

**ARTICLE \_\_\_\_.** To see if the Town will vote to adopt the following changes to the Town of Shelburne, Massachusetts, Zoning Bylaws that include revisions to: Section 16 Shelburne, Massachusetts Telecommunications Bylaw, relative to 5G Small Cell Installations, as described below or take any other action relative thereto:

[Note: *Proposed revision in red and/or italic and bold typeface. Requires a two-thirds majority vote.*]

## **SECTION 16.0 Shelburne, Massachusetts Telecommunications By-law**

### **16.2 DEFINITIONS:**

**“Commercial Radio Service (CRS) facility: a facility consisting of one or more of the following: a radio frequency configuration, wireless antenna (regardless of size), support structures (including telephone/electricity/cable poles as well as Commercial Radio Service (CRS) towers), equipment storage shelters, and accessory equipment required for the reception, switching, and/or transmission of wireless telecommunications including, but not limited to, paging, enhanced specialized mobile radio, personal communications services, cellular telephones, *so called “small cell installations”* – and similar technologies, but excluding personal and/or small business cell phone systems. *For the purposes of this by-law, “CRS Facility” includes “Small Cell Installation, except for those sections of this Section 16 listed below in subsection 16.3.25.”*”**

***“Small Cell Installation” means all equipment required for the operation and maintenance of so-called “small cell” wireless communications systems that transmit and/or receive signals – designed to provide network coverage to small areas as opposed to tall, high-power, “macro” towers which serve a wide area”.***

### **16.3 GENERAL REQUIREMENTS:**

***“16.3.25 Notwithstanding any other provision of this Section 16, the following subsections of this Section 16 shall not apply to Small Cell Installations: 16.3.8; 16.3.0; 16.3.16; 16.7.”***

***“16.3.26. Small Cell Installations may not be co-located with other CRS facilities.”***

***“16.3.27. All CRS facilities shall comply with applicable FCC rules regarding acceptable limits on radio frequency radiation exposure to the general public as determined by a qualified radio frequency engineer.”***

### **16.5 FACILITIES OUTSIDE THE CRSOD:**

#### **16.5. B. FACILITIES PERMITTED OUTSIDE THE CRSOD:**

**“c. The installation of building, roof or wall-mounted CRS facilities, *other than Small Cell Installations, which are* subject to Subsection 16.3 and Subsection 4.1 of this bylaw provided that: No equipment, antennae, or structures associated with the CRS facility shall exceed 10 feet**

above the height of the building or 100 feet above the ground, whichever is less; AND all antennas and accessory equipment shall be fully screened to be harmonious and architecturally compatible with the building, including but not limited to painting equipment to match the building.”

#### 16.5. C. FACILITIES REQUIRING A SPECIAL PERMIT OUTSIDE THE CRSOD:

“Outside the CRSOD, a special permit shall be required for all new CRS facilities, except as set forth in Subsections 16.5.B and 16.6 of this bylaw. *However, because each individual Small Cell Installation will have unique impacts on the Town depending on its specific location, each such installation shall require a separate special permit.*”

#### 16.12.C. PERFORMANCE GUARANTEES AND FEES:

C. Prior to issuance of a Building Permit for a *CRS facility*, the applicant is required to post with the Town Treasurer a bond or other form of financial security for an amount up to \$50,000.00, as set forth by the ZBA. The bond will be to cover demolition in the event that the Building Inspector condemns the tower or parts thereof or accessory facilities and structures or deems it unused continuously for more than a year. The Building Inspector shall give the applicant 90 days written notice in advance of any demolition action. *In addition, a separate \$10,000.00 bond shall be required for each Small Cell Installation. This bond(s) will be held as a guarantee that no such installation exceeds or will exceed the allowable FCC limits for radio frequency radiation exposure to the general public as determined by a qualified radio frequency engineer.*”

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**ARTICLE\_\_\_\_\_:** To see if the Town will vote to adopt the following change to the Town of Shelburne, Massachusetts, Zoning Bylaws, that includes a revision to SECTION 6.2 SPECIAL PERMITS-Rules and Regulations, as described below or take any other action relative thereto:

[**Note: Proposed revision in red and/or italic and bold typeface. Requires a two-thirds majority vote.**]

**6.2 Rules and Regulations:** Pursuant to Section 9 of Chapter 40A of the Massachusetts General Laws, the SPGA shall adopt rules relative to the issuance of Special Permits. The SPGA’s Rules and Regulations may relate to the size, form, content and style of the plans, fees, and procedures for submission and approval of such Special Permits, and shall not be inconsistent with the General Laws and provisions of this Bylaw. The SPGA shall from time to time amend these rules. Copies of the rules shall be on file and available for review at the office of the Town Clerk. Copies of Special Permit Applications and related documents shall be submitted to the Board of Health, the Planning Board, *and* the Conservation Commission, *and the Selectboard* who shall have 35 days within which to comment.