

**Town of Burlington Policy
Applications for Small Cell Wireless Installations**

The Town of Burlington ("Town") by and through its Select Board hereby adopts this policy ("Policy") concerning Applications for Small Cell Wireless installations within the public right of way of the Town or located on Town-owned property.

1. Application Process.

- a. Applications shall be submitted to the Select Board through the Office of the Town Administrator accompanied by the application fee of \$500 per application, payable to the Town of Burlington. The \$500 fee will cover up to 5 locations. Each application for more than 5 installations is subject to a separate fee of \$100 per Installation.
- b. Applications must also be accompanied by a check in the amount of \$3,500.00 payable to the Town of Burlington as an initial fee to be used for peer review consultant services pursuant to the regulations regarding the use of outside consultants for small wireless facilities.
- c. Ten (10) hard copies and 1 (one) electronic copy of the application must be submitted. Applications may be hand-delivered during normal Town Hall office hours or mailed. If mailed, the date of receipt shall be the date from which the time standards are measured.
- d. The applicant must also pay for and publish and mail legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the abutters list for each pole location within the application. The applicant must provide proof of mailing and publication to the Town Administrator.
- e. No application will be accepted for review until all items listed in 2, below, have been submitted, as well as all fees and the abutters list paid for.
- f. Upon receipt, the Office of the Town Administrator shall date and time stamp the Application as received.
- g. The Town Engineer or his designee shall make a determination as to completeness of the application and notify the Applicant, in writing, within 10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the application is deemed rejected and must be resubmitted.
- h. The Office of the Town Administrator shall also circulate a copy of the application to the following departments for comment and review: Building; Engineering; Planning; Health; Police; Fire; Conservation Commission; and, any other department the Town Administrator, in his or her sole discretion, determines.
- i. Written comments from the departments shall be submitted to the Office of the Town Administrator within 20 days of circulation of the application.
- j. Once the application is deemed complete, and all comments have been received, the Select Board will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within the time period required by law.
- k. Any material changes to an application, as determined by the Town in its sole

discretion, shall constitute a new application for the purposes of the time standards. Where a changed or new application is submitted, the prior application shall be deemed withdrawn.

1. Upon completion of the hearing, the Select Board may grant, grant with conditions, or deny the application, based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, or failure to meet applicable engineering or design standards.

m. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small cell wireless location will require a new application and approval from the Town.

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

a. Applicant's name, address, telephone number and email address.

b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.

c. Detailed drawings, with wet stamp/wet signature, and descriptions of the equipment to be installed, whether

mounted on poles or on the ground, or otherwise, including:

ii. Type of equipment

iii. Specifications of equipment (including but not limited to dimensions and weight of each piece of equipment and of all equipment)

iv. Dimension of each piece of equipment and total dimension of all equipment

v. Costs of all equipment and installation

vi. Equipment mount type and material

vi. Power source or sources for equipment, including necessary wires, cables, and conduit

vii. Expected life of equipment

viii. Coverage area of equipment, including:

1. Amount of antennas

2. Antenna model

3. Antenna length

4. Remote radio units (RRU) count and power

5. Antenna height

6. Typical coverage area radius

ix. Call capacity of equipment, including:

1. Total RRUs

2. Max bandwidth per RRU

3. Multiple input, multiple output (MIMO) per RRU

4. Backhaul rate per RRU

x. Hardening, including:

1. If there is battery backup

2. If there is generator backup
3. If there are multiple fiber paths to switch

- d. Photos, renderings, and elevation of equipment proposed to be installed.
- e. Detailed map with locations of the poles or other structure on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service. The data must be supplied in a format that can be uploaded as a data layer to the Town's GIS map.
- f. Detailed map showing existing and proposed small cell installations within 500 feet of the Application site.
- g. Certification by a registered professional engineer that the pole/or location will safely support the proposed equipment.
- h. Written consent from the pole, structure, or facility owner to the installation.
- i. Affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Burlington and how the installations address that need in Burlington. Such affidavit should characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent" "good and "poor" reception areas, as set forth in section 8.4.5 of the Burlington Wireless Communication and Facilities provisions of the Burlington Zoning Bylaw.
- j. Insurance certificate evidencing workers' compensation coverage, and comprehensive general liability coverage for the installation.
- k. Description as to why the desired location is superior to other similar locations, from a community perspective, including:
 - i. Visual aspects
 - ii. Proximity to residential structures
- l. Description of efforts to co-locate the equipment on existing structures, poles, or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.
- m. An Affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
- n. Completed cover sheet on Town form, using extra sheets as necessary to provide all information.
- o. Surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

3. Annual Re-Certification and Affidavit.

- a. Each year on July 1 the party responsible for the equipment maintenance shall submit an affidavit which shall list, by location, all small cell wireless installations it maintains within the Town of

Burlington by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.

b. The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$100 per installation which remains in use.

c. Any small cell wireless installation which is no longer in use shall be removed by the party responsible for its maintenance within 60 days of receipt of the annual re-certification affidavit, at that party's expense.

d. Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.

e. Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

4. Prohibitions.

a. No small cell wireless installations shall be installed on double poles.

b. No small cell wireless installation shall be installed on poles which are not ADA compliant.

c. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.

d. No small cell wireless installation equipment shall be replaced or altered without a re-application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

e. No application may seek approval of more than five (5) proposed facilities.

f. No applicant or closely held applicant may file more than two (2) applications within 60 days of another.

g. No emailed applications shall be accepted for filing.

h. No equipment may be used that is manufactured by a company whose equipment is banned from use by any branch or department of the U.S. government.