

CITY OF MEDFORD
INTERIM POLICY FOR
SMALL CELL WIRELESS INSTALLATIONS

[Amended: 8/28/2019]

Whereas, On September 27, 2018 the Federal Communications Commission (FCC) issued a Declaratory Ruling with the intent to streamline the installation of Fourth Generation (4G) and Fifth Generation (5G) “small cell wireless” communication system infrastructure; and

Whereas, The regulations, which significantly limit the ability of cities and towns to regulate “small cell wireless” infrastructures, took effect on January 14, 2019; and

Whereas, if a town or municipality fails to publish aesthetic standards and requirements pertaining to “small cell wireless” infrastructures by way of an ordinance or apolicy by April 14, 2019 it may not be able to impose certain restrictions, including but not limited to aesthetic requirements on “small cell wireless” infrastructures; and

Whereas, it is the intent of the Mayor of the City of Medford to propose an ordinance to the City Council of the City of Medford with the objective of striking a balance between preserving and protecting the character of the City through careful design, siting, and camouflaging techniques to blend these “small cell wireless” infrastructures “into their surrounding environment and provide other reasonable conditions on their placement and use, while concurrently enhancing the ability of small cell wireless facilities carriers to deploy small cell wireless facilities and wireless support structures in the City effectively and efficiently so that residents, businesses, and visitors benefit from enhanced wireless service; and

Whereas, as a result of various legal and legislative challenges to Declaratory Ruling, the status of the Declaratory Ruling has been uncertain for much of the time subsequent to its passage, the there is insufficient time to propose, discern and adopt an ordinance by April 14, 2019; and

Now Therefore, the Mayor of the City of Medford does hereby adopt and implement the following interim policy and guidelines.

1. Application Process

- a. Applications for approval of a “small cell wireless” infrastructure shall be submitted to the Ad Hoc Small Cell Committee through the Mayor’s Office

accompanied by the application fee of \$500 per application, payable to the City of Medford. The \$500 fee will cover up to 5 locations. Each application for more than 5 installations is subject to a separate fee of \$100 per installation. During this interim period at the end that no more than 3 applications may be submitted by an applicant per month.

- b. The applicant must pay for legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the abutters list within 300 feet of each pole location within the application. Notice shall also be given generally to the abutters by way of a telephone call or a text message that uses a computerized autodialer to deliver a pre-recorded message or its equivalent no less than 14 days prior to the hearing on the petition for a Special Permit setting forth the date, time and place of the hearing.
- c. Twelve (12) hard copies of the application and one (1) electronic copy of the application must be submitted to the Mayor's Office. No application will be accepted for review until all items listed in 2, below, have been submitted, as well as all fees and costs are paid.
- d. Upon receipt, the Mayor's Office shall: (1) date and time stamp the Application as received; and (2) make a determination as to completeness of the application and notify the Applicant, in writing within 10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the time periods set forth in the Policy shall be tolled until such time as a complete application has been submitted.
- e. The Mayor's Office shall also circulate a copy of the application to the following departments for comment and review: Building Commissioner; City Engineer; Director of the Office of Community Development; Director of the Board of Health and any other department that the Mayor, in her sole discretion, determines.
- f. Written comments from the persons set forth in paragraph 1(e) shall be submitted to the Mayor's Office within 20 days of circulation of the application.
- g. Once the application is deemed complete, and all comments have been received, the Ad Hoc Small Cell Committee will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within 60 days of receipt of the application, and on a new structure, within 90 days of receipt of the application.
- h. Any material changes to an application, as determined by the City Engineer, in his sole discretion, shall constitute a new application for the purposes of the time

standards. Where a changed or new application is submitted, the prior application shall be deemed withdrawn.

- i. Upon completion of the hearing, the Ad Hoc Small Cell Committee may grant, grant with conditions, or deny the application, based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, failure to meet applicable engineering standards, size and visibility of the equipment being installed, as well as the construction and placement of structures, the effect of the installation on the primary use of the pole, residential concerns, and aesthetic considerations.
- j. The City of Medford is particularly sensitive to the visual impacts of “small cell wireless” infrastructures. Therefore it shall implement and impose, on an interim basis, reasonable aesthetic standards pertaining to the size of the antenna, the equipment box, and/or related cabling; placement of equipment on support structures; establishing flush-mounting requirements and spacing requirements; and aesthetic measures such as paint matching or design matching for small wireless facilities in specific areas, camouflage and other concealment methods; and for residential areas, guidelines on structure heights and lengths, and minimum setback rules from dwellings, parks, or playgrounds or similar recreational areas.

AESTHETIC REQUIREMENTS ANTENNAS

Each “small cell wireless” infrastructures antenna shall be located entirely within a shroud or canister type enclosure.

Each antenna must be able to fit within an enclosure of no more than three (3) cubic feet in volume and all other wireless equipment associated with the wireless facility is cumulatively no more than 28 cubic feet in volume. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, vertical cable runs for the connection of power and other services.

All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the wireless support structure noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in any street, road, way or right of way must be noted in the application and must be approved by the City.

CABLES AND WIRES

All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

COLORS

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

EQUIPMENT ENCLOSURES/CONCEALMENT

Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.

Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS

Signage: The small cell wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

Lights: New small cell wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

Logos/Decals: The small cell wireless facility operator/permittee shall remove or paint

over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

Cooling Fans: In residential areas, the small cell wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small cell wireless facility operator/permittee shall use a cooling fan with a low noise profile.

- k. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small sell wireless location will require a new application and approval from the City. The renting, leasing, subletting or assigning by the applicant is prohibited.
- l. Only one small cell wireless facility shall be eligible to be approved on a poles and support structures. The City of Medford is desirous of reserving space on poles and support structures for future use by government or other public sector entities for public safety purposes and to allow for more prudent planning for future needs.
- m. The City of Medford reserves the right to charge higher fees from wireless providers on the basis of higher costs incurred. To that end it shall conduct regular and methodical cost studies for small cell deployments to both adjust fee calculations and to disclose the reasons for any fee/cost adjustments to wireless providers.

2. Content of Applications. Applications shall include the following information:

- a. Applicant's name, address, telephone number and email address.
- b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.
- c. Detailed drawings and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:
 - i. Type of equipment
 - ii. Specifications of equipment (including but not limited to dimensions and weight)
 - iii. Equipment mount type and material

- iv. Power source or sources for equipment, including necessary wires, cables and conduit
 - v. Expected life of equipment
 - vi. Coverage area of equipment, including:
 - 1. Amount of antennas
 - 2. Antenna model
 - 3. Antenna length
 - 4. RRU count and power
 - 5. Antenna height
 - 6. Typical coverage of area radius
 - vii. Call capacity of equipment, including:
 - 1. Total RRUs
 - 2. Max bandwidth per RRU
 - 3. MIMO per RRU
 - 4. Backhaul rate of RRU
 - viii. Hardening, including:
 - 1. If there is battery backup
 - 2. If there is generator backup
 - 3. If there are multiple fiber paths to switch
 - ix. Rendering and elevation of equipment.
 - x. Specifications and details regarding trench requirements; including:
 - 1. width and depth of trench,
 - 2. back fill material, and
 - 3. surface restoration.
 - xi. For all applications to locate small wireless facilities, the applicant shall provide photo simulations from at least two reasonable line-of-site locations near the proposed project site. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic.
- d. Detailed map with locations of the poles or other facility on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service.
 - e. Detailed map showing existing and proposed small cell installations within 500 feet of the Application site.
 - f. Certification by a registered professional engineer that the pole/or location will safely support the proposed equipment.
 - g. Written consent of the pole or facility owner to the installation.
 - h. Affidavit of a Radio Frequency Engineer or Radio Frequency Safety Officer with Massachusetts experience that demonstrates that the resulting radio frequency

emission levels from equipment installation at the proposed location(s) comply with the Federal Communication Commission's radio frequency (RF) emissions regulations as well as any Commonwealth of Massachusetts health and safety standards at the street level and at the nearest occupied building.

- i. Insurance Certificate in an amount as required by the City of Medford.

- j. Description as to why the desired location is superior to other similar locations from a community perspective, including:
 - i. Visual aspects
 - ii. Proximity to residential dwellings, schools, parks or playgrounds.

- k. Description of efforts to co-locate the equipment on existing structures, poles or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.

- l. An Affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and remove any installation not in such good repair, or not in use, within 30 days of being no longer in good repair or no longer in use.

- m. A written analysis indicating that the installation and location of the equipment will not interfere with the operation of the existing pole or its primary uses.

- n. A written analysis indicating how the installation of new equipment on existing poles will effect the integrity of the pole for public safety concerns.

- o. A written plan indicating the protocol for turning off wireless facilities when utility workers are present on poles, in order to limit their exposure to radio frequency emissions. The plan should also include a description of any warning signs that will be posted to alert utility workers to radio frequency exposure.

- p. A written plan indicating the response protocol to be implemented in the event that the equipment is damaged by a weather related event or due to an accident.

3. Annual Re-Certification of Affidavit

- a. Each year, no later than July 1, the equipment owner shall submit an affidavit which shall list by location, all small cell wireless installations it owns within the City of Medford by location and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance; and (3) each such installation which is no longer in use.

- b. The equipment owner shall pay an annual recertification fee of \$270 per installation which remains in use.
- c. Any small cell wireless installation which is no longer in use shall be removed by the owner within 30 days of receipt of the annual recertification affidavit at the owner's expense.
- d. Any small cell wireless installation which is not removed within 30 days after being listed as no longer in use in the annual recertification affidavit shall be subject to a fine of \$100/day until such installation is removed.
- e. Where such annual recertification has not been timely submitted, or equipment no longer in use has not been removed within the required 30 day period, no further applications for small cell wireless installations will be accepted by the City until such time as the annual recertification has been submitted and all fees and fines paid.
- f. If a pole on which a small cell wireless installation has been placed is to be taken down, it shall be replaced, if at all, within 30 days.

4. Prohibitions

- a. No small cell wireless installations shall be installed on double poles.
- b. No small cell wireless installations shall be installed on poles that do not meet sidewalk clearance requirements and standards. This includes horizontal and vertical clearances for pedestrian passage. Applicable requirements and standards may include, but are not limited to, ADA and MUTCD.
- c. No small cell wireless installations shall remain within the City right of way or on City property which has not been certified as in use in the annual recertification affidavit.
- d. No small cell wireless installation shall be installed on government-owned assets such as traffic lights, street lights and roadway infrastructure.
- e. No small cell wireless installation equipment shall be replaced or altered without a reapplication, hearing, and approval from the [Ad Hoc Small Cell Committee] unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.