

## Section 4.16 WIRELESS COMMUNICATION FACILITIES

1. **Purpose.** It is the purpose of this section to regulate wireless telecommunication facilities in order to provide the benefits of an integrated and modern communications network for residents, businesses and travelers in the Town of Reading, while minimizing the associated economic, environmental, and cultural impacts.
2. **Applicability.** Wireless telecommunications facilities are allowed throughout the Town of Reading subject to conditional use approval by the Board of Adjustment in accordance with Section 5.2 and all other applicable provisions of these bylaws, except as specifically exempted under Subsection 3 or allowed under the de minimis review procedures in Subsection 4.
3. **Exemptions.** The following types of telecommunication facilities are exempt from review under the provisions of this Section:
  - a. An antenna used to transmit, receive, or transmit and receive communications signals on a developed lot if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.
    - (i) Notwithstanding, antennas of that size to be mounted on historic landmarks or structures listed on the State or National Register of Historic Places require conditional use approval by the Board of Adjustment in accordance with Section 5.2 and all other applicable provisions of these bylaws.
  - b. The regulation of a telecommunications facility, as defined in 30 V.S.A. § 248a, are exempt from municipal approval under this chapter when and to the extent jurisdiction is assumed by the Public Service Board according to the provisions of that section.
4. **De Minimis Impacts.**
  - a. Upon request of the applicant, the ZA will review wireless telecommunication facility applications to determine if the application will impose no impact or de minimis impact. A de minimis impact exists if the project meets the following criteria:
    - (i) The project consists of either collocation on a legally existing tower, upgrades to legally existing equipment, or similar projects; and,
    - (ii) The project does not involve the construction of new towers, extending the height of existing towers, new access roads or expansions of existing access roads, or similar projects.
  - b. Upon a determination that the above de minimis criteria are met, the ZA will approve the application in accordance with Section 6.0.5 provided that it meets all applicable criteria in Section 4.16.4.
  - c. If the ZA determines that an application will have more than a de minimis impact under the criteria established in this Section, the ZA will refer the application to the Board of Adjustment for conditional use review.
5. **Application Requirements.**

- a. In addition to information otherwise required under this ordinance for conditional use review, all applications for wireless communications facilities must include the following supplemental information:
  - (i) The name and address of the applicant, the record landowners, and any duly appointed agents of the landowners or applicants. If the applicant is not a natural person, the name of the business and the state in which it is registered shall be provided.
  - (ii) The name, address, and telephone number of the person to be contacted and authorized to act in the event of an emergency.
  - (iii) The names and addresses of the record owners of all abutting property.
- b. An application for a telecommunications tower or facility must include the signature of both the landowner and the telecommunications provider or the applicant must provide a copy of its lease/contract with an existing telecommunications provider. A permit must not be granted for a tower to be built on speculation.

#### **6. General Standards.**

- a. Before receiving a permit an applicant must demonstrate, through certification by a qualified Radio Frequency (RF) engineer, that the proposed facility will comply with all applicable Federal Communications Commission (FCC) rules governing RF radiation and interference. The Board may require post-construction monitoring to ensure compliance.
- b. Siting and design of communications facilities (including any support and maintenance structures, necessary access corridors, and utility lines) must avoid or minimize impacts on wildlife habitat and travel corridors, wetlands, rivers and streams, and other natural, scenic, and historic resources of the Town to the fullest extent possible.

The height limit for antennae, towers, and similar facilities must not exceed:

- (i) Twenty-five (25) feet above the average height of the trees within fifty (50) feet of the base of the tower in wooded or forested areas; or
- (ii) Twenty-five (25) feet above the average height of surrounding buildings within five hundred (500) feet of the base of the tower;
- (iii) Unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.

- Lighting must not be allowed unless specifically required by the Federal Aviation Administration (FAA), and, if required, lighting must be shielded from surrounding properties to the greatest extent possible.
- c. In the event that the use of a tower or other equipment is discontinued, the site must be restored to its natural condition, or to the condition that existed prior to construction or installation, as appropriate, within 180 days of discontinuance; the Board must require an applicant to secure a bond ensuring removal and site rehabilitation.
  - d. If feasible, wireless communications facilities must be located on existing structures, including but not limited to buildings, water towers, existing communications facilities, and utility poles and towers. An applicant for a new tower or support structure has the burden of demonstrating, to the satisfaction of the Board, that there are no existing structures on which it is feasible to locate. This demonstration must include, at a minimum:
    - (i) A map showing other FCC-licensed wireless communications facilities within the town and within ten miles of the proposed site;
    - (ii) A propagation study, showing why available structures cannot be used to attain the coverage necessary for the applicant to provide service to the town.
    - (iii) Collocating on or at an existing facility will result in a significant reduction of the area to be served or the capacity to be provided by the proposed facility or substantially impede coverage or capacity objectives for the proposed facility;
    - (iv) The proposed antennas and equipment will exceed the structural or spatial capacity of the existing or approved tower or facility, and the existing or approved tower or facility cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility;
    - (v) The owner of the existing facility will not provide space for the applicant's proposed telecommunications equipment on or at that facility on commercially reasonable terms; or
    - (vi) The proposed antennas and equipment will cause radio frequency interference that will materially impact the usefulness of other existing or permitted



*Figure 4.16.1: These photographs illustrate acceptable forms of stealth design. Note that the "monopine" towers in these two photos blend in with the surrounding trees and do not stick up above the tree line.*

- equipment at the existing or approved tower or facility and such interference cannot be mitigated at a reasonable cost.
- e. Stealth design may be incorporated into the siting, construction and maintenance of all new or replacement wireless telecommunication towers. Wireless telecommunication towers that are designed to look like the types of pine tree species that are native to New England are the only acceptable forms of stealth design in order to fit into Reading's landscape (see Figure 4.16.1). The Board of Adjustment will impose a permit condition to require appropriate stealth tower maintenance in perpetuity.
  - f. If a wireless communications facility is proposed for installation on an existing structure, other than on an existing wireless telecommunications tower, the application must demonstrate the following to the satisfaction of the Board under conditional use review:
    - (i) That there will be no undue impact to significant historical, cultural, or scenic resources, and that any alterations made to a State- or locally-designated historic structure to accommodate the facility are fully reversible;
    - (ii) That the siting of the facility must not endanger the lives, health, or property of surrounding landowners.
  - g. The applicant must request a letter from all emergency responders from Reading and adjacent towns stating whether or not they need space on the proposed tower and/or support structure at the base of the tower. If they do need space, then the applicant must state in writing that it will provide antenna and equipment space at no cost.