



Public Facilities Committee Agenda

City of Newton **In City Council**

Wednesday, June 6, 2018

7:15 PM – Note Late Start Time
Room 204

Items Scheduled for Discussion:

- #357-18 **COMMISSIONER OF PUBLIC WORKS** requesting in accordance with Massachusetts General Law Ch. 40, Sec. 15., relocation of a portion of a 20' wide City drain and sewer easement in the center of Section 63, Block 9, Lot 2 (Boston College Middle Campus) located parallel to College Road and shown on the Easement Plan completed by Feldman Land surveyors, dated April 6, 2018.

Public Hearing

- #342-18 **National Grid petition for grant of location in Beacon Street**
NATIONAL GRID petition for a grant of location to install and maintain 320' ± of 6" gas main in Short Street from the existing 6" gas main in Montclair Road in a northeasterly direction to the endpoint of the existing gas main in front of 1521 Beacon Street to provide new service to 1521 Beacon Street. (Ward 5)

Public Hearing

- #279-18 **Petition for Drain Extension in Staniford Street**
JAMES BARBERIO, 49 STANIFORD STREET, ET AL petition for main ~~drain~~ sewer extensions in STANIFORD STREET from the property at 65 Staniford Street 450'± easterly to the existing sewer manhole at the intersection of Staniford Street and Freeman Street and from the property at 68 Staniford Street 700'± to the existing sewer manhole at the intersection of Staniford Street and West Pine Street.

- #42-18 **Review of City Council regulations governing petitions for wireless communications**
COUNCILORS CROSSLEY, ALBRIGHT AND LAPPIN requesting a review of proposed City Council regulations pursuant to City Code Sec. 23-20, governing petitions for permission to install wireless communications facilities and new poles proposed for wireless communications use in the public ways of the City. Such rules would cover petitions that are subject to review under G.L. c. 166, §22 and 47 U.S.C. §332(c) (7)

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

and petitions that are subject to review under 47 U.S.C. §1455 (“Eligible Facilities Requests”).

Chairs Note: The Chair intends to hold a brief discussion on setting the application fee for wireless attachment GoLs, previously passed in Public Facilities at \$500., to consider amending the item in Finance so as to allow several installations in close proximity under one fee.

Referred to Public Facilities and Finance Committees

#355-18 Appropriate \$150,000 to make repairs to 1294 Centre Street

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from Free Cash for repairs to 1294 Centre Street (the former Health Department building).

Referred to Public Facilities and Finance Committees

#354-18 Appropriate \$338,000 for the rehabilitation of the Forest Grove Pump Station

HER HONOR THE MAYOR requesting authorization to appropriate three hundred thirty-eight thousand dollars (\$338,000) from bonded indebtedness to fund the rehabilitation of the Forest Grove Pump Station.

Referred to Public Facilities and Finance Committees

#356-18 Request to transfer \$150,000 to fund repair/replacement of streetlights

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fifty thousand dollars (\$150,000) from Current Year Budget Reserve for the purpose of funding the repair/replacement of streetlights that have been out service for many years due to underground problems.

Respectfully submitted,

Deborah Crossley, Chair

City of Newton



Ruthanne Fuller
Mayor

DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

May 30, 2018

David A. Olsen, CMC
Newton, MA 02459

2018 JUN - 1 PM 2:14

RECEIVED
Newton City Clerk

To: Ruthanne Fuller, Mayor

From: James McGonagle, Commissioner

Subject: Request for Authorization by the Public Facilities Committee of the City Council
For Easement Relocation on Boston College Middle Campus at Beacon Street

I request that the following item be docketed with the Public Facilities Committee of the Honorable City Council; that the Honorable City Council consider the following action to approve a partial relocation of an easement (the "City Easement") from the Trustees of Boston College to the City, originally granted in 1917 and amended in 2013 under Board Order 232-10 and 232-10 (2). The City Easement as it is now laid out is shown on the plan attached hereto as Exhibit A.

Boston College is planning an addition to the "Service Building" on its middle campus. Following discussions with representatives of the City's Engineering Division and the Law Department, Boston College desires to further amend a portion of the City Easement so that the City's existing storm drain can be rerouted beyond the footprint of the proposed addition. A plan showing the City Easement as it would be affected by the proposed relocation is attached as Exhibit B.

I request that you ask the office of the City Clerk to place this matter on the docket of the Public Facilities Committee for a public hearing on the next available date.

Sincerely,


James McGonagle
Commissioner Public Works

cc: Amy Hamel, DPW Chief of Staff
Louis M. Taverna, P.E., City Engineer
John Daghlion, Associate City Engineer
Robert Waddick, Law Department
Shawna Sullivan, City Clerk's Office
Nadia Khan, City Clerk's Office

Telephone: 617-796-1009 • Fax: 617-796-1050 • jmcgonagle@newtonma.gov

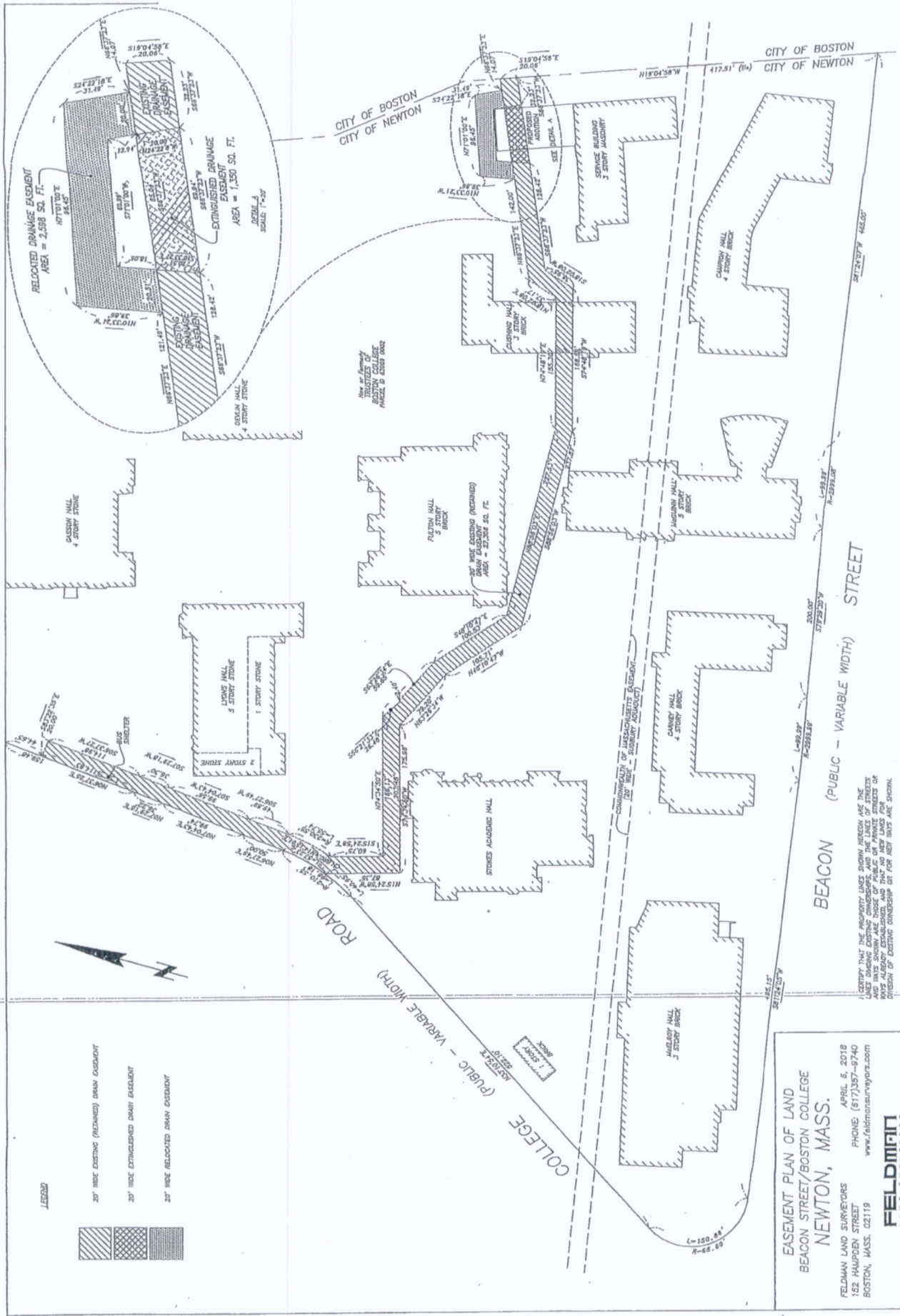


EXHIBIT B

EASEMENT PLAN OF LAND
BEACON STREET/BOSTON COLLEGE
NEWTON, MASS.

APRIL 6, 2018
FELDMAN LAND SURVEYORS
152 HAMPODEN STREET
BOSTON, MASS. 02119
PHONE: (617)357-8740
WWW.FELDMANSURVEYORS.COM

FELDMAN
LAND SURVEYORS

SCALE: 1"=50'

0 25 50 100 200

REVISION FIELD CHECK BY DATE AND TIME APPROVED SHEET NO. 1 OF 1

DRAFT 5-21-2018

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE
LINES SHOWN ON THE RECORDS OF THE CITY OF BOSTON AND THE
CITY OF NEWTON, MASS. AND THAT THE LINES OF THE STREETS
AND ALLEYS SHOWN HEREON ARE THE LINES OF THE STREETS
AND ALLEYS SHOWN ON THE RECORDS OF THE CITY OF BOSTON
AND THE CITY OF NEWTON, MASS. AND THAT THE LINES OF THE
DIVISION OF EXISTING OWNERSHIP OR FOR NEW LOTS ARE SHOWN
ON THE RECORDS OF THE RECORDS OF DEEDS.



BOSTON COLLEGE

OFFICE OF THE GENERAL COUNSEL

May 22, 2018

James McGonagle, Commissioner
Department of Public Works
City Hall, Room 101
1000 Commonwealth Avenue
Newton Centre, Massachusetts 02459

Re: Request for Authorization by Public Facilities Committee of easement relocation on
Boston College Middle Campus at Beacon Street

Dear Commissioner McGonagle:

I am writing to request that the Public Facilities Committee take action to approve a partial relocation of an easement (the "City Easement") from Trustees of Boston College ("Boston College") to the City, originally granted in 1917 and amended in 2013 under Board Order 232-10 and 232-10 (2). The City Easement as it is now laid out is shown on the plan attached hereto as **Exhibit A**.

Boston College is planning an addition to the "Service Building" on its middle campus. Following discussions with representatives of the City Engineering Division and the Law Department, Boston College desires to further amend a portion of the City Easement so that the City's storm drain can be rerouted beyond the footprint of the proposed addition. A plan showing the City Easement as it would be affected by the proposed relocation is attached as **Exhibit B**.

We hereby request that you kindly ask the City Clerk to place this matter on the docket of the Public Facilities Committee for a public hearing on the next available date. I would be happy to provide any further information you may need in advance of the hearing.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Herlihy".

Joseph M. Herlihy
General Counsel

James McGonagle, Commissioner
May 22, 2018
Page 2

Enc.

cc: Lou Taverna, P.E., City Engineer
John Daghlia, Associate City Engineer
Robert Waddick, Esq., Assistant City Solicitor
Jeanne Levesque, Director, Government Relations



BOSTON COLLEGE
Facilities Management

June 1, 2018

Newton City Clerk's Office
1000 Commonwealth Avenue
Newton, MA 02459

To Whom It May Concern,

This letter shall serve as the official statement that Boston College agrees to assume all costs associated with the relocation of the existing 24" storm-water main per the attached civil plans created by Nitsch Engineering dated 5/31/2018, and the easement modification plan created by Feldman Associates dated 5/21/18.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Bourque", with a stylized flourish at the end.

Daniel Bourque
Vice President, Facilities Management
BOSTON COLLEGE
(617) 552-6067

CITY OF NEWTON MASSACHUSETTS

PETITION for GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Public Works Department for a preliminary review before the applicant files the petition with the Board of Aldermen. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to Public Works Department
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Petitioner files Petition Form with Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions may be directed to:

Lou Taverna, City Engineer, 617-796-1020

Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name National Grid

Address 40 Sylvan Rd.
Waltham, Ma. 02451

Phone Number 617-293-0480 Fax Number _____

Contact Person Barbara H. Kelleher Title Permit Representative

Signature Barbara H. Kelleher Date 5-10-18
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II DESCRIPTION OF PROJECT: to be completed by petitioner

- A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

To install and maintain approximately 320 feet more or less of 6" gas main in Short St. from existing 6" gas main in Montclair Rd. to the end of main just past 1521 Beacon St. unit 8. All of which to provide gas service to 1521 Beacon St., units 1-8.

- B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan 1521 Beacon St, Newton, Ma Date of plan 5/9/2018
(8 units)

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project ☐

Major Project ☐

Lateral ☐

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan ☐

Stamped Plans ☐

DATE AND COMMENTS:

RECOMMENDATIONS:

DPW is Paving Beacon St this construction season the proposed gas main must be completed prior to the road paving so that the installation	of the gas main does not interfere with paving operation. Upon completion the trench shall be paved with binder to match road surface, and next spring pave the limits that DPW keep from S.
--	--

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

John Dyl
City Eng.
May 15, 2018

Commissioner, Public Works

Date

5/15/18

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**City of Newton / City Council:**

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 320 feet more or less of 6 inch gas main in Short St., Newton, from the existing 6 inch gas main in Montclair Rd. to the end of main, just past 1521 Beacon St, unit #8. All of which to provide gas service to 1521 Beacon St., units 1-8.

Date: May 10, 2018

By: _____

Barbara H. Kelleher

Barbara H. Kelleher
Permit Representative

RECEIVED
NEWTON CITY CLERK
MAY 11 PM 1:37
A. Olson, BMC
Newton, MA 02459

City of Newton / City Council:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date May 10, 2018 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20____.

By: _____

Title

WO #1239552

RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**City of Newton / City Council:**

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Date: May 10, 2018

By: Barbara H. Kelleher
Barbara H. Kelleher
Permit Representative

City of Newton / City Council:

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The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20____.

By: _____

Title

WO #1239552

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

ABUTTERS LIST NEWTON**BEACON ST**

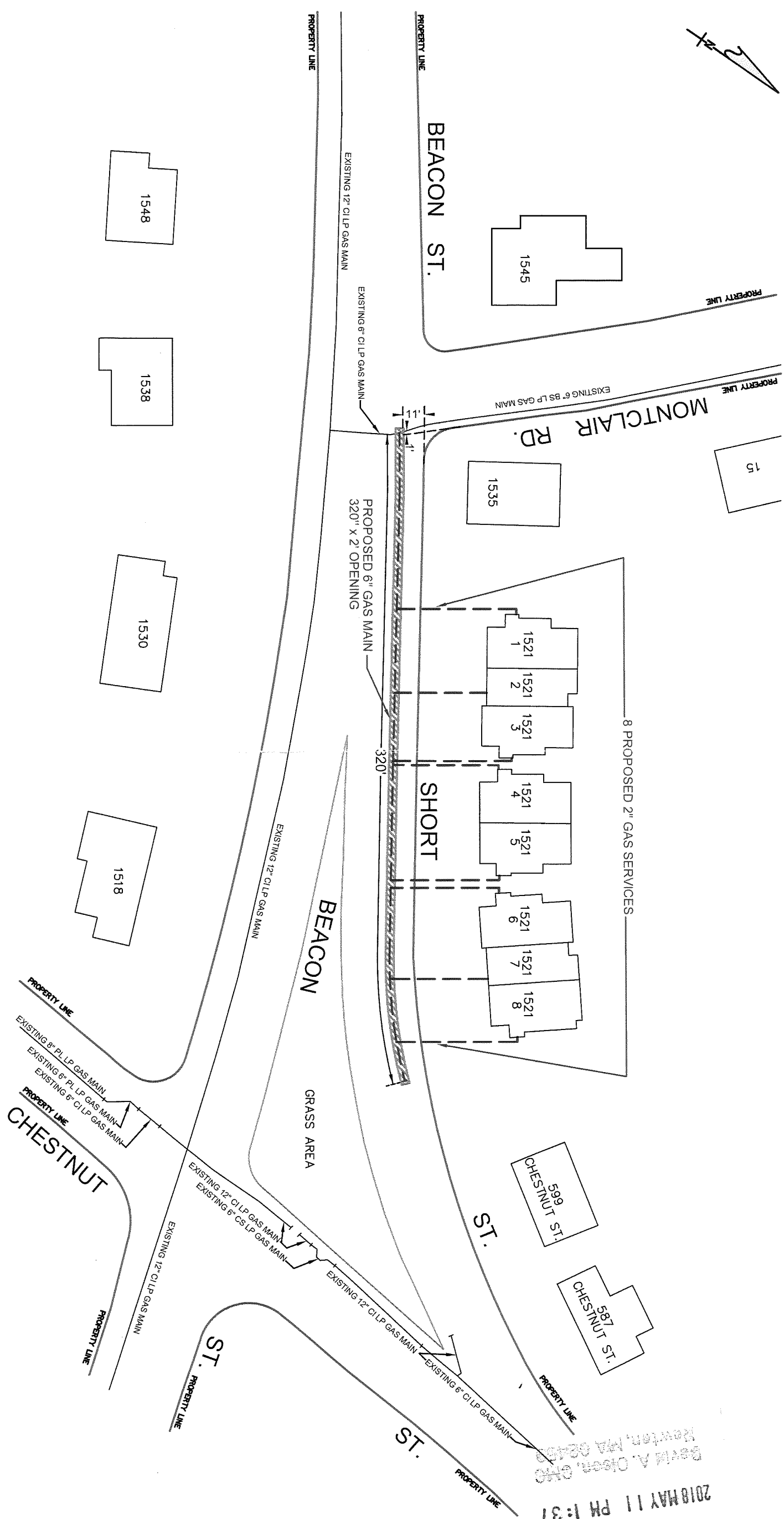
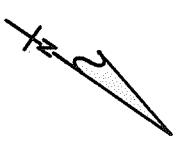
Owner Name	Address	City State	ZIP Code
STANBERRY MATTHEW S	1518 BEACON ST	WABAN MA	02468-1524
1521 BEACON STREET LLC	1521 BEACON ST	WABAN MA	02468-1506
BOULERICE TAMMY ROSE	1530 BEACON ST	WABAN MA	02468-1524
SPG DEVELOPMENT LLC	1535 BEACON ST	WABAN MA	02468-1506
SHIH ALVIN V	1538 BEACON ST	WABAN MA	02468-1508
MENELLY LISA	1545 BEACON ST	WABAN MA	02468-1507
PAUL JEREMY R	1548 BEACON ST	WABAN MA	02468-1508
KAMADOLLI SHYAM	1553 BEACON ST	WABAN MA	02468-1507
NEZAFAT REZA	1558 BEACON ST	WABAN MA	02468-1508

MONTCLAIR RD

Owner Name	Address	City State	ZIP Code
CHUAN-KUO FRANK	15 MONTCLAIR RD	WABAN MA	02468-1129

CHESTNUT ST

Owner Name	Address	City State	ZIP Code
LEONG & TRUST	585 CHESTNUT ST	WABAN MA	02468-1225
BRACHER TROY C	587 CHESTNUT ST	WABAN MA	02468-1225
XZTAN WEIZHEN & VICTORIA	592 CHESTNUT ST	WABAN MA	02468-1614
KARL DEBORAH H	599 CHESTNUT ST	WABAN MA	02468-1225



RECEIVED
Newton City Clerk
2018 MAY 11 PM 1:37
Bevin A. Olen, CMO
Newton, MA 02459

LEGEND

- PROPOSED GAS
- EXISTING GAS
- PROPERTY LINE
- EDGE OF ROADWAY
- PROPOSED OPENINGS

NOTE:

THE LOCATION OF SURFACE AND UNDERGROUND OBJECTS SHOWN ARE NOT WARRANTED TO BE CORRECT. CALL 811 BEFORE YOU DIG UTILITIES AND STREET LINES COMPILED FROM AVAILABLE DATA SOURCES NO FIELD VERIFICATION PERFORMED

REVISIONS

NO.	DESCRIPTION	DATE	DR BY	APP BY



40 SYLVAN ROAD
WALTHAM, MA 02451

GRANT OF LOCATION

PROPOSED LOCATION OF 6" PLASTIC GAS MAIN & 2" PLASTIC GAS SERVICES
1521 BEACON ST., (8 UNITS) NEWTON, MA 02468

ENGR / DRTM	DATE	SIZE	PRESSURE	MATERIAL	LENGTH	WORK ORDER NO.
J.P.T./N.C.	5/9/2018	6"	LOW PRESSURE	PLASTIC	320'±	1239552

SCALE: N.T.S.

SHEET 1 OF 1

DRAWING NO.
GP-NEW
1239552-18-145

Permit # 12773

Final Label Report

SBL	Owner	Number	Street	Unit
53028 0001	STANBERRY MATTHEW S	1518	BEACON ST	
53034 0004	1521 BEACON ST LLC	1521	BEACON ST	
53028 0019	BOULERICE MICHEL	1530	BEACON ST	
53034 0002	SPG DEVELOPMENT LLC	1535	BEACON ST	
53028 0018	SHIH ALVIN V & WENDY	1538	BEACON ST	
53032 0001	MENELLY LISA TR	1545	BEACON ST	
53034 0018	BRACHER TROY C	587	CHESTNUT ST	
53012 0001	TAN WEIZHEN & VICTORIA	592	CHESTNUT ST	
53034 0001	KARL DEBORAH H	599	CHESTNUT ST	
53014 0001	MOGHADDAM MORTEZA	612	CHESTNUT ST	



City of Newton

PETITION FOR DRAIN AND SEWER

December 12 ²⁰/₁₄

To THE BOARD OF ALDERMEN:-

The undersigned believing that the public convenience and the public health require it, respectfully petition that a main drain and common sewer be constructed in

STANIFORD

Insert street or way, or private lands, give names of owners.

from 49 Staniford ST.

to 48 Staniford ST.

in that part of Newton called Auburndale

RECEIVED
NEWTON CITY CLERK
016 DEC 13 AM 11:18
David A. Olsen, Clerk
Newton, MA 02459

Do not write here. Binding marginal

Signatures of petitioners here:	ADDRESSES
James P. Barberis	49 Staniford ST. Auburndale
Ann H. Pine	50 STANIFORD ST. AUBURNDALE
Letta Decker	68 Staniford St. Auburndale
Ala 16th	56 Staniford St, Auburndale
Charles Wier	65 Staniford St, Auburndale
Murayan	55 Staniford Street, Auburndale
May Ponske	62 Staniford St. Auburndale

In Board of Aldermen, _____

Referred to Committee on Public Works

Clerk.

Final Label Report

#279-18

SBL	Owner	Number	Street	Unit
41030 0021	DAMBROSIO PATRICK V JR & AGNES S	6	FREEMAN ST	
41029 0009	GEORGE ABRAHAM R	7	FREEMAN ST	
41031 0020	NICOLAZZO BRUNO & MARIA TRS	3	STANIFORD ST	
41030 0025	NICOLAZZO JOHN TR	6	STANIFORD ST	
41031 0019	CARUSO GIOVANNI & GILDA	11	STANIFORD ST	
41030 0024	HERLIHY DAVID A	14	STANIFORD ST	
41031 0021	KHIDHIR BESAM	19	STANIFORD ST	
41030 0023	LO ENG H	20	STANIFORD ST	
41030 0022	YANG CHENGDA	24	STANIFORD ST	
41031 0022	LUO YUXIA LISA	27	STANIFORD ST	
41031 0023A	ASHAI ZAID AHMAD	33	STANIFORD ST	
41031 0023	PATEL SANDIP V & VIBHA S	39	STANIFORD ST	
41031 0024	BARBERIO JAMES P & DIANNE M	49	STANIFORD ST	
41029 0008	GRIECO ELIZABETH TR	50	STANIFORD ST	
41031 0024A	KADAMBI NARAYAN	55	STANIFORD ST	
41029 0007	ROTH ALAN H & HOLLI G	56	STANIFORD ST	
41029 0006A	WILSON PAUL D	62	STANIFORD ST	
41031 0024B	WEST CHARLES L TR	65	STANIFORD ST	
41029 0006	DECELLES KATHERINE	68	STANIFORD ST	
41031 0026	MCDADE GERALD A JR	79	STANIFORD ST	
41031 0038A	GOLDMAN MICHAEL M & AMY B	83	STANIFORD ST	2
41031 0038	AIKMAN WILLIAM F	83	STANIFORD ST	1
41031 0038C	PRICE RONALD F	83	STANIFORD ST	4
41031 0038D	FALK LAURENCE	83	STANIFORD ST	5
41031 0038E	BOUDREAU ALBERT T JR	83	STANIFORD ST	6
41031 0038F	GILRAY TOVAH P	83	STANIFORD ST	7
41031 0038B	XING HEMING	83	STANIFORD ST	3
41029 0005	KANE BUILT INC	84	STANIFORD ST	
41031 0038K	BISHOP SHARON M	85	STANIFORD ST	4
41031 0038G	RUNDLETT ROBERT D & VERA L	85	STANIFORD ST	1
41031 0038H	SANDHU JANAK & HARTEJ S	85	STANIFORD ST	2
41031 0038J	MAI XIAOLING	85	STANIFORD ST	3
41031 0038S	WEISS DAVID J	89	STANIFORD ST	7
41031 0038R	ZHANG XIAODAN	89	STANIFORD ST	6
41031 0038Q	KATZ PETER & LINDA T/C	89	STANIFORD ST	5
41031 0038P	GORDON PHYLLIS	89	STANIFORD ST	4
41031 0038N	ZHUKOVSKY GEORGE	89	STANIFORD ST	3
41031 0038L	ZHENG YANMING	89	STANIFORD ST	1
41031 0038M	WHITESTONE ALLEN TR	89	STANIFORD ST	2
41031 0038Z	LUCAS JUDITH FINN & PAUL J	91	STANIFORD ST	7
41031 0038AA	POLLACK SIDNEY D TR	91	STANIFORD ST	8
41031 0038T	CHEN CHUN-YU	91	STANIFORD ST	1
41031 0038U	DEMEO MICHAEL J TR	91	STANIFORD ST	2
41031 0038V	MISHOL TINA P	91	STANIFORD ST	3
41031 0038W	WANG DEGANG	91	STANIFORD ST	4

SBL	Owner	Number	Street	Unit
41031 0038X	WOODS DEIRDRE MARIE TR	91	STANIFORD ST	5
41031 0038Y	LIAO QI	91	STANIFORD ST	6
41029 0004A	ELDER JACK S & JUDITH L	92	STANIFORD ST	
41031 0027A	CUNNINGHAM ROBERT LEE	99	STANIFORD ST	
41029 0004	CAREY RICHARD J & PATRICIA M	102	STANIFORD ST	
41031 0027	FAGAN DANIEL P & SHARON M C	103	STANIFORD ST	
41029 0003	PALAMIDIS PETER N JR & JILL B	110	STANIFORD ST	
41031 0028	QUINN MICHAEL J	115	STANIFORD ST	
41029 0002	BARTLETT NORMAN E II	116	STANIFORD ST	
41029 0001	WEINBERG JEAN	124	STANIFORD ST	

Nadia Khan

From: Louis M. Taverna
Sent: Thursday, May 31, 2018 3:46 PM
To: Nadia Khan; Shawna Sullivan
Cc: James McGonagle; Amy Hamel; Theodore Jerdee
Subject: RE: Staniford Street Petition

Nadia,

The process, as I understand it, is as follows.

DPW has not yet hired an engineering consulting firm to perform the design of the sewer extension.

Wednesday night's Public Facilities Committee meeting is to present the petition to the Councilors for the moving forward with the design and construction of the sewer extension. Once the petition is approved, DPW needs to hire an engineering consulting firm to perform survey and engineering design of the sewer, and to develop a cost estimate. This requires funding. Then DPW will bid the construction of the sewer extension. This also requires funding. At that time, the construction costs will be known, and the City Council can assess sewer betterment assessments to the property owners.

Rough order of magnitude cost of construction of the sewer extension is \$650,000, not including engineering design services.

Lou

Louis M. Taverna, P.E.
City Engineer
City of Newton DPW
1000 Commonwealth Ave
Newton, MA 02459
617-796-1020



From: Nadia Khan
Sent: Thursday, May 31, 2018 3:31 PM
To: Louis M. Taverna
Subject: RE: Staniford Street

CITY COUNCIL GRANT OF LOCATION PROCEDURES AND STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES TO BE LOCATED IN PUBLIC WAYS

I. INTRODUCTION

The City Council regulates the placement of wireless communications facilities in the public ways pursuant to municipal authority under Massachusetts General Laws Chapter 166, Sections 21 *et seq.*, other applicable Massachusetts Laws, City Code Section 23, and applicable federal law, including 47 U.S.C. §§253 and 332(c)(7).

The public ways in Newton are a uniquely valuable resource, closely linked with the City's residential character and natural beauty. Many public ways have been enhanced by the planting and maintenance of public shade trees.

The City Council wishes to preserve and protect community safety and aesthetics in its residential neighborhoods and village centers, consistent with its streetscape design principles. Many residences have a small amount of frontage between the residence and the public ways. Public ways, including sidewalks, must remain accessible and safe under ADA and traffic standards. The City has several scenic roadways. It also has historic districts and historic buildings. Aesthetics and compatibility with immediate surroundings are important considerations in reviewing future use of the public ways.

A competing consideration is a public interest in maximizing wireless service coverage and enabling wireless service capacity that is adequate to meet the needs of the City (including public safety communications needs), its residents and businesses. Further, the City Council recognizes that its authority to regulate the use of the public ways is subject to and limited by both state and federal laws.

The potential for proliferation of wireless communications facilities attachments to utility poles in public ways, due, in part, to recent changes in federal law, evolving wireless technology, and demand for wireless services has created a significant concern about degradation of the character of residential areas, village centers, scenic roads and historical districts, and adverse impacts upon public safety and well-being of City residents and other users of the public ways.

The City Council also wishes to limit noise and vibration levels that may be associated with some types of wireless communications facilities. The City Council cannot base grant of

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location orders upon radio frequency emissions from wireless communications facilities in the public ways, ~~except that it may require proof of continuing compliance with FCC requirements.~~

Commented [AM1]: Verizon Wireless objects to requiring proof of continuing compliance with FCC RF emission standards and says that no such requirement is imposed on antenna of other entities.

The City Council therefore finds it necessary and desirable to provide for reasonable regulation and orderly deployment of wireless communications facilities in the public ways. Accordingly, it adopts these Wireless Grant of Location Procedures and Standards (the "Procedures and Standards").

Commented [AM2]: Verizon Wireless argues that the City cannot require proof of continuing compliance with FCC RFE rules. Unresolved issue.

II. SCOPE OF THESE PROCEDURES AND STANDARDS

These Procedures and Standards govern the permitting of (1) wireless communications facilities attachments to existing or replacement utility poles which are located in the public ways and which do not have any pre-existing wireless attachments; (2) wireless communications facilities attachments to existing or replacement poles which are located in the public ways and which do have pre-existing wireless attachments, but do not satisfy the requirements under 47 U.S.C. §1455 and related Federal Communications Commission ("FCC") regulations; and (3) constructing a new pole in a public way for purposes of providing wireless communications services. A party seeking to attach to a City-owned pole also will be required to enter into a license agreement with the City and comply with its terms and conditions.

~~These Procedures and Standards do not apply to the filing and review of a separate application form with instructions has been prepared for.~~ "Eligible Facilities Requests", as defined under 47 U.S.C. §1455 (and related FCC regulations), that involve a pole (1) located in a public way and (2) classified as a "base station" under 47 U.S.C. §1455. If an applicant seeks approval pursuant to 47 U.S.C. §1455 and related FCC regulations, the Applicant must submit a separate application in accordance with related instructions. If that application is denied, the Applicant may submit a new grant of location application governed by these Procedures and Standards.

III. GRANT OF LOCATION APPLICATION PROCEDURES

A. Who May Apply

An Applicant must demonstrate that it is qualified and eligible under G.L.c.166, §21 to place its facilities on utility poles located in the public ways. For example, a Statement of Business Operations filing with the Massachusetts Department of Telecommunications and Cable, if any, should be provided, and a link to existing tariffs, if any, should be supplied. Where applicable, current records of any FCC license to offer service should be provided. The

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An applicant should demonstrate that its proposed facilities will be used to carry out the telecommunications services covered by its Statement of Business Operations and/or an applicable FCC license. Carrier neutral applicants shall provide evidence that they have a contract with at least one wireless service provider which will make use of the proposed facilities or that they will accept a condition that they shall not construct proposed facilities unless they have first submitted evidence that they have a contract with at least one wireless service provider which will make use of the proposed facilities.

Also, the applicant should provide evidence of its authority to conduct in Massachusetts the business carried out through the proposed facilities.

B. Application Filings

Applicants shall use the application form provided by the Commissioner of Public Works. This form shall be made available through the Commissioner, City Clerk or on the City website. Use of this application form is required to best assure timely review of the completeness of the application. The application form may be revised from time to time.

Although not required to do so, applicants are encouraged to schedule a pre-application meeting with the City Engineer, Wire Inspector, Fire Department, IT Department and Planning and Development Department to (1) describe their proposed location, Wireless Communications Facilities and plans; (2) identify potential issues; and (3) address questions. If a pre-application meeting is requested, information regarding the proposed location, Wireless Communications Facilities and plans should be submitted to the Commissioner of Public Works at least seven (7) days before the scheduled pre-application meeting. An applicant shall not submit Applications for more than three (3) separate locations at the same time. A separate Application shall be submitted for each separate location.

Option for Discussion on Batch Applications:

An applicant may file a consolidated grant of location application ("Consolidated Application" or "Batch Application") for up to ~~ten~~ (10) separate locations, or a greater number if agreed to by the Commissioner of Public Works, provided that all of the Wireless Communications Facilities in the Consolidated Application:

(1) are (a) located within a two (2) mile radius or are (b) located on one (1) or two (2) contiguous public ways;

(2) consist of substantially similar equipment;

Commented [ADM3]: CONSIDER THE CITY'S ABILITY TO PROCESS MORE THAN 3 AT ONCE AND WHETHER A HIGHER NUMBER OUGHT TO BE ALLOWED IF THEY ARE ALL PART OF A COVERAGE/CAPACITY UPGRADE TO IMPROVE SERVICE IN AN AREA OF NEED

Commented [AM4]: Verizon Wireless will not accept a 3-location limitation and argues that this limitation is unreasonable and unlawful. It questions whether other entities are so limited. It proposed larger batch applications where a group of sites is designed to serve a particular area. I have added some language from another city outside of MA.

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(2)(3) are to be placed on similar types of Utility Poles; and

(3)(4) substantially comply with these Procedures and Standards.

The City may issue a notice of incompleteness (in accordance with Section III-D) as to one or more of the proposed locations and the Applicant's Consolidated Application will not move forward until all locations in the Consolidated Application are complete.

In rendering a decision on a Consolidated Application, the City Council may approve some locations and deny other locations, but shall not use the denial of one or more grants of location to deny the entire Consolidated Application.

If within a single ten (10) day period the City receives applications from one or more petitioners seeking grants of location for ~~_____ or more~~ than twenty (20) separate locations, the City may extend its review period(s) by up to sixty (60) days. If the City elects such an extension, it shall inform in writing any Applicant to whom the extension will be applied. The City also may extend its review period for any specific application if it determines that an extension is reasonably necessary.

C. Copies of Application

An application shall be filed with the City Clerk and the City Clerk will date stamp the application. Applicants are encouraged to obtain a date stamped copy of the application for their own records.

The Applicant shall provide to the City Clerk At the time of filing its Application, the Applicant shall submit as follows: (a) one five (15) copies of the complete application to the Commissioner of Public Works. The application shall be submitted (1) in paper format, (b2) a complete application in PDF format and (3c) a complete application in a digital format compatible with the City's systems. The City Clerk/Commissioner will make copies of the complete application available to other City departments. Applicants will be notified if an Application should be filed through the City's website, in which case and a link will be provided by the City Clerk.

Commented [AM5]: The Application Form needs to be finalized. We need input from DPW and Planning on the content and design of the Application Form so it can be reviewed together with a proposed final draft of these Procedures and Standards.

D. Incomplete Applications

Each application will be logged in by the City Clerk to establish the filing date. The City will follow procedural requirements for incomplete applications and any continued incompleteness established by the FCC in its orders regarding applications to locate wireless

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communications facilities in the public ways, subject to 47 U.S.C. §332(c)(7). Formal notice of initial incompleteness shall be given by the City Clerk within thirty (30) days of the application filing date and will specifically identify: (1) all missing information; and (2) the code provision, application instruction or otherwise publicly stated guideline that requires the information to be submitted.

E. Pole Owner Permission to Attach to Utility Pole

The ~~a~~Applicant shall submit evidence of pole owner permission to attach its facilities to the specific pole or poles included in its application (if any). If such evidence is not currently available, as a condition of any grant of location, the ~~A~~applicant must provide to the City, prior to the ~~A~~applicant's commencement of construction of the attachments, such evidence of permission. A letter from the pole owner which certifies that it has granted the ~~a~~Applicant a location-specific license for the proposed location and identifies the pole number of such location will constitute evidence of permission.

F. Tax Attestation

The ~~A~~applicant shall complete the tax attestation which is part of the grant of location application.

G. Application Fees

At the time of filing its ~~a~~Application, the Applicant shall submit the Application Fee specified in City Code Section 17-3. ~~These Application Form Procedures and Standards~~ may be revised to reflect any change in the amount of the Application Fee under the City Code. The Application Fee is listed in the Application Form. The application fees for batch applications will be provided in the Application Form.

Commented [AM6]: Verizon Wireless has objected to the \$500 per location application fee as unreasonably high and greatly in excess of cost.

H. Peer Review

The Public Facilities Committee shall determine whether a peer review of an ~~A~~application is needed in order for it to fully evaluate the ~~A~~applicant's proposal. A peer review

Commented [AM7]: Verizon Wireless has asked when peer review would be conducted, what aspects would be covered beyond what City Staff covers and whether peer review has applied to any other pole attachment grants of location.

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may be conducted at the Applicant's expense, as authorized under state statute, City ordinance and City Council regulations.

I. Initial Review of Application

Commented [AM8]: Review for any redundant language. Verizon Wireless commented that the last sentence is redundant.

The City Engineer, Commissioner of Public Works, a representative of the Planning and Development Department, and as needed, representatives of the Fire, Inspectional Services and IT Departments, will conduct an initial review of the application in order to determine whether it is complete as provided for above. The Commissioner of Public Works shall notify the City Clerk and the applicant as to the completeness of the Application within thirty (30) days of the application filing date. If the application is found to be complete, each reviewing department shall submit to the City a written report with recommendations within thirty (30) days of the application filing date. These written recommendations shall be typed, dated and provided in letter or memo format. In the event that the Commissioner of Public Works fails to notify the City Clerk as to the completeness of the application within such thirty (30) day period, the application shall be deemed complete. ~~Except for action by the Commissioner of Public Works, the failure of a reviewing department to submit a written report with recommendations shall not determine the completeness of an Application.~~

Commented [a9]: This seems redundant. Should reports be filed by the departments with the City Clerk, who then takes the next steps toward a hearing? Applicant should receive the reports.

J. Notice of Public Hearing

Notice of the public hearing on a grant of location application must be provided in accordance with G.L.c.166, §22 and Chapter 23 of the City Code.

K. Modification or Supplementation of Application

The Applicant shall disclose at least forty-eight (48) hours prior to the public hearing any modification(s) of or supplementation to its proposal as submitted. The City may determine that proposed modifications are so substantial that the public notice of the application is inadequate and that submission of a new grant of location application is required. Applications that are found incomplete must be supplemented as described above (See Section III-D, Incomplete Applications).

L. Public Hearing and Hearing Record; Requests for Exceptions

The City Council Public Facilities Committee will conduct a public hearing on the aApplication. The hearing record will include, at a minimum, (1) the Aapplicant's aApplication, including its payment(s) of the application fees and any peer review fee(s); (2) written reports on the aApplication, if any, submitted by the City Engineer, Commissioner of Public Works and any other City departments; (3) a transcript, audiotape or videotape of the public hearing (the Aapplicant also is free to record the public hearing); (4) proof of notice of the public hearing; (5) evidence that parties required to be notified of the public hearing were timely and properly notified; (6) any supplemental written materials supplied by the aApplicant at least forty-eight (48) hours prior to the public hearing; (7) materials presented by any member of the public, City officials or a City peer reviewer at the public hearing; and (8) any additional materials provided by the aApplicant at the request of the Public Facilities Committee. Materials may include, but are not limited to photographs, mock-ups, videos or written documentation. Any materials to be submitted by a City peer reviewer shall be filed with the City Council and provided to the applicant at least forty-eight (48) hours prior to the public hearing.

The City Council acknowledges that its Procedures and Standards are subject to applicable state and federal law. Also, due to potential variations in Wireless Communications Facilities, technical service objectives and changed circumstances over time, a limited exception for proposals may be warranted where strict compliance with these Procedures and Standards would (1) conflict with state or federal law; or (2) impose an unnecessary or unduly burdensome requirement on the aApplicant, taking into account benefits to the City from enforcing the requirement. If the aApplicant intends to seek an eException from any City Council requirement(s) which regulate the placement, construction and modification of personal wireless services facilities on the grounds that it would: (1) prohibit or have the effect of prohibiting the provision of personal wireless services; (2) unreasonably discriminate among providers of functionally equivalent services; or (3) be unnecessary or unduly burdensome in the context of the particular application and location, the Aapplicant should submit information in support of its position in its application. If an applicant requests an exception on other grounds, the applicant should submit information in support of its position in its Application. The aApplicant also may request an eException to any condition recommended in a city department report following that department's review of the aApplication. The City Council will determine whether to grant such an Eexception. The City Council will determine whether to grant such an exception.

M. Written Decision and Statement of Reasons: Time Frame

The Public Facilities Committee will vote on its recommended action, provide a statement of reasons for its recommendations and support its recommendations by reference to the hearing record. It shall submit a report on its vote to the City Council. After receipt of such report, the City Council will consider the ~~a~~Application at its next hearing and issue a written decision in accordance with the requirements of state and federal law. The City Council may adopt and incorporate by reference the recommended action and statement of reasons provided by the Public Facilities Committee or modify the same, supported by a statement of reasons and reference to the hearing record in support of any modification. In the event that the City Council issues its decision after the expiration of any applicable federal “shot clock” date and in the absence of a tolling agreement with an unexpired term as of the date of the City Council’s decision, the City Council shall provide a statement of reasons why additional time was needed to review and act upon an ~~a~~Application. If the Public Facilities Committee has not submitted its report to the City Council prior to the expiration of an applicable “shot clock” interval and in the absence of a tolling agreement with an unexpired term, the Public Facilities Committee shall include in its report a statement of reasons why additional time was needed to review the ~~a~~Application.

An- ~~A~~applicant shall be permitted to submit proposed findings of fact and a proposed City Council order based upon the hearing record no later than seven (7) days after the close of the public hearing conducted by the Public Facilities Committee; provided, however that if the exercise of this step would delay a final decision by the City Council, such permission is conditioned upon the ~~a~~Applicant’s execution of a tolling agreement not to exceed thirty (30) days (or such later date acceptable to the applicant).

~~N. —Time Frame for Decisions~~

~~If it becomes apparent that a final decision will not likely be rendered during a period of time presumed reasonable under federal law, the Applicant is encouraged to enter into a written agreement (a “tolling agreement”) with the City to extend the period of time for the City Council’s issuing a final decision, taking into account the reason why additional time is needed. The presumed reasonable time frame for final decisions under federal law is a rebuttable presumption. The City Council may have valid reasons for needing more time to reach a final decision on a given application. In any such case where more time is needed and there is no tolling agreement, the Public Facilities Committee and/or City Council shall state in writing or as part of the hearing record the reasons why more time is needed to issue a final decision on an Application.~~

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~~NO.~~ Appeals and Reconsideration

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An ~~a~~Applicant may petition the City Council for reconsideration within thirty (30) days after receipt of a final decision. The City Council may issue a decision on a petition for reconsideration within thirty (30) days of the filing of the petition for reconsideration. A failure of the City Council to act on the petition for reconsideration within such thirty (30) day period shall be deemed a denial of such petition. Any appeals from a final decision by the City Council shall be governed by applicable law.

~~PO.~~ Acceptance of Grant of Location Order with Conditions

Grants of location must be accepted by the ~~a~~Applicant as required under Massachusetts General Laws Chapter 166, Section 22. The ~~a~~Applicant shall pay the fee for recording the grant of location order as required under the City Code.

IV. SUBSTANTIVE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES IN PUBLIC WAYS; DESIGN GUIDELINES

These ~~S~~standards provide objective, uniform criteria for the review of grant of location ~~a~~Applications for the placement of Wireless Communications Facilities in the public ways (1) by attachment to a ~~U~~tility ~~P~~pole that has no pre-existing wireless attachments; (2) by attachment to a ~~u~~tility ~~P~~pole that has pre-existing wireless attachments where the application does not qualify or has not been submitted for review under 47 U.S.C. §1455 and related FCC regulations; and (3) by attachment to a new pole constructed for communications uses.

All Wireless Communications Facilities that are located within the public ways shall be designed and maintained so as to minimize visual, noise and other impacts on the surrounding community and to avoid any obstruction of the use of public ways, including sidewalks. In order to assist ~~A~~pplicants, the ~~Planning and Development Department will~~City Council has provided Design Guidelines which ~~may shall~~ be considered in ~~preparing and~~ reviewing ~~aa~~Applications. The Design Guidelines shall be consistent with these Standards and may provide details, descriptions and examples of acceptable Wireless Communications Facilities attachments, including visual depictions. In the event of any conflict between the Design Guidelines and these Standards, these Standards take precedence over the Design Guidelines.

A. Definitions

Commented [ADM10]: DEFINITIONS TO BE REVIEWED ONCE THE STANDARDS ARE FINALIZED

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The following terms are defined for the purposes of these Guidelines as follows:

(1) **Alternative Antenna Structure** means an existing pole or other structure that can be used to support an antenna and is not a Utility Pole or City-owned Infrastructure. Except as otherwise provided for by these Regulations, the requirements for an Alternative Antenna Structure shall be those required in Section 30-18A of the City Code (the wireless zoning ordinance).

(2) **Antenna Structure** means any structure designed to specifically support an antenna, and/or any appurtenance mounted on such a structure or antenna.

(3) **Applicant** includes any person or entity submitting an application to install a Personal Wireless Service Communications Facilities.

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~~(3)~~

(4) **City-Owned Infrastructure** means infrastructure including, but not limited to, streetlight poles and traffic signals owned, operated and maintained by the City and located in a public way.

(5) **Distributed Antenna System** means a network of spatially separate antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area.

(6) **Exception** means a grant of relief by the City Council from specific limitations in these Standards.

(7) **Monopole** means a structure composed of a single spire, pole or tower used to support antennas or related equipment and the primary purpose of which is to serve as a support structure for wireless communications facilities.

(8) **Personal Wireless Service Facilities** means facilities for the provision of personal wireless services, which include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

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~~(7)~~

(9) **Small Cell Antennas** means an antenna either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area.

~~(9)~~(10) **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. Except as otherwise provided for by these Regulations, the requirements for a Tower and associated antenna facilities shall be those required in Section 30-18A of the City Code (the wireless zoning ordinance).

~~(40)~~(11) **Utility Pole** means an upright pole used to support electric cables, telephone cables, telecommunications cables and related facilities owned and maintained by an electric distribution company or incumbent local exchange carrier which is regulated by the Massachusetts Department of Public Utilities and/or the Massachusetts Department of Telecommunications and Cable. A Utility Pole does not include City-owned Infrastructure.

~~(44)~~(12) **Wi-Fi Antenna** means an antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

~~(42)~~(13) **Wireless Communications Facility** means a structure, antenna, pole, tower, equipment, accessory equipment and related improvement used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to, cellular phone service, personal communications service, paging and Wi-Fi service.

B. Determination of Site Locations

1. **Analysis of Installation Request-** The City Council determines the location of all Wireless Communications Facilities to be located in or on public ways. The City Council will not unreasonably discriminate among providers of functionally equivalent services. The City Council will not take action that prohibits or has the effect of prohibiting (a) the provision of personal wireless service or (b) the ability of any entity to provide any interstate or intrastate telecommunications service.
2. **Sensitive Locations** – Applicants are encouraged to avoid pole locations that would be (a) directly in front of, and in close proximity to, a residence, (b) on a scenic road, (c) in front of and on the same side of the street as an historic building listed in the Massachusetts Historic Register-, (d) in an historic district (see below); ~~or~~ (e) at an entry point to a village center; or (f) within an existing underground utility district established pursuant to G.L.c.166, §§ 22A-22N,

Commented [ADM11]: THE NEED FOR MORE SPECIFICS WAS DISCUSSED AT THE 4.4 MEETING, BUT MAY NOT BE PRACTICAL GIVEN THE VARIETY OF LOCATIONS

Commented [AM12]: Verizon Wireless suggests that the City set up a streamlined process for applications not in sensitive locations. Consider whether it would be appropriate to add that an application that is not in a sensitive location and that adheres to the Standards is more likely to be acted on sooner than an application that is in a sensitive location or than seeks exceptions to the Standards. This may be common sense.

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Applicants are encouraged to use existing Utility Poles which do not support existing Wireless Communications Facilities. Please refer to the [Planning and Development Department's City's Design Guidelines](#).

Commented [ADM13]: Proximity to trees was discussed as a sensitive location. More information is needed regarding the separation between WCF on poles and trees.

- Historic Districts-** Applicants are encouraged to avoid pole locations within an historic district. ~~The a~~ Applicants shall disclose [in its Application](#) whether a proposed location is within an historic district and what, if, any certificates are needed from an historic district commission. [In order to best assure consistency between historic district commission and City Council decisions regarding an Application. If the applicant has obtained such a certificate for a proposed location, it shall submit the certificate as part of its Application.](#) ~~The a~~

Commented [ADM14]: STAKEHOLDERS SHOULD BE ASKED ABOUT THE BEST PRACTICES FOR PERMITTING AND AVOIDING INCONSISTENT CONDITIONS. ALSO, NEED TO REVIEW WHEN THE APPLICANT MUST APPLY FOR A CERTIFICATE-FOR EXAMPLE, IF THE LOCATION IS OUTSIDE OF BUT CLOSE TO AN HISTORIC DISTRICT

3. ~~applicant shall (a) file for and obtain a certificate from an historic district commission prior to filing its grant of location application or (b) file for a certificate with the historic district commission prior to or concurrently with filing its grant of location aApplication. If the applicant has obtained such a certificate for a proposed location prior to the time that it files its grant of location Application, it shall submit the certificate as part of its Application. If a certificate is issued during the pendency of the grant of location aApplication, the applicant shall submit the certificate to the Public Facilities Committee. If a certificate is required but not yet issued at the time of the report of the Public Facilities Committee to the City Council, the City Council may (a) issue a grant of location based upon these Procedures and Standards and (b) which is conditioned a grant of location based upon the upon the applicant's provision receipt of a certificate from the historic district commission prior to commencing construction. and a Planning and Development Department finding that the grant of location and historic district commission certificate are consistent, such finding to be made within seven (7) days of receipt of the historic district commission certificate. If no such finding is made within this time , the applicant shall identify any inconsistent term or condition and shall be entitled to adhere the term or condition contained in the historic district commission certificate. a grant of location will be conditioned upon receipt of the required certificate. If the applicant has obtained such a certificate for a proposed location, it shall submit the certificate as part of its Application.~~

Commented [AM15]: The risk of inconsistent orders needs to be addressed. It is partly addressed if HDC action comes first. If it does not come first, then a consistency review may be needed. The consistency review language is a placeholder for discussion.

4. **Underground Utility Districts-** Wireless Communications Facilities shall not be permitted in an underground utility district and shall be subject to removal pursuant to the procedures established under M.G.L. Chapter 166, §§22A-22N if they are in a location that subsequently has been designated an underground utility district.

Commented [AM16]: Verizon Wireless states that this is an inappropriate restriction. However, it is designed to preclude attachments in an established UUD and to require removal of attachments if an area is newly designated as an UUD. Are there any UUDs in the City now? If there were UUDs, would City-owned streetlights be allowed? DPW input has been requested,

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5. **Locations Outside of Public Ways-** The placement of Wireless Communications Facilities outside of the public ways is subject to review and approval under City Zoning Ordinance.

C. RF Emissions and Other Monitoring Requirements

In accordance with federal law, the City Council shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions (“RFE”) to the extent that such facilities comply with the FCC’s regulations concerning such emissions. The ~~A~~applicant shall provide proof that the proposed wireless service facilities will comply with FCC RFE regulations. Upon completion of construction, the ~~A~~applicant shall furnish proof of compliance with such FCC regulations. The City ~~also~~ may request ~~additional~~ proof of compliance if (1) the ~~A~~applicant changes its use of the location or adds to or replaces equipment at the location; (2) additional Wireless Communications Facilities at or in the immediate vicinity of the location cause a reasonable concern regarding cumulative emissions; or (3) a change in law which affects then existing FCC compliance standards.

Commented [AM17]: Verizon Wireless objects to having to provide proof of continued compliance with federal RF emissions standards. It claims that this requirement violates federal law. It also questions whether the City imposes this type of requirement on antennas of other parties attached to utility poles.

Commented [ADM18]: SHOULD THIS FIKLING GO TO THE WIRE INSPECTOR? THE WIRE INSPECTOR HAS ENFORCEMENT AUTHORITY UNDER STATE LAW AND THE EXISTING CITY CODE

D. Additional Grant of Location Approval Required; Activity that does not Require Additional Grant of Location Approval

Any increase in the height, number or dimensions of Wireless Communications Facilities components after construction shall be subject to City Council approval in accordance with applicable law. No City Council approval is required for renewing, repairing or replacing the Wireless Communications Facilities as long as they do not increase the height, number or dimensions of the existing Wireless Communications Facilities or decrease ground clearance below the required level. The Commissioner of the Department of Public Works, upon a showing by the ~~a~~Applicant, may determine that a *de minimus* increase does not require further approval. In the event that, after a grant of location order and before construction, the position of a Wireless Communications Facilities component needs or is required to be moved, the ~~a~~Applicant shall submit any revisions to its plans to the Commissioner of Public Works, the Fire Department and the Inspectional Services Department, which may authorize the change so long as the change does not reduce ground clearance, or increase the height, dimensions or number of the Wireless Communications Facilities by more than a minor amount or violate applicable City requirements. No pole shall be removed or replaced without the written approval of the Inspector of Wires, as provided for under City Code Section 23-9.

Commented [AM19]: Does DPW want a new as-built drawing?

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E. Other Permits

Applicants are responsible for obtaining any additional permits required by law. Such permits may include, but are not limited to, building permits, electrical permits, street opening permits and historic district commission certificates.

F. New Poles

Applications for the construction of new poles are discouraged. Existing Utility Poles and their locations should be utilized where available. Any new pole proposed for wireless communications use in excess of 40 feet shall be considered a Monopole and prohibited in the public ways unless an exception is granted by the City Council. An applicant proposing to construct a new pole for wireless communications use must demonstrate that it (or the party which would use the new pole) does not have the option of attaching to an existing Utility Pole or replacement Utility Pole at the existing location.

Commented [AM20]: Verizon Wireless has asked if the 40 feet is a general requirement (it is). How often does the City allow taller poles?

G. General Standards

- (1) **Number Limitation-** Unless otherwise authorized by the City Council for good cause shown, only one (1) personal wireless service provider or DAS provider shall be allowed to own, attach and/or operate Wireless Communications Facilities which are attached to a single Utility Pole. This provision does not prohibit a carrier neutral host from allowing one or more wireless service providers to use its Wireless Communications Facilities.
- (2) **City-Owned Infrastructure-** No Wireless Communications Facilities shall be mounted to City-owned infrastructure located in the public ways, including but not limited to, streetlights and traffic signals, unless authorized in writing by the Commissioner of Public Works and Mayor or her authorized designee. The Commissioner of Public Works determines whether a location is suitable and the Mayor exercises control over licensing the use of that location.
- (3) **Replacement Poles-** If an application requires replacement of an existing Utility Pole in order to accommodate proposed Wireless Communications Facilities, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible (taking into account pole owner control of its Utility Poles). Any licensing of the use of a concrete City-owned streetlight pole location will require the replacement of the

Commented [AM21]: Under Chapter 166, Section 22, no City approval is needed to replace an existing utility pole (unless there is a material change). Verizon Wireless says that the utility pole owner makes these decisions, not the applicant.

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existing City-owned pole and such other specifications as determined by the Commissioner of Public Works. These specifications will be part of the license agreement between the applicant and the City.

(4) **New Monopoles or Poles-** Subject to exceptions under these Standards, no new Monopole or Utility Pole whose primary purpose is to support personal Wireless Communications Facilities shall be installed within the public ways of the City unless authorized by the City Council. Only pole mounted antennas shall be permitted in the public ways. Towers and Monopoles are prohibited in the public ways.

(5) **Exceptions for a New Pole Which is Not a Replacement Pole-** An exception shall be required to place a new pole that is not a replacement for an existing pole in a public way. If an exception is granted for placement of a new pole in the public way:

Commented [AM22]: Need to address whether the utility or the applicant will own the new pole. If it is the utility, Verizon Wireless states that the utility controls the pole appearance, not the wireless applicant

i. To the maximum extent feasible (taking into account ownership of the new pole), the new pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced.

~~ii. Such new poles that are not replacement poles shall be located at least ninety (90) feet from any existing pole to the extent feasible.~~

~~iii.ii.~~ Such new poles shall be subject to a height limitation of forty (40) feet unless a taller height is permitted by the City Council.

Commented [AM23]: No input was provided on spacing between a new pole and existing poles. The spacing requirement has been deleted.

~~iv.iii.~~ A new pole justification analysis shall be submitted to demonstrate why (1) existing Utility Poles or locations outside of the public ways cannot be utilized and (2) the new pole is the least intrusive means possible, including a demonstration that the new pole is designed to be the minimum functional height and width required to support the proposed Wireless Communications Facilities.

~~v.iv.~~ For all wooden poles, conduit and cables attached to the exterior of poles shall be mounted flush thereto and painted to match the pole.

Commented [AM24]: Verizon Wireless questions this requirement if it does not apply to the pole owner and other attachers

~~DRAFT 3.28.2018 DRAFT REVIEWED AT THE WITH 5.22.2018 EDITS MADE AFTER 4.4.2018 PUBLIC FACILITIES COMMITTEE MEETING, AND WITH EDITS REVIEW OF VERIZON WIRELESS COMMENTS, FURTHER INPUT FROM URBAN FORESTER AND FURTHER DISCUSSION OF HISTORIC DISTRICT ISSUES AS~~
OF 5.31.18

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~~vi.v.~~ A new pole shall not require the replacement of adjacent poles or require the rearrangement of existing facilities of the pole owner, the City or another entity attaching to adjacent poles.

Commented [AM25]: Verizon Wireless questions the reason for this restriction and suggests that pole replacement and rearrangements may be a good design solution in some cases

(6) ADA Requirements- Wireless service facilities shall not interfere with ADA standards and requirements.

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(7) Attachment to Utility Poles; Limitations- No such personal Wireless Communications Facilities shall be attached to a Utility Pole unless all of the following conditions are satisfied:

Commented [ADM26]: See prior comment on the need to establish the permitting criteria where there may be an overlap between general grant of location limitations and historic district commission requirements.

a. **Surface Area of Antenna-** In general, the personal wireless service antenna, including antenna panels, whip antennas or dish-shaped antennas, shall be as small as practicable, taking into account aesthetic and public safety considerations.

Commented [AM27]: In (a) and (b) Verizon Wireless wants to add that the technical needs and service objectives of the applicant also will be taken into account

b. **Size of Above Ground Wireless Communications Facilities-** The total combined volume of all above ground equipment and appurtenances serving a personal wireless service antenna shall be as small as practicable, taking into account aesthetic and public safety considerations.

c. **Lowest Point Above Grade-** The operator of Wireless Communications Facilities shall, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade. No facilities may be installed at grade without the approval of the Commissioner of Public Works and the City Council. In the event that the City prohibits electric meters on utility poles or the electric distribution company does not require an electric meter, the operator shall locate the base of the equipment or appurtenances no lower than twelve (12) feet above grade.

Commented [ADM28]: The Committee wants to explore ways to prevent metering requirements, given that wireless facilities are being attached in Boston and Cambridge without meters. Boston and Cambridge Law Depts. have not responded to inquiries. The City/DPW should engage Eversource.

d. **Height-** The top of the highest point of the Utility Pole shall not exceed forty (40) feet and the combination of the height of the utility pole and personal wireless service antenna extension shall not exceed forty-four (44) feet above ground level.

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- e. **Color-** To the maximum extent practicable, the color of the Wireless Communications Facilities shall be similar to and blend with (a) the existing equipment on the Utility Pole and/or on other nearby Utility Poles, (b) the color of the Utility Pole, or (c) another color reasonably satisfactory to and directed by the City Council. The Wireless Communications Facilities shall have non-reflective materials.
- f. **Shielding of Wiring-** Any wiring on the pole must be covered with an appropriate cover or cable shield.
- g. **Mounting-** The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted to the extent feasible.
Verizon proposes: "Antenna elements and equipment shall be mounted as close to the surface of the pole as practical and feasible."
- h. **Antenna Panel Covering-** Personal wireless service antenna shall include a radome, cap or other antenna panel covering or shield and shall be of a color that blends with the color of the utility pole on which it is mounted.
- i. **Signage-** Other than signs required by federal or state law or by the pole owner, Wireless Communications Facilities shall not have signs installed thereon. Identification tags may be utilized in accordance with governmental and/or pole owner requirements.
- j. **Wiring and Cabling-** Wires and cables connecting the antenna and/or appurtenances shall be installed in accordance with the National Electrical Safety Code in force at the time of installation of the wires and cables or any stricter standards required by a pole owner, and TIA/EIA applicable codes.
- k. **Grounding-** The Wireless Communications Facilities shall be grounded in accordance with the National Electrical Safety Code in force at the time of installation of the wires and cables or any stricter standard required by a pole owner.

Commented [AM29]: Verizon Wireless questions the City's regulating only WCF. It says that the color choices are limited by vendors and that painting requirements are burdensome and unnecessary maintenance obligations.

Commented [AM30]: Verizon proposes: "Antenna elements and equipment shall be mounted as close to the surface of the pole as practical and feasible."

Commented [AM31]: Verizon Wireless wants to limit this obligation to "if there is a choice of colors available, the applicant will use a color" that blends

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- l. **Guy Wires-** No guy wires or other support wires shall be used in connection with Wireless Communications Facilities unless the facilities are proposed to be attached to an existing Utility Pole. that incorporates guy wires prior to the date that the applicant has applied for a grant of location.
- m. **Wind Loads-** The proposed Wireless Communications Facilities shall be properly engineered to withstand wind loads required by applicable safety codes and pole owner requirements. An evaluation of high wind load capacity shall include the impact of the proposed attachments on the existing Utility Pole with existing utility facilities and any third-party attachments. Such an evaluation shall be performed by the Applicant or the pole owner. A certificate of compliance with applicable safety codes and pole owner requirements from the pole owner may be submitted in place of such an evaluation.
- n. **Obstructions-** Each component part of thea Wireless Communications Facilityies shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, cause safety hazards to pedestrians and motorists or otherwise incommode the public's use of the public way. Nor shall any such component obstruct intersection visibility. The Wireless Communications Facilityies shall not interfere with access to or operation of a streetlight, fire alarm cable, municipal fiber optic facilities, fire hydrant, fire alarm, fire station, fire escape, water valves and facilities, sewer facilities, underground vault, valve housing structure, or any other public health or safety facility. The Wireless Communications Facilityies shall not interfere with snow plowing, side walk clearing, leaf removal or the maintenance of public shade trees. The Wireless Communications Facilityies shall not interfere with the pole owner's vegetation management practices and obligations. The maintenance of the Wireless Communications Facilityies shall not cause any such obstructions except as otherwise expressly permitted by the Standards.

Commented [AM32]: Verizon Wireless objects to the absolute prohibition of guy wires

Commented [ADM33]: What documentation should the City require regarding wind loads?

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- o. **Traffic Safety-** All Wireless Communications Facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic and pedestrian safety and shall not extend outward from a pole by more than two (2) feet from each side of the pole. Wireless Communications Facilities shall not project over the public way or sidewalk (beyond the berm or curb) or otherwise interfere with the public use of the public way or sidewalk. The ~~a~~Applicant shall comply with the Uniform Traffic Manual for Traffic Control at all times during construction or installation.
- p. **Lighting-** the ~~a~~Applicant's Wireless Communications Facilities shall not produce any lighting or blinking light that is not required by federal or state law or by an applicable industry safety code.
- q. **Security-** the ~~a~~Applicant shall provide adequate security for its Wireless Communications Facilities in accordance with current industry practices and any applicable standards.
- r. **Noise-** to the extent technically feasible and commercially practicable, the ~~a~~Applicant shall employ Wireless Communications Facilities that are or close to silent in accordance with industry standards and equipment specifications. The ~~a~~Applicant shall comply with any applicable City noise ordinance. In the event that its facilities fail to comply with such ordinance, the ~~a~~Applicant shall provide noise suppression equipment as reasonably necessary to bring the facilities into compliance with such ordinance. In addition, the ~~a~~Applicant shall provide acceptable assurances that it is capable of promptly shutting down and repairing any equipment that is not in compliance with City noise regulations.
- s. **Vibration-** The ~~a~~Applicant shall provide acceptable assurances that it is capable of promptly shutting down and repairing any equipment that vibrates excessively.
- t. **Non-Interference with other Users of Utility Pole-** The ~~a~~Applicant and its facilities shall not interfere with the operation and maintenance of any wires, cables or equipment already attached to a utility pole, including but not limited to streetlights and cable,

Commented [ADM34]: DPW feedback on this provision was requested.

electrical and telecommunications facilities (including any City communications facilities such as fiber optic cables and copper alarm transmission lines). Streetlights already attached to the pole 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 applicable agreement, formally consented to by the Commissioner of Public Works. Signage already attached to a pole shall not be moved without the prior written consent of the City department that controls the placement of the signage.

8. Other Requirements

- a. **Expiration of Permit for Non-Use-** The Applicant shall pay the fee for recording a grant of location order as provided for under G.L.c.166, §22 and City Code §17-3. If the Applicant fails to construct and operate the approved Wireless Communications Facilities within one hundred eighty (180) days after such acceptance, the City may notify the Applicant of its intent to revoke the grant of location and direct the removal of any unused ~~W~~ireless ~~C~~ommunications ~~F~~acilities. The Applicant shall have the opportunity to cure this failure or provide good cause for the failure based upon factors outside of its control.
- b. **Abandonment and Removal-** Any abandoned or unmarked Wireless Communications Facilities, wires and equipment shall be removed in accordance with City Code §23-14.
- c. **Non-Emergency Repairs-** Non-emergency repairs shall be performed as follows: (1) at least forty-eight (48) hours' advance notice shall be provided to the Commissioner of Public Works and the Police Department; (2) a police detail may be required; and (3) work shall be performed on weekdays between the hours designated by the Commissioner of Public Works.
- d. **Removal of Utility Pole-**In the event that a ~~U~~tility ~~p~~ole is being removed and replaced by the pole owner(s), the ~~a~~Applicant shall transfer the Wireless Communications Facilities to the replacement pole in accordance with the pole attachment agreement(s) between the Applicant and the pole owner(s). In the event the pole is being removed by the pole

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owner(s) and not replaced, the ~~a~~Applicant shall remove its Wireless Communications Facilities and the grant of location allowed for the removed pole location shall terminate. Applicants shall register with and participate in the NJUNs program or any successor program in effect.

Commented [AM35]: Verizon Wireless wants to add language regarding the relocation of its WCF as soon as it is practical to do so where the pole owner is removing but not replacing the pole. This could lead to a double pole situation for a lengthy time.

- e. **Licenses and Permits-** The ~~A~~applicant must obtain all other permits required by law.
- f. **Performance Bond-** As required under §23-11 of the City Code.
- g. **Other Conditions for Approval-** All Wireless Communications Facilities shall be subject to the following additional conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Commissioner of Public Works, City Wire Inspector or the City Council:
 - (i) **As-Built Drawings-** The ~~a~~Applicant shall submit as-built drawings within thirty (30) days after installation of its Wireless Communications Facilities. As-built drawings shall be in an electronic format acceptable to the City which can be linked to the City's GIS. To the extent practicable, as-built drawings should be able to be incorporated into the GIS layers.
 - (ii) **Contact and Site Information-** The ~~a~~Applicant shall submit and maintain current at all times basic contact and site information on a form to be supplied by the City. Such information shall include, but is not limited to (a) name, address and twenty-four (24) hour local or toll-free and cellphone numbers of the ~~a~~Applicant, the owner, operator and agent or person responsible for maintenance of the Wireless Communications Facilities~~y~~ and (b) the legal status of the owner of the Wireless Communications Facility~~ies~~.
 - (iii) **Insurance-** The ~~a~~Applicant shall maintain the following insurance:

Commented [AM36]: Verizon Wireless objects to the insurance requirements. Cable operators (including Verizon) are required to provide this insurance under their cable licenses. The insurance requirement is a public safety matter. Self-insurance may be considered an acceptable alternative.

Commercial General Liability Insurance: Comprehensive liability coverage including protective, completed operations and broad form contractual liability, property damage and personal injury coverage, and comprehensive automobile liability including owned, hired, and non-

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owned automobile coverage. The limits for such coverage shall be: (1) bodily injury including death, one million dollars (\$1,000,000) for each person, occurrence and two million dollars (\$2,000,000) aggregate; (2) property damage, one million dollars (\$1,000,000) for each occurrence and two million dollars (\$2,000,000) aggregate.

Automobile Liability Insurance: Automobile liability coverage with limits no less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) annual aggregate.

Worker's Compensation Insurance: Full Workers' Compensation Insurance and Employer's Liability with limits as required by Massachusetts law.

All insurance certificates shall provide that the policies shall not be cancelled without endeavoring to provide the City at least thirty (30) days' prior written notice.

(iv) **Drip Lines of Trees-** ~~No Wireless Communications Facility shall be permitted to be installed within the drip line of any tree in the public way. The City discourages the installation of Wireless Communication Facilities within the dripline of a Public Shade Tree or other City owned tree. If there is no alternative to the installation of a Wireless Communication Facility within the dripline of a Public Shade Tree or other City owned tree the installing party must comply with the City's Public Tree Regulation and obtain a Tree Permit from the Tree Warden. The City will not permit the pruning, cutting, or damage to a Public Shade Tree or other City owned tree to facilitate the installation of a Wireless Communication Facility unless deemed permissible by the Tree Warden.~~

Commented [AM37]: For City-owned poles, the City can impose insurance requirements under a license agreement. Discuss the need for additional insured language where the pole is not City-owned.

Commented [ADM38]: Verizon proposes to delete because its facilities are above ground. Discuss with Marc Welsh. If kept, relocate this requirement to a section on pole attachment location

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Commented [AM39]: This section has been revised with language from Marc Welsh. Verizon Wireless objected to the original language as inapplicable to its installations. The applicable City Code provisions are being reviewed by Marc Welsh.

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(iv)

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(v) **Indemnification-** The ~~a~~Applicant must execute an indemnification agreement as a condition for approval of a grant of location. A form of indemnification agreement shall be provided as part of the application form package.

Commented [AM40]: Verizon Wireless objects to this provision and says it should not have obligations that don't apply to other parties. Cable operators have this obligation under their cable licenses

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- (vi) **Relocation-** An ~~a~~Applicant shall promptly, but in no event more than 120 days of the City's request, permanently remove and relocate, at no charge to the City, any facilities or equipment if and when made necessary by a change in the grade, alignment or width of any public way, by construction, maintenance or operation of any City facilities or to protect the public health, safety and welfare. The ~~a~~Applicant shall restore any public way to the condition it was in prior to removal and relocation of its facilities or equipment.

Commented [AM41]: Verizon Wireless wants no more than 120 days from when the City has approved the relocation of the applicant's WCF to another nearby pole that will serve its needs. This is not practical. The City can't order Eversource to allow WCF on a nearby pole. The 120 days was provided to give Verizon Wireless and others time to find an alternative site and submit a grant of location application. Verizon Wireless language would unduly delay public works requirements.

Commented [AM42]: Verizon Wireless objects to the restoration language.

V. ENFORCEMENT; APPLICABILITY OF CHAPTER 23 OF CITY CODE

The City Inspector of Wires shall have the authority to enforce these Standards in accordance with Massachusetts law and Chapter 23 of the City Code, to the extent deemed applicable. Chapter 23 of the City Code applies to Wireless Communications Facilities located in the public ways as follows: Sections 23-1, 23-2, 23-5, 23-6, 23-7, 23-8, 23-9, 23-10, 23-11, 23-12, 23-13, 23-14, 23-15, 23-16, and 23-17. Conduit provisions under Chapter 23 may apply where an ~~a~~Applicant proposes to install conduit.

VI. AMENDMENTS

The City Council may from time to time amend these Procedures and Standards in accordance with law.

Commented [AM43]: Verizon Wireless proposes that the amendment be after a public hearing. It also proposes that amendments apply only to applications filed after the date the amendment is approved and not to applications previously approved.

~~DRAFT 3.28.2018 DRAFT REVIEWED AT THE WITH 5.22.2018 EDITS MADE AFTER 4.4.2018 PUBLIC
FACILITIES COMMITTEE MEETING, AND WITH EDITS REVIEW OF VERIZON WIRELESS COMMENTS,
FURTHER INPUT FROM URBAN FORESTER AND FURTHER DISCUSSION OF HISTORIC DISTRICT ISSUES AS
OF 5.31.18~~

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CITY COUNCIL GRANT OF LOCATION PROCEDURES AND STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES TO BE LOCATED IN PUBLIC WAYS

I. INTRODUCTION

The City Council regulates the placement of wireless communications facilities in the public ways pursuant to municipal authority under Massachusetts General Laws Chapter 166, Sections 21 *et seq.*, other applicable Massachusetts Laws, City Code Section 23, and applicable federal law, including 47 U.S.C. §§253 and 332(c)(7).

The public ways in Newton are a uniquely valuable resource, closely linked with the City's residential character and natural beauty. Many public ways have been enhanced by the planting and maintenance of public shade trees.

The City Council wishes to preserve and protect community safety and aesthetics in its residential neighborhoods and village centers, consistent with its streetscape design principles. Many residences have a small amount of frontage between the residence and the public ways. Public ways, including sidewalks, must remain accessible and safe under ADA and traffic standards. The City has several scenic roadways. It also has historic districts and historic buildings. Aesthetics and compatibility with immediate surroundings are important considerations in reviewing future use of the public ways.

A competing consideration is a public interest in maximizing wireless service coverage and enabling wireless service capacity that is adequate to meet the needs of the City (including public safety communications needs), its residents and businesses. Further, the City Council recognizes that its authority to regulate the use of the public ways is subject to and limited by both state and federal laws.

The potential for proliferation of wireless communications facilities attachments to utility poles in public ways, due, in part, to recent changes in federal law, evolving wireless technology, and demand for wireless services has created a significant concern about degradation of the character of residential areas, village centers, scenic roads and historical districts, and adverse impacts upon public safety and well-being of City residents and other users of the public ways.

The City Council also wishes to limit noise and vibration levels that may be associated with some types of wireless communications facilities. The City Council cannot base grant of location orders upon radio frequency emissions from wireless communications facilities in the public ways.

Commented [AM1]: Verizon Wireless objects to requiring proof of continuing compliance with FCC RF emission standards and says that no such requirement is imposed on antenna of other entities.

Commented [AM2]: Verizon Wireless argues that the City cannot require proof of continuing compliance with FCC RFE rules. Unresolved issue.

The City Council therefore finds it necessary and desirable to provide for reasonable regulation and orderly deployment of wireless communications facilities in the public ways. Accordingly, it adopts these Wireless Grant of Location Procedures and Standards (the “Procedures and Standards”).

II. SCOPE OF THESE PROCEDURES AND STANDARDS

These Procedures and Standards govern the permitting of (1) wireless communications facilities attachments to existing or replacement utility poles which are located in the public ways and which do not have any pre-existing wireless attachments; (2) wireless communications facilities attachments to existing or replacement poles which are located in the public ways and which do have pre-existing wireless attachments, but do not satisfy the requirements under 47 U.S.C. §1455 and related Federal Communications Commission (“FCC”) regulations; and (3) constructing a new pole in a public way for purposes of providing wireless communications services. A party seeking to attach to a City-owned pole also will be required to enter into a license agreement with the City and comply with its terms and conditions.

These Procedures and Standards do not apply to the filing and review of “Eligible Facilities Requests”, as defined under 47 U.S.C. §1455 (and related FCC regulations), that involve a pole (1) located in a public way and (2) classified as a “base station” under 47 U.S.C. §1455. If an applicant seeks approval pursuant to 47 U.S.C. §1455 and related FCC regulations, the Applicant must submit a separate application in accordance with related instructions. If that application is denied, the Applicant may submit a new grant of location application governed by these Procedures and Standards.

III. GRANT OF LOCATION APPLICATION PROCEDURES

A. Who May Apply

An Applicant must demonstrate that it is qualified and eligible under G.L.c.166, §21 to place its facilities on utility poles located in the public ways. For example, a Statement of Business Operations filing with the Massachusetts Department of Telecommunications and Cable, if any, should be provided, and a link to existing tariffs, if any, should be supplied. Where applicable, current records of any FCC license to offer service should be provided. The Applicant should demonstrate that its proposed facilities will be used to carry out the telecommunications services covered by its Statement of Business Operations and/or an applicable FCC license. Carrier neutral Applicants shall provide evidence that they have a contract with at least one wireless service provider which will make use of the proposed facilities or that they will accept a condition that they shall not construct proposed facilities unless they

have first submitted evidence that they have a contract with at least one wireless service provider which will make use of the proposed facilities.

Also, the Applicant should provide evidence of its authority to conduct in Massachusetts the business carried out through the proposed facilities.

B. Application Filings

Applicants shall use the application form provided by the Commissioner of Public Works. This form shall be made available through the Commissioner, City Clerk or on the City website. Use of this application form is required to best assure timely review of the completeness of the application. The application form may be revised from time to time.

Although not required to do so, Applicants are encouraged to schedule a pre-application meeting with the City Engineer, Wire Inspector, Fire Department, IT Department and Planning and Development Department to (1) describe their proposed location, Wireless Communications Facilities and plans; (2) identify potential issues; and (3) address questions. If a pre-application meeting is requested, information regarding the proposed location, Wireless Communications Facilities and plans should be submitted to the Commissioner of Public Works at least seven (7) days before the scheduled pre-application meeting. A separate application shall be submitted for each separate location.

An Applicant may file a consolidated grant of location application (“Consolidated Application” or “Batch Application”) for up to ten (10) separate locations, or a greater number if agreed to by the Commissioner of Public Works, provided that all of the Wireless Communications Facilities in the Consolidated Application:

- (1) are (a) located within a two (2) mile radius or are (b) located on one (1) or two (2) contiguous public ways;
- (2) consist of substantially similar equipment;
- (3) are to be placed on similar types of Utility Poles; and
- (4) substantially comply with these Procedures and Standards.

The City may issue a notice of incompleteness (in accordance with Section III-D) as to one or more of the proposed locations and the Applicant’s Consolidated Application will not move forward until all locations in the Consolidated Application are complete.

Commented [ADM3]: CONSIDER THE CITY’S ABILITY TO PROCESS MORE THAN 3 AT ONCE AND WHETHER S HIGHER NUMBER OUGHT TO BE ALLOWED IF THEY ARE ALL PART OF A COVERAGE/CAPACITY UPGRADE TO IMPROVE SERVICE IN AN AREA OF NEED

Commented [AM4]: Verizon Wireless will not accept a 3- location limitation and argues that this limitation is unreasonable and unlawful. It questions whether other entities are so limited. It proposed larger batch applications where a group of sites is designed to serve a particular area. I have added some language from another city outside of MA.

In rendering a decision on a Consolidated Application, the City Council may approve some locations and deny other locations, but shall not use the denial of one or more grants of location to deny the entire Consolidated Application.

If within a single ten (10) day period the City receives applications from one or more petitioners seeking grants of location for more than twenty (20) separate locations, the City may extend its review period(s) by up to sixty (60) days. If the City elects such an extension, it shall inform in writing any Applicant to whom the extension will be applied. The City also may extend its review period for any specific application if it determines that an extension is reasonably necessary.

C. Copies of Application

An application shall be filed with the City Clerk and the City Clerk will date stamp the application. Applicants are encouraged to obtain a date stamped copy of the application for their own records.

The Applicant shall provide to the City Clerk as follows: (a) one (1) copy of the complete application in paper format, (b) a complete application in PDF format and (c) a complete application in a digital format compatible with the City's systems. The City Clerk will make copies of the complete application available to other City departments. Applicants will be notified if an application should be filed through the City's website, in which case a link will be provided by the City Clerk.

D. Incomplete Applications

Each application will be logged in by the City Clerk to establish the filing date. The City will follow procedural requirements for incomplete applications and any continued incompleteness established by the FCC in its orders regarding applications to locate wireless communications facilities in the public ways, subject to 47 U.S.C. §332(c)(7). Formal notice of initial incompleteness shall be given by the City Clerk within thirty (30) days of the application filing date and will specifically identify: (1) all missing information; and (2) the code provision, application instruction or otherwise publicly stated guideline that requires the information to be submitted.

Commented [AM5]: The Application Form needs to be finalized. We need input from DPW and Planning on the content and design of the Application Form so it can be reviewed together with a proposed final draft of these Procedures and Standards.

E. Pole Owner Permission to Attach to Utility Pole

The Applicant shall submit evidence of pole owner permission to attach its facilities to the specific pole or poles included in its application (if any). If such evidence is not currently available, as a condition of any grant of location, the Applicant must provide to the City, prior to the Applicant's commencement of construction of the attachments, such evidence of permission. A letter from the pole owner which certifies that it has granted the Applicant a location-specific license for the proposed location and identifies the pole number of such location will constitute evidence of permission.

F. Tax Attestation

The Applicant shall complete the tax attestation which is part of the grant of location application.

G. Application Fees

At the time of filing its application, the Applicant shall submit the Application Fee specified in City Code Section 17-3. The Application Form may be revised to reflect any change in the amount of the Application Fee under the City Code. The Application Fee is listed in the Application Form. The application fees for batch applications will be provided in the Application Form.

Commented [AM6]: Verizon Wireless has objected to the \$500 per location application fee as unreasonably high and greatly in excess of cost.

H. Peer Review

The Public Facilities Committee shall determine whether a peer review of an application is needed in order for it to fully evaluate the Applicant's proposal. A peer review may be conducted at the Applicant's expense, as authorized under state statute, City ordinance and City Council regulations.

Commented [AM7]: Verizon Wireless has asked when peer review would be conducted, what aspects would be covered beyond what City Staff covers and whether peer review has applied to any other pole attachment grants of location.

I. Initial Review of Application

The City Engineer, Commissioner of Public Works, a representative of the Planning and Development Department, and as needed, representatives of the Fire, Inspectional Services and IT Departments, will conduct an initial review of the application in order to determine whether it is complete as provided for above. The Commissioner of Public Works shall notify the City Clerk and the applicant as to the completeness of the application within thirty (30) days of the application filing date. If the application is found to be complete, each reviewing department shall submit to the City a written report with recommendations within thirty (30) days of the application filing date. These written recommendations shall be typed, dated and provided in letter or memo format. In the event that the Commissioner of Public Works fails to notify the

Commented [AM8]: Review for any redundant language. Verizon Wireless commented that the last sentence is redundant.

City Clerk as to the completeness of the application within such thirty (30) day period, the application shall be deemed complete.

J. Notice of Public Hearing

Notice of the public hearing on a grant of location application must be provided in accordance with G.L.c.166, §22 and Chapter 23 of the City Code.

K. Modification or Supplementation of Application

The Applicant shall disclose at least forty-eight (48) hours prior to the public hearing any modification(s) of or supplementation to its proposal as submitted. The City may determine that proposed modifications are so substantial that the public notice of the application is inadequate and that submission of a new grant of location application is required. Applications that are found incomplete must be supplemented as described above (See Section III-D, Incomplete Applications).

L. Public Hearing and Hearing Record; Requests for Exceptions

The City Council Public Facilities Committee will conduct a public hearing on the application. The hearing record will include, at a minimum, (1) the Applicant's application, including its payment(s) of the application fees and any peer review fee(s); (2) written reports on the application, if any, submitted by the City Engineer, Commissioner of Public Works and any other City departments; (3) a transcript, audiotape or videotape of the public hearing (the Applicant also is free to record the public hearing); (4) proof of notice of the public hearing; (5) evidence that parties required to be notified of the public hearing were timely and properly notified; (6) any supplemental written materials supplied by the Applicant at least forty-eight (48) hours prior to the public hearing; (7) materials presented by any member of the public, City officials or a City peer reviewer at the public hearing; and (8) any additional materials provided by the Applicant at the request of the Public Facilities Committee. Materials may include, but are not limited to photographs, mock-ups, videos or written documentation. Any materials to be submitted by a City peer reviewer shall be filed with the City Council and provided to the applicant at least forty-eight (48) hours prior to the public hearing.

The City Council acknowledges that its Procedures and Standards are subject to applicable state and federal law. Also, due to potential variations in Wireless Communications Facilities, technical service objectives and changed circumstances over time, a limited exception for proposals may be warranted where strict compliance with these Procedures and Standards would (1) conflict with state or federal law; or (2) impose an unnecessary or unduly burdensome requirement on the Applicant, taking into account benefits to the City from enforcing the

requirement. If the Applicant intends to seek an Exception from any City Council requirement(s) which regulate the placement, construction and modification of personal wireless services facilities on the grounds that it would: (1) prohibit or have the effect of prohibiting the provision of personal wireless services; (2) unreasonably discriminate among providers of functionally equivalent services; or (3) be unnecessary or unduly burdensome in the context of the particular application and location, the Applicant should submit information in support of its position in its application. The Applicant also may request an Exception to any condition recommended in a city department report following that department's review of the application. The City Council will determine whether to grant such an Exception.

M. Written Decision and Statement of Reasons; Time Frame

The Public Facilities Committee will vote on its recommended action, provide a statement of reasons for its recommendations and support its recommendations by reference to the hearing record. It shall submit a report on its vote to the City Council. After receipt of such report, the City Council will consider the application at its next hearing and issue a written decision in accordance with the requirements of state and federal law. The City Council may adopt and incorporate by reference the recommended action and statement of reasons provided by the Public Facilities Committee or modify the same, supported by a statement of reasons and reference to the hearing record in support of any modification. In the event that the City Council issues its decision after the expiration of any applicable federal "shot clock" date and in the absence of a tolling agreement with an unexpired term as of the date of the City Council's decision, the City Council shall provide a statement of reasons why additional time was needed to review and act upon an application. If the Public Facilities Committee has not submitted its report to the City Council prior to the expiration of an applicable "shot clock" interval and in the absence of a tolling agreement with an unexpired term, the Public Facilities Committee shall include in its report a statement of reasons why additional time was needed to review the application.

An Applicant shall be permitted to submit proposed findings of fact and a proposed City Council order based upon the hearing record no later than seven (7) days after the close of the public hearing conducted by the Public Facilities Committee; provided, however that if the exercise of this step would delay a final decision by the City Council, such permission is conditioned upon the Applicant's execution of a tolling agreement not to exceed thirty (30) days (or such later date acceptable to the applicant).

N. Appeals and Reconsideration

An Applicant may petition the City Council for reconsideration within thirty (30) days after receipt of a final decision. The City Council may issue a decision on a petition for reconsideration within thirty (30) days of the filing of the petition for reconsideration. A failure of the City Council to act on the petition for reconsideration within such thirty (30) day period shall be deemed a denial of such petition. Any appeals from a final decision by the City Council shall be governed by applicable law.

O. Acceptance of Grant of Location Order with Conditions

Grants of location must be accepted by the Applicant as required under Massachusetts General Laws Chapter 166, Section 22. The Applicant shall pay the fee for recording the grant of location order as required under the City Code.

**IV. SUBSTANTIVE STANDARDS FOR WIRELESS COMMUNICATIONS
FACILITIES IN PUBLIC WAYS; DESIGN GUIDELINES**

These Standards provide objective, uniform criteria for the review of grant of location applications for the placement of Wireless Communications Facilities in the public ways (1) by attachment to a Utility Pole that has no pre-existing wireless attachments; (2) by attachment to a Utility Pole that has pre-existing wireless attachments where the application does not qualify or has not been submitted for review under 47 U.S.C. §1455 and related FCC regulations; and (3) by attachment to a new pole constructed for communications uses.

All Wireless Communications Facilities that are located within the public ways shall be designed and maintained so as to minimize visual, noise and other impacts on the surrounding community and to avoid any obstruction of the use of public ways, including sidewalks. In order to assist Applicants, the Planning and Development Department will provide Design Guidelines which may be considered in preparing and reviewing applications. The Design Guidelines shall be consistent with these Standards and may provide details, descriptions and examples of acceptable Wireless Communications Facilities attachments, including visual depictions. In the event of any conflict between the Design Guidelines and these Standards, these Standards take precedence over the Design Guidelines.

A. Definitions

The following terms are defined for the purposes of these Guidelines as follows:

- (1) **Alternative Antenna Structure** means an existing pole or other structure that can be used to support an antenna and is not a Utility Pole or City-owned Infrastructure. Except as otherwise provided for by these Regulations, the requirements for an

Commented [ADM9]: DEFINITIONS TO BE REVIEWED ONCE
THE STANDARDS ARE FINALIZED

Alternative Antenna Structure shall be those required in Section 30-18A of the City Code (the wireless zoning ordinance).

- (2) **Antenna Structure** means any structure designed to specifically support an antenna, and/or any appurtenance mounted on such a structure or antenna.
- (3) **Applicant** includes any person or entity submitting an application to install Personal Wireless Service Facilities.
- (4) **City-Owned Infrastructure** means infrastructure including, but not limited to, streetlight poles and traffic signals owned, operated and maintained by the City and located in a public way.
- (5) **Distributed Antenna System** means a network of spatially separate antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area.
- (6) **Exception** means a grant of relief by the City Council from specific limitations in these Standards.
- (7) **Monopole** means a structure composed of a single spire, pole or tower used to support antennas or related equipment and the primary purpose of which is to serve as a support structure for wireless communications facilities.
- (8) **Personal Wireless Service Facilities** means facilities for the provision of personal wireless services, which include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- (9) **Small Cell Antennas** means an antenna either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area.
- (10) **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. Except as otherwise provided for by these Regulations, the requirements for a Tower and associated antenna facilities shall be those required in Section 30-18A of the City Code (the wireless zoning ordinance).
- (11) **Utility Pole** means an upright pole used to support electric cables, telephone cables, telecommunications cables and related facilities owned and maintained by an electric distribution company or incumbent local exchange carrier which is regulated by the Massachusetts Department of Public Utilities and/or the Massachusetts

Department of Telecommunications and Cable. A Utility Pole does not include City-owned Infrastructure.

- (12) **Wi-Fi Antenna** means an antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.
- (13) **Wireless Communications Facility** means a structure, antenna, pole, tower, equipment, accessory equipment and related improvement used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to, cellular phone service, personal communications service, paging and Wi-Fi service.

B. Determination of Site Locations

1. **Analysis of Installation Request-** The City Council determines the location of all Wireless Communications Facilities to be located in or on public ways. The City Council will not unreasonably discriminate among providers of functionally equivalent services. The City Council will not take action that prohibits or has the effect of prohibiting (a) the provision of personal wireless service or (b) the ability of any entity to provide any interstate or intrastate telecommunications service.
2. **Sensitive Locations** – Applicants are encouraged to avoid pole locations that would be (a) directly in front of, and in close proximity to, a residence, (b) on a scenic road, (c) in front of and on the same side of the street as an historic building listed in the Massachusetts Historic Register, (d) in an historic district (see below); (e) at an entry point to a village center; or (f) within an existing underground utility district established pursuant to G.L.c.166, §§ 22A-22N. Applicants are encouraged to use existing Utility Poles which do not support existing Wireless Communications Facilities. Please refer to the Planning and Development Department’s Design Guidelines.
3. **Historic Districts-** Applicants are encouraged to avoid pole locations within an historic district. The applicant shall disclose in its Application whether a proposed location is within an historic district and what, if, any certificates are needed from an historic district commission. In order to best assure consistency between historic district commission and City Council decisions regarding an Application, the applicant shall (a) file for and obtain a certificate from an historic district commission prior to filing its grant of location application or (b) file for a certificate with the historic district commission prior to or concurrently with filing its grant of location Application. If the applicant has obtained such a certificate

Commented [ADM10]: THE NEED FOR MORE SPECIFICS WAS DISCUSSED AT THE 4.4 MEETING, BUT MAY NOT BE PRACTICAL GIVEN THE VARIETY OF LOCATIONS

Commented [AM11]: Verizon Wireless suggests that the City set up a streamlined process for applications not in sensitive locations. Consider whether it would be appropriate to add that an application that is not in a sensitive location and that adheres to the Standards is more likely to be acted on sooner than an application that is in a sensitive location or than seeks exceptions to the Standards. This may be common sense.

Commented [ADM12]: Proximity to trees was discussed as a sensitive location. More information is needed regarding the separation between WCF on poles and trees.

Commented [ADM13]: STAKEHOLDERS SHOULD BE ASKED ABOUT THE BEST PRACTICES FOR PERMITTING AND AVOIDING INCONSISTENT CONDITIONS. ALSO, NEED TO REVIEW WHEN THE APPLICANT MUST APPLY FOR A CERTIFICATE-FOR EXAMPLE, IF THE LOCATION IS OUTSIDE OF BUT CLOSE TO AN HISTORIC DISTRICT

for a proposed location prior to the time that it files its grant of location Application, it shall submit the certificate as part of its Application. If a certificate is issued during the pendency of the grant of location Application, the applicant shall submit the certificate to the Public Facilities Committee. If a certificate is required but not yet issued at the time of the report of the Public Facilities Committee to the City Council, the City Council may (a) issue a grant of location based upon these Procedures and Standards and (b) condition a grant of location based upon the applicant's provision of a certificate from the historic district commission prior to commencing construction.

4. **Underground Utility Districts-** Wireless Communications Facilities shall not be permitted in an underground utility district and shall be subject to removal pursuant to the procedures established under M.G.L. Chapter 166, §§22A-22N if they are in a location that subsequently has been designated an underground utility district.

5. **Locations Outside of Public Ways-** The placement of Wireless Communications Facilities outside of the public ways is subject to review and approval under City Zoning Ordinance.

C. RF Emissions and Other Monitoring Requirements

In accordance with federal law, the City Council shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions ("RFE") to the extent that such facilities comply with the FCC's regulations concerning such emissions. The Applicant shall provide proof that the proposed wireless service facilities will comply with FCC RFE regulations. Upon completion of construction, the Applicant shall furnish proof of compliance with such FCC regulations. The City also may request proof of compliance if (1) the Applicant changes its use of the location or adds to or replaces equipment at the location; (2) additional Wireless Communications Facilities at or in the immediate vicinity of the location cause a reasonable concern regarding cumulative emissions; or (3) a change in law which affects then existing FCC compliance standards.

D. Additional Grant of Location Approval Required; Activity that does not Require Additional Grant of Location Approval

Any increase in the height, number or dimensions of Wireless Communications Facilities components after construction shall be subject to City Council approval in accordance with applicable law. No City Council approval is required for renewing, repairing or replacing the Wireless Communications Facilities as long as they do not increase the height, number or dimensions of the existing Wireless Communications Facilities or decrease ground clearance

Commented [AM14]: The risk of inconsistent orders needs to be addressed. It is partly addressed if HDC action comes first. If it does not come first, then a consistency review may be needed. The consistency review language is a placeholder for discussion.

Commented [AM15]: Verizon Wireless states that this is an inappropriate restriction. However, it is designed to preclude attachments in an established UUD and to require removal of attachments if an area is newly designated as an UUD. Are there any UUDs in the City now? If there were UUDs, would City-owned streetlights be allowed? DPW input has been requested,

Commented [AM16]: Verizon Wireless objects to having to provide proof of continued compliance with federal RF emissions standards. It claims that this requirement violates federal law. It also questions whether the City imposes this type of requirement on antennas of other parties attached to utility poles.

Commented [ADM17]: SHOULD THIS FIKLING GO TO THE WIRE INSPECTOR? THE WIRE INSPECTOR HAS ENFORCEMENT AUTHORITY UNDER STATE LAW AND THE EXISTING CITY CODE

below the required level. The Commissioner of the Department of Public Works, upon a showing by the Applicant, may determine that a *di minimus* increase does not require further approval. In the event that, after a grant of location order and before construction, the position of a Wireless Communications Facilities component needs or is required to be moved, the Applicant shall submit any revisions to its plans to the Commissioner of Public Works, the Fire Department and the Inspectional Services Department, which may authorize the change so long as the change does not reduce ground clearance, or increase the height, dimensions or number of the Wireless Communications Facilities by more than a minor amount or violate applicable City requirements. No pole shall be removed or replaced without the written approval of the Inspector of Wires, as provided for under City Code Section 23-9.

E. Other Permits

Applicants are responsible for obtaining any additional permits required by law. Such permits may include, but are not limited to, building permits, electrical permits, street opening permits and historic district commission certificates.

F. New Poles

Applications for the construction of new poles are discouraged. Existing Utility Poles and their locations should be utilized where available. Any new pole proposed for wireless communications use in excess of 40 feet shall be considered a Monopole and prohibited in the public ways unless an Exception is granted by the City Council. An Applicant proposing to construct a new pole for wireless communications use must demonstrate that it (or the party which would use the new pole) does not have the option of attaching to an existing Utility Pole or replacement Utility Pole at the existing location.

G. General Standards

- (1) **Number Limitation-** Unless otherwise authorized by the City Council for good cause shown, only one (1) personal wireless service provider or DAS provider shall be allowed to own, attach and/or operate Wireless Communications Facilities which are attached to a single Utility Pole. This provision does not prohibit a carrier neutral host from allowing one or more wireless service providers to use its Wireless Communications Facilities.
- (2) **City-Owned Infrastructure-** No Wireless Communications Facilities shall be mounted to City-owned infrastructure located in the public ways, including but not limited to, streetlights and traffic signals, unless authorized in writing by the Commissioner of Public Works and Mayor or her authorized designee. The Commissioner of Public Works determines whether a location is suitable and the Mayor exercises control over licensing the use of that location.

Commented [AM18]: Does DPW want a new as-built drawing?

Commented [AM19]: Verizon Wireless has asked if the 40 fee is a general requirement (it is). How often does the City allow taller poles?

(3) Replacement Poles- If an application requires replacement of an existing Utility Pole in order to accommodate proposed Wireless Communications Facilities, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent **feasible** (taking into account pole owner control of its Utility Poles). Any licensing of the use of a concrete City-owned streetlight pole location will require the replacement of the existing City-owned pole and such other specifications as determined by the Commissioner of Public Works. These specifications will be part of the license agreement between the applicant and the City.

Commented [AM20]: Under Chapter 166, Section 22, no City approval is needed to replace an existing utility pole (unless there is a material change). Verizon Wireless says that the utility pole owner makes these decisions, not the applicant.

(4) New Monopoles or Poles- Subject to exceptions under these Standards, no new Monopole or Utility Pole whose primary purpose is to support personal Wireless Communications Facilities shall be installed within the public ways of the City unless authorized by the City Council. Only pole mounted antennas shall be permitted in the public ways. Towers and Monopoles are prohibited in the public ways.

(5) Exceptions for a New Pole Which is Not a Replacement Pole- An Exception shall be required to place a new pole that is not a replacement for an existing pole in a public way. If an Exception is granted for placement of a new pole in the public way:

Commented [AM21]: Need to address whether the utility or the applicant will own the new pole. If it is the utility, Verizon Wireless states that the utility controls the pole appearance, not the wireless applicant

- i. To the maximum extent feasible (taking into account ownership of the new pole), the new pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced.
- ii. Such new poles shall be subject to a height limitation of forty (40) feet **unless** a taller height is permitted by the City Council.
- iii. A new pole justification analysis shall be submitted to demonstrate why (1) existing Utility Poles or locations outside of the public ways cannot be utilized and (2) the new pole is the least intrusive means possible, including a demonstration that the new pole is designed to be the minimum functional height and width required to support the proposed Wireless Communications Facilities.

Commented [AM22]: No input was provided on spacing between a new pole and existing poles. The spacing requirement has been deleted.

- iv. For all wooden poles, conduit and cables attached to the exterior of poles shall be mounted flush thereto and painted to match the pole.
- v. A new pole shall not require the replacement of adjacent poles or require the rearrangement of existing facilities of the pole owner, the City or another entity attaching to adjacent poles.

Commented [AM23]: Verizon Wireless questions this requirement if it does not apply to the pole owner and other attachers

Commented [AM24]: Verizon Wireless questions the reason for this restriction and suggests that pole replacement and rearrangements may be a good design solution in some cases

(6) ADA Requirements- Wireless service facilities shall not interfere with ADA standards and requirements.

(7) Attachment to Utility Poles; Limitations- No such personal Wireless Communications Facilities shall be attached to a Utility Pole unless all of the following conditions are satisfied:

Commented [ADM25]: See prior comment on the need to establish the permitting criteria where there may be an overlap between general grant of location limitations and historic district commission requirements.

- a. **Surface Area of Antenna-** In general, the personal wireless service antenna, including antenna panels, whip antennas or dish-shaped antennas, shall be as small as practicable, taking into account aesthetic and public safety considerations.
- b. **Size of Above Ground Wireless Communications Facilities-** The total combined volume of all above ground equipment and appurtenances serving a personal wireless service antenna shall be as small as practicable, taking into account aesthetic and public safety considerations.
- c. **Lowest Point Above Grade-** The operator of Wireless Communications Facilities shall, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade. No facilities may be installed at grade without the approval of the Commissioner of Public Works and the City Council. In the event that the City prohibits electric meters on utility poles or the electric distribution company does not require an electric meter, the operator shall locate the base of the equipment or appurtenances no lower than twelve (12) feet above grade.
- d. **Height-** The top of the highest point of the Utility Pole shall not exceed forty (40) feet and the combination of the height of the utility pole and personal wireless service antenna extension shall not exceed forty-four (44) feet above ground level.

Commented [AM26]: In (a) and (b) Verizon Wireless wants to add that the technical needs and service objectives of the applicant also will be taken into account

Commented [ADM27]: The Committee wants to explore ways to prevent metering requirements, given that wireless facilities are being attached in Boston and Cambridge without meters. Boston and Cambridge Law Depts. have not responded to inquiries. The City/DPW should engage Eversource.

- e. **Color-** To the maximum extent practicable, the color of the Wireless Communications Facilities shall be similar to and blend with (a) the existing equipment on the Utility Pole and/or on other nearby Utility Poles, (b) the color of the Utility Pole, or (c) another color reasonably satisfactory to and directed by the City Council. The Wireless Communications Facilities shall have non-reflective materials.
- f. **Shielding of Wiring-** Any wiring on the pole must be covered with an appropriate cover or cable shield.
- g. **Mounting-** The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted to the extent feasible.
- h. **Antenna Panel Covering-** Personal wireless service antenna shall include a radome, cap or other antenna panel covering or shield and shall be of a color that blends with the color of the utility pole on which it is mounted.
- i. **Signage-** Other than signs required by federal or state law or by the pole owner, Wireless Communications Facilities shall not have signs installed thereon. Identification tags may be utilized in accordance with governmental and/or pole owner requirements.
- j. **Wiring and Cabling-** Wires and cables connecting the antenna and/or appurtenances shall be installed in accordance with the National Electrical Safety Code in force at the time of installation of the wires and cables or any stricter standards required by a pole owner, and TIA/EIA applicable codes.
- k. **Grounding-** The Wireless Communications Facilities shall be grounded in accordance with the National Electrical Safety Code in force at the time of installation of the wires and cables or any stricter standard required by a pole owner.
- l. **Guy Wires-** No guy wires or other support wires shall be used in connection with Wireless Communications Facilities unless the facilities are proposed to be attached to an existing Utility Pole. that incorporates guy wires prior to the date that the applicant has applied for a grant of location.

Commented [AM28]: Verizon Wireless questions the City's regulating only WCF. It says that the color choices are limited by vendors and that painting requirements are burdensome and unnecessary maintenance obligations.

Commented [AM29]: Verizon proposes: "Antenna elements and equipment shall be mounted as close to the surface of the pole as practical and feasible."

Commented [AM30]: Verizon Wireless wants to limit this obligation to "if there is a choice of colors available, the applicant will use a color" that blends

Commented [AM31]: Verizon Wireless objects to the absolute prohibition of guy wires

- m. **Wind Loads-** The proposed Wireless Communications Facilities shall be properly engineered to withstand wind loads required by applicable safety codes and pole owner requirements. An evaluation of high wind load capacity shall include the impact of the proposed attachments on the existing Utility Pole with existing utility facilities and any third-party attachments. Such an evaluation shall be performed by the Applicant or the pole owner. A certificate of compliance with applicable safety codes and pole owner requirements from the pole owner may be submitted in place of such an evaluation.
- n. **Obstructions-** Each component part of the Wireless Communications Facilities shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, cause safety hazards to pedestrians and motorists or otherwise incommode the public's use of the public way. Nor shall any such component obstruct intersection visibility. The Wireless Communications Facilities shall not interfere with access to or operation of a streetlight, fire alarm cable, municipal fiber optic facilities, fire hydrant, fire alarm, fire station, fire escape, water valves and facilities, sewer facilities, underground vault, valve housing structure, or any other public health or safety facility. The Wireless Communications Facilities shall not interfere with snow plowing, side walk clearing, leaf removal or the maintenance of public shade trees. The Wireless Communications Facilities shall not interfere with the pole owner's vegetation management practices and obligations. The maintenance of the Wireless Communications Facilities shall not cause any such obstructions except as otherwise expressly permitted by the Standards.
- o. **Traffic Safety-** All Wireless Communications Facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic and pedestrian safety and shall not extend outward from a pole by more than two (2) feet from each side of the pole. Wireless Communications Facilities shall not project over the public way or sidewalk (beyond the berm or curb) or otherwise interfere with the public use of the public way or sidewalk. The Applicant shall

Commented [ADM32]: What documentation should the City require regarding wind loads?

Commented [ADM33]: DPW feedback on this provision was requested.

comply with the Uniform Traffic Manual for Traffic Control at all times during construction or installation.

- p. **Lighting-** the Applicant's Wireless Communications Facilities shall not produce any lighting or blinking light that is not required by federal or state law or by an applicable industry safety code.
- q. **Security-** the Applicant shall provide adequate security for its Wireless Communications Facilities in accordance with current industry practices and any applicable standards.
- r. **Noise-** to the extent technically feasible and commercially practicable, the Applicant shall employ Wireless Communications Facilities that are or close to silent in accordance with industry standards and equipment specifications. The Applicant shall comply with any applicable City noise ordinance. In the event that its facilities fail to comply with such ordinance, the Applicant shall provide noise suppression equipment as reasonably necessary to bring the facilities into compliance with such ordinance. In addition, the Applicant shall provide acceptable assurances that it is capable of promptly shutting down and repairing any equipment that is not in compliance with City noise regulations.
- s. **Vibration-** The Applicant shall provide acceptable assurances that it is capable of promptly shutting down and repairing any equipment that vibrates excessively.
- t. **Non-Interference with other Users of Utility Pole-** The Applicant and its facilities shall not interfere with the operation and maintenance of any wires, cables or equipment already attached to a utility pole, including but not limited to streetlights and cable, electrical and telecommunications facilities (including any City communications facilities such as fiber optic cables and copper alarm transmission lines). Streetlights already attached to the pole 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 applicable agreement, formally consented to by the Commissioner of Public Works. Signage already attached to a pole shall not be moved without the prior written consent of the City department that controls the placement of the signage.

8. Other Requirements

- a. **Expiration of Permit for Non-Use-** The Applicant shall pay the fee for recording a grant of location order as provided for under G.L.c.166, §22 and City Code §17-3. If the Applicant fails to construct and operate the approved Wireless Communications Facilities within one hundred eighty (180) days after such acceptance, the City may notify the Applicant of its intent to revoke the grant of location and direct the removal of any unused Wireless Communications Facilities. The Applicant shall have the opportunity to cure this failure or provide good cause for the failure based upon factors outside of its control.
- b. **Abandonment and Removal-** Any abandoned or unmarked Wireless Communications Facilities, wires and equipment shall be removed in accordance with City Code §23-14.
- c. **Non-Emergency Repairs-** Non-emergency repairs shall be performed as follows: (1) at least forty-eight (48) hours' advance notice shall be provided to the Commissioner of Public Works and the Police Department; (2) a police detail may be required; and (3) work shall be performed on weekdays between the hours designated by the Commissioner of Public Works.
- d. **Removal of Utility Pole-**In the event that a Utility Pole is being removed and replaced by the pole owner(s), the Applicant shall transfer the Wireless Communications Facilities to the replacement pole in accordance with the pole attachment agreement(s) between the Applicant and the pole owner(s). In the event the pole is being removed by the pole owner(s) and not replaced, the Applicant shall remove its Wireless Communications Facilities and the grant of location allowed for the removed pole location shall terminate. Applicants shall register with and participate in the NJUNs program or any successor program in effect.
- e. **Licenses and Permits-** The Applicant must obtain all other permits required by law.
- f. **Performance Bond-** As required under §23-11 of the City Code.
- g. **Other Conditions for Approval-** All Wireless Communications Facilities shall be subject to the following additional conditions of approval, as well as any modification of these conditions or additional conditions of

Commented [AM34]: Verizon Wireless wants to add language regarding the relocation of its WCF as soon as it is practical to do so where the pole owner is removing but not replacing the pole. This could lead to a double pole situation for a lengthy time.

approval deemed necessary by the Commissioner of Public Works, City Wire Inspector or the City Council:

- (i) **As-Built Drawings**-The Applicant shall submit as-built drawings within thirty (30) days after installation of its Wireless Communications Facilities. As-built drawings shall be in an electronic format acceptable to the City which can be linked to the City's GIS. To the extent practicable, as-built drawings should be able to be incorporated into the GIS layers.
- (ii) **Contact and Site Information**-The Applicant shall submit and maintain current at all times basic contact and site information on a form to be supplied by the City. Such information shall include, but is not limited to (a) name, address and twenty-four (24) hour local or toll-free and cellphone numbers of the Applicant, the owner, operator and agent or person responsible for maintenance of the Wireless Communications Facilities and (b) the legal status of the owner of the Wireless Communications Facilities.
- (iii) **Insurance**- The Applicant shall maintain the following insurance:

Commercial General Liability Insurance: Comprehensive liability coverage including protective, completed operations and broad form contractual liability, property damage and personal injury coverage, and comprehensive automobile liability including owned, hired, and non-owned automobile coverage. The limits for such coverage shall be: (1) bodily injury including death, one million dollars (\$1,000,000) for each person, occurrence and two million dollars (\$2,000,000) aggregate; (2) property damage, one million dollars (\$1,000,000) for each occurrence and two million dollars (\$2,000,000) aggregate.

Automobile Liability Insurance: Automobile liability coverage with limits no less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) annual aggregate.

Worker's Compensation Insurance: Full Workers' Compensation Insurance and Employer's Liability with limits as required by Massachusetts law.

Commented [AM35]: Verizon Wireless objects to the insurance requirements. Cable operators (including Verizon) are required to provide this insurance under their cable licenses. The insurance requirement is a public safety matter. Self-insurance may be considered an acceptable alternative.

All insurance certificates shall provide that the policies shall not be cancelled without endeavoring to provide the City at least thirty (30) days' prior written notice.

(iv) **Drip Lines of Trees-** The City discourages the installation of Wireless Communication Facilities within the dripline of a Public Shade Tree or other City owned tree. If there is no alternative to the installation of a Wireless Communication Facility within the dripline of a Public Shade Tree or other City owned tree the installing party must comply with the City's Public Tree Regulation and obtain a Tree Permit from the Tree Warden. The City will not permit the pruning, cutting, or damage to a Public Shade Tree or other City owned tree to facilitate the installation of a Wireless Communication Facility unless deemed permissible by the Tree Warden.

(v) **Indemnification-** The Applicant must execute an indemnification agreement as a condition for approval of a grant of location. A form of indemnification agreement shall be provided as part of the application form package.

(vi) **Relocation-** An Applicant shall promptly, but in no event more than 120 days of the City's request, permanently remove and relocate, at no charge to the City, any facilities or equipment if and when made necessary by a change in the grade, alignment or width of any public way, by construction, maintenance or operation of any City facilities or to protect the public health, safety and welfare. The Applicant shall restore any public way to the condition it was in prior to removal and relocation of its facilities or equipment.

Commented [AM36]: For City-owned poles, the City can impose insurance requirements under a license agreement. Discuss the need for additional insured language where the pole is not City-owned.

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Commented [AM37]: This section has been revised with language from Marc Welsh. Verizon Wireless objected to the original language as inapplicable to its installations. The applicable City Code provisions are being reviewed by Marc Welsh.

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Commented [AM38]: Verizon Wireless objects to this provision and says it should not have obligations that don't apply to other parties. Cable operators have this obligation under their cable licenses

Commented [AM39]: Verizon Wireless wants no more than 120 days from when the City has approved the relocation of the applicant's WCF to another nearby pole that will serve its needs. This is not practical. The City can't order Eversource to allow WCF on a nearby pole. The 120 days was provided to give Verizon Wireless and others time to find an alternative site and submit a grant of location application. Verizon Wireless language would unduly delay public works requirements.

Commented [AM40]: Verizon Wireless objects to the restoration language.

V. ENFORCEMENT; APPLICABILITY OF CHAPTER 23 OF CITY CODE

The City Inspector of Wires shall have the authority to enforce these Standards in accordance with Massachusetts law and Chapter 23 of the City Code, to the extent deemed applicable. Chapter 23 of the City Code applies to Wireless Communications Facilities located in the public ways as follows: Sections 23-1, 23-2, 23-5, 23-6, 23-7, 23-8, 23-9, 23-10, 23-11, 23-12, 23-13, 23-14, 23-15, 23-16, and 23-17. Conduit provisions under Chapter 23 may apply where an Applicant proposes to install conduit.

VI. AMENDMENTS

Commented [AM41]: Verizon Wireless proposes that the amendment be after a public hearing. It also proposes that amendments apply only to applications filed after the date the amendment is approved and not to applications previously approved.

3.28.2018 DRAFT REVIEWED AT THE 4.4.2018 PUBLIC FACILITIES COMMITTEE MEETING, WITH EDITS AS
OF 5.31.18- CLEAN VERSION WITH CERTAIN VERIZON WIRELESS COMMENTS IN THE MARGIN

The City Council may from time to time amend these Procedures and Standards in
accordance with law.

SUBJECT TO REVISION IF DRAFT STANDARDS ARE REVISED

APPLICATION FORM

This Application Form is to be used for the permitting of (1) Wireless Communications Facilities attachments to existing or replacement utility poles which are located in the public ways and which do not have any pre-existing Wireless Communications Facilities attachments; (2) Wireless Communications Facilities attachments to existing or replacement utility poles which are located in the public ways and which do have pre-existing Wireless Communications Facilities attachments, but do not satisfy the requirements under 47 U.S.C. §1455 and related Federal Communications Commission ("FCC") regulations; and (3) new pole construction in a public way primarily for purposes of providing Wireless Communications Services.

A. Filing of Application

Please provide to the City Clerk in paper format an original and two (2) copies of your application, including all attachments. Also provide a complete application in PDF format and in a digital format compatible with the City's systems.

Provide the name, address and other contact information of the person who should receive notice of incompleteness from the City if the application is found to be incomplete:

Name: _____ Phone: _____

Address: _____ Email Address: _____

B. Applicant Contact Information

Name: _____ Phone: _____

Address: _____ Email Address: _____

Certification(s) by the Applicant that (1) the proposed work is authorized by the owner of the utility pole or, if not yet authorized, a commitment that no work will be performed until after it has provided to the Department of Public Works a pole owner authorization for the specific pole location and (2) the Applicant is authorized to make this Application, are attached as **Attachments A and B.**

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C. Other Contact Persons Regarding Application

Name, address, telephone number and email address of the following involved parties:

Engineering Consultant:

Name: _____ Phone: _____

Address: _____ Email Address: _____

Legal Representative of Applicant or Principal of Applicant:

Name: _____ Phone: _____

Address: _____ Email Address: _____

Owner(s) of the Utility Pole(s):

Name: _____ Phone: _____

Address: _____ Email Address: _____

Owner of the Proposed Wireless Communications Facilities and/or New Pole Primarily for Wireless Communications Purposes:

Name: _____ Phone: _____

Address: _____ Email Address: _____

Other Representative(s) of the Owner of the Proposed Wireless Communications Facilities:

Name: _____ Phone: _____

Address: _____ Email Address: _____

If Different Than the Owner, the User of the Proposed Wireless Communications Facilities and/or New Pole Primarily for Wireless Communications Purposes:

Name: _____ Phone: _____

Address: _____ Email Address: _____

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D. Pole Location(s) [Section IV.B Standards]

Provide the address and location of the Utility Pole(s). Include the street and closest street number, street intersection and utility pole number(s) as applicable. Identify whether the location is in a (1) residential area; (2) commercial area; (3) scenic way; (4) village entrance; or (5) historic district

Street address: _____

Street intersection: _____

Utility pole number(s) as applicable: _____

Identify whether the location is in a:

☐ (1) residential area;

☐ (2) commercial area;

☐ (3) scenic way;

☐ (4) village entrance; or

☐ (5) historic district

If the location(s) is in (3), (4) or (5) above, provide all alternative pole locations that were considered (include the street and street number, street intersection, utility pole number(s) as applicable) and explain why they were not selected:

If in residential area, is the location directly in front of a residence? ☐ Yes ☐ No

If yes, what is the distance between the proposed pole location and residence that it would front? _____

If the location is within an historic district, please identify the historic district and state whether the applicant has filed for a certificate from the historic district commission and if so, the date of that filing:

Is the location in an Underground Utility District? ☐ Yes ☐ No

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E. Pole Description

Is the pole location an existing pole _____; replacement of existing pole _____; new pole primarily for providing wireless communications services _____; an existing pole with pre-existing wireless communications facilities attachments, but not proposed as or eligible for treatment as a “base station” under 47 U.S.C. §1455 and related FCC regulations _____; a City-owned pole _____.

F. Description of Proposed Wireless Communications Facilities

Narrative description of the proposed wireless communications facilities. Specify each component and its dimensions and approximate locations:

Power Supply: underground requirements-describe power supply requirements and whether connection to power supply will be aerial or underground. If underground, describe the construction work required:

Number of attachments on the pole [Standards IV.G.1]: _____

Surface area of antenna [Standards, IV.G.7.a]: _____

Size of above ground Wireless Communications Facilities (combined volume) [Standards, IV.G.7.b]: _____

Lowest point of wireless communications facilities above grade [Standards, IV.G.7.c]: _____

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Height and dimensions of utility pole: [Standards, IV.G.7.d]:

Height and dimensions of antenna facilities located at the pole top or other point of attachment and overall height of the Utility Pole as modified by proposed wireless communications facilities: _____

Color [Standards, IV.G.7.e]: _____

Shielding of wiring [Standards, IV.G.7.f]: _____

Mounting [Standards, IV.G.7.g]: _____

Antenna panel covering [Standards, IV.G.7.h]: _____

Signage [Standards, IV.G.7.i]: _____

Wiring and cabling [Standards, IV.G.7.j]: _____

Grounding [Standards, IV.G.7.k]: _____

Guy wires required [Standards, IV.G.7.l]: _____

Wind load requirements (pole owner, safety code) and method of testing [Standards, IV.G.7.m]:

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Obstructions [Standards, IV.G.7.n]: _____

Traffic safety requirements [Standards, IV.G.7.o]: _____

Lighting [Standards, IV.G.7.p]: _____

Security measures [Standards, IV.G.7.q]: _____

Noise [Standards, IV.G.7.r]: _____

Vibration [Standards, IV.G.7.s]: _____

No interference with other users of the pole [Standards, IV.G.7.t]: _____

RFE [Standards, IV.C]: _____

Compliance with ADA requirements [Standards, IV.G.6]: _____

Acceptance of general standards requirements [Standards, IV.G.8]: _____

Whether applicant will agree not add to the number of Wireless Communications Facilities or expand the dimensions of the proposed wireless communications facilities (except with regard

SUBJECT TO REVISION IF DRAFT STANDARDS ARE REVISED

to replacement of existing wireless communications with comparable equipment)

Whether applicant will agree not to consider the pole and its attachments as a “base station” under 47 U.S.C. §1455 and related FCC regulations: _____

(in which case any additions to the location would be subject to G.L. c. 166, Section 22 grant of location application Procedures and Standards)

G. Compliance Issues

Identify any requirement or condition in the Standards with which the Applicant will not or cannot comply with and provide a complete explanation why it cannot or will not comply:

Is the applicant requesting an exception to any standard? If so, please specify the standard and provide factual support for the requested exception:

H. Documentation Required

All responses shall be supported by certified to scale plans, submitted as **Attachment C**.

Additional required documents and information to be included as part of application:

Provide as **Attachment D** a copy of the applicable FCC license and any other evidence of authority to place wireless communications facilities and/or poles in the public ways under Massachusetts General Laws Chapter 166, Section 21.

Provide as **Attachment E** the license agreement(s) under which the Applicant has access to the utility poles to which it proposes to attach or a certification (by letter) from the pole owner(s) that they have entered into aerial attachment agreements with the applicant which cover the City.

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Complete **Attachment F** ("Optional Checklist for Local Government to Determine whether a Facility is Categorically Excluded") to verify that the wireless communications facilities with the proposed modification will be in compliance with the FCC's radio frequency ("RF") emissions regulations. If not categorically excluded, a complete RF emissions study is required to verify that the proposed wireless communications facilities comply with FCC RF emissions regulations.

Provide as **Attachment G** either (1) a structural analysis of the utility poles, stamped by a professional engineer registered in the Commonwealth of Massachusetts, indicating that they can accommodate the proposed wireless communications facilities and comply with all applicable engineering and construction standards; or (2) if the structural analysis will be conducted by a pole owner, a pole owner certification of structural fitness of the pole must be submitted to the Commissioner of Public Works as a condition for the grant of location.

Provide as **Attachment H** the Tax Attestation pursuant to Massachusetts General Laws, Chapter 62C, Section 49A.

Provide a mock-up of the proposed wireless communications facilities at the proposed location(s) as **Attachment I**.

Provide Applicant's certification as **Attachment J** that it shall not commence any construction until it has received all necessary permits (including but not limited to building, street opening and/or electrical permits).

I. Any Other Information that the Applicant Chooses to Submit

(use additional pages, if necessary)

Signature of Applicant

Signature of applicant: _____

Name and Title and any Business Name: _____

Name of Principal or Client of Applicant: _____

In whose name the permit should be granted: _____

SUBJECT TO REVISION IF DRAFT STANDARDS ARE REVISED

Date signed: _____

Date of receipt of application [to be added by the City]: _____

Date of expiration of 90 or 150-day period running from the date of application: _____

Agreed upon extension of the 90 or 150-day period expiration date until: _____

Agreed to by Applicant: _____

Agreed to by City: _____

Note: the applicant and the City may agree in writing to an extension of the applicable review period. In addition, the running of the time period for review of this application may be tolled by incompleteness of the application, provided that the City has timely notified the applicant of the missing information or document causing the incompleteness in accordance with FCC regulations and City Procedures.

Right to Appeal

The Applicant's right to appeal is governed by federal law.

DOCUMENT CHECKLIST (Provide application as paper original, in PDF format and a digital format compatible with the City's system)

- Certification(s) by the Applicant that (1) the proposed work is authorized by the owner of the utility pole or, if not yet authorized, a commitment that no work will be performed until after it has provided to the Department of Public Works a pole owner authorization for the specific pole location and (2) the Applicant is authorized to make this Application, are attached as **Attachments A and B**.
- All responses shall be supported by certified to scale plans, submitted as **Attachment C**.

Additional required documents and information to be included as part of application:

- Provide as **Attachment D** a copy of the applicable FCC license and any other evidence of authority to place wireless communications facilities and/or poles in the public ways under Massachusetts General Laws Chapter 166, Section 21.
- Provide as **Attachment E** the license agreement(s) under which the Applicant has access to the utility poles to which it proposes to attach or a certification from pole owners that they have entered into aerial attachment agreements with the applicant which cover the City.
- Complete **Attachment F** ("Optional Checklist for Local Government to Determine whether a Facility is Categorically Excluded") to verify that the wireless facilities with the proposed modification will be in compliance with the FCC's radio frequency ("RF") emissions regulations. If not categorically excluded, a complete RF emissions study is required to verify compliance with FCC RF emissions regulations.
- Provide as **Attachment G** a structural analysis of the utility poles, stamped by a professional engineer registered in the Commonwealth of Massachusetts, indicating that they can accommodate the proposed wireless communications facilities and comply with all applicable engineering and construction standards. If the structural analysis will be conducted by a pole owner, a pole owner certification must be submitted to the Commissioner of Public Works as a condition for the grant of location.
- Provide as **Attachment H** the Tax Attestation pursuant to Massachusetts General Laws, Chapter 62C, Section 49A.

SUBJECT TO REVISION IF DRAFT STANDARDS ARE REVISED

- Provide a mock-up of the proposed wireless communications facilities at the proposed location(s) as **Attachment I**.
- Provide Applicant's certification as **Attachment J** that it shall not commence any construction until it has received all necessary permits (including but not limited to building, street opening and/or electrical permits).

(c) Volunteer workers who work on improvement and maintenance projects in accordance with such a permit shall be deemed to be "public employees" within the meaning of section one of chapter 258 of the Massachusetts General Laws for the purpose of third party claims; provided that any such claim arises as a result of the project described in the applicable permit.

(d) In order to facilitate the protection provided to volunteer workers pursuant to subsection (c), the head of the department shall keep a record of the names and addresses of every volunteer worker who works at the site of each such project; and every such volunteer worker shall provide his/her name and address for inclusion in such record. (Ord. No. V-96, 11-18-96)

Sec. 21-71. Reserved.

DIVISION 2. REGULATION OF PUBLIC TREES

Sec. 21-72. Public Tree Regulation

(a) Purpose

The purpose of this ordinance is to promote a diverse, healthy and sustainable urban forest in order to provide for the general welfare of Newton's citizens. A healthy urban forest improves the quality of air and water, controls erosion, moderates air temperature, absorbs carbon, reduces noise, enhances appearance and increases property values. Public trees also define public spaces and create civic identity. This ordinance sets out measures to protect trees located on city property and on public rights of way from construction and other preventable damage; to establish conditions for long-term preservation and expansion of the urban forest; to extend the protections afforded by the Tree Preservation Ordinance to city-owned trees and supplement Chapter 87 of the Massachusetts General Laws.

(b) Definitions

Aggregate diameter: The combined diameter of a multiple trunk tree measured at breast height.

Building: The term "building" shall be as defined in section 30-1.

Caliper: The measure of a newly installed tree and is determined in the following manner - Caliper measurement of the trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at twelve inches above the ground.

Certified arborist: An arborist certified by the Massachusetts Arborists Association, or any successor organization.

Diameter breast height (DBH): The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

Drip line: A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a public tree or public shade tree.

Pruning standards: Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.

Public tree: Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land owned by the city of Newton.

Public Shade Tree: Any tree within the city that fits the definition of public shade tree under G.L. Ch. 87

Remove (including removing and removal): The cutting down of any public tree or public shade tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a public tree, including, but not limited to, excessive or improper pruning.

Tree Manual: The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same. (Ord. No. V-275, 12-6-99)

Tree warden: The commissioner of parks and recreation or his designee.

(c) *Applicability:* The terms and provisions of this article shall be administered by the tree warden and shall apply to any public shade tree as defined in G.L. Ch. 87 and to any public tree located on land owned and managed by the city of Newton, with the exception of the land under the auspices of the conservation commission.

(d) *Permit:* No person other than the tree warden shall remove, prune, or alter a public tree or public shade tree located on land subject to the provisions of this article without first obtaining a tree permit from the tree warden. Applications shall be made in writing on forms specified by the tree warden.

(e) *Activities requiring a Tree Permit:* A tree permit issued by the tree warden is required prior to any of the following activities:

- (1) Any exterior work that requires the removal of a public tree;
- (2) Any construction on city property within the dripline of a public tree;
- (3) Removal of a public shade tree. This requirement is in addition to the requirements of G.L. Ch. 87 pertaining to removal of a public shade tree;
- (4) Construction within that portion of the dripline of a public shade tree that is located over the public right of way;
- (5) Pruning or treatment for the benefit of the health, safety, or overall well-being of a public shade tree and/or public tree, as deemed appropriate by the tree warden, by anyone other than the tree warden or his designee as provided in G.L. Ch. 87;
- (6) Planting of a tree in the public right of way or on city property by anyone other than the tree warden or his designee as outlined under G.L. Ch. 87;
- (7) Pruning or altering of a public shade tree and/or public tree for the purposes of overhead utility line clearance;
- (8) Affixing or hanging anything from a public shade tree or public tree.

(f) *Permit application; fee:* An application for a tree permit shall be submitted to the tree warden. Such application shall be on a form prescribed by the tree warden and shall include any materials or information

required by the tree warden based on the nature of the activity for which application is made. The application for a tree permit shall be accompanied by an administrative fee of \$150.00. Such fee shall be waived if the applicant is a city department, agency, commission or other public instrumentality of the city or if the tree warden determines in writing that the proposed activity will benefit the health of the tree or the wellbeing of the public.

(g) *Review of permit applications:* The tree warden shall review applications for tree permits in accordance with the provisions of this article and with any rules or regulations promulgated hereunder. The tree warden shall date stamp or otherwise record the date of filing of each application for a tree permit. The tree warden shall complete the review of each tree permit application no later than ten (10) business days after the submission of a completed application to the tree warden except in the case of a request to remove a public shade tree which shall be subject to the procedures set forth in G.L. Ch. 87.

(h) *Conditions:* The tree warden may condition issuance of a tree permit upon such measures as he deems necessary to protect existing public trees or public shade trees. Such conditions shall be in writing. The tree warden shall make a determination that the prescribed protected measures have been adequately provided before site disturbance related to the permitted activity may begin.

(i) *Construction:* Except as provided in a tree permit, construction activities on city-owned property and public right of ways under the drip line of a public tree or public shade tree are prohibited. Prohibited construction activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.

(j) *Suspension or revocation:* The tree warden may suspend or revoke a tree permit at any time upon written notice to the permit holder that the permit holder has failed to comply with any provisions of this section, or with any rules or regulations promulgated hereunder, or with conditions of the permit. Written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the noncompliance and apply for a renewal of the tree permit upon compliance, where practicable. The suspension or revocation of a tree permit in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance of such tree permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.

(k) *Public Tree Removal:* The tree warden shall notify the urban tree commission upon receipt of an application to cut down or remove a public tree, and no public tree shall be removed pursuant to a permit until five (5) days after its issuance unless such removal of the tree(s) is necessary based on a determination by the tree warden that at least one of the following conditions are met:

- (1) The public tree is interfering with existing structure, utilities, streets, sidewalks or proposed necessary improvements, and there is no alternative to removal;
- (2) The public tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights of way, or poses a threat to pedestrian or vehicular safety.
- (3) The removal of the public tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified to the tree warden by a certified arborist.

(l) *Appeal:* Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the city council and to each councilor for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date

of receipt of the appeal request. The mayor or his designee shall include in the decision the rationale there for. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the city council and to each ward councilor for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No public trees shall be removed while an appeal is pending.

(m) *Permit length:* Any permit issued by the tree warden shall be valid for sixty (60) days from issuance. Length may be extended by tree warden following written request by the applicant. The tree warden may grant the extension for any length of time as he deems necessary and appropriate.

(n) *Emergencies:* A public tree or public shade tree may be removed without first obtaining a written permit as otherwise required by this section only if the tree warden determines that the condition of the public tree or public shade tree is hazardous and immediately endangers the public health, safety or welfare or causes an immediate disruption of public services such that immediate removal is required. If such determination is made, the tree warden may remove the tree or provide oral authorization for its removal, utilizing such professional criteria and technical assistance as he deems necessary. The tree warden shall memorialize in writing each such oral authorization to remove a hazardous tree and keep a record of same.

(o) *Waiver:* The requirements of this section may be waived by the tree warden during the period of an emergency such as a tornado, windstorm, flood or other act of God.

(p) *Tree replacement:* The tree warden may require that replacement of a removed public tree or public shade tree in the manner required in section 21-85 of these ordinances and in any rule or regulation of the tree warden

(q) *Payment in lieu of planting replacement tree(s):* In lieu of planting a replacement tree as provided in section (p) above, a person who has been granted a tree permit may make a contribution to the tree replacement fund as established in section 21-86 in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden who shall maintain on file the city's current tree planting costs.

(r) *Rules and regulations:* The tree warden is authorized to promulgate reasonable rules and regulations to implement administration and enforcement of this section

(s) *Enforcement:* The commissioner of parks and recreation, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to enforce the provisions of this section. The tree warden shall provide written notice to the offender of the specific violation and provide a reasonable time for compliance. Such notice shall be sent by certified mail, return receipt requested, or by hand delivery. Thereafter, the tree warden may impose the fines described in (t) below.

(t) *Penalties:* Violations of any portion of this section, including violations of any regulation promulgated hereunder, or failure to comply with conditions of a permit, or failure to replace any removed tree as required by the tree warden, or failure to pay the required amount into the tree replacement fund shall be punishable by a fine of three hundred dollars (\$300.00) for each day during which the violation continues. Nothing herein shall be construed to require the city to make a payment for violation of this section; however the city agency that caused the violation shall be responsible for the costs of replacement or repair of the tree(s) which were damaged or removed.

(u) *Severability:* The provisions of this article are severable. If any section, provision, or portion of this article is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this article shall continue to be valid.

(v) *Conflict of laws*: Nothing herein is intended to conflict with the General Laws, Chapter 87 and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. Nothing herein is intended to conflict with existing special permit procedures as provided in section 30-24 and to the extent that any provision hereof conflicts with said special permit procedures, such provision shall not be valid. Nothing herein is intended to conflict with any state law regulating public utilities and to the extent that any provision hereof conflicts with state law, such provision shall not be valid. (Ord. No. Z-80, 02-22-11; Rev. Ord. 2007, § 20-72)

Secs. 21-73. —21-79. Reserved.

DIVISION 3. TREE PRESERVATION

Sec. 21-80 Findings, intent, and purpose.

The city council has determined that many trees are being lost without replacement incident to demolition of existing buildings in order to construct new buildings and lot clearing in connection with the construction of new buildings on previously undeveloped land. The city council has further determined that trees have been lost, severely damaged or disfigured through excessive or improper pruning or other than natural causes. The result is a net loss of the tree population in the city. The city council has further determined that the city has insufficient legal vehicles to assure that such development adequately preserves, protects and provides for replacement of trees.

The preservation of the private tree canopy and the planting of replacement trees is intended to enhance the quality of life and the environment of the city; to preserve the character of the wooded and natural areas; to reduce energy consumption; to protect air quality; to baffle noise; to preserve and enhance habitat for wildlife; to reduce topsoil erosion and storm water runoff; to protect and increase property values; and to enhance the overall appearance of the city. (Ord. No. A-38, 05-05-14)

Sec. 21-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggregate diameter: The combined diameter of a multiple trunk tree measured at breast height.

Building: The term "building" shall be as defined in section 30-1.

Certified arborist: An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

Diameter breast height (DBH): The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

Drip line: A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Exempt lot: A lot which meets all of the following criteria:

- (1) The lot is occupied and used primarily as a dwelling for up to four families at the time any protected tree(s) are removed.

To: Public Facilities Committee
Finance Committee
From: Alan Mandl
Date: May 31, 2018
Re: Recommendation Regarding Grant of Location Application Fees Where Multiple Locations are Covered Through One Application

The Public Facilities Committee prepared a memo on the appropriate application fee for the review of a grant of location application to attach wireless communications facilities to an existing utility pole. It recommended an application fee of \$500 per location (for 3 separate pole locations, the total application fee would be \$1500).

We are recommending that the application fee be adjusted to reflect some economies expected to occur in the case of "batch applications," where a given wireless project encompasses a number of separate pole locations. The application may address a confined geographic space that needs several locations in order to improve coverage or assure adequate capacity, thereby avoiding poor reception and dropped calls. In some cases, there may be a run of locations along the public way that serve the same purposes. In these situations, economies can be realized where there is a common applicant using common wireless communications facilities which comply with grant of location Standards. Other jurisdictions have adopted this approach for batch applications.

We recommend the following application fee structure:

1 location- \$ 500

2 locations-\$ 750

3 locations- \$1000

5 locations- \$1500

6-10 locations- additional \$200 per location (\$2500 for 10 locations, the maximum recommended batch)

An applicant may request an exception to the cap on batch applications. If an exception is granted, the fee for locations over 10 should be no less than \$200 per location.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#355-18

Telephone
(617) 796-1100

Fax
(617) 796-1113

TDD/TTY
(617) 796-1089

Email
rfuller@newtonma.gov

May 29, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize an appropriation and expenditure of \$150,000 from June 30, 2017 Certified Free Cash for repairs to 1294 Centre Street (the former Health Department Building). The repairs, detailed in the attachment, will allow the City to move staff back into the building and keep it in good condition and monitored closely until a long-term plan for the building and property are determined.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

RECEIVED
Newton City Clerk
2018 MAY 29 PM 2:58
DAVID A. OLSON, CLERK
Newton, MA 02459

Old Health Department, 1294 Centre Street building

5/17/2018

The Public Building Departments requests \$150,000 for required repairs at the Old Health Department, 1294 Centre Street building

Funds Required

Roofing/gutters/downspouts/slate	14,250.00
Masonry including chimney	16,283.00
Waterproofing exterior	13,122.00
Power wash Exterior/remove vines	6,078.00
Lift including GC markup & work	40,000.00
Exterior Painting & Window Work	23,750.00
Interior Repairs/painting/flooring	28,797.00
5 % Contingency	7,720.00
	<hr/>
	150,000.00



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#354-18

Telephone
(617) 796-1100

Fax

(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

May 29, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to appropriate the sum of \$338,000 and authorize a general obligation borrowing of an equal amount for the purpose of funding the Rehabilitation of the Forest Grove Pump Station. The project includes upgrades and improvements to the existing Forest Grove Pump Station to update essential components of the facility to maintain reliability of the station and improve safety and security of the facility.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

RECEIVED
Newton City Clerk
2018 MAY 29 PM 2:58
David A. Olson, Clerk
Newton, MA 02459



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue

Newton Centre, MA 02459-1449

Ruthanne Fuller
Mayor

May 22, 2018

To: Maureen Lemieux, Chief Financial Officer

From: Jim McGonagle, Commissioner of Public Works

Subject: Docket Request for the authorization to Bond from the Storm Water Account
For the Forest Grove Pump Station Rehabilitation Project

I respectfully request a docket item be submitted for the authorization to bond \$338,000 from the Storm Water Account for the Rehabilitation of the Forest Grove Pump Station.

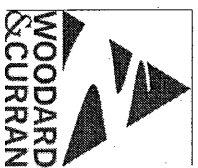
Forest Grove Pump Station is located in the northwest section of Newton between Wabasso Street in Newton and the cul de sac at the end of Forest Grove Road in Waltham, the pump station controls the water elevation in Flowed Meadow Conservation Area for mosquito abatement control measures.

The project includes upgrades and improvements to the existing Forest Grove Pump Station to update essential components of the facility to maintain reliability of the station and improve safety and security of the facility. Rehabilitation of the facility includes structural upgrades and repairs to address damaged components as well as necessary upgrades to existing electrical, HVAC, and to the SCADA systems. Structural repairs and upgrades to the building will include: roof replacement, replacement of the deteriorated entry door and associated hardware, permanent closure of two window openings, and upgrading the existing wood plank flooring to aluminum grating. Incidental re-pointing of brickwork and repair of spalling concrete will also be performed. A new electrical service will be provided, along with a new meter and electrical panel. The facility will be provided with a new manual transfer switch and generator receptacle to accommodate a portable generator in the event of power failure. New interior and exterior lighting will be provided with a GFCI receptacle. Entry door security will be added to the facility. HVAC improvements including exhaust fans and louvers will be incorporated and cabinet heaters will be added to equipment cabinets. Improvements to the pump controls will include a new level sensor and transmitter and the SCADA system will be modified to accommodate the facility upgrades. Site improvements will include repair and upgrade of the existing inlet channel grating and trash rack.

Please let me know if you have questions or require additional information.

Cc: Amy Hamel, DPW Chief of Staff
Louis M. Taverna, City Engineer
Jack Cowell DPW Business Manager
Theodore J. Jerdee, Utilities Director

Attachments: Budget Estimate Summary/Detail
Forest Grove Pump Station Plans



Date: 3/16/2018
Time: 10:50 AM
Project No.: 230354

[illegible]

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Recap - With Taxes and Insurance , Indirect Costs are Spread

Group 1: Bid packages

Estimator : JBrockington
Project Size : 0 SQFT

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Eqp.	Proc. Eqp.	Unit Cost	Total Cost
General Construction	1.00	LS	143,582.43	42,215.73	31,451.82	12,802.41		230,052.38	230,052
Masonry	1.00	LS	12,432.79	1,259.28	4,123.68	5,863.83		23,679.58	23,680
Roofing and Flashing	1.00	LS	11,240.11	7,710.02		1,425.74		20,375.87	20,376
HVAC	1.00	LS	2,176.78	2,044.08		511.80		4,732.66	4,733
Electrical	1.00	LS			59,159.40			59,159.40	59,159
Total Estimate			169,432.11	53,229.10	94,734.90	20,603.78			338,000

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Recap - With Taxes and Insurance

Estimator : JBrockington
Project Size : 0 SQFT

Group 1: Bid packages
Group 2: MasterFormat 2012

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Exp.	Proc. Exp.	Unit Cost	Total Cost
General Construction									
General requirements			81,207.30	19,884.81	11,508.50	6,230.00			118,831
Selective structure demolition			6,713.07	194.76		725.00			7,538
Hazardous waste recovery					10,000.00				10,000
Concrete finishing			1,021.60	21.28		150.00			1,193
Structural aluminum framing			2,016.29	1,326.09		250.00			3,592
Metal fabrications			1,989.76	2,798.54		800.00			5,588
Grating			1,724.46	2,459.82		100.00			4,284
Hollow metal doors and frames			315.97	480.27					796
Door hardware			701.31	1,007.55					1,709
Interior painting			248.91	91.70					341
Steel coatings			2,246.00	604.64					3,351
* Total General Construction	1.00	LS	98,189.65	28,869.46	21,508.50	8,755.00		157,322.61	157,323
Masonry									
Masonry					2,820.00	3,500.00			6,320
Masonry cleaning and restoration			2,174.73			75.00			2,250
Mortar and accessories			3,624.56	13.34		60.00			3,698
Mortar			99.76	217.15		50.00			367
Bricks			1,373.17	360.29		250.01			1,983
Cold fluid applied waterproofing			1,230.01	270.39		75.00			1,575
* Total Masonry	1.00	LS	8,502.23	861.16	2,820.00	4,010.02		16,193.41	16,193
Roofing and Flashing									
Selective structure demolition			1,830.23	13.13		200.00			2,043
Roof blocking			1,891.33	160.12		75.00			2,126
Board insulation			143.23	269.51		50.00			463
Membrane roofing			324.69	179.13		50.00			554
Ethylene propylene diene monomer roofing			974.00	3,195.44		250.00			4,419
Flashing and trim			931.62	79.55		50.00			1,061
Hatches			1,591.51	1,375.66		300.00			3,267
* Total Roofing and Flashing	1.00	LS	7,686.61	5,272.54		975.00		13,934.15	13,934
HVAC									
Fans			1,094.27	989.19		250.00			2,333
Diffusers, registers and grilles			394.33	408.66		100.00			903
* Total HVAC	1.00	LS	1,488.60	1,397.85		350.00		3,236.46	3,236
Electrical									
Electrical					40,456.49				40,456
* Total Electrical	1.00	LS			40,456.49			40,456.49	40,456
Total Gross Cost			115,867.10	36,401.02	64,784.99	14,090.01			231,143

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Detail - With Taxes and Insurance

Group 1: Bid packages
Group 2: MasterFormat 2012

Estimator : JBrockington
Project Size : 0 SQFT

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Exp.	Proc. Exp.	Unit Cost	Total Cost
General Construction									
General requirements									
Mobilize/Demobilize	1.00	LS	6,316.05	410.88		2,350.00		9,076.93	9,077
Project Manager	4.80	WEEK	18,144.00					3,780.00	18,144
Project Superintendent	12.00	WEEK	42,120.00					3,510.00	42,120
General Laborer	10.00	WEEK	14,256.00					1,425.60	14,256
Permit (Allowance)	1.00	LS		5,000.00				5,000.00	5,000
Purchase drawings	1.00	LS		500.00				500.00	500
Travel expenses	12.00	WEEK		1,605.00				133.75	1,605
Information systems	3.00	MO		2,086.50				695.50	2,087
Progress photographs	3.00	MO			402.00			134.00	402
Laboratory testing (Allowance)	1.00	LS			5,000.00			5,000.00	5,000
Temporary wiring	3.00	MO			774.00			258.00	774
Job telephone	3.00	MO		1,123.50				374.50	1,124
Electrical energy costs	3.00	MO		1,444.50				481.50	1,445
Water usage costs	3.00	MO		321.00	267.00			196.00	588
Temporary fire protection	3.00	MO			618.00			206.00	618
Office trailer	3.00	MO		1,444.50				481.50	1,445
Storage trailer(s)	3.00	MO		401.25				133.75	401
Temporary toilets	3.00	MO		1,091.40				363.80	1,091
Water, ice and cups	3.00	MO		457.43				152.48	457
First aid supplies	3.00	MO		160.50				53.50	161
Safety supplies	3.00	MO		488.72				162.91	489
Office supplies	3.00	MO		268.04				89.35	268
Small tools	3.00	MO				520.00		173.33	520
Gasoline and lubricating oil	680.00	GALS		2,546.60				3.75	2,547
Automobile	1.00	MO				620.00		620.00	620
Pick-up truck	3.00	MO				2,740.00		913.33	2,740
Weather protection	1.00	LS			1,500.00			1,500.00	1,500
Job sign	1.00	EACH	371.25	535.00				906.25	906
Rubbish removal	180.00	CUYD			2,947.50			16.38	2,948
** Total General requirements			81,207.30	19,884.81	11,508.50	6,230.00			118,831
Selective structure demolition									
Install erosion control	1.00	LSUM	526.34	34.24		200.00		760.58	761
Demo door and frame	1.00	EACH	330.18	8.56		50.00		388.74	389
Demo steel trash grate	1.00	EACH	880.49	22.83		75.00		978.32	978
Demo wood plank floor	65.00	SOFT	1,716.96	44.51		150.00		29.41	1,911
Demo window openings	2.00	EACH	1,320.74	34.24		100.00		727.49	1,455
Demo steel I-beam	1.00	EACH	660.37	17.12		50.00		727.49	727
Remove vegetation	1.00	LSUM	528.29	13.70		40.00		581.99	582
Remove brush and debris	1.00	LSUM	754.71	19.57		60.00		834.27	834
** Total Selective structure demolition			6,718.07	194.76		725.00			7,638
Hazardous waste recovery									
HazMat Abatement (Allowance)	1.00	LSUM			10,000.00			10,000.00	10,000
** Total Hazardous waste recovery					10,000.00				10,000
Concrete finishing									
Concrete spall repairs	24.00	SOFT	1,021.60	21.28		150.00		49.70	1,193
** Total Concrete finishing			1,021.60	21.28		150.00			1,193

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Detail - With Taxes and Insurance

Estimator : JBrookington
Project Size : 0 SQFT

Group 1: Bid packages
Group 2: MasterFormat 2012

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Exp.	Proc. Exp.	Unit Cost	Total Cost
Structural aluminum framing									
Aluminum angles, 4X3X3/8	15.00	LNFT	663.25	424.39		100.00		79.18	1,188
Aluminum beams, 18 x 6, 18	17.00	LNFT	1,353.03	901.70		150.00		141.45	2,405
** Total Structural aluminum framing			2,016.29	1,326.09		250.00			3,592
Metal fabrications									
Aluminum Trash Grate	1.00	EACH	1,989.76	2,798.54		800.00		5,588.30	5,588
** Total Metal fabrications			1,989.76	2,798.54		800.00			5,588
Grating									
Aluminum bar grating, 1-1/2"	65.00	SQFT	1,724.46	2,459.82		100.00		65.91	4,284
** Total Grating			1,724.46	2,459.82		100.00			4,284
Hollow metal doors and frames									
Hollow metal doors		****							
1-3/4" 16 ga. C label	1.00	EACH	90.28	458.06				548.34	548
3070 Door		****							
14 gauge hollow metal	1.00	EACH	223.69	22.21				247.90	248
3070 Frame		****							
** Total Hollow metal doors and frames			315.97	480.27					796
Door hardware									
5"x5" full mortise hinge	3.00	Each	135.41	100.02				78.48	235
Keyed cylindrical lockset	1.00	Each	63.35	69.90				133.26	133
Armored Kickplate	1.00	Each	38.42	21.51				59.92	60
Holder and bumper doorstop	1.00	Each	18.06	30.11				48.17	48
Surface mounted closer and hold open	1.00	Each	95.03	136.58				231.61	232
Mortise lock exit device	1.00	Each	112.84	408.67				521.52	522
Aluminum threshold / single door	1.00	Each	48.15	133.75				181.90	182
Weatherstripping / single door	1.00	Each	190.05	107.00				297.05	297
** Total Door hardware			701.31	1,007.55					1,709
Interior painting									
Paint exterior door	2.00	SIDE	163.35	68.26				115.80	232
Paint exterior door frame	1.00	EACH	85.56	23.44				109.00	109
** Total Interior painting			248.91	91.70					341
Steel coatings									
Paint metal finishes	5.00	SQS	2,246.00	604.64		500.00		670.13	3,351
** Total Steel coatings			2,246.00	604.64		500.00			3,351
* Total General Construction	1.00	LS	98,189.65	28,869.46	21,508.50	8,755.00		157,322.61	157,323

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Detail - With Taxes and Insurance

Estimator : JBrockington
Project Size : 0 SQFT

Group 1: Bid packages
Group 2: MasterFormat 2012

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Eqp.	Proc. Eqp.	Unit Cost	Total Cost
Masonry									
Mason's scaffolding	2.00	EACH			3,500.00			1,750.00	3,500
Masonry GC's (5%)	1.00	LSUM			625.00			625.00	625
Masonry OH&P (15%)	1.00	LSUM			1,970.00			1,970.00	1,970
Masonry Bond (1.5%)	1.00	LSUM			225.00			225.00	225
** Total Masonry					2,820.00	3,500.00			6,320
Masonry cleaning and restoration									
Clean face brick	20.00	SQFT	108.73					5.44	109
Brick and concrete cleaning	380.00	SQFT	2,066.00			75.00		5.63	2,141
** Total Masonry cleaning and restoration			2,174.73			75.00			2,250
Mortar and accessories									
Brick masonry repointing	20.00	LNFT	3,624.56	13.34		60.00		184.89	3,698
** Total Mortar and accessories			3,624.56	13.34		60.00			3,698
Mortar									
Mortar	1.00	CUYD	99.76	78.90		50.00		228.66	229
Add for color mortar	1.00	CUYD		138.25				138.25	138
** Total Mortar			99.76	217.15		50.00			367
Bricks									
Standard size face brick	552.00	PCS	1,034.88	360.29		250.01		2.98	1,645
Add for stacked bond	20.00	SQFT	217.47					10.87	217
Add for concave joint	20.00	SQFT	120.82					6.04	121
** Total Bricks			1,373.17	360.29		250.01			1,983
Cold fluid applied waterproofing									
Masonry sealing	380.00	SQFT	1,230.01	270.39		75.00		4.15	1,575
** Total Cold fluid applied waterproofing			1,230.01	270.39		75.00			1,575
* Total Masonry	1.00	LS	8,502.23	861.16	2,820.00	4,010.02		16,193.41	16,193

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Detail - With Taxes and Insurance

Estimator : JBrockington
Project Size : 0 SQFT

Group 1: Bid packages
Group 2: MasterFormat 2012

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Eqp.	Proc. Eqp.	Unit Cost	Total Cost
Roofing and Flashing									
Selective structure demolition									
Demo asphalt and gravel roof	90.00	SQFT	1,432.36	10.28		150.00		17.70	1,593
Remove roof hatch	1.00	EACH	397.88	2.85		50.00		450.73	451
** Total Selective structure demolition			1,830.23	13.13		200.00			2,043
Roof blocking									
Roof curb 2x6 PT for access hatch	1.00	EACH	477.45	113.85		75.00		666.30	666
Perimeter 2x6 PT roof blocking	48.00	BDFT	1,413.88	46.27				30.42	1,460
** Total Roof blocking			1,891.33	160.12		75.00			2,126
Board insulation									
3" polyisocyanurate insulation	102.00	SQFT	143.23	269.51		50.00		4.54	463
** Total Board insulation			143.23	269.51		50.00			463
Membrane roofing									
* Roof area *	102.00	SQFT							
Mineral fiberglass roof coverboard	102.00	SQFT	324.69	179.13		50.00		5.43	554
** Membrane roof area **	1.02	SQS	324.69	179.13		50.00			554
Ethylene propylene diene monomer roofing									
Fabric reinforced EPDM	1.02	SQS	974.00	695.44		250.00		1,881.81	1,919
Roofing GC's (5%)	1.00	LSUM		550.00				550.00	550
Roofing OH&P (15%)	1.00	LSUM		1,750.00				1,750.00	1,750
Roofing Bond (1.5%)	1.00	LSUM		200.00				200.00	200
** Total Ethylene propylene diene monomer ro			974.00	3,195.44		250.00			4,419
Flashing and trim									
.020 aluminum sheetmetal	80.00	SQFT	931.62	79.55		50.00		13.26	1,061
** Total Flashing and trim			931.62	79.55		50.00			1,061
Hatches									
Roof hatch, 4' x 4' aluminum	1.00	EACH	1,591.51	1,375.66		300.00		3,267.17	3,267
** Total Hatches			1,591.51	1,375.66		300.00			3,267
* Total Roofing and Flashing	1.00	LS	7,636.61	5,272.54		975.00		13,934.15	13,934

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Detail - With Taxes and Insurance

Estimator : JBrockington
Project Size : 0 SQFT

Group 1: Bid packages
Group 2: MasterFormat 2012

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Eqp.	Proc. Eqp.	Unit Cost	Total Cost
HVAC									
Fans									
Thermostat	1.00	EACH	108.44	186.69				295.13	295
Exhaust Fan, EF-1, 100 CFM	1.00	EACH	985.83	802.50	250.00			2,038.33	2,038
** Total Fans			1,094.27	989.19	250.00			2,333	2,333
Diffusers, registers and grilles									
Louver, L-1, 18" x 18"	1.00	EACH	394.33	408.66		100.00		903.00	903
** Total Diffusers, registers and grilles			394.33	408.66		100.00		903	903
* Total HVAC	1.00	LS	1,488.60	1,397.85		350.00		3,236.46	3,236

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Detail - With Taxes and Insurance

Group 1: Bid packages
Group 2: MasterFormat 2012

Estimator : JBrockington
Project Size : 0 SQFT

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Eqp.	Proc. Eqp.	Unit Cost	Total Cost
Electrical									
Section 26 05 00 Demolition &									
Miscellaneous	****								
Electrical Demolition	1.00	LS		3,150.00				3,150.00	3,150
Lighting	****								
LXEM Ceiling Mount	1.00	EA		515.00				515.00	515
Hubbell Floodlight	1.00	EA		465.00				465.00	465
Exterior Lighting Fixture	1.00	EA		465.00				465.00	465
Panelboards And Transformers	****								
120/208 16 CKT PANEL 100A	1.00	EA		1,780.04				1,780.04	1,780
Conduit and Wire	****								
3/4" RGS Conduit	150.00	LF		1,986.00				13.24	1,986
1" RGS Conduit	20.00	LF		337.40				16.87	337
#12 THHN Wiring	800.00	LF		928.00				1.16	928
#6 THHN Wiring (Line Side VFD)	30.00	LF		56.10				1.87	56
3" RGS Conduit w/ weatherhead	10.00	LF		495.50				49.55	496
2/C #18 THHN	40.00	LF		43.20				1.08	43
#14 THHN	200.00	LF		144.00				0.72	144
#8 THHN	50.00	LF		93.50				1.87	94
#2 THHN	200.00	LF		654.00				3.27	654
1-1/2" RGS Conduit	50.00	LF		1,066.50				21.33	1,067
Motor and Misc. Terminations	****								
Attaching cables (CADWELD, crimps, bolts)	4.00	EA		410.00				102.50	410
Grounding	****								
Grounding Cable #2 Bare	100.00	LF		306.00				3.06	306
Grounding Rods 10 FT 3/4" dia.	3.00	EA		750.00				250.00	750
Trenching	100.00	LF		1,050.00				10.50	1,050
Utility Fees	****								
Utility Fees (Eversource)	1.00	LS		5,000.00				5,000.00	5,000
General	****								
GFCI Duplex Outlet	3.00	EA		386.25				128.75	386
Weatherproof Switch Cover	2.00	EA		205.00				102.50	205
Switch	2.00	EA		205.00				102.50	205
Junction Box for Instruments	1.00	EA		305.00				305.00	305
Misc. Fittings, Conduit adapters, etc.	1.00	LS		825.00				825.00	825
Main Circuit Breaker 100A	1.00	EA		715.00				715.00	715
SELECTOR SWITCH CONTROL	1.00	EA		510.00				510.00	510
STATION H/O/A WITH ENCLOSURE									
Meier Socket with Manual Bypass 3R	1.00	EA		410.00				410.00	410
Outdoor Rated									
Generator Manual Transfer Switch 100A Rated	1.00	EA		1,420.00				1,420.00	1,420
Generator Plug Receptacle 100A Rated	1.00	EA		410.00				410.00	410
Window Mounted Fan 20A Disconnect	1.00	EA		305.00				305.00	305
Instrumentation and Controls/SCADA	****								
Panel Modification Parts	1.00	LS		550.00				550.00	550
Panel Modification Labor	1.00	LS		700.00				700.00	700
Submersible Pressure Transducer	1.00	LS		1,110.00				1,110.00	1,110

Estimate Detail - Newton MA - Forest Grove Pump Station Upgrades

#354-18

Detail - With Taxes and Insurance

Estimator : JBrockington
Project Size : 0 SQFT

Group 1: Bid packages
Group 2: MasterFormat 2012

Description	Quantity	UM	Labor	Material	Subcontract	Cons. Eqp.	Proc. Eqp.	Unit Cost	Total Cost
Integration Cost W&C	1.00	LS			5,100.00			5,100.00	5,100
24VDC Relay for Fault Status VFD	1.00	EA			155.00			155.00	155
Electrical Subcontractor		****							
Electrical GC's (5%)	1.00	LSUM			1,650.00			1,650.00	1,650
Electrical OH&P (15%)	1.00	LSUM			5,200.00			5,200.00	5,200
Electrical Bond (1.5%)	1.00	LSUM			600.00			600.00	600
** Total Electrical					40,456.49			40,456.49	40,456
* Total Electrical	1.00	LS			40,456.49			40,456.49	40,456
Total Gross Cost			115,867.10	36,401.02	64,784.99	14,080.01			231,143



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#356-18

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May 29, 2018

RECEIVED
NEWTON CITY CLERK
2018 MAY 30 AM 11:57
David A. Olson, Clerk
Newton, MA 02459

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to transfer the sum of \$150,000 from Acct # 0110498-5790 FY18 Current Year Budget Reserve for the purpose funding the repair/replacement of Streetlights that have been out of service for many years due to underground problems.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor