

*City Council*

*City of Newton*

*Massachusetts*

Inter-Office Correspondence

To: City Council

Date: March 3, 2017

From: D. Crossley, Chair of Public Facilities

Subject: Draft Conditions

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Please review the attached information pertaining to the following docket items discussed on February 22, 2017:

**#249-16      Cellco petition for Grant of Location for wireless communication equipment**  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing utility poles at the following locations [(Ward 8) 07/01/2016 @11:17 AM]:

Locations

~~Dudley Road (near 530 Dudley Road) at Pole #10-7~~ Withdrawn  
Hay Road (near 16 Hay Road) at Pole #1368-1

**#281-16      Cellco petition for Grant of Location for wireless communication equipment**  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing Utility Pole #20-20 at Sargent Street (near the Sargent/Centre intersection). (Ward 7) [07/20/2016 @12:21 PM]

**Action:      Public Facilities Approved 6-1-0 (Lennon Opposed)**

**#423-16      Verizon Grant of Location petition for wireless communication equipment**  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing utility pole #405/24 adjacent to 93 Sevlund Road. (Ward 8). [11/21/2016 @ 9:44 AM]

**Action:      Public Facilities Approved 6-1-0 (Lennon Opposed)**

**VERIZON WIRELESS**  
**WIRELESS COMMUNICATIONS FACILITIES GRANT OF LOCATION**  
**CONDITIONS FOR DISCUSSION-FEBRUARY 22, 2017**  
**EDITED FOR FURTHER REVIEW BASED UPON HEARING VOTE**  
**TAKEN ON FEBRUARY 22, 2017**

- As a condition of this grant of location order (the “Order”), prior to installing the approved small cell antenna and related equipment described in the plans identified in this Order (collectively, the “Small Cell Attachment”) on the designated utility pole (the “Pole”), the Petitioner shall submit to the Commissioner of the Department of Public Works a letter or license from the owner(s) of the Pole authorizing the attachment of the Small Cell Attachment to the Pole.
- The Small Cell Attachment shall not include any lighting or blinking light unless required under applicable federal or state law.
- The Small Cell Attachment shall comply with the Noise Control Ordinance of the City of Newton (Newton Ordinances, Section 20-13). In the event that the Small Cell Attachment fails to comply with this ordinance, the Petitioner shall install noise suppression equipment as needed to reduce noise emitted by such Attachment to below applicable ordinance levels.
- The color of the Small Cell Attachment shall be similar to or blend with(a) existing equipment on the Pole or (b) the color of the Pole, ~~or (c) another color reasonably satisfactory to the City Council, as directed by the City Council.~~
- The Small Cell Attachment shall not project over the public roadway or the sidewalk beyond the berm or curb, or otherwise interfere with the public use of the public way or sidewalk.
- The Small Cell Attachment shall not interfere with the operation and maintenance of any wires, cables or equipment already attached to the Pole as of the date of this Order, including but not limited to streetlights and cable, electrical and telecommunications facilities. Streetlights already attached to the Pole as of the date of this Order shall not be moved unless required by the Pole owner(s), and then only to the extent permitted under any applicable agreement between the Pole owner and the City or, absent such agreement, formally consented to by the

Commissioner of Public Works. Signage already attached to the Pole as of the date of this Order shall not be moved without the prior written consent of the City department that controls the placement of the signage.

- The Small Cell Attachment allowed under this Order is limited to that specifically described in the plans identified in this Order.<sup>5</sup> Any increase in the number or height of Small Cell Attachment components after Small Cell Attachment construction shall be subject to City Council approval in accordance with applicable law. No City Council order is required for renewing, repairing or replacing the Small Cell Attachment. In the event that after the Order and before construction the position of a Small Cell Attachment component needs or is required to be moved, the Petitioner shall submit any revisions to its plans to the Commissioner of Public Works, who may authorize the change so long as the change does not reduce ground clearance or increase the height of the Small Cell Attachment. By acceptance of this Order, the Petitioner has committed and agreed that for purposes of its use of the Pole, the attachment of a Small Cell Attachment to the Pole shall not: (1) change the primary purpose of the Pole, which shall remain the purpose(s) for which the Pole owner(s) originally installed the Pole; or (2) cause the Pole to be a “wireless tower or base station”, within the meaning of Section 6409 (a) of the Spectrum Act, 47 U.S.C. §1455.
- Within 30 days after completion of construction, the Petitioner shall provide the Commissioner of the Inspectional Services Department City Council with as-built drawings of the Small Cell Attachment in paper and electronic forms.
- The Small Cell Attachment shall comply with all applicable FCC regulations, including but not limited to regulations regarding radio frequency emissions. The Petitioner shall provide the Commissioner of the Inspectional Services Department~~Department of Public Works~~
- with an annual certification of continued compliance with such FCC regulations regarding radio frequency emissions.
- The Small Cell Attachment shall be covered by a performance bond in accordance with City Code Section 23-11,~~that the Petitioner has agreed to execute, in a form and amount satisfactory to the City, to indemnify the City of Newton against any damage, cost, expense and loss to which~~

**Comment [a1]:** -THIS LANGUAGE REFLECTS LANGUAGE IN THE VERIZON WIRELESS AGREEMENT WITH THE CITY OF BOSTON AND ADDS INTRODUCTORY LANGUAGE TO REFLECT ITS SPECIFIC COMMITMENT

**Comment [a2]:** The IT Department wanted both paper and electronic copies

~~the City may be subject in consequence of the acts and neglect of the Petitioner, its agents, officers and servants, in any manner arising from or growing out of the installation, maintenance and operation of the Petitioner's small cell antennas and related equipment on non-municipal utility poles in the City.~~

- The Small Cell Attachment shall be placed and maintained in accordance with the requirements and specifications of the latest editions of the National Electrical Code, the National Electrical Safety Code, the engineering and construction standards of the Pole owner(s) and applicable law.
- The Small Cell Attachment shall be tagged or marked in accordance with the engineering and construction standards of the Pole owner(s) and applicable law.
- In the event that the Pole is being removed and replaced by the Pole owner(s), the Petitioner shall transfer the Small Cell Attachment to the replacement pole in accordance with the pole attachment agreement(s) between the Petitioner and the Pole owner(s) ~~and any applicable joint user system (currently NJUNs)~~. In the event the Pole is being removed by the Pole owner(s) and not replaced, the Petitioner shall remove the Small Cell Attachment, and the grant of location allowed by this Order shall terminate.
- The Small Cell Attachment shall be subject to removal pursuant to the procedures established under M.G.L. Chapter 166, §§22A-22N.

**DRAFT**

CITY OF NEWTON

IN CITY COUNCIL

2017

**GRANT OF LOCATION FOR INSTALLATION  
ANTENNAS AND RELATED EQUIPMENT**

**ORDERED:**

That, in accordance with the recommendation of the Public Facilities Committee through its Chair Deborah J. Crossley, the following public utility petition is hereby approved by the Honorable City Council.

PETITIONER: CellCo Partnership d/b/a Verizon Wireless  
118 Flanders Road  
Westborough, MA 01581-3956

WHEREAS, on July 1, 2016 pursuant to Massachusetts General Laws Chapter 166, Section 22, Verizon Wireless filed a petition for a grant of location to install, operate and maintain single "Small Cell" wireless communication antennas and related materials attached to utility poles along and across the public ways, together with the installation of antennas, equipment boxes and related materials attached to utility poles at one location at the following location:

Aerial Location

Antenna and equipment box location

Hay Road (near 16 Hay Road) at Pole #1368-1

WHEREAS the City of Newton, acting by and through its City Council, duly noticed a public hearing on Cellco Partnership d/b/a Verizon Wireless petition and conducted a public hearing on August 10, 2016, September 7, 2016, December 7, 2016 and, February 22, 2017; Therefore

**BE IT HEREBY ORDERED:**

That the Petitioner, as described above, be and is hereby granted a location pursuant to the provisions of Massachusetts General Laws Chapter 166, Section 22 and the provisions set out

herein to install, operate, repair and maintain such Facilities along the public way as requested in such petition and more particularly as shown on plans filed with the Office of the City Clerk, which plans are entitled:

- a. "Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_S\_MA\_SC01" Vicinity & Aerial Map, Sheet No. C-1, dated 06/07/16; stamped by Benjamin B. Revett, Civil Engineer Registered No. 49220, Dewberry Engineers Inc.;
- b. Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_S\_MA\_SC01" Pole Photo, Pole Elevation & Local Site Plan, Sheet No. C-2, dated 06/07/16; stamped by Benjamin B. Revett, Civil Engineer Registered No. 49220, Dewberry Engineers Inc.
- c. Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_S\_MA\_SC01" Antenna and Equipment Details, Sheet No. C-3, dated 06/07/16; stamped by Benjamin B. Revett, Civil Engineer Registered No. 49220, Dewberry Engineers Inc.
- d. Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_S\_MA\_SC01" Wiring Diagram & Details, Sheet No. C-4, dated 06/07/16; stamped by Benjamin B. Revett, Civil Engineer Registered No. 49220, Dewberry Engineers Inc.

Such plans, including all notes shown thereon, are hereby incorporated as part of this Order.

This Grant of Location is made subject to the following conditions:

1. As a condition of this grant of location order (the "Order"), prior to installing the approved small cell antenna and related equipment described in the plans identified in this Order (collectively, the "Small Cell Attachment") on the designated utility pole (the "Pole"), the Petitioner shall submit to the Commissioner of the Department of Public Works a letter or license from the owner(s) of the Pole authorizing the attachment of the Small Cell Attachment to the Pole.
2. The Small Cell Attachment shall not include any lighting or blinking light unless required under applicable federal or state law.
3. The Small Cell Attachment shall comply with the Noise Control Ordinance of the City of Newton (Newton Ordinances, Section 20-13). In the event that the Small Cell

Attachment fails to comply with this ordinance, the Petitioner shall install noise suppression equipment as needed to reduce noise emitted by such Attachment to below applicable ordinance levels.

4. The color of the Small Cell Attachment shall be similar to or blend with (a) existing equipment on the Pole or (b) the color of the Pole.
5. The Small Cell Attachment shall not project over the public roadway or the sidewalk beyond the berm or curb, or otherwise interfere with the public use of the public way or sidewalk.
6. The Small Cell Attachment shall not interfere with the operation and maintenance of any wires, cables or equipment already attached to the Pole as of the date of this Order, including but not limited to streetlights and cable, electrical and telecommunications facilities. Streetlights already attached to the Pole as of the date of this Order shall not be moved unless required by the Pole owner(s), and then only to the extent permitted under any applicable agreement between the Pole owner and the City or, absent such agreement, formally consented to by the Commissioner of Public Works. Signage already attached to the Pole as of the date of this Order shall not be moved without the prior written consent of the City department that controls the placement of the signage.
7. The Small Cell Attachment allowed under this Order is limited to that specifically described in the plans identified in this Order. Any increase in the number or height of Small Cell Attachment components after Small Cell Attachment construction shall be subject to City Council approval in accordance with applicable law. No City Council order is required for renewing, repairing or replacing the Small Cell Attachment. In the event that after the Order and before construction the position of a Small Cell Attachment component needs or is required to be moved, the Petitioner shall submit any revisions to its plans to the Commissioner of Public Works, who may authorize the change so long as the change does not reduce ground clearance or increase the height of the Small Cell Attachment. By acceptance of this Order, the Petitioner has committed and agreed that for purposes of its use of the Pole, the attachment of a Small Cell Attachment to the Pole shall not: (1) change the primary purpose of the Pole, which shall remain the purpose(s) for which the Pole owner(s) originally installed the Pole; or (2) cause the Pole to be a "wireless tower or base station", within the meaning of Section 6409 (a) of the Spectrum Act, 47 U.S.C. §1455.
8. Within 30 days after completion of construction, the Petitioner shall provide the Commissioner of the Inspectional Services Department with as-built drawings of the Small Cell Attachment in paper and electronic forms.

9. The Small Cell Attachment shall comply with all applicable FCC regulations, including but not limited to regulations regarding radio frequency emissions. The Petitioner shall provide the Commissioner of the Inspectional Services Department
10. with an annual certification of continued compliance with such FCC regulations regarding radio frequency emissions.
11. The Small Cell Attachment shall be covered by a performance bond in accordance with City Code Section 23-11.
12. The Small Cell Attachment shall be placed and maintained in accordance with the requirements and specifications of the latest editions of the National Electrical Code, the National Electrical Safety Code, the engineering and construction standards of the Pole owner(s) and applicable law.
13. The Small Cell Attachment shall be tagged or marked in accordance with the engineering and construction standards of the Pole owner(s) and applicable law.
14. In the event that the Pole is being removed and replaced by the Pole owner(s), the Petitioner shall transfer the Small Cell Attachment to the replacement pole in accordance with the pole attachment agreement(s) between the Petitioner and the Pole owner(s). In the event the Pole is being removed by the Pole owner(s) and not replaced, the Petitioner shall remove the Small Cell Attachment, and the grant of location allowed by this Order shall terminate.
15. The Small Cell Attachment shall be subject to removal pursuant to the procedures established under M.G.L. Chapter 166, §§22A-22N.

### **CERTIFICATE**

I hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Massachusetts General Laws Chapter 166, Section 22, and Chapter 32, Section 23B, as amended, after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Board of Aldermen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the conduit and wires are to be constructed under said Order, as determined by the last preceding assessment for taxation, and public hearings held on August 10, 2016, September 7, 2016, December 7, 2016 and, February 22, 2017, in said City of Newton.



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David Olson  
City Clerk, City of Newton

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of the Grant of Location Order and certificate of hearing with notice adopted by the Board of Aldermen of the City of Newton, Massachusetts on the    day of    , 2017, and recorded with the records of location orders of said City, Book    , Page    . This certified copy is made under the provisions of Massachusetts General Laws Chapter 166, Section 22, as amended.

Attest:

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City Clerk, City of Newton

**DRAFT**

CITY OF NEWTON

IN CITY COUNCIL

2017

**GRANT OF LOCATION FOR INSTALLATION  
ANTENNAS AND RELATED EQUIPMENT**

**ORDERED:**

That, in accordance with the recommendation of the Public Facilities Committee through its Chair Deborah J. Crossley, the following public utility petition is hereby approved by the Honorable City Council.

PETITIONER: CellCo Partnership d/b/a Verizon Wireless  
118 Flanders Road  
Westborough, MA 01581-3956

WHEREAS, on July 20, 2016 pursuant to Massachusetts General Laws Chapter 166, Section 22, Verizon Wireless filed a petition for a grant of location to install, operate and maintain single "Small Cell" wireless communication antennas and related materials attached to utility poles along and across the public ways, together with the installation of antennas, equipment boxes and related materials attached to utility poles at one location at the following location:

Aerial Location

Antenna and equipment box location

Sargent Street (near the Sargent St/Centre St intersection) at Pole #20-20

WHEREAS the City of Newton, acting by and through its City Council, duly noticed a public hearing on Cellco Partnership d/b/a Verizon Wireless petition and conducted a public hearing on August 10, 2016, September 7, 2016, December 7, 2016 and, February 22, 2017; Therefore

**BE IT HEREBY ORDERED:**

That the Petitioner, as described above, be and is hereby granted a location pursuant to the provisions of Massachusetts General Laws Chapter 166, Section 22 and the provisions set out

herein to install, operate, repair and maintain such Facilities along the public way as requested in such petition and more particularly as shown on plans filed with the Office of the City Clerk, which plans are entitled:

- a. "NEWTON 7 MA" Site Address Pole #20-20, Sargent Street, Newton, MA 02458, Area Plan, Drawing Name L-1, dated 06/13/16; stamped by Clement J. Salek, Civil Engineer Registered No. 47382, Chappell Engineering Associates, LLC;
- b. "NEWTON 7 MA" Site Address Pole #20-20, Sargent Street, Newton, MA 02458, Elevation Plan, Drawing Name L-2, dated 06/13/16; stamped by Clement J. Salek, Civil Engineer Registered No. 47382, Chappell Engineering Associates, LLC;
- c. "NEWTON 7 MA" Site Address Pole #20-20, Sargent Street, Newton, MA 02458, Equipment Plan, Drawing Name L-3, dated 06/13/16; stamped by Clement J. Salek, Civil Engineer Registered No. 47382, Chappell Engineering Associates, LLC;

Such plans, including all notes shown thereon, are hereby incorporated as part of this Order.

This Grant of Location is made subject to the following conditions:

1. As a condition of this grant of location order (the "Order"), prior to installing the approved small cell antenna and related equipment described in the plans identified in this Order (collectively, the "Small Cell Attachment") on the designated utility pole (the "Pole"), the Petitioner shall submit to the Commissioner of the Department of Public Works a letter or license from the owner(s) of the Pole authorizing the attachment of the Small Cell Attachment to the Pole.
2. The Small Cell Attachment shall not include any lighting or blinking light unless required under applicable federal or state law.
3. The Small Cell Attachment shall comply with the Noise Control Ordinance of the City of Newton (Newton Ordinances, Section 20-13). In the event that the Small Cell Attachment fails to comply with this ordinance, the Petitioner shall install noise suppression equipment as needed to reduce noise emitted by such Attachment to below applicable ordinance levels.
4. The color of the Small Cell Attachment shall be similar to or blend with(a) existing equipment on the Pole or (b) the color of the Pole.

5. The Small Cell Attachment shall not project over the public roadway or the sidewalk beyond the berm or curb, or otherwise interfere with the public use of the public way or sidewalk.
6. The Small Cell Attachment shall not interfere with the operation and maintenance of any wires, cables or equipment already attached to the Pole as of the date of this Order, including but not limited to streetlights and cable, electrical and telecommunications facilities. Streetlights already attached to the Pole as of the date of this Order shall not be moved unless required by the Pole owner(s), and then only to the extent permitted under any applicable agreement between the Pole owner and the City or, absent such agreement, formally consented to by the Commissioner of Public Works. Signage already attached to the Pole as of the date of this Order shall not be moved without the prior written consent of the City department that controls the placement of the signage.
7. The Small Cell Attachment allowed under this Order is limited to that specifically described in the plans identified in this Order. Any increase in the number or height of Small Cell Attachment components after Small Cell Attachment construction shall be subject to City Council approval in accordance with applicable law. No City Council order is required for renewing, repairing or replacing the Small Cell Attachment. In the event that after the Order and before construction the position of a Small Cell Attachment component needs or is required to be moved, the Petitioner shall submit any revisions to its plans to the Commissioner of Public Works, who may authorize the change so long as the change does not reduce ground clearance or increase the height of the Small Cell Attachment. By acceptance of this Order, the Petitioner has committed and agreed that for purposes of its use of the Pole, the attachment of a Small Cell Attachment to the Pole shall not: (1) change the primary purpose of the Pole, which shall remain the purpose(s) for which the Pole owner(s) originally installed the Pole; or (2) cause the Pole to be a "wireless tower or base station", within the meaning of Section 6409 (a) of the Spectrum Act, 47 U.S.C. §1455.
8. Within 30 days after completion of construction, the Petitioner shall provide the Commissioner of the Inspectional Services Department with as-built drawings of the Small Cell Attachment in paper and electronic forms.
9. The Small Cell Attachment shall comply with all applicable FCC regulations, including but not limited to regulations regarding radio frequency emissions. The Petitioner shall provide the Commissioner of the Inspectional Services Department
10. with an annual certification of continued compliance with such FCC regulations regarding radio frequency emissions.

11. The Small Cell Attachment shall be covered by a performance bond in accordance with City Code Section 23-11.
12. The Small Cell Attachment shall be placed and maintained in accordance with the requirements and specifications of the latest editions of the National Electrical Code, the National Electrical Safety Code, the engineering and construction standards of the Pole owner(s) and applicable law.
13. The Small Cell Attachment shall be tagged or marked in accordance with the engineering and construction standards of the Pole owner(s) and applicable law.
14. In the event that the Pole is being removed and replaced by the Pole owner(s), the Petitioner shall transfer the Small Cell Attachment to the replacement pole in accordance with the pole attachment agreement(s) between the Petitioner and the Pole owner(s). In the event the Pole is being removed by the Pole owner(s) and not replaced, the Petitioner shall remove the Small Cell Attachment, and the grant of location allowed by this Order shall terminate.
15. The Small Cell Attachment shall be subject to removal pursuant to the procedures established under M.G.L. Chapter 166, §§22A-22N.

#### **CERTIFICATE**

I hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Massachusetts General Laws Chapter 166, Section 22, and Chapter 32, Section 23B, as amended, after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Board of Aldermen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the conduit and wires are to be constructed under said Order, as determined by the last preceding assessment for taxation, and public hearings held on August 10, 2016, September 7, 2016, December 7, 2016 and, February 22, 2017, in said City of Newton.

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David Olson  
City Clerk, City of Newton

#### **CERTIFICATE**

I hereby certify that the foregoing is a true copy of the Grant of Location Order and

certificate of hearing with notice adopted by the Board of Aldermen of the City of Newton, Massachusetts on the    day of    , 2017, and recorded with the records of location orders of said City, Book    , Page    . This certified copy is made under the provisions of Massachusetts General Laws Chapter 166, Section 22, as amended.

Attest:

---

City Clerk, City of Newton

**DRAFT**

CITY OF NEWTON

IN CITY COUNCIL

2017

**GRANT OF LOCATION FOR INSTALLATION  
ANTENNAS AND RELATED EQUIPMENT**

**ORDERED:**

That, in accordance with the recommendation of the Public Facilities Committee through its Chair Deborah J. Crossley, the following public utility petition is hereby approved by the Honorable City Council.

PETITIONER: CellCo Partnership d/b/a Verizon Wireless  
118 Flanders Road  
Westborough, MA 01581-3956

WHEREAS, on November 21, 2016 pursuant to Massachusetts General Laws Chapter 166, Section 22, Verizon Wireless filed a petition for a grant of location to install, operate and maintain single "Small Cell" wireless communication antennas and related materials attached to utility poles along and across the public ways, together with the installation of antennas, equipment boxes and related materials attached to utility poles at one location at the following location:

Aerial Location

Antenna and equipment box location

Sevland Road (adjacent to 93 Sevland Road) at Pole #405/24

WHEREAS the City of Newton, acting by and through its City Council, duly noticed a public hearing on Cellco Partnership d/b/a Verizon Wireless petition and conducted a public hearing on December 7, 2016 and, February 22, 2017; Therefore

**BE IT HEREBY ORDERED:**

That the Petitioner, as described above, be and is hereby granted a location pursuant to the provisions of Massachusetts General Laws Chapter 166, Section 22 and the provisions set out

herein to install, operate, repair and maintain such Facilities along the public way as requested in such petition and more particularly as shown on plans filed with the Office of the City Clerk, which plans are entitled:

- a. "Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_MA\_SC29" Vicinity & Aerial Map, Sheet No. LE-1, dated 08/18/16 for comment; and 08/30/16 for submittal; Dewberry Engineers Inc.;
- b. Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_MA\_SC29" Pole, Photo, Conceptual Site Plan & Elevation, Sheet No. LE-2, dated 08/18/16 for comment; and 08/30/16 for submittal; Dewberry Engineers Inc.;
- c. Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_S\_MA\_SC01" Equipment Details, Sheet No. LE-3, dated 08/18/16 for comment; and 08/30/16 for submittal; Dewberry Engineers Inc.;
- d. Verizon Wireless – 118 Flanders Road Westborough, MA 01581-3956; NEWTON\_S\_MA\_SC01" Wiring Diagram & Details, Sheet No. LE-4, dated 08/18/16 for comment; and 08/30/16 for submittal; Dewberry Engineers Inc.

Such plans, including all notes shown thereon, are hereby incorporated as part of this Order.

This Grant of Location is made subject to the following conditions:

1. As a condition of this grant of location order (the "Order"), prior to installing the approved small cell antenna and related equipment described in the plans identified in this Order (collectively, the "Small Cell Attachment") on the designated utility pole (the "Pole"), the Petitioner shall submit to the Commissioner of the Department of Public Works a letter or license from the owner(s) of the Pole authorizing the attachment of the Small Cell Attachment to the Pole.
2. The Small Cell Attachment shall not include any lighting or blinking light unless required under applicable federal or state law.
3. The Small Cell Attachment shall comply with the Noise Control Ordinance of the City of Newton (Newton Ordinances, Section 20-13). In the event that the Small Cell Attachment fails to comply with this ordinance, the Petitioner shall install noise suppression equipment as needed to reduce noise emitted by such Attachment to below applicable ordinance levels.



4. The color of the Small Cell Attachment shall be similar to or blend with(a) existing equipment on the Pole or (b) the color of the Pole.
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8. Within 30 days after completion of construction, the Petitioner shall provide the Commissioner of the Inspectional Services Department with as-built drawings of the Small Cell Attachment in paper and electronic forms.
9. The Small Cell Attachment shall comply with all applicable FCC regulations, including but not limited to regulations regarding radio frequency emissions. The Petitioner shall provide the Commissioner of the Inspectional Services Department

10. with an annual certification of continued compliance with such FCC regulations regarding radio frequency emissions.
11. The Small Cell Attachment shall be covered by a performance bond in accordance with City Code Section 23-11.
12. The Small Cell Attachment shall be placed and maintained in accordance with the requirements and specifications of the latest editions of the National Electrical Code, the National Electrical Safety Code, the engineering and construction standards of the Pole owner(s) and applicable law.
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15. The Small Cell Attachment shall be subject to removal pursuant to the procedures established under M.G.L. Chapter 166, §§22A-22N.

#### **CERTIFICATE**

I hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Massachusetts General Laws Chapter 166, Section 22, and Chapter 32, Section 23B, as amended, after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Board of Aldermen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the conduit and wires are to be constructed under said Order, as determined by the last preceding assessment for taxation, and public hearings held on December 7, 2016 and, February 22, 2017, in said City of Newton.

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David Olson  
City Clerk, City of Newton

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of the Grant of Location Order and certificate of hearing with notice adopted by the Board of Aldermen of the City of Newton, Massachusetts on the    day of    , 2017, and recorded with the records of location orders of said City, Book    , Page    . This certified copy is made under the provisions of Massachusetts General Laws Chapter 166, Section 22, as amended.

Attest:

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City Clerk, City of Newton