W. Relating to Wireless Telecommunications Facility Siting

1. Section 4 (Performance Standards) of the Land Use Ordinance of the Town of Clinton is amended to add a new Subsection W to read as follows:

W. WIRELESS TELECOMMUNICATIONS FACILITIES.

1. Standards:

All Wireless Telecommunication Facilities, as defined in paragraph 2, shall meet and comply with the following standards

a. **Setbacks.** All wireless telecommunication towers shall be setback from any existing residential lot or public building by a distance of not less than 105% of tower height. Towers, guys and accessory facilities shall meet the minimum zoning district requirements.

b. **Building Codes & Safety Standards.** To ensure the structural integrity of telecommunications facilities, the owner shall ensure that it is designed, constructed, and maintained in conformance with industry standards and applicable federal, State, and local building, electrical, and safety codes. Unless it can be demonstrated that the tower is access secure and not a safety hazard, a security fence or wall not less than eight (8) feet in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate.

c. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other federal or state authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance of the surrounding properties and views.

d. **Screening and Buffers.** A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

e. **Color and Materials.** A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required by law, muted colors, earth tones, and subdued hues shall be used.

f. **Co-Location.** A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers.

2. Definitions:

As used in this Subsection and in Subsections C and F of Section 5, unless the context indicates otherwise, the following terms shall have the following meanings:

a. **Alternate Tower Structure:** "Alternate Tower Structure" means clock towers, bell steeples, light poles and water towers, and similar alternate-design mounting structures.

b. **Antenna:** "Antenna" means the system of any poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic frequency signals.

c. **Antenna Height:** "Antenna Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is the antenna. Measurement of tower height shall include antenna, base pad, and the appurtenances and shall be measured from the finish grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

d. **Co-Location:** "Co-Location" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

e. **Commercial Mobile Services:** "Commercial Mobile Services" means any mobile service that is provided for the profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by FCC regulations.

f. **Expansion:** "Expansion" means the addition of antem1as, towers, or other devices to an existing structure.

g. **FAA:** "FAA" means the Federal Aviation Administration, or its lawful successor.

h. **FCC:** "FCC" means the Federal Communications Commission, or its lawful successor.

i. **Height:** "Height" means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

j. **Interconnected Services:** "Interconnected Services" means service that is interconnected with the public switched network (as such terms are defined by regulation by the FCC) or service for which a request for interconnection is pending.

k. **Mobile Service:** "Mobile Service" means a radio communication service conducted between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes both one-way and two-way radio communication services; a mobile service which provides a regular interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile communications by eligible users over designated areas of operation; and any service for which a license is required in a personal; communications service .

l. **Parabolic Antenna:** "Parabolic Antenna" (also known as a satellite dish antenna) means an antenna which is bowl-shaped, designed for the reception and/or transmission of an electromagnetic radiation signals in a specific directional pattern.

m. **Personal Wireless Service Facilities:** "Personal Wireless Service Facilities" means facilities for the provision of personal wireless services.

n. **Personal Wireless Services:** "Personal Wireless Services" means commercial mobiles services, unlicensed wireless services, and common carrier wireless exchange access service.

o. **Tower:** "Tower" means any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

p. **Unlicensed Services:** "Unlicensed Service" means the offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

q. **Wireless Telecommunications Facility:** "Wireless Telecommunications Facility" means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR) common carrier wireless exchange phone service, specialized mobile radio communications (SMR) common carrier wireless exchange access services, and personal communications service (PCS) or pager services. A wireless telecommunications facility shall not include any of the following:

1. Amateur ham radio stations licensed by the FCC.
2. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.
3. Temporary Wireless Telecommunications Facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.
4. An antenna that is an accessory to a residential dwelling unit and is· less than twenty (20) feet above roof peak or less than forty-five (45) feet above ground.

3. <u>Notice to Abutters:</u>

No application for approval of a wireless telecommunications facility shall be issued unless abutting property owners have been notified by the applicant by certified mail, at least 14 days prior to initial Planning Board or CEO consideration. The cost of notification shall be borne by the applicant. The notice shall indicate the time, place, and date of the Planning Board consideration if applicable. Public hearings may be called at the discretion of the Planning Board or CEO after notification has been given to the Board of Selectpersons.

2. Subsection C (Classification of Projects) of Section 5 (Site Plan Review) of the, Land Use Ordinance of the Town of Clinton is amended in the second paragraph as follows:

   Major developments shall include projects involving the construction or addition of 5,000 or more square feet of gross nonresidential floor area, projects involving the installation of 5,000 or more square feet of impervious surfaces, projects involving the establishment or expansion of a campground, projects involving extraction industries, construction of a new wireless telecommunication facility exceeding 75 feet in height and expansion of such existing facility that increases the existing height by more than 20 feet, or other projects requiring review which are not classified as a minor development.

3. Subsection F (site Plan Review Application) of Section 5 (Site Plan Review) of the Land Use Ordinance of the Town of Clinton is amended in paragraph 3 to add a new subparagraph d to read as follows:

   d. Wireless Telecommunication Facilities.

   Applications for approval of wireless telecommunications facilities shall include the following additional information:

   i. Name of owner or operator of the wireless telecommunications facility and owner of property.

   ii. Date the wireless telecommunication facility was initially constructed or is proposed to be constructed.

   iii. A description and construction detail of the wireless telecommunication facility, including: plot plan identifying location of the tower on property; dimensions of the tower; and structural supports, if any. This description shall also identify any accessory structures that are essential to operation of the telecommunication facility.

   iv. Certification that construction of the structure meets industry standards and satisfies all federal, state, and local building code requirements.

   v. Provide documentation of FCC approval and licensure.

   vi. Written evidence showing a need for a new structure and show that Co-location on an existing structure is not available.

4. **Subsection 0 (Permit: Application) of Section 6 (Administration) of the Land Use Ordinance of the Town of Clinton is amended at paragraph 1 as follow:**

    1. **Application Requirements.** Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate officials as indicated by Sections 2 and 3 of this Ordinance. Applications for Site Plan Review must contain the required plans and related information as indicated in Section 5 of the Ordinance. Applications for approval of wireless telecommunication facilities that are not subject to approval by the Planning Board. shall be submitted to the Code Enforcement Officer and shall contain all of the information required under paragraph 3 of Subsection F of Section 5 of this ordinance.

5. **The definition of "Essential Services" in Subsection B of Section 8 (Definitions) of the Land Use Ordinance of the Town of Clinton is amended as follows:**

    Essential Services: Facilities for the transmission or distribution of water, gas, electricity or essential communications or for the collection, treatment or disposal of waste, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories but not buildings; but excluding wireless telecommunication facilities that are subject to Site Plan Review under this Ordinance.

6. **Subsection B of Section 8 (Definitions) of the Land Use Ordinance of the Town of Clinton is amended at the end to add a definition of "Wireless Telecommunication Facility" to read as follows:**

    Wireless Telecommunications Facilities: A use or structure as defined in Section 4, Subsection H, paragraph 2 of the Ordinance. For the purpose of Section 3, Subsection C (Land Use) of this Ordinance, "Wireless Telecommunications Facility (Major)" means any such facility that is over 70 feet in height or the expansion of any such facility that increases its height by more than 20 feet, or any such facility that requires a permit by the Planning Board. "Wireless Telecommunications Facility (Minor)" means any such facility that is not "Major", and requires a permit only by the Code Enforcement Officer.

7. **Subsection C (Land Uses) of Section 3 of the Land Use Ordinance of the Town of Clinton is amended to delete the term, "radio, television tower" as it appears in the table of Land Use and to insert in its place, the term Wireless telecommunications facility (Major) and to place that term and related district uses at the end of the listed Commercial uses (after "Wholesale Business").**