



# **Public Facilities Committee Report**

## **City of Newton**

### **In City Council**

**Wednesday, July 18, 2018**

**Present:** Councilors Crossley (Chair), Leary, Norton, Kelley, Gentile, Danberg, Laredo, Lappin, Noel, Cote,

City staff Present: Commissioner of Public Works Jim McGonagle, Chief Operating Officer Jonathan Yeo, Commissioner of Public Buildings Josh Morse, Associate City Solicitor Alan Mandl, Acting City Solicitor Ouida Young

*The Committee met jointly with the Finance Committee to discuss the following item:*

#### **Referred to Public Facilities and Finance Committees**

**#410-18      Appropriate \$100,000 for schematic design study for potential boiler projects**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from budget Reserve to the F.A. Day/Bigelow Boiler Replacement Account for the purpose of paying costs of conducting schematic design studies at F.A. Day Middle School and Bigelow Middle School for potential boiler replacement projects for which the City may be eligible for a grant from the Massachusetts School Building Authority.

**Action:**      **Public Facilities Approved 5-0 (Councilors Norton, Leary not Voting)**

**Note:**      Commissioner of Public Buildings Josh Morse presented the request to transfer \$100,000 from budget reserves to fund schematic design for the replacement of boilers at the F.A. Day and Bigelow middle schools. On February 12, 2018, the Council approved submission of the Statement of Interest to the MSBA for the boiler replacement project. The MSBA has accepted the Statement of Interest. Once the request for \$100,000 for design funds is approved, written notice will be sent to the MSBA and the design process may begin. The Commissioner stated that prior projects have received approximately 40% of the project cost from the MSBA. He noted that MSBA will assign the designer and project manager and it is anticipated that the project can be bid in Spring 2019 for construction in Summer 2019. The Commissioner confirmed that the total project construction budget is estimated at \$1 million dollars. The request for \$100,000 represents 10% of the total project cost and will produce design and construction documents. Committee members expressed no concerns relative to the request. Councilor Kelley motioned to approve the item in Public Facilities and Councilor Cote motioned to approve the item in Finance. Both motions carried unanimously.

**#324-18      President Laredo's appointment of Robert Hnasko to the Design Review Committee**  
Robert Hnasko, 49 Miller Road, Newton Centre, appointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021.

**Action:**      **Public Facilities Held 6-0**

**#384-18 Appointment of Puja Vohra to the Citizens Commission on Energy**

HER HONOR THE MAYOR appointing PUJA VOHRA, 130 Day Street, Newton, as a member of the CITIZENS COMMISSION ON ENERGY for a term to expire June 15, 2021. (60 days: 8/17/18)

**Action:** Public Facilities Approved 7-0

**Note:** Ms. Puja Vohra introduced herself to the Public Facilities Committee and expressed her excitement to be appointed to the Energy Commission. Ms. Vohra's background includes over 18 years of work experience collaborating with municipalities to reduce energy use and greenhouse gas emissions. Ms. Vohra expressed a passion for analyzing the environmental impact of building design and noted that she is looking forward to working with the Energy Commission. Committee members expressed gratitude to Ms. Vohra for volunteering. Councilor Danberg moved approval and the Committee voted unanimously in favor.

**#385-18 Appointment of Jonathan Klein to the Citizens Commission on Energy**

PRESIDENT LAREDO appointing JONATHAN KLEIN, 107 Woodward Street, Newton Highlands, as a member of the CITIZENS COMMISSION ON ENERGY for a term to expire June 30, 2021. (60 days: 8/17/18)

**Action:** Public Facilities Approved 7-0

**Note:** Mr. Klein introduced himself to the Committee and expressed his interest in serving on the Energy Commission. Mr. Klein noted that his background includes experience in electrical engineering, business design and technology with an emphasis on new technology adoption. Mr. Klein is enthusiastic about serving on the Energy Commission and believes that his experience will be beneficial in implementation of new energy saving measures. Committee members were appreciative of Mr. Klein volunteering to serve on the Energy Commission and a Councilor noted that Mr. Klein has been actively attending Energy Commission meetings. Councilor Norton moved approval of the appointment which carried unanimously.

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

**Action:** Public Facilities Approved 7-0

**Note:** Committee members reviewed a draft of the Procedures and Standards on June 6, 2018. At that meeting on June 6, 2018, questions and concerns were raised and the Committee held the item to allow additional revisions to the draft. After the Committee meeting, several internal meetings were held to discuss and resolve remaining issues. The Chair worked with City Solicitor Ouida Young, Associate

City Solicitor Alan Mandl and Councilor Baker to prepare a revised draft of the Procedures and Standards for Wireless Telecommunication Equipment, and to inform several outstanding matters.

Associate City Solicitor Alan Mandl drafted a memo corresponding to the red-lined Draft Procedures and Standards (both documents are attached). The Chair led the Committee through the final draft of the Procedures and Standards, using the memo to explain how and why open issues were resolved as presented. It was noted that the red-lined version of the draft Procedures and Standards includes several edits made by Verizon Wireless representatives, which were also reviewed.

Application Fees/Batch Applications – To be discussed as a future matter.

Peer Review – Reserved for exceptional circumstances at the discretion of the Public Facilities Committee

Clarification of Appeals & Reconsideration – Atty. Mandl noted that if the decision is considered a recommendation and not considered to be “final”, there is some flexibility which allows the City to work with the utility to reconsider. A petition still pending may be reconsidered by the Committee within 30 days.

Sensitive Locations – The application will be a guide for applicants and make clear when a location is sensitive. Pre-application meetings will not be required.

Historic Districts – the drafting relative to Historic Districts was discussed extensively with Councilor Baker, which resulted in no changes to the previous draft. Committee members made no changes to the draft language.

Underground Utility Location - Committee members questioned the revised language pertaining to the undergrounding of utility poles. It was noted that the draft language would allow the wireless telecommunication equipment to remain on an existing utility pole that is scheduled for removal, even when a new pole is to replace it. Committee members discussed whether the draft language was necessary and/or appropriate. The City’s consultant, Comm-Tract President Bryan Hopkins, noted that A wireless company’s private agreement with the pole owner must change when a pole is scheduled to be removed. The Committee is also cognizant of Verizon Wireless’ need and desire to provide seamless coverage. Committee members agreed that the language should allow the transference of wireless equipment when a pole is scheduled for removal and replacement. However, but, when a pole is to be removed and not replaced, the telecommunication company may return for a new grant of location. Verizon Wireless Representatives were in agreement that the revised language IS satisfactory.

Radio Frequency Emissions – The City will require certification of compliance from the utility company.

Electric meters on utility poles – this section, which included language that would prohibit meters on utility poles, was removed. The Law Department noted that Eversource currently requires meters on utility poles. It was also noted that the City may ask Eversource and/or the DPU to clarify whether electric meters may be prohibited. This will be discussed as a future matter.

Noise – Regarding equipment noise, Committee members discussed use of the terms “silent” vs “as little noise as is technically feasible and commercially practicable”. City Solicitor Ouida Young explained that while use of the word “silent” is subjective, the City may require the utility to comply with the noise ordinance, providing an objective standard.

Insurance and Indemnification Requirements – Has been removed from the proposed language as it is not necessary for wireless telecommunication equipment.

Trees – Installation of equipment within the drip line of a tree will be AT the discretion of the Tree Warden.

The Committee discussed interest in establishing a Utilities Commission to address the creation of a Citywide plan that coordinates the map of coverage gaps with existing and potentially available public spaces where the City may prefer to locate wireless telecommunication equipment.

The Chair noted that in order to pass the Procedures and Standards, the Council must simultaneously approve the proposed fees (currently pending before the Finance Committee). It is the expectation that the Council may consider both items in September. The next priority is completion of the application which has been drafted but must be reviewed for consistency by the Engineering and Law Departments.

Future Matters will include; whether and when to implement batch application fees (separate docket item), coordination of Procedures & Standards with a new section of the Street Design Guide, whether the noise ordinance should be amended in light of these standards, implementation of fines and evaluating whether electric meters can be banned on poles.

Committee members acknowledged the extensive efforts over the course of the year on behalf of the Chair relative to the draft documents. Councilor Laredo motioned to approve the draft Procedures and Standards as amended which carried unanimously.

***Chairs Note:*** *The Department of Public Works will present an overview of the City’s Vehicle Replacement Program.*

**Note:** Commissioner of Public Works Jim McGonagle presented an overview of the Vehicle Replacement Program (attached). The Commissioner stated that the Mayor is committed to a program to replace the City’s vehicle fleet with more efficient vehicles. The Commissioner noted that the City fleet (excluding Police and Fire) contains 279 vehicles with an estimated replacement cost of \$29 million dollars. The average age of the City’s vehicles is 10.6 years and approximately 33% are over 10 years old. The Commissioner noted that it is the intent to lower the average age to 4 years old (4-6 years is ideal). He stated that vehicle replacement has historically occurred when a vehicle has died, which is not cost effective as expensive repairs may have already occurred.

The Commissioner presented an overview of various efforts to replace the fleet with more energy efficient equipment. He noted that the City currently has increased the number of electric vehicles to 6 compared with 1 last year. Additionally, the City is working to more efficiently utilize vehicles. An Electric Vehicle Motor Pool has been implemented to allow shared use of City vehicles to multiple departments (minimizing the amount of time a car is sitting without being operated). Commissioner McGonagle explained that in order to meet Green Community standards, the City's vehicles must also meet specific requirements. He noted that the City is anticipating that Eversource will be funding the installation of conduit for Electric Vehicle charging stations, which can cost up to \$30,000 depending on the length of conduit. The Commissioner noted that the City is installing additional electric vehicle charging stations in the War Memorial and will be installing conduit in West Newton Square for future stations.

The Commissioner noted that the current sedan fleet includes 45 small and midsize vehicles with an average age of 8 years. 24% are over 10 years old. The City's medium to heavy duty vehicles (dump trucks, loaders, street sweepers) have an average age of 8.3 years. The Commissioner explained that the vehicles have varied replacement cycles depending on the age of the vehicle, mileage and hours driven. He anticipates that an investment of \$2.5 - \$3.0 million dollars (10%/year) can bring the average age down. The Commissioner is confident that the City's fleet will consist of only electric vehicles (excluding emergency vehicles) within the next 10 years. The Commissioner demonstrated a replacement plan (shown in the attached presentation) and noted that the number of vehicles purchased each year is dependent on the cost of the equipment. He noted that a small electric vehicle can cost \$15,000 while heavy equipment can cost up to \$450,000. Committee members questioned whether the City is considering leasing or renting vehicles. The Commissioner confirmed that the City is working with a rental company to evaluate opportunities for leasing vehicles. He noted that it is possible that leasing of electric vehicles from private companies may achieve some savings from incentives for purchasing electric vehicles. The Commissioner noted that the City is using heavy equipment that uses alternate fuel (i.e. B20 – 20% biodiesel, cooking oil) and may consider the use of other alternate fuel vehicles in the future.

Committee members were appreciative of the development of a plan and expressed gratitude to the Commissioner. Committee members questioned whether other communities have implemented vehicle replacement plans. The Commissioner confirmed that he is not aware of other communities who have established vehicle replacement plans but noted that the City is looking forward to promoting the Vehicle Replacement Plan.

***Chairs Note:*** *The Chair will entertain a discussion on an update on the status of the Crescent Street Housing Project.*

**Note:** The Chair provided an update on the status of the Crescent Street Housing Project. It was noted that after the Community Preservation Committee issued its memo noting critical and recommended changes to the project, the Chair of the Crescent Street Working Group noted that the working group INTENDS to redesign aspects of the project to reduce the cost, including; reducing the size of the units, removing the elevator, removing the exterior stairs, and as well as deed restrict all of the units as affordable. It is expected that the same designer will be used and the footprint will be

maintained. If a new plan is put forward and the administration wishes to move forward, the project may return to the Public Facilities Committee to go through the 5-58 process.

The Committee adjourned at 9:27 pm.

**Respectfully Submitted, Deborah Crossley**



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To: Public Facilities Committee  
From: Ouida Young, Acting City Solicitor  
Alan Mandl, Assistant City Solicitor  
Date: July 12, 2018

Re: Grant of Location Procedures and Standards for Wireless Communications Facilities  
#42-18

These Procedures and Standards were considered during the Committee's June 6, 2018 meeting. A draft was presented for discussion. The item was held for further consideration.

After the June 6, 2018 meeting, further input was provided by Verizon Wireless. The Law Department, Councilors Baker and Crossley, and City consultant Bryan Hopkins (Comm-Tract) reviewed and discussed changes to the proposed Procedures and Standards and a revised draft has been prepared.

Attached are a redlined document which shows the changes made to the June 6<sup>th</sup> draft and a clean copy of the proposed draft dated July 12.<sup>th</sup>

**Summary of Standards Revisions and Recommendations**

This is a summary of the Procedures and Standards that have been the subject of comments and discussion at and since the June 6<sup>th</sup> meeting. At the end of the summary are recommendations for future action.

- **Application Fees/Batch Applications:** The batch application standard has been removed due to opposition at the June 6<sup>th</sup> meeting. The application fee recommendation of \$500 per location remains and was submitted to the Finance Committee for its review (Part III(G) at p.4). See Future Matters.

- **Peer review-** The peer review provision is unchanged. Peer review should be reserved for exceptional circumstances, such as situations when outside expertise is needed to inform the City Council’s decision (Part III(H) at p.4).
- **Clarification of appeals and reconsideration-** Edits have been made to clarify that if an applicant seeks reconsideration of a City Council decision, that decision will be treated as a proposed and not a final decision. This clarification avoids the need for the applicant to seek judicial review pending the outcome of its request for reconsideration. We recommend that this clarification be accepted (Part III(N) at p.7).
- **Sensitive Locations-** As discussed, pre-application meetings will be voluntary. The application form will reveal whether a proposed pole attachment is a sensitive location, as described in the Standards (Part 4(B)(2) at p.10). After further internal discussion, no change is recommended to “directly in front of, and in close proximity to, a residence” (Part 4(B)(2) at p.10). Councilor Baker suggested that the City make available to applicants maps of sensitive areas, such as historic districts, scenic roads, village entrance points and underground utility districts. It is recommended that these materials be made readily available to interested parties. See Future Matters.
- **Historic Districts-** The provision dealing with proposed locations within Historic Districts was accepted and has not been changed (Part 4(B)(3) at p.10).
- **Underground Utility Locations-** The standard has been revised. Poles shall not be installed for wireless communications purposes in locations where cable, electric and telecommunications facilities are located underground (Part 4(B) at 11). If there is an existing City-owned streetlight pole in an underground utility location, a wireless service provider would need to obtain DPW Commissioner approval of a proposed attachment, enter into a license agreement with the City and obtain a grant of location subject to these Procedure and Standards. Any other applicable permitting requirements (electrical, etc.) would also apply.
- **Radio Frequency Emissions-** The previous draft has been revised. Based on further discussions, the current draft tracks federal limitations on municipal authority and adds a requirement that the wireless service provider certify that its facilities do and will comply with the FCC’s RFE standards (Part 4(C) at p.11).
- **Electric Meters on Utility Poles-** The previous draft has been revised. Adoption of the current language is recommended. The Law Department confirmed with Eversource that its current practices require meters on poles where wireless communications facilities are attached. Further research turned up inconsistent information on whether the City of Boston ever banned these meters. The most recent information is that Boston allows these meters. The draft Standards allow the City Council to adjust the lowest point of



attachment depending on whether an electric meter is required (Part 4(D)(7) at p.14). See Future Matters.

- **Noise-** The previous draft has been revised. In response to the discussion at the June 6<sup>th</sup> meeting and further review, the current draft requires silent or close to silent equipment and states that in no case may the equipment exceed applicable City Code noise limitations (Part 4(D)(7)(g) at p.17). See Future Matters.
- **Insurance and Indemnification Requirements-** Following additional internal discussion, it is recommended that these requirements be removed from the Standards. The rationale for removing these requirements is that (1) they are not expected to afford the City additional protection; (2) they have not been deemed necessary in the case of electric company poles and attachments; (3) administration of insurance requirements would be burdensome; and (4) if City-owned streetlight poles are involved, the City may require insurance and indemnification terms (Part 4(D) (8)(g)(iii) and (g)(v) at pp.20-21).
- **Trees-** As previously discussed, locating wireless equipment within the drip line of a tree would be left to the discretion of the Tree Warden (Part IV (G)(8)(d)(iii) at p. 20).
- **Verizon Wireless suggested edits-**at pp.11,12,13,14,15, 17,19, 20 (Part 4-D, Part 4-F, Part 4-G (4), (5), (7a,7b, 7g,7h, 7k, 7n), 8d, 8g (4) have been reviewed by Comm-Tract. The proposed draft reflects Comm-Tract’s recommendations.

## **Future Matters**

**Application Form:** A draft is attached. It will be finalized once the grant of location Procedures and Standards are finalized. The Procedures direct that the application form will be provided by the Commissioner of Public Works. Planning and Development has assisted in developing the application form.

**Batch Applications:** Batch applications and related fees are recommended for future consideration. Batch applications would make it easier for a wireless service provider to improve service in parts of the City where substandard wireless service adversely affects the community has raised public safety concerns regarding emergency situations and 911 calls. This issue requires attention as more users have dropped landline phones and depend upon wireless service. The City Council can consider whether batch applications should be limited to geographic areas with substandard wireless service.

**Engineering Standards:** Existing City Code Chapter 23 grant of location engineering standards should be reviewed and revised in light of City policies

(safety, aesthetics, etc.).

- Planning Guidelines:** The City Street Design Guide should have a completed section on wireless attachments in the public way. It should include pole diagrams, photos of poles and a related narrative that would assist wireless service providers in designing and positioning their pole attachments in a manner consistent with the City Council’s grant of location standards. In concert with DPW, Planning and Development and the wireless industry, the City should consider appropriate designs for wireless attachments to City-owned streetlights and appropriate streetlight pole structures in the event of future licensing of attachment space.
- Noise Standards:** The City Council may review and revise the City Code in order to specifically address noise emissions from wireless and other pole attachments.
- Meters:** If the City Council wants to explore a ban on the attachment of electric meters to utility poles in the public ways, it should, at a minimum, receive a legal review of municipal authority to impose a ban.
- City Code Fines:** Review the grant of location enforcement process and the application of fines under the City Code.
- Additional Attachments:** The City must comply with federal law regarding the review of additional wireless attachments to a pole with existing wireless attachments. Procedures and Standards have been drafted for future review and are coordinated with G.L.c.166, §22 requirements.
- City-Wide Plan:** The Committee may wish to recommend that the City develop a wireless infrastructure plan. The increased deployment of wireless facilities, the evolution of technology and the growth of services available through wireless highlight the need for a wireless infrastructure plan.
- Attachments:** Draft Procedures and Standards dated July 12, 2018 (clean and redlined copies)  
Draft Application Form

**PROPOSED DRAFT DATED JULY 12, 2018**

**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~~ deny a request to place, construct, or modify personal wireless service facilities on the basis of location orders upon environmental effects of radio frequency emissions from wireless to the extent that

such facilities comply with the Federal communications facilities in the public ways- Commission’s (“FCC”) regulations concerning such emissions.

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~~and 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.~~

~~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 to the Applicant by the City Clerk as soon as possible, and in all cases 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. If such notice is not provided to the Applicant within such thirty (30) day period, the application shall be deemed complete.

**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.~~

**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.

**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 Clerk 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. Copies of these written reports shall be furnished by the City Clerk to the

applicant. 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. Where a proposed location is in an historic district, the Planning and Development Department may also receive input from an Historic Planner, subject to limiting such input to the application of these Standards by the City Council. See Section IV (B)(3) for separate review by an Historic District Commission for locations in an historic district.

**J. Notice of Public Hearing**

Notice of the public hearing on a grant of location application ~~must~~will 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 [hearingmeeting](#) 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. If the Applicant files a petition for reconsideration, it has the effect of suspending the final decision, which shall then be treated for all purposes as only a proposed decision, until the petition for reconsideration is resolved. 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 final 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 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 as part of a decision on a grant of location.
- (7) **Monopole** for purposes of these procedures and standards means a structure taller than 40 feet high 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 [Street Design Guidelines](#).

3. **Historic Districts-** Applicants are encouraged to avoid pole locations within an historic district. The applicant shall disclose in its [grant of location](#) Application whether a proposed location is within an historic district ~~and what, if, any certificates are needed from.~~ [If the proposed location is within an historic district commission. In order to best assure consistency between historic district commission and City Council decisions regarding an Application,](#) the applicant ~~shall is encouraged either to~~ (a) file for ~~and obtain~~ a certificate [of appropriateness, hardship or non-applicability](#) from an historic district commission prior to filing its grant of location ~~application~~ [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 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 [grant of location](#) 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 which is conditioned~~ upon the applicant's ~~provision of obtaining~~ a certificate from the historic district commission-. [If the City Council issues a grant of location prior to commencing construction a vote of an historic district commission on an application for a certificate, the applicant shall provide a copy of the City Council's grant of location order to the historic district commission prior to the historic district commission's vote on its application for a certificate.](#)
4. **Underground Utility Districts--** [Poles shall not be installed for wireless communications purposes in locations where cable, electric and telecommunications facilities are located underground. If there is an existing City-owned streetlight pole in such a location, a party wishing to attach Wireless Communications Facilities shall not be permitted in an underground utility district and shall be subject to removal to such a pole must obtain a license agreement or other required permission from the City in addition to a grant of location 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. these Procedures and Standards.](#)
5. **Locations Outside of Public Ways-** The placement of Wireless Communications Facilities outside of the public ways is subject to review and approval under [the 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. As part of its application, the applicant shall provide a statement certifying that the proposed facility will comply with such requirements.~~

**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.~~minimum allowed. The Commissioner of the Department of Public Works, ~~upon a showing by~~at the request of 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 below the minimum allowed, 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~~ is not ~~have the option of attaching~~ reasonably feasible for it to attach 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. In such cases, a grant of location application also is required to attach to City-owned infrastructure.
- (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.
- (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 not authorized by the City Council 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:
- 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.
  - 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.
- (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:



- 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~~If 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.
- 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 and equipment shall be flush-mounted as close to the ~~extentsurface 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 use~~ 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, or unless the use of guy wires or support wires allows for an installation that furthers the objectives of these procedures and standards better than other practical alternatives that do not include the use of such 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 in such a manner~~ and at a height that will interfere with the public use of the public way or sidewalk. The Applicant shall 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~~The Applicant shall employ Wireless Communications Facilities that are ~~or close to either~~ silent or generate as little noise as is technically feasible and commercially practicable in ~~accordance with~~light of industry standards and equipment specifications. ~~The~~In all cases, 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~~demonstrate 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~~demonstrate 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~~during 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~~In the event a pole is not a double pole, and the pole owner no longer needs the pole for its own use and is proposing to remove the pole and not replace it, the Applicant shall have the right to remain on the pole pursuant to its grant of location, but shall reasonably cooperate in moving its equipment to another available and technically suitable pole if one is available and approved for the attachment of 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 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.~~

~~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)~~(iii) **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~~approved 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)~~(iv) **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~~the removal of a pole is made necessary by a change in the grade, alignment or width of any public way, or 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.~~

## 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-, 23-19 and 23-20. Conduit provisions under Chapter 23 may apply where an Applicant proposes to install conduit.

## VI. AMENDMENTS

The City Council may from time to time amend these Procedures and Standards in accordance with law and such amended Procedures and Standards will apply to subsequently filed applications.



# VEHICLE REPLACEMENT PLAN

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JULY 18<sup>TH</sup> 2018

JIM MCGONAGLE, COMMISSIONER OF PUBLIC WORKS

## REDUCE NEWTON'S CARBON FOOTPRINT

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- All electric sedan fleet
- City Hall Vehicle Pool
- Green Communities Act compliance

# MOVE TOWARDS AN ALL ELECTRIC SEDAN FLEET

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- Purchase on average 3 electric sedans a year
- Reduce carbon footprint by increasing amount of electric and alternate fuel vehicles
- Increased number of electric charging stations at City Hall and other locations
- Increased fuel efficiency
- Dramatically increased vehicle safety, efficiency and reliability



# PRIMARY DEPARTMENTS THAT WILL PARTICIPATE IN MOTOR POOL

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- Public Works
- Assessing
- Health and Human Services
- IT
- Planning
- Executive
- Human Resources
- Law
- Library



# CURRENT SEDAN FLEET

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City Hall Departments that Currently Own Sedans

- Public Works
- Parks and Recreation
- Health and Human Services
- Inspectional Services

City-Wide Sedan Fleet

- 45 small and mid-sized sedans
- Average Age – 7.7 years old
- 24% over 10 years old

# CURRENT MEDIUM TO HEAVY EQUIPMENT FLEET

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- Total Number of Vehicles: 234
- Average Age: 8.3 years old
- Recommended Life Cycle: 10 years
- 35% over 10 years old

# TOTAL FLEET INVENTORY

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- Total Number of Vehicles: 279
- Total Replacement Value: \$330 million
- Average Age: 8.2 years old
- 33% over 10 years old

# REPLACEMENT SCHEDULE

Vehicle Category	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29
Sedans	11	0	3	4	7	1	4	1	2	4	7
Vans/SUVs	4	1	1	1	0	2	1	2	2	26	3
Pickups	4	0	0	1	1	0	3	8	10	12	2
Light Duty	17	2	5	3	5	0	0	2	1	4	8
Medium Duty	1	2	3	4	2	0	3	0	0	0	4
Heavy Duty	6	10	5	6	9	14	12	6	7	2	4
<b>Total Vehicles</b>	<b>43</b>	<b>15</b>	<b>17</b>	<b>19</b>	<b>24</b>	<b>17</b>	<b>23</b>	<b>19</b>	<b>22</b>	<b>48</b>	<b>28</b>
<b>Total Cost*</b>	<b>\$ 2,510,000.00</b>	<b>\$ 2,510,000.00</b>	<b>\$ 2,590,000.00</b>	<b>\$ 2,780,000.00</b>	<b>\$ 2,745,000.00</b>	<b>\$ 2,803,000.00</b>	<b>\$ 2,690,000.00</b>	<b>\$ 2,730,000.00</b>	<b>\$ 2,526,000.00</b>	<b>\$ 2,525,000.00</b>	<b>\$ 2,289,000.00</b>

\*Inflation not included