

STANDARDS FOR SMALL CELL WIRELESS FACILITY PLACEMENT IN PUBLIC RIGHT-OF-WAY

This policy describes approved aesthetic and location criteria for Small Cell Wireless Facilities in the public right-of-way in the City of Somerville.

1. Background

Public spaces, including streetscapes, enhance the quality of life for our residents and visitors and ensures that the City has the foundation to become more walkable and sustainable. Streets also serve as the city's civic, cultural, and physical framework of the character of Somerville.

To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure, a new lower-powered antenna technology, to reduce data traffic load on roof-mounted equipment and larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground. Small Cell infrastructure consists of antennas and related power equipment that transmits wireless signals to improve reliable data streaming. This infrastructure will provide cellular and data coverage to smaller geographic areas. New Small Cell facilities will improve the provider's ability to meet the public's current 4G (LTE) voice and data demands and the future 5th generation cellular needs for interconnected devices to operate at high speeds to access data.

Small Cell infrastructure will affect the function and aesthetics of public spaces. Cities across the nation are beginning to address the issue of balancing the need to accommodate the increased cellular demand with their community's public space character and function. To provide the necessary coverage, each cellular provider will install infrastructure to serve their individual needs; additionally, some companies serve as an infrastructure provider installing equipment that will house infrastructure for multiple cellular providers. Like other utilities, federal law allows Small Cell infrastructure equipment in the public right-of-way. Balancing the need to accommodate increasing cellular demand while preserving public space character and function is critically important, as is the need to design and place the proposed infrastructure in an appropriate way.

2. Intent

These standards are intended to cover the general requirements and aesthetics for the design and installation of Small Cell and similar technology. It is the intent of this document to establish uniform standards to address issues presented by small wireless facilities including, but not limited to:

- a. Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places; and,
- b. Prevention of the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic; and,
- c. Prevention of interference with other facilities and operations of facilities lawfully located in City rights-of-way or public property; and,
- d. Protection against environmental damage, including damage to trees or shrubbery including, but not limited, those items planted pursuant to City landscaping, zoning, tree preservation, or other City policies;
- e. Preservation of the character of neighborhoods in which facilities are installed; and,

- f. Preservation of the historical character of historic structures, or historic neighborhoods, including but not limited to such structures or neighborhoods listed in Local Historic Districts or on the National Register of Historic Places; and,
- g. Facilitation of the rapid deployment of small wireless facilities to provide the citizens with the benefits of advanced wireless services.

3. Applicability

No person shall place a Small Cell Wireless Facility in the right-of-way without first filing a Small Cell Wireless Facility application and obtaining an approved Grant of Location, except for routine maintenance and replacement described below and as otherwise provided in these standards,

- a. routine maintenance; and,
- b. the replacement of a Small Cell Wireless Facility with another Small Cell Wireless Facility that is substantially similar or smaller in size, weight, and height;
- c. Provided, however, on a location where the City or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written notice of an intent to proceed is provided to the City.

4. Application Process

All Small Cell Wireless Facility applications for permits shall be submitted to the Somerville Engineering Department in accordance with current policies and procedures, as required by the City. The Small Cell Wireless Facility permit application shall be made by the Wireless Provider, or its duly authorized representative as noted in a notarized statement from a Person with the Wireless Provider who represents authority to make such an authorization, and shall contain the following:

- a. The Applicant's name, address, telephone number and e-mail address;
- b. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
- c. A general description of the proposed work and the purposes and intent of the Small Cell Wireless Facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
- d. Authorization for any consultant acting on behalf of the Applicant to speak with the City, or a designee of the City, on the area of consultation for the Applicant even if the Applicant cannot be available;
- e. Verification from an appropriate professional that the Small Cell Wireless Facility shall comply with all Applicable Codes.
- f. Drawings and description of the proposed facilities, non-tower support structures, and accessory equipment - including street/eye level three-dimensional visualizations.
- g. Maps of the proposed site with geographic coordinates of the specific locations.
- h. Digital files of the geographic coordinates in a format approved by the City.
- i. A letter of agreement for use between the owner of the facility and non-tower support structure.
- j. A surveyed site plan.
- k. A description of any request for waivers of this ordinance.
- l. Proprietary or confidential information shall be included in the Small Cell Wireless Facilities application.

The City shall review the application for a Small Cell Wireless Facility permit in light of its conformity with applicable sections of these standards, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:

- a. Within ten (10) days of receiving an application, the City shall determine and notify the applicant:
 - i. Whether the application is complete; or
 - ii. If the application is incomplete, notify the applicant in writing that the application is incomplete, identify the documents or information that is missing, and specify the code provision, ordinance, application instructions or other publicly-stated procedures that require the documents or information to be submitted;
- b. The City shall make its final decision to approve or deny the application within forty- five (45) days of the filing of the application. The 45-day period may be tolled only by mutual agreement between the applicant and the City or in cases where the City properly and timely determines that the application is incomplete as submitted. The timeframe for review is not tolled by moratorium on the review of applications. In cases of tolling for incompleteness, the applicable timeframe for review resumes once the applicant supplies the documents or information that the City identified as missing.
- c. The City shall notify the applicant in writing of its final decision, and if the application is denied:
 - i. Specify the basis for denial; and,
 - ii. Cite specific code provisions from federal, state, or local codes provisions as to why the application was denied.
- d. Notwithstanding the initial denial, the Applicant may cure any deficiencies identified by the City within thirty (30) days of the denial without paying an additional application fee, provided the City shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial:
 - i. If the City fails to act upon an application within the sixty (60) day review period, the Applicant, after providing written notice to the City that the application period has lapsed, shall receive a written approval notice within 10 business days.
 - ii. An Applicant seeking to construct, modify or replace a network of Small Cell Wireless Facilities may, at the Applicant's discretion, file a consolidated Application for up to ten (10) Small Cell Wireless Facilities and receive a single permit for multiple Small Cell Wireless Facilities.

Collocation, modification or replacement of a wireless facility shall be approved by the Somerville Engineering Department if it does not substantially change the physical dimensions of the tower or base station within the meaning of 47 U.S.C, § 1455(a).

Notwithstanding any other provision of these standards, the City may not deny, and shall approve, applications for eligible facilities requests pursuant to 47 U.S.C. § 1455(a), within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).

5. Effect of Permit

A permit from the City authorizes an Applicant to undertake only certain activities in accordance with these standards and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.

Unless construction has actually begun and is diligently pursued to completion at that point, no permit for construction issued under this Ordinance shall be valid for a period longer than twelve (12) months unless both City and Applicant agree to a reasonable extension and all required fees are paid for the term regardless of construction.

The City retains the right to cut or move any Small Cell Wireless Facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the Wireless Provider and Wireless Infrastructure Provider an opportunity to move its own facilities prior to the City cutting or removing a facility and the City shall notify the Wireless Provider after cutting or removing a Small Cell Wireless Facility.

Upon abandonment of a Small Cell Wireless Facility within the City rights-of-way, the Wireless Provider shall notify the City within ninety (90) days of such abandonment. Following receipt of such notice the City may direct the Wireless Provider, at the Wireless Provider's expense, to remove all or any portion of the Small Cell Wireless Facility if the City, in its sole discretion, determines that such removal will be in the best interests of the public health, safety, and welfare.

At any point where a Wireless Provider fails to pay any necessary fee, or annual payment to the City, and fails to respond within sixty (60) days to a written inquiry from the City as to whether the Wireless Provider intends to continue to operate pursuant to the approval, for whatever reason, the Small Wireless Facility shall be deemed abandoned and the City may, at its sole option, remove all or any portion of the Small Wireless Facility, or take other action as authorized by law.

6. Fees and Rentals

The following fee schedule establishes the fees and an annual payment or lease of City rights-of-way for Small Wireless Facilities as follows:

- a. **Application Fees.** Unless otherwise provided by law, all applications for permits pursuant to this Chapter shall be accompanied by a fee for actual, direct, and reasonable costs incurred by the City related to processing each small wireless facility addressed in the application shall be;
 - i. Facilities on Existing Poles - \$100.00 per installation, due on approval
 - ii. Facilities on Existing Poles - \$1,000.00 per installation, due on approval
- b. **Annual License Fee.** A wireless provider authorized to place small wireless facilities in the rights-of-way shall pay to the City compensation for use of the rights-of-way in the amount of \$270.00 annually per Small Cell Wireless Facility, due on start of construction, then on the 2nd occurring January 1, then annually thereafter on January 1.
- c. **Right of Wireless Provider to Cease Payment.** A wireless provider is authorized to remove its facilities at any time from the rights-of-way and cease paying the City compensation for use of the rights-of-way as of the next due date for payment following the removal.

7. Siting

General:

- a. A Small Cell Wireless Facility shall not be attached to a traffic signal or its equipment.
- b. The City will not grant a permit or other authority for installation of small wireless facilities if the City knows or has reason to know that the proposed installation may in any way interfere with the use and operation of an existing and operational Small Cell Wireless Facility for which the City has previously issued a permit.
- c. A Small Cell Wireless Facility in the public right-of-way shall not visually obstruct traffic signals, signage, or sight distances.

- d. All pole attached wireless equipment must be a minimum 10 feet above the sidewalk elevation.
- e. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas and mounted no more than (6) inches off the pole.
- f. All cables or wires for the attached wireless equipment shall be located inside the pole. Exceptions: where such cables or wires attach to the ports in the antenna, or existing wood poles.
- g. All other wireless equipment shall be located underground in handholes, valves, or duct banks for poles with no existing overhead wires. No ground-mounted equipment or cabinets will be permitted for any poles.
- h. No additional cables or wires may be brought over-head from other poles to a city-owned pole. Any additional cables or wires to a city-owned pole must be brought in from underground via conduit.
- i. Any portion of a Small Cell Wireless Facility outside the public ROW shall comply with the setback provisions of the zoning district in which the Small Cell Wireless Facility is located. In addition, the following setbacks shall be observed:
 - i. Street-pole-attached and new non-tower support structures shall adhere to roadway clear zone guidelines if constructed within the public right-of-way;
 - ii. Underground vaults or above-ground structures shall comply with the setback requirements of the underlying zoning district; and
 - iii. Freestanding Small Cell Wireless Facilities or equipment enclosures shall not be located between the face of a structure and a public or private street, bikeway, park, or residential development.
 - iv. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian travel or public safety on a ROW.
- j. Poles shall be placed consistent with the most current Manual on Uniform Traffic Control Devices.
- k. Standalone poles shall not obstruct ADA access, including maintaining a clear landing at the top of curb ramps at crosswalks.
- l. No Small Cell Wireless Facility installation or equipment shall be replaced or altered without a re-application, hearing, and approval from the City Council unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.
- m. No meters will be added to any pole.

Existing poles:

- a. Only one installation per pole on a first come, first served basis is permitted.
- b. The wireless equipment is not permitted to protrude more than five (5) feet above the streetlight luminaire, mast arm, utility wires or other existing top-of-pole use.
- c. A Small Cell Wireless Facility shall not be attached to a city-owned pole or other utility pole that is owned and maintained by the city.

New and replacement poles:

- a. A structural analysis report is required for new and replacement poles certified by a Professional Civil Engineer.
- b. Pole height shall be the same as the nearest pole of the same material on the same street.
- c. Small Cell Wireless Facilities and wireless support structures shall be located in alignment with existing trees, utility poles, streetlights, and buildings.

- d. Small Cell Wireless Facilities and wireless support structures shall be located equidistant between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree. Any proposed pole that cannot meet this spacing must be reviewed by the Senior Urban Forester.
- e. Small Cell Wireless Facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- f. Small Cell Wireless Facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
- g. A Small Cell Wireless Facility shall not be attached to an existing decorative pole unless the required structural analysis shows that the existing pole can support the additional facilities. The equipment may be mounted on a replacement decorative pole. New decorative poles on streets with existing decorative poles are required to match the existing decorative poles.
- h. All replacement and new poles shall match the existing poles or streetlight poles in appearance (color and surface treatment), material, and function.
- i. The mounting height of the luminaires on replacement streetlight poles shall match the existing mounting height.
- j. When Small Cell Wireless equipment is attached to a replacement pole, the primary purpose of the pole shall remain as a pole structure supporting a streetlight luminaire, or power facilities, and related fixtures as originally established.
- k. New and replacement poles will follow all Americans with Disabilities Act requirements and standards for sidewalks.
- l. New and replacement poles must maintain a minimum forty-eight (48) inches of clear sidewalk width.
- m. For each replacement pole used to support the Small Cell Wireless equipment, one spare replacement pole of the same type or style shall be provided by the wireless service provider to the City at the end of the project so that the pole can be replaced promptly in case of a knockdown.
- n. A guy wire or other support wire shall not be used in connection with an antenna, antenna array, or a non-tower support structure except when used to anchor the antenna, antenna array, or non-tower supports structure to an existing building or ground to which such antenna, antenna array, or non-tower support structure is attached.

New pole location requirements:

- a. Minimum wireless equipment pole separation: one hundred fifty (150) feet
- b. Minimum separation from intersection curb line: fifty (50) feet
- c. Minimum separation from hydrant: ten (10) feet
- d. Minimum separation from tree: ten (10) feet
- e. Minimum separation from existing separation from existing water and sewer mains and laterals: four (4) feet.
- f. New poles shall not exceed the greater of five (5) feet above the tallest existing pole of similar material within two hundred fifty (250) feet of the new pole in the same ROW or thirty-five (35) feet above ground level.

If the location of the Small Cell Wireless Facility does not meet the location criteria, the wireless service provider can apply for a waiver through the Somerville Engineering Department. The wireless service provider must show that the wavier is required to provide service.

8. Aesthetic Requirements for Small Cell Wireless Facilities

- a. Standalone poles shall be aligned with existing streetlights, third party poles, and street trees as applicable to maintain a visual and physical organization of structures within the right-of-way, as measured from the center of the base of the pole. When streetlight and street tree alignment are offset within the amenity or curbside zones, prioritize alignment of the small cell facility with streetlights.
- b. Poles should be located, to the maximum extent possible, to minimize impact on businesses and residential mixed-use development by avoiding placement directly in front of building entrances, alignment with windows, primary entry walks, or delivery zones or entrances.
- c. Poles shall be placed a minimum of ten feet (10') from any above grade building face, including bay windows, show windows, oriel windows and building projections or overhangs.
- d. A Small Cell Wireless Facility shall not have lights on the facility unless the lights are required by other laws and consistent with the requirements of law.
- e. A Small Cell Wireless Facility shall not be fenced.
- f. A Small Cell Wireless Facility shall be installed using stealth technology to the greatest extent practicable including without limitation the following:
 - i. Reduced visibility. Antenna arrays, cables, and other accessory facilities used for providing the wireless service shall not be obtrusive;
 - ii. Color. All pole-mounted equipment shall match the color of the pole or its luminaire. The color of the facility shall be compatible with that of the non-tower support structure. All facilities located on buildings, roofs, or structures shall be painted or constructed of materials to match the color of the structure directly behind them to reduce the visibility of the Small Cell Wireless Facility; and
 - iii. Accessory facilities. Accessory facilities mounted onto a non-tower support structure shall not project greater than three (3) foot, as measured horizontally, from the surface of the non-tower support structure and shall be painted or screened with materials that are a complementary color as the non-tower support structure. Cables shall travel along the exterior of a non-tower support structure
- g. Tree "topping" or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the Senior Urban Forester.
- h. A Small Cell Wireless Facility shall not display a sign unless:
 - i. The sign displays emergency information, owner contact information, warning instructions, safety instructions, or is otherwise required by a federal, state, or local agency. Allowed sign on a Small Cell Wireless Facility shall not exceed one (1) square foot in area. And,
 - ii. Company 2-inch by 2-inch sign is required to be placed on each pole located 6-feet above sidewalk elevation. Sign must include company logo or name, and pole identification number.
- i. If a streetscape is redesigned in the future, including, but not limited to the location and type of streetlights, small cell providers will be required to remove their infrastructure at their own cost and apply to reinstall small cell infrastructure in accordance with these guidelines and the new streetscape.