

Chapter 200. Zoning

Article X. Wireless Communications Facilities

§ 200-57. Purpose; administration.

- A. This article is adopted for the authorization and regulation of the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities and the protection of the general public from the impacts associated with wireless communications facilities. It is the purpose of this article to:
- (1) Preserve the character and appearance of the Town, including, but not limited to, the scenic, historic, environmental and natural or man-made resources of the Town, while simultaneously allowing adequate wireless communications facilities to be developed;
 - (2) Minimize the adverse impact of wireless communications facilities on adjacent properties and residential neighborhoods;
 - (3) Provide procedures, standards and requirements for the authorization, regulation, placement, construction, installation, modification, use, monitoring, and removal of wireless communications facilities;
 - (4) Minimize the overall number and height of wireless communications facilities and promote shared use of existing wireless communications facilities to reduce the need for additional wireless communications facilities; and
 - (5) Guide sound development while promoting the health, safety and general welfare of the Town of Randolph consistent with applicable federal law.
- B. In accordance with the requirements of 47 U.S.C. § 332(c)(7)(B), and until these requirements are modified, amended or repealed, in regulating the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities, the administration of this article shall not be undertaken in a manner which unreasonably discriminates among providers of functionally equivalent services or prohibits or has the effect of prohibiting the provision of wireless communications services. Furthermore, any decision to deny a request to place, construct, install, modify, and/or use wireless communications facilities shall be in writing and supported by substantial evidence contained in a written record. Furthermore, this article may not regulate the placement, construction, installation, modification and/or use of wireless communications facilities on the basis of the environmental effects of radio frequency emissions to the extent that such wireless communications facilities comply with the Federal Communications Commission's regulations concerning such emissions.

§ 200-58. Applicability.

The provisions of other sections of this chapter of the Town Code notwithstanding, the regulations and

restrictions set forth herein shall apply to the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities. No wireless communications facility shall be placed, constructed, installed, modified and/or used within the Town of Randolph on or after the date of enactment of this article, except in accordance with the provisions of this article. All wireless communications facilities shall require the issuance of a special permit. For the purposes of this article, the Town Council shall be the special permit granting authority.

§ 200-59. Definitions.

As used in this article, the following terms shall have the meanings indicated below:

ABOVE MEAN SEA LEVEL (AMSL)

A uniform point from which height above sea level (or zero elevation) can be measured.

ANTENNA

The surface from which wireless radio signals are sent and received by a wireless communications facility, including, but not limited to, cross-polarized (or dual-polarized) antenna, omnidirectional (whip) antenna and panel antenna.

CAMOUFLAGED

A wireless communications facility that is disguised, hidden, part of an existing or proposed structure or placed within a preexisting or proposed structure is considered to be "camouflaged."

CARRIER

A company that provides wireless communications services.

CO-LOCATION

The use of a single mount on the ground by more than one (1) carrier (vertical co-location) and/or several mounts on a preexisting building by more than one (1) carrier.

CROSS-POLARIZED (OR DUAL-POLARIZED) ANTENNA

A low mount that has three (3) panels flush-mounted or attached very close to the shaft.

ELEVATION

The measurement of height above mean sea level.

ENVIRONMENTAL ASSESSMENT (EA)

The document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communications facility is placed in certain designated areas.

EQUIPMENT SHELTER

An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

FUNCTIONALLY EQUIVALENT SERVICES

Cellular, personal communications services (PCS), enhanced specialized mobile radio, specialized mobile radio and paging.

GUYED TOWER

Any tower that is tied to the ground or other surface by diagonal cables.

LATTICE TOWER

A type of mount that is self-supporting with multiple legs and crossbracing of structural steel.

LICENSED CARRIER

A company authorized by the FCC to construct and operate a commercial mobile radio service system.

MONOPOLE

The type of mount that is self-supporting with a single shaft of galvanized steel and a platform (or racks) for antennas.

MOUNT

The structure or surface upon which antennas are mounted, including the following four (4) types of mounts:

- A. Roof-mounted: mounted on the roof of a building.
- B. Side-mounted: mounted on the side of a building.
- C. Ground-mounted: mounted on the ground.
- D. Structure-mounted: mounted on a structure other than a building.

OMNIDIRECTIONAL (WHIP) ANTENNA

A thin rod that beams and receives a signal in all directions.

PANEL ANTENNA

A flat surface antenna, usually developed in multiples.

PCS

Personal communications services. Broadband radiowave systems that operate at a radio frequency in the 1850 to 1900 megahertz range.

PERSONAL WIRELESS SERVICES

Wireless telecommunications services regulated by the Federal Communications Commission (FCC) and defined as "personal wireless services" in Section 704 or other sections of the Federal Telecommunications Act of 1996 as amended, including, but not limited to, commercial mobile radio services, unlicensed wireless services, and common-carrier wireless exchange access services.

WIRELESS COMMUNICATIONS FACILITY

Facilities for the provision of wireless communications services, including, but not limited to, transmitting and receiving equipment; towers; poles; antennas; antenna structures and supports; and other equipment, equipment shelter, structures and installations accessory to such facilities.

RADIOFREQUENCY (RF) ENGINEER

An engineer specializing in electric or microwave engineering, especially the study of radio frequencies, who is a professional engineer registered to practice in the Commonwealth of Massachusetts.

RADIOFREQUENCY RADIATION (RFR)

The emissions from wireless communications facilities.

SCENIC VIEWPOINTS

Site lines of scenic, historic, environmental and natural or man-made resources as designated from time to time by the Town Council and/or Historical Commission as being of particular importance to the preservation of the character and appearance of the Town of Randolph.

SECURITY BARRIER

A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION

The distance between one (1) array of antennas and another array.

UTILITY

A system of wires or conductors and supporting structures that functions in the transmission of electrical energy or communications services (both audio and video) between generating stations, substations, and transmission lines or other utility services.

§ 200-60. Exemptions.

The following shall be exempt from the provisions of this article:

- A. Wireless communications facilities used only for Town or state public safety purposes.
- B. Wireless communications facilities used by a conforming, federally licensed amateur radio used in accordance with said FCC license as protected by MGL c. 40A, § 3, provided that:
 - (1) Any such wireless communications facility is not used or licensed for any commercial purpose; and
 - (2) Any mount used in connection with said federally licensed amateur radio use must be removed upon loss or termination of said FCC license.
- C. Television antennas, including so-called "dish antennas."
- D. Licensed commercial mobile radio services primarily used in support of the licensee's own business purpose, provided that (i) such services are not used as a dispatching or communications service for third parties and (ii) any wireless communications facilities used in connection therewith do not exceed the dimensional requirements under § **200-65**. By way of example, but not limitation, exempt commercial mobile radio services would include such services used by a taxi or limousine company to communicate with its vehicles and repair, service, delivery, towing and fuel delivery companies to communicate with their respective vehicles.

§ 200-61. Prohibitions.

- A. All towers used in wireless communications facilities shall be constructed only of galvanized steel and shall be of a freestanding, monopole-type construction. No lattice-style towers or guyed towers shall be allowed or permitted.
- B. No advertising signs shall be allowed. No other signs shall be allowed, except in accordance with § **200-68B**.
- C. Security barriers, as required by § **200-68C**, around the wireless communications facilities shall not use razor wire, barbed wire, or similar types of material.
- D. The use of telephone and electric utility poles and structures as sites for wireless communications facilities is prohibited; except the use of electric utility transmission towers for which a special permit issued under this article is in effect shall be allowed, provided that any new wireless communications facility shall not exceed the terms and conditions of the special permit in effect for the existing wireless communications facility on which it is to be located.
- E. Wireless communications facilities are prohibited in Residential, Business, Business/Professional, Business HA, Multifamily and Sanitary Facility Districts.
- F. Wireless communications facilities may not be located on a nonconforming building or structure, unless said building or structure first obtains the necessary zoning relief to extend, alter or change the building or structure in accordance with MGL c. 40A, § 6, and the requirements of this article are satisfied.

- G. Ground-mounted equipment for wireless communications facilities shall not generate acoustic noise in excess of fifty (50) decibels at the security barrier. Roof-mounted or side-mounted equipment for wireless communications facilities shall not generate noise in excess of fifty (50) decibels at ground level at the base of the building as measured from the point closest to the antenna.

§ 200-62. Permitted locations.

Wireless communications facilities are permitted in Industrial Districts and on Town-owned property.

§ 200-63. General requirements.

- A. The applicant must demonstrate that the wireless communications facility is necessary for the applicant to provide adequate wireless communications services by that applicant to the public.
- B. If primary coverage [greater than fifty percent (50%)] from the proposed wireless communications facility is outside of the Town of Randolph, then the special permit granting authority may decline the special permit, unless the applicant demonstrates that it is unable to locate within the town which is primarily receiving service from the proposed wireless communications facility.
- C. A wireless communications facility may locate as of right on any monopole for which a special permit issued under this article is in effect, provided that the new facility shall first obtain site plan approval from the special permit granting authority and provided, further, that any new wireless communications facility shall not exceed the terms and conditions of the special permit in effect for the existing facility on which it is to be located unless such terms and conditions are amended or modified.
- D. The applicant must demonstrate to the special permit granting authority that the location of the proposed wireless communications facility complies with all of the requirements of this article and, furthermore, that the size and height of the proposed facility is the minimum necessary for its intended purpose, using topographical advantage where possible.

§ 200-64. Location requirements.

- A. If feasible, wireless communications facilities shall be located on or within existing structures, including but not limited to buildings, existing communications facilities, monopoles, and related structures, provided that such installation preserves the character and integrity of those structures. Notwithstanding the foregoing, the use of telephone and electric utility poles and structures as sites for wireless communications facilities is prohibited, except that the use of electric utility transmission towers for which a special permit issued under this article is in effect shall be allowed, provided that any new wireless communications facility shall not exceed the terms and conditions of the special permit in effect for the existing wireless communications facility on which it is to be located unless such terms and conditions are amended or modified.
- B. If the applicant demonstrates to the satisfaction of the special permit granting authority that it is not feasible to locate on a preexisting structure, the wireless communications facility shall be designed so as to be camouflaged to the greatest extent possible, including, but not limited to, use of compatible building materials and colors, screening, landscaping with natural and/or artificial plantings (as indicated through site plan review), and placement within trees.
- C. A wireless communications facility shall be set back from the property lines of the lot upon which it is located by a distance equal to the overall vertical height of the tower and any attachments plus five (5) feet. This provision may be waived by the special permit granting authority along any property line which abuts land owned by, or in the control of, the applicant or the owner/operator of the proposed structure.

- D. Except for structures that are accessory to the wireless communications facility, on any lot containing such wireless communications facility no structure shall be constructed or erected within five hundred (500) feet of said wireless communications facility. This provision may be waived by the special permit granting authority along any property line which abuts land owned by, or in the control of, the applicant or the owner/operator of the proposed wireless communications facility.
- E. The frontage requirements of a lot containing a wireless communications facility shall be those of the underlying zoning district.
- F. No wireless communications facility shall be erected or constructed within three hundred (300) feet of a traveled way, or within five hundred (500) feet of any habitable dwelling or business.

§ 200-65. Dimensional requirements.

- A. Height.
 - (1) Height of ground-mounted wireless communications facilities. No wireless communications facility shall exceed one hundred fifty (150) feet in vertical height above existing grade; provided, however, that at the discretion of the special permit granting authority a greater height may be permitted upon a demonstration that such additional height is technologically necessary for the provision of essential public safety telecommunications services. For purposes of the foregoing sentence, "essential public safety telecommunications services" shall be limited to such services as are required for transmission purposes by law enforcement, fire protection and civil defense agencies.
 - (2) Height of side-and roof-mounted wireless communications facilities. Side- and roof-mounted wireless communications facilities shall not project more than twelve (12) feet above the height of an existing building or structure nor project more than twelve (12) feet above the height limit of the zoning district within which the wireless communications facility is located, whichever is less.
 - (3) Height of preexisting structures. New antennas located on any of the following existing structures shall be exempt from the height restrictions of this article, provided that there is no increase in height of the existing structure as a result of the installation of a wireless communications facility: monopoles.
- B. Extensions from walls; extensions beyond the face of walls, side- and roof-mounted facilities. Side- and roof-mounted wireless communications facilities shall not extend beyond the face of any wall, or exterior surface in the case of a building or structure that does not have walls, by more than eighteen (18) inches.
- C. Setbacks; setbacks of preexisting structures. In the event that a preexisting structure is proposed as a mount for a wireless communications facility, the setback provisions of the underlying zoning district shall apply.
- D. Surface area. Side- and roof-mounted wireless communications facilities shall not individually or in the aggregate have a front surface area facing surrounding streets and adjacent properties that exceeds fifty (50) square feet in area.
- E. Flexibility. In reviewing an application for a wireless communications facility, the special permit granting authority may reduce the required setback distance of the zoning district by as much as fifty percent (50%) of the required distance, if it finds that such reduction shall substantially better serve the purposes of this article. In making such a finding, the special permit granting authority shall consider both the visual and safety impacts of the proposed use.

§ 200-66. Design standards.

Wireless communications facilities shall be camouflaged as follows:

- A. Camouflage by preexisting buildings or structures.
 - (1) Camouflaging, roof-mounted. When a wireless communications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the wireless communications facility within or behind existing architectural features to limit its visibility from public ways. Wireless communications facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
 - (2) Camouflaging, side-mounted. Wireless communications facilities which are side-mounted shall blend with the building's architecture and, if over five (5) square feet, shall be shielded with material which is consistent with the design features and materials of the building.
- B. Camouflage by vegetation. If wireless communications facilities are not camouflaged from public viewing areas by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Ground-mounted wireless communications facilities shall provide a year-round vertical evergreen vegetated buffer of fifty (50) feet, or seventy-five percent (75%) of the overall height of the structure, in all directions, whichever is less. Trees and vegetation may be existent on the subject property or installed as part of the proposed wireless communications facility or as combination of both. Vegetation should be natural in appearance and consistent with surroundings, and be reviewed and receive approval from the Town of Randolph Planning Department.
[Amended 4-23-2001 ATM by Art. 22, approved 12-21-2001]
- C. Color.
 - (1) Wireless communications facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.
 - (2) To the extent that a wireless communications facility extends above the height of the vegetation immediately surrounding it, it shall be painted in a light gray or light blue hue which blends with sky and clouds.

§ 200-67. Equipment shelters.

Equipment shelters for wireless communications facilities shall be designed consistent with one (1) of the following design standards:

- A. Equipment shelters must be located in underground vaults when reasonably practicable;
- B. Equipment shelters must be designed consistent with the traditional materials, color and design of the area; and
- C. Equipment shelters must be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence.

§ 200-68. Lighting, signage and security.

- A. Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment shelters and any other structures on site shall be shielded from abutting property.
- B. Signs shall be limited to the minimum number, size and type needed to identify the property and the owner and to warn of any danger. All signs are subject to review and approval by the Building Inspector, consistent with the purposes of this article.

- C. All ground-mounted wireless communications facilities shall be surrounded by a security barrier, which barrier shall comply with § 200-61C.

§ 200-69. Historic buildings.

- A. Any wireless communications facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
- B. Any alteration made to an historic structure to accommodate a wireless communications facility shall be fully reversible.

§ 200-70. Safety standards; radiofrequency radiation (RFR) standards.

All equipment proposed for a wireless communications facility shall comply with the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) and any other applicable FCC guidelines and regulations.

§ 200-71. Application procedures.

- A. Preapplication conference. Prior to submission of an application for a special permit under this regulation, the applicant shall meet with the special permit granting authority at a public meeting to discuss the proposed wireless communications facility in general terms and to clarify the filing requirements.
- B. Preapplication filing requirements. The purpose of the preapplication conference is to inform the special permit granting authority as to the preliminary nature of the proposed wireless communications facility. As such, no formal filings are required for the preapplication conference. However, the applicant shall prepare and present sufficient preliminary architectural and/or engineering drawings to inform the special permit granting authority of the location of the proposed wireless communications facility, as well as its scale and overall design.
- C. Hazards to air navigation.
- (1) Any application for a wireless communications facility which proposes building a new structure or adding to existing structures within airport approaches as defined in MGL c. 90, § 35B, and any amendments thereto or language substituted therefor, must include a certification by the applicant that:
- (a) Either a permit from the Massachusetts Aeronautics Commission is not required because the structure is or will be in an area subject to airport approach regulations adopted pursuant to MGL c. 90, §§ 40A through 40I, in an approach to Logan International Airport, or less than thirty (30) feet above ground level; or
- (b) A permit from the Massachusetts Aeronautics Commission is required pursuant to MGL c. 90, § 35B, and a copy of said permit is enclosed with the application.
- (2) Applications for permits to build a new structure or add to an existing structure requiring the filing of a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration shall mail a copy of the completed FAA Form 7460-1 to the Massachusetts Aeronautics Commission within three (3) business days after submitting said form to the FAA.

§ 200-72. Application filing rules and regulations.

[Amended 5-9-2011 by Ord. No. 2010-046]

The applicant shall comply with the application filing requirements as may be established by rule or regulation of the special permit granting authority, including that all applications made to a SPGA shall identify the owner of the property and the applicant, and their interests in the property. A purchase and sale agreement, lease agreement, or letter of intent may be submitted to satisfy this requirement. No application shall be considered complete until this requirement is met.

§ 200-73. Water tower or reservoir sites.

The Town of Randolph's water towers and reservoirs represent a large public investment in water pressure stabilization and peak capacity reserves. Protection of the quality of the Town's water supply is of prime importance to the Town. As access to the Town's water storage systems increases, the potential for contamination of the public water supply also increases. For these reasons, an applicant that seeks to place, construct, or modify a wireless communications facility on water tower or reservoir sites must demonstrate the following:

- A. The applicant's access to the wireless communications facility will not increase the risks of contamination to the Town's water supply;
- B. There is sufficient room on the structure and/or the ground to accommodate the applicant's wireless communications facility;
- C. The presence of the wireless communications facility will not increase the water tower maintenance cost to the Town; and
- D. The presence of the wireless communications facility will not be harmful to the health of workers maintaining the water tower or reservoir.

§ 200-74. Co-location.

- A. Licensed carriers shall share wireless communications facilities and sites where feasible and appropriate, thereby reducing the number of wireless communications facilities that are standalone structures. All applicants for a special permit for a wireless communications facility shall demonstrate a good faith effort to co-locate with other carriers, by providing:
 - (1) A survey of all preexisting wireless communications facilities that may be feasible sites for co-locating wireless communications facilities;
 - (2) Evidence of contact with all other licensed carriers for commercial mobile radio services operating in the Commonwealth of Massachusetts; and
 - (3) Evidence of sharing information with all other licensed carriers necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- B. An applicant shall demonstrate to the special permit granting authority that it has made a good faith effort to co-locate its wireless communications facility upon an existing wireless communications facility. The Town may retain a technical expert in the field of RF engineering and/or a structural engineer to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.
- C. If the special permit granting authority grants a special permit for collocated wireless communications facilities, the special permit shall state how many wireless communications facilities of what type shall be permitted on that site. Subject to § **200-63**, wireless communications facilities to be located on an existing monopole for which a special permit issued under this article is in effect shall require no further zoning

approval. The addition of any wireless communications facilities not specified in the approved special permit, however, shall require a new special permit.

- D. In order to determine compliance with all applicable FCC regulations, estimates of RFR emissions will be required for all wireless communications facilities, including proposed and future wireless communications facilities both for the applicant and all co-locators.

§ 200-75. Monitoring and maintenance.

- A. Upon issuance of a special permit under this article and after the wireless communications facility is in operation, the applicant shall submit to the Building Inspector, within ninety (90) days of beginning operations, and on each anniversary date of issuance of the Special permit, preexisting and current RFR measurements. Such measurements shall be signed and certified by an RF Engineer, registered as a professional engineer in the Commonwealth of Massachusetts, stating that the RFR measurements are accurate and whether they are in compliance with FCC Guidelines and, if they are not in compliance, how the measurements fail to comply with all applicable FCC Guidelines as specified in § **200-70**. The measurements shall be submitted for both the applicant and all co-locators.
- B. Upon issuance of a special permit under this article and after the wireless communications facility is in operation, the applicant shall submit to the Building Inspector, within ninety (90) days of the issuance of the special permit, preexisting and current measurements of acoustic noise from the wireless communications facility. Such measurements shall be certified and signed by an acoustical engineer, registered as a professional engineer in the Commonwealth of Massachusetts, stating that noise measurements are accurate and whether they meet the noise standards of § **200-61G** and, if they are not in compliance, how they fail to comply.
- C. The applicant and co-applicant shall maintain the wireless communications facility. Such maintenance shall include, but shall not be limited to, painting, structural integrity, landscaping and general cleaning of the site.
- D. Failure by the applicant to provide the information required in this section shall result in a fine imposed on the applicant of \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

§ 200-76. Abandonment or discontinuance of use.

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communications facility, such carrier will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations.
- B. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within ninety (90) days from the date of abandonment or discontinuation of use, including but not limited to removal of tower, antennas, mount, equipment shelter(s) and security barriers from the subject property, proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations, and restoration of the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the "after" condition approved by the special permit granting authority in connection with the grant of the special permit.
- C. As a condition of any special permit for the placement, construction, installation or modification of a wireless communications facility, a carrier shall place into escrow a sum of money, to be determined by the special permit granting authority, to cover the costs of removing the wireless communications facility from the subject property, necessary funds to be held by an independent escrow agent to be jointly appointed by the carrier and the special permit granting authority. The carrier shall authorize and, as necessary, shall

obtain the authorization of the owner of the property, to allow the escrow agent to enter upon the subject property to remove the wireless communications facility when the wireless communications facility has been abandoned or discontinued.

- D. A wireless communications facility shall be deemed to be abandoned or discontinued if it has not been used for the purpose for which it was originally constructed for a period of six (6) months or more. In the event that the carrier fails to remove the wireless communications facility, in accordance with Subsection **B**, above, the Town shall give notice to the carrier and the independent escrow agent that the wireless communications facility shall be removed by the escrow agent forthwith and the escrow agent, after affording written notice seven (7) days in advance to the carrier, shall remove the wireless communications facility.
- E. Failure to follow the provisions of this section shall result in a fine of \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

§ 200-77. Reconstruction or replacement of preexisting nonconforming facilities.

Wireless communications facilities that were in existence at the time of the adoption of this article may be reconstructed, altered, extended or replaced pursuant to special permit, provided that the special permit granting authority finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the preexisting nonconforming structure. In making such a determination, the special permit granting authority shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

§ 200-78. Performance guarantees.

- A. Upon issuance of a special permit, the applicant shall procure insurance in a reasonable amount determined and approved by the special permit granting authority after consultation, at the expense of the applicant, with one (1) or more insurance companies to cover damage from the structure, damage from transmissions and other site liabilities. On each anniversary date of the issuance of the special permit, the applicant shall file proof of insurance with the Building Inspector.
- B. Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute shall be filed with the Building Inspector by the applicant.

§ 200-79. Term of special permit.

- A. A special permit issued under this article shall be in effect for two (2) years and may be renewed pursuant to the same criteria as applied to the original special permit, provided that the application for renewal of the special permit is made thirty (30) days prior to the expiration date of the original or any renewed special permit.
- B. A special permit issued under this article shall lapse if substantial use or construction has not commenced within one (1) year of the date of issuance. Construction pursuant to a special permit, once begun, shall be actively and continuously pursued to completion within a reasonable time. Any extension, addition of cells or construction of new or replacement towers shall be subject to an amendment of the special permit following the same procedure and under the same criteria as applied to the original grant of a special permit.

§ 200-80. Fully enclosed facilities.

Notwithstanding anything to the contrary contained in this article, wireless communications facilities installed wholly within, and not protruding from, the interior space of an existing structure, excluding buildings used for residential use, shall be allowed as of right in all zoning districts, subject to all other applicable bylaws and regulations of the Town and the following sections of this article: §§ **200-67, 200-68, 200-69, 200-70, 200-71, 200-72, 200-74, 200-75, 200-76, 200-78, 200-79** and **200-82**.

§ 200-81. Severability.

The provisions of this article are severable, and the invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.

§ 200-82. Fee schedule.

The applicant shall pay a fee to the Town with its application in an amount to be determined by rule or regulation of the special permit granting authority.

§ 200-83. Quality of life issues.

[Added 4-23-2001 ATM by Art. 20, approved 12-21-2001]
(Reserved)

§ 200-84. through § 200-89. (Reserved)