year.
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The Committee's report and the Selectmen's recommended Capital Budget shall be made available to the Advisory Board for review and inclusion in the annual recommendations of the Advisory Board.

Passed @ 9:38

Article 14 To see if the Town will vote to raise and appropriate a sum of money for the Narragansett Regional School District Fiscal Year 2001 operating budget, contingent on the approval of a referendum ballot question exempting this amount from the provisions of Proposition 2^{1/2} so called, or take any other vote in relation thereto.

On a motion duly made and seconded the Town voted to raise and appropriate the sum of \$565,164.00 for the Narragansett Regional School District Fiscal Year 2001 operating budget, contingent on the approval of a referendum ballot question exempting this amount from the provisions of Proposition 2^{1/2} so called.

Passed @ 8:51

Article 15 To see if the Town will vote to modify the vote taken on May 9, 2000, by reducing the Narragansett Regional Debt Account appropriation, from \$317,783.00 to \$120,416.00, or take any other vote in relation thereto.

On a motion duly made and seconded the Town voted to modify the vote taken on May 9, 2000, by reducing the Narragansett Regional Debt Account appropriation, from \$317,783.00 to \$120,416.00.

Passed Unanimously @ 9:41

Article 16 To see if the Town will vote to increase the membership of the Board of Light/Water Commissioners from three members to five members, as authorized by MGL Chp.164, sec.55, such additional members to be chosen at the next annual election; initially, one for a term of two years, and one for a term of three years, and thereafter, both for terms of three years.

Requested by a citizen and the Board of Selectmen.

Defeated @ 9:57

Article 17 Cell Tower Bylaw

Wireless Communications Facilities and Towers

General Purpose

The purpose of this section shall be to regulate the placement, design, construction, removal, and modifications of wireless communication facilities and towers and to protect Templeton's historic, cultural, natural, and aesthetic resources.

Special Permit Granting Authority shall be the Planning Board

Special Permit Review Criteria

(A) No wireless communications facility shall be erected, constructed, installed or operated without first obtaining a special permit from the Town of Templeton Planning Board. A special permit is required for new tower construction (or major modification of a preexisting tower) and for all new wireless communications facilities (or major modification of a preexisting facility) to be mounted on a tower or structure.

(B) All applications will be reviewed by the Board of Health & Conservation Board who will submit their written recommendations within 45 days.

(C) A building permit is required per CMR 780 Art. 1

(D) A public hearing shall be held within 90 days with all costs accrued paid by the applicant

(E) Exemptions: The following types of wireless communications facilities and towers are exempt:

(1) Amateur radio tower – construction or use of an antenna structure by a federally licensed amateur radio operator as exempted by M.G.L. Chapter 40A, Section 3.

(2) A tower or antenna erected by the Town exclusively for municipal public safety communications purposes.

(3) Pre-existing towers and antennas

This by-law is exempt from Article XXI Section 3, lot size, frontage, and setback requirements of the town by-laws

Consistency With Federal Law

These regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act.

Definitions:

Abandoned Tower: A tower not being used for the purpose it was permitted for a period of twelve months.

Adequate Coverage: Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be signal strength of at least -90 dBm. It is acceptable for there to be minor temporary loss of signal within the area of adequate coverage. The outer boundary of the area of adequate coverage is that location past which the signal does not regain uniformity.

Antenna: A device used to transmit and/or receive electromagnetic waves, which is attached to a tower or other structure.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Available Space: The space on a tower or structure to which antennas of a wireless communication provider is both structurally able and electro magnetically able to be attached.

Base Station: The primary sending and receiving site in a wireless communication facility network. More than one base station and/or more than one variety of wireless communication provider may be located on a single tower or structure.

Building-Mounted Antenna Support Structure: Any antenna support structure mounted on, erected on, or supported in whole or part by a building or structure occupied and/or used for purposes other than wireless telecommunications.

Building For Equipment Shelter: An enclosed structure used to contain batteries, electrical equipment, telephone lines, transmitters, etc. used by the carriers on the towers.

Channel: The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

Co-location: Locating the wireless communications equipment of more than one provider on a single tower.

Communication Tower: A monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving wireless communications. A Tower and its equipment are considered a main use of property.

Consultant: A registered professional engineer (electrical communication specialty) licensed by the Commonwealth of Massachusetts, hired at the expense of the applicant to review the application and verify that the new tower is necessary at the proposed site, or any other review required under this bylaw.

Carrier: A company that provides wireless service as defined by Section 704 of the 1996 Telecommunications Act.

dBm: Unit of measure of the power level of a signal expressed in decibels referenced to one milliwatt.

EA: See Environmental Assessment

Emergency Power: Electrical Generators usually powered by propane gas or diesel fuel so as to provide uninterrupted service in the case of electrical utility failure, provided that any generators used may not emit more than 50 decibels over the ambient noise level at the property line.

Environmental Assessment: An EA is the document required by the FCC and NEPA when personal wireless facility is placed in certain designated areas.

FAA: Federal Aviation Administration:

Facility Site: A property, or any part thereof, which is owned or leased by one or more wireless communications facility(s) and where required landscaping is located.

Fall Zone: The area on the ground within a prescribed radius from the base of a tower, typically the area within which there is a potential hazard from falling debris or collapsing material. The fall zone shall be equal to the tower height.

FCC: Federal Communications Commission

Frequency: The number of cycles completed each second by an electromagnetic wave, measured in hertz (Hz), megahertz (MHz), or one million hertz), or gigahertz (GHz, one billion hertz).

Hertz: One hertz (Hz) is the frequency of an electric or magnetic field, which reverses polarity once each second, or one cycle per second.

Lattice Towers: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel. See Communication Tower.

Major Modifications: The changing or alteration of any portion of a wireless communication facility from its description in a previously approved permit, including any addition that increases the height of the tower size of the building for equipment shelter.

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from wireless communications facilities, towers, antennas, or repeaters.

Monopole: A type of tower that is self-supporting with a single shaft of wood, steel, or concrete.

NEPA: National Environmental Policy Act

Preexisting Towers and Antennas: any tower or antenna that was lawfully erected before the effective date of these regulations.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

RFI: Radio Frequency Interference

RFR: Radio Frequency Radiation

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities which may be seen from a stationary viewpoint or as one travels along a roadway, waterway, or path, and may be an object nearby or in the distance such as a mountain, or historic building or a pond.

Self-Supporting Tower: A communications tower that is constructed without guy wires.

Spectrum: Relating to any transmissions or reception of electromagnetic waves.

Stealth Tower: A structure designed to blend with or be hidden by surrounding terrain, architectural design, or buildings.

Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

Tower: A vertical structure for antenna(s) that provide wireless communications services.

Tower Height: The vertical distance measured from the base of the tower support structure to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

Wireless Communications Facility: All equipment, buildings and locations of equipment (real estate) with which a wireless communications provider transmits and receives the waves that carry their services. This facility may be owned and permitted by the provider or another owner or entity.

Wireless Communications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Wireless Services: Commercial mobile services, unlicensed wireless exchange access services, including cellular services, personal communications services, specialized mobile radio services, and paging services.

Permit Application Requirements:

(A) An applicant for a wireless communications tower or facility permit must be a wireless communications provider or must provide a copy of its executed contract to provide land or facilities to an existing wireless communications provider at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

(B) Applicants for wireless communications towers or facilities shall include the following supplemental information in their filings for special permit approval:

(1) Location Map: The location of the proposed structure on the most recent United States Geological Survey Quadrangle map, showing the area within at least a three-mile radius of the proposed tower site.

(2) A map or sketch of the property proposed to be developed, prepared by a registered land surveyor drawn to scale and with the area to be developed clearly indicated.

(3) A report from qualified and licensed professional engineers (consultants) that:

- a) Describes the facility height, design, and elevation not to exceed 190 feet.
- b) Documents the height above grade for all proposed mounting positions for antennas to be colocated on a wireless communications tower or facility and the minimum separation distances between antennas.
- c) Describes the tower's proposed capacity, including the number, height, and type(s) of antennas that the applicant expects the tower to accommodate.
- d) Documents steps the applicant will take to avoid interference with any established public safety wireless communications, and includes both an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies.
- e) Describes existing and proposed coverage. In the case of new tower proposals, the applicant shall demonstrate that existing wireless communications facility sites and other existing structures within Templeton, in abutting towns, and within a 10 mile radius of the proposed site cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the Town of Templeton.
- f) Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and proves a detailed computer generated Actual Received Level propagation model that describes coverage of the existing and proposed facilities.
- g) Describes the output frequency, number of channels and power output per channel for each proposed antenna.
- h) Includes a written five-year plan for use of the proposed wireless communications facility, including reasons for seeking capacity in excess of immediate needs if

applicable, as well as plans for additional development and coverage within the Town of Templeton.

- i) Demonstrates the tower's compliance with the municipality's setbacks for towers and support structures
- j) Provides proof that at the proposed site the applicants will be in compliance with all FCC regulations, standards, and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The Town of Templeton may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards, and requirements on an annual basis at unannounced times. The Town may allocate to the applicant any reasonable expenses incurred or authorized by it in retaining independent engineers to perform these evaluations.

(4) Commitment to Share Space: A letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and the provision of this by-law.

(5) Existing Structures: For wireless services to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure must be submitted.

(6) Environmental Assessment: To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft of final report describing the probable impacts of the proposed facility shall be submitted to the Planning Board prior to the issuance of a building permit.

(7) Vicinity Map: A topography map and a priority resource map showing the entire vicinity within a 1000 foot radius of the tower site, including the wireless communications facility or tower, public and private roads and buildings and structures, water bodies, wetlands, landscape features, and historic sites. The map shall show the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.

(8) Proposed site plans of the entire wireless communications facility, professionally drawn to scale, showing all improvements including landscaping, utility lines, screening, and roads.

(9) Elevations showing all facades and indicating all exterior materials and color of towers, buildings, and associated facilities.

(10) Where the proposed site is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.

(11) Construction sequence and estimated time schedule for completion of each phase of the entire project.

(12) Any additional information requested by the Planning Board.

(C) Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet. The permit application shall be signed under the penalties of perjury.

(D) All permit requests shall be submitted during a regular scheduled meeting.

Any request which do not conform with the requirements herein pertaining to permit application shall not be deemed submitted, will not be reviewed and shall be returned to the applicant

Tower and Antenna Design:

(A) **Protection of Scenic Character:** Proposed facilities shall not unreasonably interfere with any scenic views, paying particular attention to such views from the downtown business area, public parks, natural scenic vistas or historic buildings or districts. Towers shall, when possible, be sited off ridgelines and where their visual impact is least detrimental to scenic views and areas. In determining whether the proposed tower will have an undue adverse impact on the scenic beauty of a ridge of hillside, the Town shall consider, among other things, the following:

- (1) The period of time during which the proposed tower will be viewed by the traveling public on a public highway, public trail, or public body of water;
- (2) The frequency of the view of the proposed tower by the traveling public;
- (3) The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;
- (4) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- (5) The distance of the tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;

- (6) The number of travelers or vehicles traveling on a public highway, public trail, or public body of water at or near the critical vantage point, and
- (7) The sensitivity or unique value of the particular view affected by the proposed tower.

To assist the town in its review it may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicant shall provide photographs of the balloon test taken from at least four vantage points previously designated by the planning board

(B) Lighting, Bulk, Height, Glare: All wireless communications facilities, including towers and antennas, shall be designed and constructed so as to minimize the visual impact of height and mass of said tower. Materials utilized for the exterior of any structure shall be of a type, color, and style so as to minimize glare and blend into the environment. Towers shall not be artificially illuminated. Tower sites will not be allowed if the FAA or other federal or state authority require lighting at proposed site unless required in the future by the FAA.

(C) Transmitter Building: Facilities buildings shall be built to accommodate all anticipated tenants on a tower.

(D) Landscaping and Screening: Base of tower as well as the building accessory to the tower shall be screened from view by a suitable vegetation screen that is consistent with existing vegetation. A planted or existing vegetative screen shall be maintained. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

(E) Height Limitations: In order to protect public safety and to preserve the scenic, rural character and appearance of Templeton, antennas and all related facilities shall not exceed 190 feet.

(F) Fencing and Signage: The area around the tower shall be completely fenced for security to a height of 8 feet and gated. Use of multiple strands of barbed wire is required. A painted sign no greater than two square feet stating the name of the facility's owner and a 24 hours emergency number shall be posted on the entry gate. In addition, "No Trespassing" and any other mandated warning signs shall be posted and maintained at the site. No commercial signs or lettering shall be placed on a tower. The tower must be equipped with an anti-climbing device. The wireless communications facility owner shall maintain adequate insurance on all wireless communications facilities.

(G) Utilities: All utilities must be routed underground via conduit from public road to site where feasible.

(H) Access Road: Vehicle access to site shall be required and shall conform to all Conservation Commission guidelines and be at least 18 feet wide. A sturdy, posted swinging, lockable gate must be installed which is more than 15 feet and less than 30 feet off the public road upon which said access is situated, A KNOX box or keys shall be provided to a designated town official for municipal access. Finish grade must be approved by the Highway Superintendent. Easements shall be provided to the Town of Templeton for access and removal in the case of facility/tower abandonment.

(I) Removal of Abandoned Antennas and Towers:

- (1) The owner of a facility/tower shall annually, by January 15, file a declaration with the Town of Templeton Planning Board certifying the continuing safe operation of said facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and shall be considered abandoned.
- (2) A facility/tower shall also be considered abandoned when it has not been used for the purpose for which it was permitted, for a period of twelve months.
- (3) The applicant or subsequent owners shall provide and maintain a financial surety bond in the amount of \$50,000.00 (fifty thousand dollars) payable to the Town of Templeton to cover the costs of removal of each wireless communications facility applied for and the remediation of the landscape, should the facility be deemed abandoned. The bond shall not limit the applicant's financial liability to the Town for said facility/tower removal. The bond amount shall be reviewed every year by the planning board and shall be adjusted if deemed necessary. If the bond is deemed to be adjusted the applicant shall have 90 days from notice to provide an adjusted bond.
 - a) The owner of a facility/tower shall have 90 (ninety) days to removal said tower from the date it is deemed abandoned as stated above.
 - b) The town may exercise its option to remove said facility/tower at its own discretion upon notification of owner, any time after the 90 (ninety) day waiting period.

(J) Emergency Power: Emergency power shall emit no more than 50 decibels over ambient noise level at all property lines.

(K) **Noise:** Noise at the site perimeter from the operation of any machinery or equipment shall be minimized.

(L) **Property Consideration:** An applicant shall demonstrate that all municipally-owned property in the geographic area was considered.

(M) **Electric Power:** Power to the site shall be provided by Templeton Municipal Light Plant or its successor, where such service is provided.

(N) **Distance of Tower or Repeaters:**

- (1) No repeater shall be located less than 25 feet, nor more than 70 feet above ground.
- (2) No tower or personal wireless service facility with the exception of repeaters shall be located:
 - (a) Within any of the following prohibited areas:
 - (i) Massachusetts or Federally regulated wetlands
 - (ii) A Massachusetts Certified Vernal Pool
 - (b) Within 100 feet horizontally of any Massachusetts regulated wetland.
 - (c) Within 200 feet of any existing permanently occupied residential dwelling.
 - (d) Within 200 feet of an existing property line unless incorporated within an existing building, tower, or steeple.

(O) **Documentation:** Engineering and Environmental Assessment impact as well as FAA notice of determination of no hazard of flight zone shall be submitted with any application.

(P) **Colocation Requirements:** An application for a new (non co-located) wireless communications tower shall not be approved unless the Planning Board finds that the wireless communications facility planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- (1) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts, and

the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

(2) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts and such interference cannot be prevented at a reasonable cost.

(3) The proposed antennas and equipment, along or together with existing facilities, equipment, or antennas, would create RFI in violation of federal standards or requirements.

(4) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create RFR in violation of federal standards or requirements.

(5) Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function, or are too far from the area of needed coverage to function reasonably, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

(6) Aesthetic considerations make it unreasonable to locate the planned wireless communications equipment upon an existing or approved tower or building.

(7) There is no existing or approved tower in the area in which coverage is sought.

(8) Other unforeseen specific reasons make it unreasonable to locate the planned wireless communications equipment upon existing or approved tower or building.

(Q) Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's and additional antennas when overall permitted height allows.

(R) Wireless communication towers shall be a minimum distance of two and one half (2.5) miles from each other unless it is determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts that a closer proximity is need for “Adequate Coverage” as defined under definitions Under no circumstances shall any wireless communications tower be within a distance of one (1) mile of each other unless such tower is a stealth tower and the applicant’s technology cannot be used on an existing tower as determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

Modifications to Existing Wireless Communications Facilities Special Permit:

An alternation or addition to a previously approved wireless communications facility shall require an additional special permit when any of the following are proposed:

- (A) A change in the number of buildings or facilities permitted on the site;
- (B) Changes in technology used by the wireless communications facility;
- (C) An addition or change of any external equipment or an increase in the height of the tower, including profile of additional antennas, not specified in the original application; or
- (D) Change in ownership.

Continuing Obligations:

- (A) Upon receiving a permit, the permittee shall annually, by January 15, document that the facility is in compliance with all FCC standards and at the same time the permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings, and the name of the person or company who took the readings.
- (B) All payment and nonpayment of taxes shall fall under the Templeton By-Law article XXXII

Fees:

The Town shall establish a schedule of fees to cover permitting and monitoring costs. Fees may include the reasonable costs of an independent technical assessment of the application by a consultant.

Severability:

If a court of competent jurisdiction holds any portion of this by-law unconstitutional or invalid, the remainder of this by-law shall not be affected.

Conflicts:

If any definition or term as used in this by-law is inconsistent with or would result in a conflict with an Applicant's compliance with any FCC regulation or licensing requirement, the FCC regulation or licensing requirement shall control.

Waivers:

Strict compliance with these requirements may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Templeton By-Laws.

On an amended motion duly made and seconded the Town voted to adopt the following Bylaw:

Wireless Communications Facilities and Towers

General Purpose

The purpose of this section shall be to regulate the placement, design, construction, removal, and modifications of wireless communication facilities and towers and to protect Templeton's historic, cultural, natural, and aesthetic resources.

Special Permit Granting Authority shall be the Planning Board

Special Permit Review Criteria

(A) No wireless communications facility shall be erected, constructed, installed or operated without first obtaining a special permit from the Town of Templeton Planning Board. A special permit is required for new tower construction (or major modification of a preexisting tower) and for all new wireless communications facilities (or major modification of a preexisting facility) to be mounted on a tower or structure.

(B) All applications will be reviewed by the Board of Health & Conservation Board who will submit their written recommendations within 45 days.

(C) A building permit is required per CMR 780 Art. 1

(D) A public hearing shall be held within 90 days with all costs accrued paid by the applicant

(E) Exemptions: The following types of wireless communications facilities and towers are exempt:

(1) Amateur radio tower – construction or use of an antenna structure by a federally licensed amateur radio operator as exempted by M.G.L. Chapter 40A, Section 3.

(2) A tower or antenna erected by the Town exclusively for municipal public safety communications purposes.

(3) Pre-existing towers and antennas

This by-law is exempt from Article XXI Section 3, lot size, frontage, and setback requirements of the town by-laws

Consistency With Federal Law

These regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act.

Definitions:

Abandoned Tower: A tower not being used for the purpose it was permitted for a period of twelve months.

Adequate Coverage: Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be signal strength of at least –90 dBm. It is acceptable for there to be minor temporary loss of signal within the area of adequate coverage. The outer boundary of the area of adequate coverage is that location past which the signal does not regain uniformity.

Antenna: A device used to transmit and/or receive electromagnetic waves, which is attached to a tower or other structure.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Available Space: The space on a tower or structure to which antennas of a wireless communication provider is both structurally able and electro magnetically able to be attached.

Base Station: The primary sending and receiving site in a wireless communication facility network. More than one base station and/or more than one variety of wireless communication provider may be located on a single tower or structure.

Building-Mounted Antenna Support Structure: Any antenna support structure mounted on, erected on, or supported in whole or part by a building or structure occupied and/or used for purposes other than wireless telecommunications.

Building For Equipment Shelter: An enclosed structure used to contain batteries, electrical equipment, telephone lines, transmitters, etc. used by the carriers on the towers.

Channel: The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

Co-location: Locating the wireless communications equipment of more than one provider on a single tower.

Communication Tower: A monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving wireless communications. A Tower and its equipment are considered a main use of property.

Consultant: A registered professional engineer (electrical communication specialty) licensed by the Commonwealth of Massachusetts, hired at the expense of the applicant to review the application and verify that the new tower is necessary at the proposed site, or any other review required under this bylaw.

Carrier: A company that provides wireless service as defined by Section 704 of the 1996 Telecommunications Act.

dBm: Unit of measure of the power level of a signal expressed in decibels referenced to one milliwatt.

EA: See Environmental Assessment

Emergency Power: Electrical Generators usually powered by propane gas or diesel fuel so as to provide uninterrupted service in the case of electrical utility failure, provided that any generators used may not emit more than 50 decibels over the ambient noise level at the property line.

Environmental Assessment: An EA is the document required by the FCC and NEPA when personal wireless facility is placed in certain designated areas.

FAA: Federal Aviation Administration:

Facility Site: A property, or any part thereof, which is owned or leased by one or more wireless communications facility(s) and where required landscaping is located.

Fall Zone: The area on the ground within a prescribed radius from the base of a tower, typically the area within which there is a potential hazard from falling debris or collapsing material. The fall zone shall be equal to the tower height.

FCC: Federal Communications Commission

Frequency: The number of cycles completed each second by an electromagnetic wave, measured in hertz (Hz), megahertz (MHz), or one million hertz), or gigahertz (GHz, one billion hertz).

Hertz: One hertz (Hz) is the frequency of an electric or magnetic field, which reverses polarity once each second, or one cycle per second.

Lattice Towers: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel. See Communication Tower.

Major Modifications: The changing or alteration of any portion of a wireless communication facility from its description in a previously approved permit, including any addition that increases the height of the tower size of the building for equipment shelter.

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from wireless communications facilities, towers, antennas, or repeaters.

Monopole: A type of tower that is self-supporting with a single shaft of wood, steel, or concrete.

NEPA: National Environmental Policy Act

Preexisting Towers and Antennas: any tower or antenna that was lawfully erected before the effective date of these regulations.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

RFI: Radio Frequency Interference

RFR: Radio Frequency Radiation

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities which may be seen from a stationary viewpoint or as one travels along a roadway, waterway, or path, and may be an object nearby or in the distance such as a mountain, or historic building or a pond.

Self-Supporting Tower: A communications tower that is constructed without guy wires.

Spectrum: Relating to any transmissions or reception of electromagnetic waves.

Stealth Tower: A structure designed to blend with or be hidden by surrounding terrain, architectural design, or buildings.

Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

Tower: A vertical structure for antenna(s) that provide wireless communications services.

Tower Height: The vertical distance measured from the base of the tower support structure to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

Wireless Communications Facility: All equipment, buildings and locations of equipment (real estate) with which a wireless communications provider transmits and receives the waves that carry their services. This facility may be owned and permitted by the provider or another owner or entity.

Wireless Communications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Wireless Services: Commercial mobile services, unlicensed wireless exchange access services, including cellular services, personal communications services, specialized mobile radio services, and paging services.

Permit Application Requirements:

(A) An applicant for a wireless communications tower or facility permit must be a wireless communications provider or must provide a copy of its executed contract to provide land or facilities to an existing wireless communications provider at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

(B) Applicants for wireless communications towers or facilities shall include the following supplemental information in their filings for special permit approval:

(1) Location Map: The location of the proposed structure on the most recent United States Geological Survey Quadrangle map, showing the area within at least a three-mile radius of the proposed tower site.

(2) A map or sketch of the property proposed to be developed, prepared by a registered land surveyor drawn to scale and with the area to be developed clearly indicated.

(3) A report from qualified and licensed professional engineers (consultants) that:

- a) Describes the facility height, design, and elevation not to exceed 190 feet.
- b) Documents the height above grade for all proposed mounting positions for antennas to be colocated on a wireless communications tower or facility and the minimum separation distances between antennas.
- c) Describes the tower's proposed capacity, including the number, height, and type(s) of antennas that the applicant expects the tower to accommodate.
- d) Documents steps the applicant will take to avoid interference with any established public safety wireless communications, and includes both an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies.
- e) Describes existing and proposed coverage. In the case of new tower proposals, the applicant shall demonstrate that existing wireless communications facility sites and other existing structures within Templeton, in abutting towns, and within a 10 mile radius of the proposed site cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the Town of Templeton.
- f) Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and proves a detailed computer generated Actual Received Level propagation model that describes coverage of the existing and proposed facilities.
- g) Describes the output frequency, number of channels and power output per channel for each proposed antenna.
- h) Includes a written five-year plan for use of the proposed wireless communications facility, including reasons for seeking capacity in excess of immediate needs if

applicable, as well as plans for additional development and coverage within the Town of Templeton.

- i) Demonstrates the tower's compliance with the municipality's setbacks for towers and support structures
- j) Provides proof that at the proposed site the applicants will be in compliance with all FCC regulations, standards, and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The Town of Templeton may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards, and requirements on an annual basis at unannounced times. The Town may allocate to the applicant any reasonable expenses incurred or authorized by it in retaining independent engineers to perform these evaluations.

(4) Commitment to Share Space: A letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and the provision of this by-law.

(5) Existing Structures: For wireless services to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure must be submitted.

(6) Environmental Assessment: To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft of final report describing the probable impacts of the proposed facility shall be submitted to the Planning Board prior to the issuance of a building permit.

(7) Vicinity Map: A topography map and a priority resource map showing the entire vicinity within a 1000 foot radius of the tower site, including the wireless communications facility or tower, public and private roads and buildings and structures, water bodies, wetlands, landscape features, and historic sites. The map shall show the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.

(8) Proposed site plans of the entire wireless communications facility, professionally drawn to scale, showing all improvements including landscaping, utility lines, screening, and roads.

(9) Elevations showing all facades and indicating all exterior materials and color of towers, buildings, and associated facilities.

(10) Where the proposed site is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.

(11) Construction sequence and estimated time schedule for completion of each phase of the entire project.

(12) Any additional information requested by the Planning Board.

(C) Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet. The permit application shall be signed under the penalties of perjury.

(E) All permit requests shall be submitted during a regular scheduled meeting.

Any request which do not conform with the requirements herein pertaining to permit application shall not be deemed submitted, will not be reviewed and shall be returned to the applicant

Tower and Antenna Design:

(A) **Protection of Scenic Character:** Proposed facilities shall not unreasonably interfere with any scenic views, paying particular attention to such views from the downtown business area, public parks, natural scenic vistas or historic buildings or districts. Towers shall, when possible, be sited off ridgelines and where their visual impact is least detrimental to scenic views and areas. In determining whether the proposed tower will have an undue adverse impact on the scenic beauty of a ridge of hillside, the Town shall consider, among other things, the following:

- (1) The period of time during which the proposed tower will be viewed by the traveling public on a public highway, public trail, or public body of water;
- (2) The frequency of the view of the proposed tower by the traveling public;
- (3) The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;
- (4) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- (5) The distance of the tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;

- (6) The number of travelers or vehicles traveling on a public highway, public trail, or public body of water at or near the critical vantage point, and
- (7) The sensitivity or unique value of the particular view affected by the proposed tower.

To assist the town in its review it may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicant shall provide photographs of the balloon test taken from at least four vantage points previously designated by the planning board

(B) Lighting, Bulk, Height, Glare: All wireless communications facilities, including towers and antennas, shall be designed and constructed so as to minimize the visual impact of height and mass of said tower. Materials utilized for the exterior of any structure shall be of a type, color, and style so as to minimize glare and blend into the environment. Towers shall not be artificially illuminated.

(C) Transmitter Building: Facilities buildings shall be built to accommodate all anticipated tenants on a tower.

(D) Landscaping and Screening: Base of tower as well as the building accessory to the tower shall be screened from view by a suitable vegetation screen that is consistent with existing vegetation. A planted or existing vegetative screen shall be maintained. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

(E) Height Limitations: In order to protect public safety and to preserve the scenic, rural character and appearance of Templeton, antennas and all related facilities shall not exceed 190 feet.

(F) Fencing and Signage: The area around the tower shall be completely fenced for security to a height of 8 feet and gated. Use of multiple strands of barbed wire is required. A painted sign no greater than two square feet stating the name of the facility's owner and a 24 hours emergency number shall be posted on the entry gate. In addition, "No Trespassing" and any other mandated warning signs shall be posted and maintained at the site. No commercial signs or lettering shall be placed on a tower. The tower must be equipped with an anti-climbing device. The wireless communications facility owner shall maintain adequate insurance on all wireless communications facilities.

(G) Utilities: All utilities must be routed underground via conduit from public road to site where feasible.

(H) Access Road: Vehicle access to site shall be required and shall conform to all Conservation Commission guidelines and be at least 18 feet wide. A sturdy, posted swinging, lockable gate must be installed which is more than 15 feet and less than 30 feet off the public road upon which said access is situated, A KNOX box or keys shall be provided to a designated town official for municipal access. Finish grade must be approved by the Highway Superintendent. Easements shall be provided to the Town of Templeton for access and removal in the case of facility/tower abandonment.

(I) Removal of Abandoned Antennas and Towers:

- (1) The owner of a facility/tower shall annually, by January 15, file a declaration with the Town of Templeton Planning Board certifying the continuing safe operation of said facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and shall be considered abandoned.
- (2) A facility/tower shall also be considered abandoned when it has not been used for the purpose for which it was permitted, for a period of twelve months.
- (3) The applicant or subsequent owners shall provide and maintain a financial surety bond in the amount of \$50,000.00 (fifty thousand dollars) payable to the Town of Templeton to cover the costs of removal of each wireless communications facility applied for and the remediation of the landscape, should the facility be deemed abandoned. The bond shall not limit the applicant's financial liability to the Town for said facility/tower removal. The bond amount shall be reviewed every year by the planning board and shall be adjusted if deemed necessary. If the bond is deemed to be adjusted the applicant shall have 90 days from notice to provide an adjusted bond.
 - a) The owner of a facility/tower shall have 90 (ninety) days to removal said tower from the date it is deemed abandoned as stated above.
 - b) The town may exercise its option to remove said facility/tower at its own discretion upon notification of owner, any time after the 90 (ninety) day waiting period.

(J) Emergency Power: Emergency power shall emit no more than 50 decibels over ambient noise level at all property lines.

(K) **Noise:** Noise at the site perimeter from the operation of any machinery or equipment shall be minimized.

(L) **Property Consideration:** An applicant shall demonstrate that all municipally-owned property in the geographic area was considered.

(M) **Electric Power:** Power to the site shall be provided by Templeton Municipal Light Plant or its successor, where such service is provided.

(N) **Distance of Tower or Repeaters:**

- (1) No repeater shall be located less than 25 feet, nor more than 70 feet above ground.
- (2) No tower or personal wireless service facility with the exception of repeaters shall be located:
 - (a) Within any of the following prohibited areas:
 - (i) Massachusetts or Federally regulated wetlands
 - (ii) A Massachusetts Certified Vernal Pool
 - (b) Within 100 feet horizontally of any Massachusetts regulated wetland.
 - (c) Within 200 feet of any existing permanently occupied residential dwelling.
 - (d) Within 200 feet of an existing property line unless incorporated within an existing building, tower, or steeple.

(O) **Documentation:** Engineering and Environmental Assessment impact as well as FAA notice of determination of no hazard of flight zone shall be submitted with any application.

(P) **Colocation Requirements:** An application for a new (non co-located) wireless communications tower shall not be approved unless the Planning Board finds that the wireless communications facility planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- (1) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts, and the existing or approved tower cannot be reinforced, modified, or

replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

(2) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts and such interference cannot be prevented at a reasonable cost.

(3) The proposed antennas and equipment, along or together with existing facilities, equipment, or antennas, would create RFI in violation of federal standards or requirements.

(4) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create RFR in violation of federal standards or requirements.

(5) Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function, or are too far from the area of needed coverage to function reasonably, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

(6) Aesthetic considerations make it unreasonable to locate the planned wireless communications equipment upon an existing or approved tower or building.

(7) There is no existing or approved tower in the area in which coverage is sought.

(8) Other unforeseen specific reasons make it unreasonable to locate the planned wireless communications equipment upon existing or approved tower or building.

(Q) Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's and additional antennas when overall permitted height allows.

(R) Wireless communication towers shall be a minimum distance of two and one half (2.5) miles from each other unless it is determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts that a closer proximity is need for “Adequate Coverage” as defined under definitions Under no circumstances shall any wireless communications tower be within a distance of one (1) mile of each other unless such tower is a stealth tower and the applicant’s technology cannot be used on an existing tower as determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

Modifications to Existing Wireless Communications Facilities Special Permit:

An alternation or addition to a previously approved wireless communications facility shall require an additional special permit when any of the following are proposed:

- (A) A change in the number of buildings or facilities permitted on the site;
- (B) Changes in technology used by the wireless communications facility;
- (C) An addition or change of any external equipment or an increase in the height of the tower, including profile of additional antennas, not specified in the original application; or
- (D) Change in ownership.

Continuing Obligations:

- (A) Upon receiving a permit, the permittee shall annually, by January 15, document that the facility is in compliance with all FCC standards and at the same time the permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings, and the name of the person or company who took the readings.
- (B) All payment and nonpayment of taxes shall fall under the Templeton By-Law article XXXII

Fees:

The Town shall establish a schedule of fees to cover permitting and monitoring costs. Fees may include the reasonable costs of an independent technical assessment of the application by a consultant.

Severability:

If a court of competent jurisdiction holds any portion of this by-law unconstitutional or invalid, the remainder of this by-law shall not be affected.

Conflicts:

If any definition or term as used in this by-law is inconsistent with or would result in a conflict with an Applicant's compliance with any FCC regulation or licensing requirement, the FCC regulation or licensing requirement shall control.

Waivers:

Strict compliance with these requirements may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Templeton By-Laws.

Passed @ 11:00

Article 18 To see if the Town will vote to approve the payment of \$1500.00 from the Selectmen's Expense Account for the settlement of a legal action brought against the Town (Skelton vs. Town of Templeton, et.al.).

On a motion duly made and seconded the Town voted to approve the payment of \$1500.00 from the Selectmen's Expense Account for the settlement of a legal action brought against the Town (Skelton vs. Town of Templeton, et.al.).

Passed @ 11:01

And you are hereby directed to serve this warrant by posting attested copies thereof in each Precinct; namely at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, Town Office Building in Otter River and at Cote's Market in Otter River, fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper in said County in the City of Gardner

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk before the day of said meeting.

Given under our hands and seals this 11th day of September, 2000.

TEMPLETON BOARD OF SELECTMEN

Thomas Martin, Chairman
Edie Kosakowski, Vice Chairman
Gladys Salame, Clerk
Patrick Dunlavey
Ida E. Beane

A true copy, ATTEST:

Robert A. Brewer
Constable of Templeton