

TOWN OF ADDISON

WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

ENACTED AT SPECIAL TOWN MEETING ON NOVEMBER 30, 2015

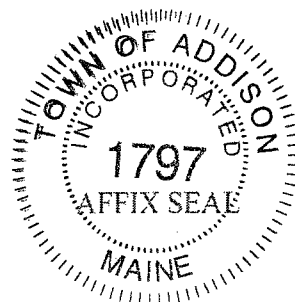
TO BECOME EFFECTIVE NOVEMBER 30, 2015

AS CERTIFIED BY THE ADDISON MUNICIPAL OFFICERS TO ME ON NOVEMBER 9, 2015

ATTEST: A TRUE COPY
December 1, 2015



ALICE TUCKER
ADDISON TOWN CLERK



**TOWN OF ADDISON
WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE**

TABLE OF CONTENTS

SECTION 1: TITLE	3
SECTION 2: AUTHORITY	3
SECTION 3: PURPOSE	3
SECTION 4: APPLICABILITY; EFFECTIVE DATE	4
SECTION 5: EXEMPTIONS	4
SECTION 6: APPROVAL REQUIRED	5
SECTION 7: APPLICATION REQUIREMENTS AND PROCEDURES	5
A. Pre-Application Conference	5
B. Fees; Provisions for Hiring Independent Consultants	5
C. Request for Submission Waivers	7
D. Determination and Notice of Completeness	7
E. Public Hearing on the Application	7
F. Notification of Hearing Date	7
G. Approval and Permit Issuance	7
H. Application Amendments	8
SECTION 8: DOCUMENTS TO BE SUBMITTED FOR A COMPLETE APPLICATION	8
A. Contacts	8
B. Financial Capacity	8
C. Lease of Land or Tower	9
D. Plans and Maps	9
E. Federal Permits	10
F. Existing Coverage	11
G. Collocation	11
H. Proof of Collocation Efforts	12
I. Allowing Collocation	12
J. Repeaters	12
K. Indirect Service	12
L. Inventory of Applicant's Facilities	13
M. Contract with Provider	13

N. Environmental Assessments	13
SECTION 9: STANDARDS OF APPLICATION REVIEW; CONDITIONS OF APPROVAL	13
A. Compliance with Applicable Laws	
13	
B. Location Priority and Prohibition	14
C. Height of Towers	14
D. Setback Requirements	14
E. Balloon Test	15
F. Historic and Archaeological Properties	
15	
G. Lighting	15
H. Structural Standards	15
I. Performance and Design Standards	16
J. Fencing and Signs	16
K. Driveways	16
L. Advertising	16
M. Hazardous Waste	16
N. Noise	16
O. Use of Repeaters	16
P. Coverage Area	
16	
Q. Alternative Tower Sites	
17	
R. Antenna Installation	17
S. Indemnity	17
SECTION 10: FINDINGS FOR APPROVAL	17
SECTION 11: MONITORING AND EVALUATION OF COMPLIANCE	
18	
A. Construction Commencement and Completion	18
B. Notification of Continued Use	18
C. Discontinuance	18
D. Maintenance	19
E. Monitoring Protocol	19
F. Excessive Exposure	19
G. Tower Structural Integrity	19
H. Building Code; Safety Standards	19
I. Unsafe Structure	20
J. Certificate of Insurance	20

SECTION 12: ABANDONMENT; REMOVAL REQUIREMENTS

20

- A. Failure to Remove 20
- B. Failure to Maintain 21

SECTION 13: ADMINISTRATION AND ENFORCEMENT; PENALTIES

21

SECTION 14: APPEALS; POWERS AND DUTIES OF THE BOARD OF APPEALS 21

- A. Administrative Appeals 21
- B. Appeal Procedures 22
- C. Appeal to Superior Court 23
- D. Reconsideration 23

SECTION 15: CONFLICT WITH OTHER ORDINANCES; SEVERABILITY 23

SECTION 16: DEFINITIONS 23

SETBACK MAP: Subsection 9.D.3 28

SECTION 1: TITLE. This Ordinance shall be known as the "Town of Addison Wireless Telecommunications Facilities Ordinance" and will be referred to herein as "this Ordinance."

SECTION 2: AUTHORITY. This Ordinance is adopted pursuant to the enabling provisions of Article VI II, Part 2, Section I of the Maine Constitution; the provisions of the Municipal Home Rule Authority statute (30-A M.R.S.A. 3001, et seq.) and the provisions of the Planning and Land Use Regulation Act. 30-A M.R.S.A. 4312, et seq.

SECTION 3: PURPOSE. The purpose of this Ordinance is to provide a set of standards and a process to regulate siting, construction and operation of wireless telecommunications facilities in the Town of Addison in order to balance the interests of the residents of Addison and the owners of the facilities and their customers. In addition to the objectives set forth in other provisions of this Ordinance, the standards in this Ordinance are also intended to:

A. Establish guidelines, standards and time frames for the Town of Addison to regulate wireless telecommunications facilities in order to preserve the character and appearance of Addison;

B. Permit the Town of Addison to fairly and responsibly protect the public health, safety, welfare and quality of life of its residents;

C. Support the goals and policies of the Comprehensive Plan of the Town of Addison, especially the orderly development of Addison with minimal impacts on existing residential uses;

D. Protect the Town of Addison's environmental resources and rural character in accordance with the goals and objectives of Addison's Comprehensive Plan;

E. Protect the scenic and visual character of, and the historic structures and areas in, the Town of Addison;

F. Minimize any potential adverse effect of wireless telecommunications facilities on property values in the Town of Addison;

G. Encourage wireless communications providers to collocate, thus minimizing adverse impacts on the Town of Addison; and

H. Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes in the Town of Addison.

SECTION 4: APPLICABILITY; EFFECTIVE DATE. This Ordinance applies to construction, operation and major modification of wireless telecommunications facilities in the Town of Addison, except those structures exempted in Section 5 of this Ordinance. Notwithstanding Title 1 M.R.S. section 302, this Ordinance shall apply to all wireless communications facilities for which final permit approval has not been obtained as of the effective date of this ordinance. This Ordinance shall take effect upon approval by the voters of the Town of Addison at an annual or special Town Meeting.

SECTION 5: EXEMPTIONS.

A. The following are exempt from the provisions of this Ordinance:

1. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

2. Parabolic antennas less than seven (7) feet in diameter that are an accessory use on a property.

3. Maintenance, repair, replacement or reconstruction of an existing wireless telecommunications facility and its related equipment, either a conforming use or a valid nonconforming use, and whether removed or destroyed for any reason, provided that there is no major modification of the facility and there is compliance with the height restrictions of this Ordinance.

4. An antenna that is attached as an accessory use to a structure, provided the vertical distance between the mean grade at the downhill side of the structure and the highest point of the antenna does not exceed fifty feet.

5. Citizens' Band Radio.

6. Wireless communication facilities for emergency communications by public officials, police, fire, ambulance, and other emergency dispatch facilities.

7. Temporary wireless communication facilities in operation for a maximum period of sixty (60) days, provided they are removed within thirty (30) days after their use or after the 60 days has concluded.

B. No wireless telecommunications facility exempted in Section 5 shall be considered exempt from the height regulations in Section 9 of this Ordinance.

C. No wireless telecommunications facility shall be considered exempt from this Ordinance by virtue of collocation with an exempt facility listed in Section 5.

SECTION 6: APPROVAL REQUIRED. No person or entity shall erect, construct, install, operate or make a major modification to a wireless telecommunications facility in the Town of Addison without first obtaining a conditional use permit for the structure from the Planning Board of the Town of Addison in compliance with this Ordinance. The applicant has the burden of proving that the application is, and that the project will be, in compliance with all of the requirements of this Ordinance, other applicable Town ordinances and State and Federal law.

SECTION 7: APPLICATION REQUIREMENTS AND PROCEDURES

A. Pre-application Conference. All persons seeking approval of the Planning Board under this Ordinance shall meet with the Planning Board no less than thirty (30) days before filing an application. At this informal meeting, the Planning Board shall explain to the applicant the provisions of, and the submissions that will be required under, this Ordinance.

B. Fees; Provisions for Hiring Independent Consultants.

1. Planning Board application fee. A conditional use permit application under this Ordinance shall include payment of an application fee of \$1,500. In addition to the other requirements, the application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of the fee if the application is withdrawn within fifteen (15) days of the date of receipt of the application by the Addison Town Clerk, less all expenses incurred by the Town of Addison to review the application.

2. Planning Board review fee: An applicant for a conditional use permit under this Ordinance shall pay all additional reasonable and customary out-of-pocket costs, as well as independent consultants' fees as provided in Section 7(B)(3) below, incurred by the Town of Addison that are necessary to review the application and assure that the facility meets the conditions of this Ordinance.

3. Provisions for hiring independent consultants.

a. Upon submission of an application for a conditional use permit under this Ordinance, the Addison Planning Board shall hire independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals with an appropriate combination of training, experience, and certification in one of the following fields: (i) telecommunications/radio frequency engineering; (ii) structural engineering; and (iii) if determined necessary by the Addison Planning Board, other fields of expertise.

b. Upon submission of an application for a conditional use permit under this Ordinance, the Addison Planning Board shall provide its independent consultants with the full application for their analysis and review.

c. An applicant shall deposit with the Town escrow funds sufficient to reimburse the Town for all reasonable costs of the Town's consultants in providing expert evaluation and consultation to any agency of the Town in connection with the review of any application deemed necessary by the Planning Board or any other agency of the Town of Addison. The initial deposit for the expert review of a new wireless facility shall be \$8,500. The initial deposit for the expert review of a major modification of a wireless facility shall be \$6,000. The placement of the deposit with the Town shall precede the pre-application meeting or shall occur at such later time as the Planning Board may direct. The Town will maintain a separate escrow account for each applicant's funds. The Town's consultants/experts shall invoice the Town of Addison for the services related to the application.

d. If at any time during the process this escrow account has a balance less than \$2,500 for a wireless facility application, the applicant shall immediately, upon notification by the Town or consultant, replenish said escrow account so that it has a balance of at least \$5,000. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the completion of permit proceedings, the remaining balance shall, upon request by the applicant, be promptly refunded to the applicant.

e. When notified by the Town that additional escrow is required, the applicant may request copies of invoices paid to consultants and/or experts. If the applicant finds errors in those invoices, the applicant may ask the Town to audit those specific items for reasonableness and, if any errors are discovered, may request relief therefrom.

f. When the Planning Board determines that evaluation of the facility's compliance with this Ordinance is necessary under Subsections E through I of Section 11 of this Ordinance, the owner of the facility shall deposit with the Town escrow funds sufficient to reimburse the Town for all reasonable costs of the Town's consultants in providing such expert evaluation. The initial deposit for such expert evaluation shall be as

determined by the Planning Board but not in excess of \$4,000. If at any time during the process the escrow account has a balance of less than one-third of the escrow amount initially required for such evaluation, the applicant shall immediately, upon notification by the Town or consultant, replenish said escrow account so that it has a balance of at least one-half of the initial escrow deposit. If the owner does not make such deposits within thirty (30) days of the Planning Board's written request, the owner shall be deemed to have failed to maintain the facility under the provisions of, and with the consequences provided in, Subsection 12.B of this Ordinance.

g. The total amount of the funds needed as set forth in this Paragraph 7(B)(3) may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

h. Notwithstanding the above, there shall be a fee cap as to the total consultant fees to be charged to the applicant in a case, which shall be not more than twice the initial deposit.

C. Request for Submission Waivers. The Planning Board may waive any of the application submission requirements in this Ordinance based upon a written request of the applicant submitted at the time of application. A waiver of any application submission requirement may be granted only if the Planning Board finds in writing that due to the special and unique circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

D. Determination and Notice of Completeness. Upon receipt of an application the Addison Town Clerk shall provide the applicant with a dated receipt. The applicant shall initially submit seven copies of the application to the Addison Town Clerk. The Planning Board shall review any waiver requests and act upon these requests within thirty (30) days of receipt of the application. If one or more reports from experts are required by the Planning Board, the application is not complete until the report(s) has/have been submitted. If the Planning Board determines that the application is complete, the Planning Board shall formally notify the applicant within forty-five (45) days of application submission and request five (5) additional application copies of the application to be submitted for public review and other purposes. If the Planning Board determines that the application is incomplete, the Planning Board shall immediately notify the applicant specifying the additional information or data required to complete the application. Upon submission of the requested materials, the Planning Board shall determine application completeness within thirty (30) days. If the Planning Board finds that an application is not complete, it shall not consider the application until such time as the Planning Board determines that it is complete.

E. Public Hearing on the Application. When an application is deemed complete, the Planning Board shall set a date for the public hearing on the application, which date shall provide sufficient time for notification of the hearing date and public inspection of the application. Upon the determination that the application is complete the Planning

Board shall post a notice of the hearing date and provide at least two copies of the application for public review at the Addison Town Hall.

F. Notification of Hearing Date. The applicant shall be responsible for notifying owners of land abutting and within one thousand feet (1,000') of the facility site boundaries by certified mail, return receipt requested, at least fifteen (15) days before the hearing date, and the receipts and copies of the letters shall be forwarded to the Planning Board. The notice shall be sent to the owners concerned at the landowner's usual address for receipt of property tax bills from the Town. The notice shall contain notice of the date set for the public hearing, a brief description of the proposed facility, the name of the applicant, and that a copy of the application is available for public inspection at the Addison Town Hall. Failure on the part of any abutter or property owner entitled to notice to receive such notice, if duly sent in accordance with this subsection, shall not be grounds for delaying consideration of or denying the application.

G. Approval and Permit Issuance. Within thirty (30) days of the Planning Board's closing the hearing on the application, the Planning Board shall approve, approve with conditions, or deny the application in writing, and submit the findings on which that decision is based in writing to the applicant at the same time as it issues its written decision. This time period may be modified upon agreement between the applicant and the Planning Board so long as such agreement is documented in writing at the time it is made and as necessary to conform to any applicable requirements, including those of the Federal Telecommunications Act.

H. Application Amendments. An increase in tower height, a change of tower location or tower type, for a pending application or an existing facility, is a major amendment or modification for which the Planning Board may require a new application for a conditional use permit. All other amendments or modifications are minor and may be approved by the Planning Board without a new application.

SECTION 8: DOCUMENTS TO BE SUBMITTED FOR A COMPLETE APPLICATION

A. Contacts: Applicant shall submit the exact legal name, address or principal place of business and phone number of the following:

1. Applicant. If any applicant is not a person, also provide the type of business entity and the state in which it is registered.
2. Person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.
3. Person to be contacted in the event of an emergency involving the facility. This person shall be available on a 24-hour basis and authorized by the applicant to act on behalf of the applicant regarding an emergency situation.

4. Owner of the property on which the proposed tower shall be located or of the owner of the tower or structure on which the proposed facility shall be located. Written permission of the owner to apply for a conditional use permit shall also be submitted along with written permission from the owner of the proposed property or facility site for the Town's independent consultants to conduct any necessary site visits.

5. Names and addresses of abutting landowners and landowners of properties within one thousand feet (1,000') of the property boundaries of the facility site.

B. Financial Capacity. The applicant shall provide proof of financial capacity to build, maintain and remove the proposed facility and to provide insurance coverage for it.

C. Lease of Land or Tower. Applicants for a conditional use permit for a facility to be built on land not owned by the applicant or installed on a tower not owned by the applicant shall provide a copy of the lease or contract with the owner of the land or tower. The lease or contract may be redacted to omit the amount of any payments or other consideration to the landowner or tower owner.

D. Plans and Maps. Survey plans shall be stamped and signed by a land surveyor registered in Maine. Signal propagation and radio frequency studies, plots and related material shall be prepared, clearly identified and signed by a qualified radio frequency engineer. Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scales, and original seals and signatures of the professionals who prepared the plans and shall contain the following information:

1. Location Map. Copy of a portion of the most recent U.S.G.S. Quadrangle map showing the area within at least two miles from the proposed facility site. Indicate the tower location and the exact latitude and longitude (degrees, minutes and seconds to the nearest tenth).

2. Vicinity Map at a scale of 1" = 416' (1:5000) with contour intervals no greater than 10 feet (3 meters) showing the entire vicinity within a 2,500' radius of the facility site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, ridge lines, historic sites, and habitats for endangered species. Indicate the property lines of the proposed facility site parcel and of all abutters to the facility site parcel (from assessor's maps or available surveys). Indicate any access easement or right of way needed for access from a public way to the facility site, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.

3. Existing Conditions Plan. A recent survey of the area within 500 feet of the facility site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 10 feet (3 meters) contour intervals, showing

existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, existing water wells and springs. Show the boundary of any wetlands or floodplains or watercourses and of any bodies of water included in the Shoreland Zoning District within 500' from the facility site. The survey plan must have been completed and recorded within two years prior to the application date by a land surveyor registered and licensed to practice in Maine.

4. Proposed Site Plans must show the proposed facility site layout, grading and utilities at the same scale or larger than the existing conditions plan. The applicant must provide details of and a site plan showing all existing or proposed accessory structures including buildings, parking areas, utilities, access roads, etc. The proposed site plans must indicate: (a) the location of the proposed tower and any appurtenances, including supports and guy wires and any accessory building (communication equipment shelter or other); (b) property boundaries and setback distances to the base of the tower and to the nearest corners of each of the appurtenant structures and guy wires, if any, to those boundaries, and indicate setback distances from the edge of any fencing; (c) dimensions of all proposed improvements; (d) proposed spot elevations at the base of the proposed tower, at the base of any guy wires, and at the corners of all appurtenant structures.

5. Elevation drawings must show cross-sectional area or silhouette of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

6. Landscaping plan must show the location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed must be submitted.

7. Proposed Equipment Plan must show plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10' and for a wireless telecommunications facility must indicate:

- i. Number of antennas and repeaters, as well as the exact locations, of antenna(s) and of all repeaters (if any) located on a map as well as by degrees, minutes and seconds to the nearest tenth of latitude and longitude.
- ii. Mounting locations on tower or structure, including height above ground.
- iii. Antenna type(s), manufacturer(s), model number(s).
- iv. For each antenna, the antenna gain and antenna radiation pattern.
- v. Number of channels per antenna, projected and maximum.

vi. Power input to the antenna(s).

vii. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.

viii. Output frequency of the transmitter(s).

E. Federal Permits. Applicant shall submit copies of all pertinent submittals and showings pertaining to:

1. FCC permitting/licensing, including Environmental Assessments and Environmental Impact Statements as required by National Environmental Protection Act of 1969, section 47, and documentation from State Historic Preservation Officer and the Maine Historic Preservation Commission;

2. FAA Notice of Construction or Alteration aeronautical studies;

3. written proof that the proposed use and the facility comply with the FCC regulations on radio (RF) frequency exposure guidelines and a propagation map showing the proposed radio frequency coverage and all pertinent data, assumptions and calculations relating to service coverage;

4. All pertinent calculations and/ or measurement data related to non-ionizing radiation exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.

F. Existing Coverage. Applicant shall provide written documentation demonstrating that existing telecommunications facility sites and other existing structures of suitable height in Addison and within a twenty (20) mile radius of the proposed site cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Addison. The documentation shall include, for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, in degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or structure, type of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified. Radial or tiled coverage plots showing each of these facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.

G. Collocation. Evidence must be provided that the proposed wireless telecommunications facility cannot be collocated on any existing or previously approved tower sites or suitable structures. Evidence must include an assessment of whether such facility sites could be changed to accommodate the proposed tower, and a

detailed description of the projected cost of shared use of the existing or approved facility site or other suitable structures must be provided. Such evidence shall include documentation from a qualified and licensed Registered Professional Engineer that:

1. describes the facility, the technical reasons for the facility design and the capacity of the facility, including the numbers, types, and volumes of antennae that it can accommodate and the basis for the calculation of capacity.
2. the planned necessary equipment would exceed the structural capacity of existing and approved facilities and alternative structures considering (a) the existing and planned use of those facilities and alternative structures, and (b) the existing and approved facilities cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost;
3. the planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that facility or alternative structure, and the interference cannot be prevented at a reasonable cost;
4. existing or approved facilities and alternative structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
5. other documented reasons make it technically or financially unfeasible to place the equipment planned by the applicant on any of the existing or previously applied for or approved facilities and alternative structures.

H. Proof of Collocation Efforts. The applicant for a wireless telecommunications facility must provide evidence that written notice was sent, by pre-paid United States certified mail, return receipt requested, to all other tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town of Addison utilizing existing towers and alternative tower structures. The notice shall state the applicant's siting needs and include a request for all relevant information regarding the collocation capabilities of the existing or previously approved facilities. Evidence that this notice requirement has been fulfilled shall include a name and address list, copy of the notice that was sent, and the return receipt requests that the notices were sent as required.

I. Allowing Collocation. Applicants for a conditional use permit for construction of a new wireless telecommunications facility or major modification of an existing facility shall provide a signed letter of intent, valid for the duration of the existence of the tower, that commits the facility owner and its successors in interest to: (a) respond in a timely, comprehensive manner to a request for information from a potential collocation applicant; (b) negotiate in good faith for shared use by third parties that have received a FCC license or permits; and (c) without discrimination to other telecommunications providers, allow shared use to rent or lease any and all available space for collocation

on the tower, provided an applicant agrees in writing to pay reasonable market-rate charges.

J. Repeaters. Applicant shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with this Ordinance to provide adequate coverage to the Town of Addison and reasonably concluded that the use of repeaters would not provide such adequate coverage. Radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

K. Indirect Service. Applicant shall demonstrate which portion of a tower or structure and which antennas, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the incremental effect is consistent with the purposes set forth in Section 8(F) of this Ordinance.

L. Inventory of Applicant's Facilities. The applicant for a wireless telecommunications facility must provide an inventory of all the provider's applied for, existing and approved towers, antennae or sites within the Town of Addison and locations in communities within twenty (20) miles of Addison where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application, in addition to service area maps and network maps of the applicant's existing and proposed facilities in Washington County.

M. Contract with Provider. Applicants for a conditional use permit for a wireless telecommunications facility must be a telecommunications provider or must provide a copy of its lease or contract with an existing telecommunications provider. Pricing information in the lease or contract may be redacted from the copies provided as part of the permit application. A proposal to construct or modify such a facility must include evidence of a binding written commitment from a duly licensed carrier to utilize the tower to provide wireless communication services. A conditional use permit shall not be granted for a tower to be built on speculation.

N. Environmental Assessments. The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA). If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Town of Addison prior to the beginning of the Federal 30 day comment period and the Town of Addison process shall become part of the application requirements.

SECTION 9: STANDARDS OF APPLICATION REVIEW; CONDITIONS OF APPROVAL

Unless the following standards are waived by the Planning Board due to the special and unique circumstances of the application, they shall be conditions of approval of any wireless telecommunications facility and are ongoing requirements of a permitted facility. To be approved by the Planning Board, an application must meet all of the following standards, criteria, and requirements:

A. Compliance with Applicable Laws. The siting, approval, construction and operation of all wireless telecommunications facilities in the Town of Addison must be in accordance with all applicable standards and requirements in this Ordinance, other ordinances of the Town of Addison, be consistent with the Town of Addison's Comprehensive Plan and must comply with all Federal and State laws and regulations.

B. Location Priority and Prohibition. A new wireless communication facility must be located according to the priorities below. The applicant shall provide factual evidence when a facility cannot reasonably be placed in a higher priority.

1. Collocation on an existing wireless communication facility or other existing structure.
2. Location on vacant municipal property.
3. A new facility on private property.
4. Such facilities shall not be located in a Shoreland Zoning district or in areas designated as Residential/Home Business or Mixed Use on Map 12: Proposed Land Use of Addison's Comprehensive Plan, which are shown on the map attached and made a part of this Ordinance.

C. Height of Towers. New towers or heightened towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Applicant may submit a request for additional height to accommodate future sharing, or to provide indirect service as described in Section 8(K) and shall provide design information and data to justify such additional height. In no case shall facility height exceed 199 feet, triggering the FAA and FCC rules and regulations regarding lighting of towers. Exceptions may be made in the case of wireless telecommunications service providers who shall adequately demonstrate, to the satisfaction of the Planning Board, in consultation with an independent qualified consultant (as specified by Section 7(B)), that denial of greater height would effectively prohibit service.

D. Setback Requirements. A new wireless telecommunications facility must meet all of the following setback requirements. Existing wireless telecommunication facilities that undergo major modifications must meet setback requirements.

1. 150% of the tower height from all property lines, from the edge of the right of way of public roads and from any occupied structure. This setback may be satisfied by

including areas outside the property boundaries if secured by an easement recorded or to be recorded in the Washington County Registry of Deeds. The easement must be for a minimum duration equal to the expected useful life of the facility and shall prohibit construction of any occupied structure within the easement area. The following exemptions may apply:

a. The setback may be changed by the Planning Board upon a showing by the applicant that: (i) The facility is designed to collapse in a manner that will not harm other property, and (ii) Ice build-up and discharge will not present a public safety hazard, and (iii) Guy wires or tower structure will not adversely affect public safety.

b. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

2. 1,500 feet from any residential structure, existing or for which a building permit has been approved as of the date of the application for a wireless telecommunications facility.

3. 1,500 feet from the boundary line of any property located in an area designated as Residential/Home Business or Mixed Use on Map 12: Proposed Land Use of Addison's Comprehensive Plan. To comply with this setback requirement, the proposed wireless facility must be located a minimum of 2,000 feet from the edge of the right of way of Indian River Road (both sides), Basin Road (northern side only), East Side Road (eastern side only) and Wescogus Road (southern side only), as shown on the setback map attached and made a part of this Ordinance.

E. Balloon Test. The Planning Board may require a certified balloon test accurately simulating the height and location of the proposed wireless telecommunications facility. Public notice shall be given of the date and time of such test not less than ten (10) days prior thereto. The applicant shall provide photographs of such test from locations around the Town including those designated by the Planning Board within twenty (20) miles from which the balloon is visible.

F. Historic and Archaeological Properties. The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon a historic district, site or structure, which is currently listed on, or eligible for listing on, the National Register of Historic Places. Any alteration made to an historic structure to accommodate a wireless telecommunications facility shall be fully reversible. Such facilities within a historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas. Receipt of a decision of no adverse effect after a Section 106 review under the National Historic Preservation Act of 1966 is a condition of approval of a facility under this Ordinance.

G. Lighting. A new wireless telecommunications facility may be illuminated only as necessary to comply with FAA or other applicable State or Federal requirements. Where

the FAA requires obstruction marking and/or lighting, the applicant shall show evidence of a request for the least visually obtrusive scheme to the FAA. Security lighting may also be used as long as it is shielded to be down-directional to retain light within boundaries of the site, to the maximum extent practicable and be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.5 initial foot-candles above ambient light conditions.

H. Structural Standards. A new wireless telecommunications facility involving a tower must comply with the current Electronic Industries Association/ Telecommunications Industries Association. (EIA/TIA) 222 Revision. "Standards for Steel Antenna Towers and Antenna Supporting Structures."

I. Performance and Design Standards. Towers must be of a type that will maximize potential collocation with other wireless telecommunications facilities and antennas. Applicant must demonstrate the future utility of such structure for expansion of service for the applicant and other future applicants.

J. Fencing and Signs. The area around the tower and communication equipment shelters shall be completely fenced for security to a height of six feet, gated and locked. A sign no greater than two (2) square feet indicating the name of the facility owner and a 24 hour emergency telephone number, either in-state or toll-free, shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs, and the Federal tower registration plate, where applicable, may be posted on the fence or as required to meet Federal requirements.

K. Driveways. If available, or reasonably available through the purchase of a legal right of way, existing entrances and driveways to serve a wireless telecommunications facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual traffic and less environmental impact. The applicant shall obtain permission from the proper authority for any new driveway entrance. The traveled way of new driveways to serve such a facility shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is required.

L. Advertising shall not be allowed on any wireless telecommunications facility.

M. Hazardous Waste. No hazardous waste shall be discharged on the site of any wireless communications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.

N. Noise. A wireless telecommunications facility shall not generate noise in excess of 65 dBm at peak at any of the property lines of the facility site.

O. Use of Repeaters. The use of repeaters to assure adequate coverage, or to fill holes

within areas of otherwise adequate coverage, while minimizing the number of required towers, is permitted and encouraged. Applicants shall detail the number, location, power output and coverage of any proposed repeaters in their systems and provide engineering data to justify their use. Applicants not willing to use repeaters in their systems must provide engineering data justifying their non-use.

P. Coverage Area. If primary coverage (greater than 50%) from the proposed telecommunications facility is outside Addison then the permit shall be denied unless the applicant can demonstrate an inability to locate within the Town which is primarily receiving service from the proposed facility.

Q. Alternative Tower Sites. If the proposed wireless telecommunications facility does not meet the standards of this Ordinance because of excessive height, or for other reasons making the consideration of alternative sites appropriate, then potential suitable alternative sites, where such facilities can meet the standards and provide adequate signal coverage, need to be inventoried and evaluated. More than one site each with a facility (that may be shorter than originally proposed) must be considered. If the applicant determines that there are no suitable alternative sites, the Town of Addison may hire at the applicant's expense a radio frequency engineer to independently assess if there are suitable alternative sites.

R. Antenna Installation. An antenna or antenna array may be located, without further approval, on any wireless telecommunications facility approved under the provisions of this Ordinance, provided that:

1. All carriers using the facility comply with provisions of this Ordinance including the requirements of collocation;
2. All carriers using the facility comply with the terms and conditions of approval of the facility by the Planning Board; and
3. There is no increase in the facility's height, carrier capacity, or area of the security barrier. Otherwise, site plan review and a conditional use permit are required.

S. Indemnity. The owner of the wireless telecommunications facility, as a condition of approval, shall execute an agreement that it will indemnify and hold the Town of Addison, its officials and employees harmless from all claims against the Town for personal injury, property damages, and loss, including costs of defense and reasonable attorney's fees, arising from or related to the construction, operation repair and removal of the facility or any part thereof.

SECTION 10: FINDINGS FOR APPROVAL. The Addison Planning Board must, in consultation with its independent consultants, where such expert advice is reasonably necessary, make all of the following applicable findings before granting the conditional use permit:

A. Applicant is not already providing adequate coverage and adequate capacity to the Town of Addison.

B. Applicant is not able to use existing tower/facility sites, either with or without the use of repeaters, to provide adequate coverage and adequate capacity to the Town of Addison.

C. Applicant has endeavored to provide adequate coverage and adequate capacity to the Town of Addison with the least number of towers and antennas technically and economically feasible.

D. Applicant is not able to use "microcell PCS" or other reasonably available alternate technology in lieu of towers.

E. Efforts have been made to locate new towers adjacent to existing towers.

F. Applicant has agreed to rent or lease suitable available space on the tower, under the terms of a fair-market lease, with reasonable conditions and without discrimination to other telecommunications providers.

G. The proposal complies with FCC Rules & Regulations and procedures outlined in FCC Bulletin 65 regarding exposure from electromagnetic radiation and that the required monitoring program (see Section 11 of this Ordinance) has been developed and shall be paid for by the applicant. Steps have been taken to prevent access to any areas in which exposure might exceed the FCC guidelines.

H. Based upon the application submitted, the applicant has demonstrated compliance with all applicable requirements and conditions of this Ordinance.

SECTION 11: MONITORING AND EVALUATION OF COMPLIANCE

A. Construction Commencement and Completion. Construction shall commence within one (1) year from the date of issuance of the permit, otherwise the permit shall expire and the project shall be deemed to be abandoned. Construction shall be completed within one (1) year after start of construction. Upon written request of the applicant and the applicant's showing good cause, the Planning Board may extend the required start or completion dates.

B. Notification of Continued Use. Beginning twelve (12) months after completion of construction and continuing on an annual basis thereafter, the owner of a wireless telecommunications facility shall provide the Planning Board with a written, signed certification that the facility is being used to provide wireless services as defined, together with an annual renewal fee of \$100. Failure to comply with this requirement

shall constitute an admission that the wireless telecommunications facility is not in use and has been abandoned.

C. Discontinuance. At such time that the owner plans to temporarily or permanently discontinue operation of a wireless telecommunications facility, the owner will notify the Town of Addison by certified U. S. mail of the proposed date of temporary or permanent discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to temporary or permanent discontinuation of operations. In the event that the owner fails to give notice of temporary discontinuance, the facility shall be considered permanently discontinued and abandoned upon the discontinuation of operation.

D. Maintenance. The owner of the facility shall maintain the facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, landscaping, and camouflage materials. The Planning Board may direct the owner to perform maintenance that it determines to be required.

E. Monitoring Protocol. A determination of the radio frequency exposure shall be conducted by a Planning Board selected independent radio frequency engineer to demonstrate compliance with FCC and NCRP (National Council on Radiation Protection and Measurements) guidelines. Unless preempted by Federal regulation, determination shall be by means of actual measurements, paid for by the applicant. The property owner and the owner of the wireless telecommunications facility shall agree that the Town and its appointed representatives may enter the subject property to obtain RFR measurements and to perform maintenance and safety inspections at the expense of the carrier. In the case of taking RFR measurements, the Town may enter without any advance notice to either the facility owner or the property owner. In all other cases, the Town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town representatives when inspections are conducted.

F. Excessive Exposure. Should the monitoring of a facility site reveal that the site exceeds the current FCC guidelines, the owners of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owners must immediately reduce power or cease operation as necessary to protect persons having access to the site, tower or antennas. Additionally, the owners shall submit to the Addison Planning Board a plan for the correction of the situation that resulted in excessive exposure. Failure to act as described above shall result in revocation of the conditional use permit and violations are subject to penalties as provided by Section 13 of this Ordinance.

G. Tower Structural Integrity. The Planning Board shall arrange, at the owner's expense, for an independent consultant, a licensed professional structural engineer, to conduct inspections of the towers structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the

independent consultant and submitted to the Planning Board and Addison Code Enforcement Officer.

H. Building Code; Safety Standards. To ensure the structural integrity of wireless telecommunications facilities, the owner of the facility shall ensure that it is constructed and maintained in compliance with the standards contained in applicable local building codes and the applicable standards for such facilities that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the Town concludes that such a facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the facility, the owner shall have thirty (30) days to bring such facility into compliance with such standards. If the owner fails to bring such facility into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal of the facility as abandoned at the owners' expense through execution upon the posted security.

I. Unsafe Structure. Should the inspection of any tower reveal any structural defect which, in the opinion of the independent consultant, renders that tower unsafe, the following actions must be taken. The owner of the tower shall submit a plan to remediate the structural defect. The Planning Board and Addison Code Enforcement Officer shall determine a schedule to accomplish complete remediation of structural defects. Failure to accomplish this remediation of structural defects within the specified time frame shall be a violation of the conditional use permit and subject to penalties as specified in Section 13 of this Ordinance.

J. Certificate of Insurance. The applicant shall submit annually to the Town of Addison a Certificate of Insurance showing public liability insurance coverage of not less than \$2 million Combined Single Limit.

SECTION 12: ABANDONMENT; REMOVAL REQUIREMENTS

Any telecommunications facility that ceases to operate for a period of three years shall be removed. "Cease to operate" is defined as not performing the permitted functions associated with the telecommunications facility and its equipment on a continuous and ongoing basis for a period of five years. At the time of removal, the facility site shall be remediated such that all telecommunications facility improvements which have ceased to be utilized are removed. If all facilities on a tower have ceased to operate, the tower shall also be removed, and the site shall be re-vegetated. Applicant shall provide a bank letter of credit for the cost of removal. Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with this Section 12. The amount of the security shall be based upon the removal cost plus fifteen percent (15%) as certified by a professional civil engineer licensed in Maine. No

conditional use permit may be issued until the applicant has deposited the just described security with the Town. The owner of the facility shall provide the Planning Board with revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%), then the owner of the facility shall provide additional security in the amount of the increase.

A. Failure to Remove. If the owner of the facility does not remove the facility upon the Planning Board's order, then the Addison Selectboard shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment. If the abandoned facility is not removed within ninety (90) days, the Town of Addison may execute on the security to pay for such removal.

B. Failure to Maintain. If the owner of the facility fails to maintain the facility in accordance with the directions of the Addison Planning Board or Selectboard pursuant to this Ordinance, then the Addison Selectboard shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment. If the abandoned facility is not removed within ninety (90) days, the Town of Addison may execute on the security to pay for such removal.

SECTION 13: ADMINISTRATION AND ENFORCEMENT; PENALTIES.

A. Administration and Enforcement. The Addison Planning Board and the Addison Selectboard, through the Code Enforcement Officer, shall administer and enforce this Ordinance.

B. Penalties. Whoever violates this Ordinance is subject to all of the penalties and remedies described under 30-A M.R.S.A. 4452 and by a fine of not less than \$100 nor more than \$2,500 per offense. Each day on which such violation continues after the date of a written notice of violation is issued by the Town's Code Enforcement Officer shall constitute a separate offense. When actions taken to enforce the Ordinance under Sections 11 or 12 do not result in the correction or abatement of the violation or nuisance condition, the Addison Selectboard, upon notice from the Code Enforcement Officer, shall institute or cause to be instituted any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Addison. There is a twenty-five thousand dollar (\$25,000.00) maximum fine per offense upon the second conviction within two (2) years of prior violations under this Ordinance.

SECTION 14: APPEALS; POWERS AND DUTIES OF THE BOARD OF APPEALS.

The Board of Appeals shall have the following powers:

A. Administrative Appeals. To hear and decide administrative appeals where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made, or failure to act, in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.

When the Board of Appeals hears a decision of the **Planning Board**, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

When the Board of Appeals reviews a decision of the **Code Enforcement Officer** the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, either oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter anew, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

B. Appeal Procedures.

1. Making an Appeal.

a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters. Such an appeal shall be taken within thirty (30) days after the date of the final written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may extend the thirty (30) day appeals period.

b. Appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes a concise written statement indicating what relief is requested and why the appeal or variance should be granted.

c. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

d. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

2. Decision by Board of Appeals. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal. The person filing the appeal shall have the burden of proof. The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the Selectmen.

C. Appeal to Superior Court. Except as provided by 30-A M.R.S.A. 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

D. Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

SECTION 15: CONFLICT WITH OTHER ORDINANCES; SEVERABILITY. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other Ordinance, regulation, or standard, the more restrictive provision shall apply. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision hereof.

SECTION 16: DEFINITIONS.

ADEQUATE COVERAGE - Coverage is considered to be "adequate" within that area

surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment like Addison, this would be a signal strength of at least - 90dbm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

ADEQUATE CAPACITY - Capacity is considered to be "adequate" if the grade of service (see definition) is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunication facility in question, where the call blocking is due to frequency contention at the antenna(s).

ADEQUATE SIGNAL COVERAGE- Coverage is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular or Personal Communications Services (PCS) communications in a rural or non-urban environment, this would be a signal strength of at least – 92dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

ANTENNA - A device which is attached to a wireless telecommunications facility or other structure for transmitting and receiving wireless radio signals.

AVAILABLE SPACE - The space on a tower or structure to which antennas of a telecommunications provider are structurally to be attached.

BASE STATION - The primary sending and receiving site in a wireless telecommunications network. More than one base station and/ or more than one variety of telecommunications provider can be located on a single tower or structure.

BOARD OF APPEALS - The Board of Appeals of the Town of Addison.

BULLETIN 65 - Published by the FCC Office of Engineering and Technology specifying radiofrequency radiation exposure levels and methods to determine compliance.

CARRIER - A company that provides personal wireless services also sometimes referred to as a provider.

CHANNEL - The segment of the radiation spectrum from an antenna that carries one signal. An antenna may radiate on many channels simultaneously.

COLLOCATION - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

dBm - Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

ENVIRONMENTAL ASSESSMENT (EA) - An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a PWSF is placed in certain designated areas.

FACILITY SITE - A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility(s) are located. See Personal Wireless Service Facility.

FCC - Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

GRADE OF SERVICE - A measure of the percentage of calls which are able to connect to the base station, during the busiest hour of the day. Grade of service is expressed as a number, such as p.05 - which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

GUYED TOWER - A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

HEIGHT - The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

LATTICE TOWER - A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.

LOCATION - References to site location as the exact longitude and latitude, to the nearest tenth of a second with bearing or orientation referenced to true North.

MAJOR MODIFICATION OF AN EXISTING FACILITY - A major amendment as defined in Subsection 7.H of this Ordinance.

MONOPOLE - A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel, galvanized metal, concrete or other unpainted or painted material that is designed for the placement of antennas and arrays along the shaft.

MICROCELL PCS - A wireless personal communication service which uses a cable television system, and no towers, to provide cellular service.

MONITORING - The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from individual telecommunications facilities, towers, antennas or repeaters.

MONITORING PROTOCOL - The testing protocol used to determine compliance with the National Council on Radiation Protection and Measurements guidelines, related to exposure from existing and new telecommunications facilities upon adoption of this Ordinance.

OCCUPIED STRUCTURE - Any structure which people may enter or use.

PLANNING BOARD - The Planning Board of the Town of Addison.

RADIAL PLOTS - Radial plots are the result of drawing equally-spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial; a threshold plot uses a mark to indicate whether that point is strong enough to provide adequate coverage - i.e., the points meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

RADIATED-SIGNAL PROPAGATION STUDIES OR COVERAGE PLOTS - Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether a site will provide adequate coverage for the telecommunications facility proposed for that site.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from wireless telecommunications facilities.

REPEATER - A small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

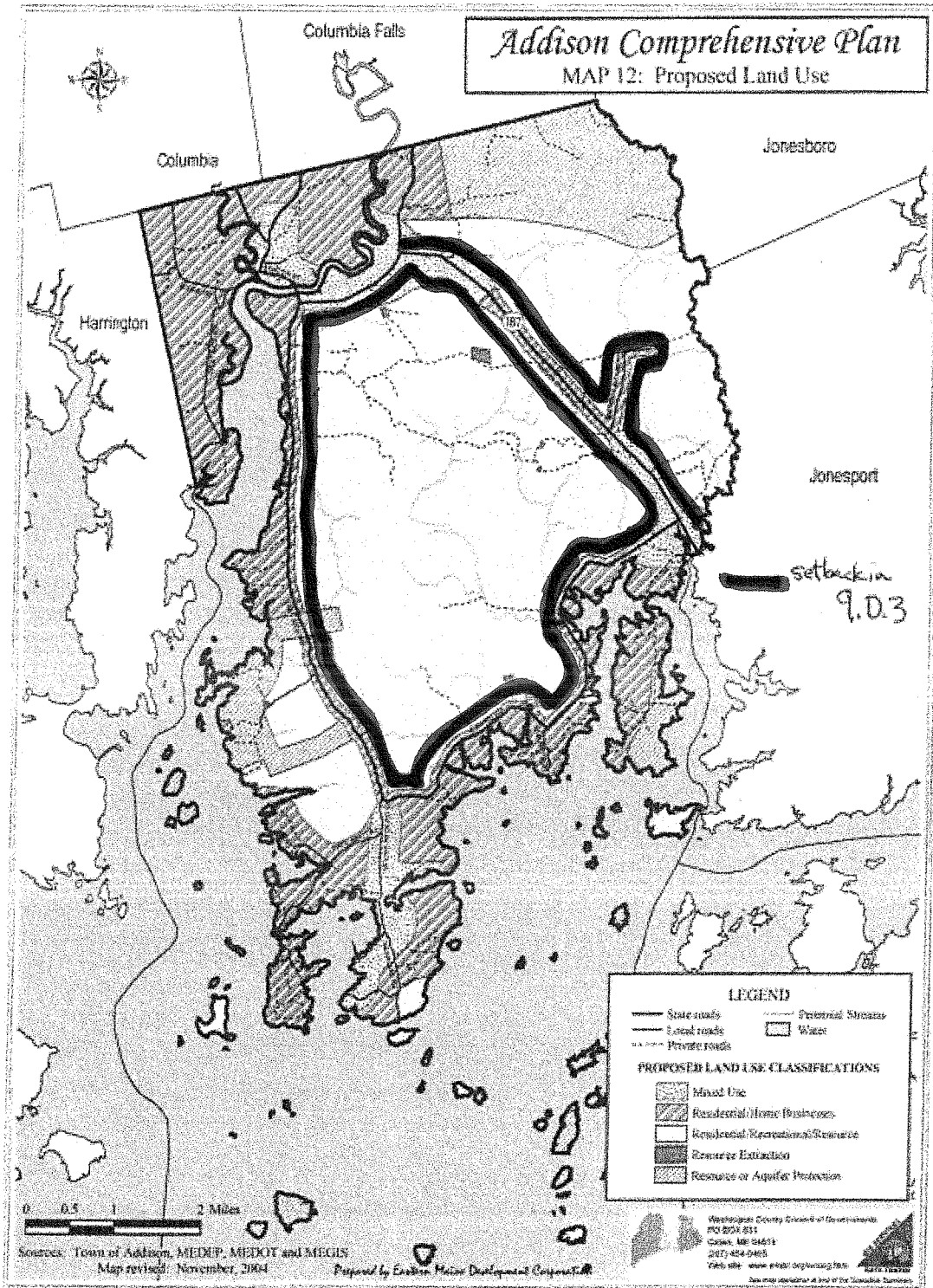
STRUCTURALLY ABLE - The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennas under all reasonably predictable conditions as determined by professional structure engineering analysis.

TELECOMMUNICATIONS PROVIDER - An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

TOWER - A lattice structure or framework, either self-supporting or guyed, (and including the guy wires and their anchor points) or monopole, that is designed to support telecommunications transmission, receiving and/or relaying antennas and/ or equipment.

TOWN - The Town of Addison.

WIRELESS TELECOMMUNICATIONS FACILITY (WIRELESS FACILITY)- Any structure, antenna, tower, or other device which provides personal wireless services as defined by the Telecommunications Act of 1996, as amended, including radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services—and also including any antennas, mounts, equipment shelters, guy wires and other related equipment, but not including access roads or any facilities exempted by Section 5 of this Ordinance.

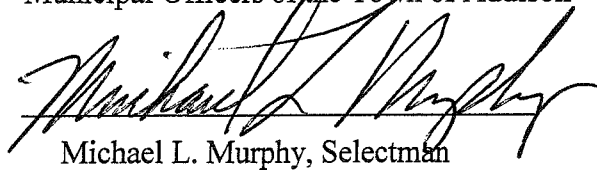


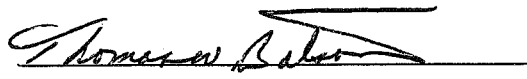


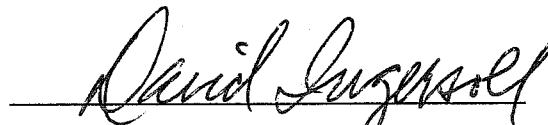
This certifies to the Municipal Clerk of the Town of Addison that the within ordinance is a true copy of an ordinance entitled "Wireless Telecommunications Facilities Ordinance" to be acted upon by the voters at a Town Meeting to be held on November 30, 2015.

Dated: Nov. 9, 2015

Municipal Officers of the Town of Addison


Michael L. Murphy, Selectman


Thomas Batson, Selectman


David Ingersoll, Selectman

Attested: A true copy of an ordinance entitled "Wireless Telecommunications Facilities Ordinance" for the Town of Addison as certified to me by the municipal officers of Addison on the 10th day of November, 2015.

Signature Alice Tucker
Town Clerk

