



## TOWN OF NORWOOD

566 Washington Street  
Norwood, MA 02062

### WIRELESS TELECOMMUNICATIONS REGULATIONS **Permitting, Siting and Design of "Small Cell" Telecommunications Facilities in Public Rights-of-Way**

#### **SECTION 1 - FINDINGS AND PURPOSE**

The Town of Norwood ("Town") hereby finds:

- 1.1 The wireless telecommunications industry has expressed interest in submitting applications to place antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of "small cell" wireless telecommunications facilities (hereinafter "small cell installations").
- 1.2 The deployment of small cell installations may have both positive and negative impacts on our community. Multiple small cell installations within the public right-of-way can impact property values; pose a threat to the public health, safety and welfare; create traffic and pedestrian safety hazards; impact trees where proximity conflicts may require trimming of branches or require removal of roots; create visual and aesthetic blights and potential safety concerns from excessive size, height, weight, noise or lack of camouflaging which negatively impact the quality and character of the Town.
- 1.3 The Town currently regulates all telecommunications facilities in the public right-of-way through a grant of location and permit process. The Town's existing regulations and procedures fail to address current telecommunications trends or necessary legal requirements applicable to small cell installations.
- 1.4 The Federal Communications Commission ("FCC") suggests that all local jurisdictions comply with various rules and recommendations on the exercise of local aesthetic, zoning, public works, and fee schedules when dealing with small cell installations.
- 1.5 The Town recognizes its responsibilities under the Federal Telecommunications Act of 1996 and state law, and believes that it is acting consistent with the current state of the law in ensuring that development activity does not endanger public health, safety, or welfare. The Town intends that these regulations ensure that the installation, augmentation and relocation of small cell installations in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the federal Telecommunications Act and any applicable state laws/codes with the rights, safety, privacy, property and security of residents of the Town.
- 1.6 These regulations and procedures are not intended to, nor shall it be interpreted or applied to:
  - (i) prohibit or effectively prohibit any wireless telecommunications service provider's ability to provide wireless services;
  - (ii) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service;
  - (iii) unreasonably discriminate among providers of functionally equivalent services;
  - (iv) deny any request for authorization to place, construct or modify wireless telecommunications service facilities on the basis of environmental effects of radio frequency emissions so long as such wireless facilities comply with the FCC's regulations concerning such emissions;
  - (v) prohibit any collocation or modification that the Town may not deny under federal or state law; or,
  - (vi) otherwise authorize the Town to preempt any applicable federal or state law.



- 1.7 Based on the foregoing, the Town, acting by its Board of Selectmen, finds and determines that the preservation of public health, safety and welfare requires that these regulations be enacted and be effective immediately upon adoption.

NOW, THEREFORE, the Town of Norwood adopts the following regulations and procedures:

## **SECTION 2 - APPLICABILITY**

These regulations and procedures apply to the installation of Small Cell Installations on existing and newly approved poles and structures in the Public Right-of-Way. Applicants must also follow the grant of location process as set forth in M.G.L. c. 166, §§ 21 and 22 for the installation of poles and wires. Applicants also must comply with all requirements of the owner(s) of utility poles and structures, including the Norwood Municipal Light Department, before attaching to them.

## **SECTION 3 - DEFINITIONS**

**"Applicant"** means the person or entity applying for and/or receiving a permit under these regulations.

**"Collocated Small Cell Installation"** means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

**"Compliance Bond"** has the meaning set forth in Section 4.7.

**"Public Right of Way"** means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of these regulations shall include public utility easements or rights of way, but only to the extent the Town has the authority to permit use of the area for this purpose. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Town.

**"Shot Clock"** means the time frames in which an application is submitted, reviewed, a hearing held, and a decision made, as set forth in Section 4.3, pursuant to the FCC order.

**"Small Cell Installation"** means equipment to be installed for the required operation and maintenance of so-called "small cell" wireless communications systems that transmit and/or receive signals, which includes all antennas, cabinets, equipment, and facilities, required for the transmission or receipt of such signals.

**"Town of Norwood (Town)"** means the local jurisdiction/municipality responsible for the development and approval of permitting, siting and design of "Small Cell" Telecommunications Facilities in a Public Right of Way. The Town is represented by the Board of Selectmen or any so delegated representative.

## **SECTION 4 - PERMITTING PROCESS**

**4.1 Permit Required:** No small cell installation shall be constructed, erected, modified, mounted, attached, operated or maintained within the Town on or within any public right-of-way without the issuance of a permit. No approval granted under these regulations shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.

**4.2 Permit Application Submission and Content:** All permit applications shall be submitted to the General Manager, Norwood Town Hall, 566 Washington Street, First Floor, Norwood, MA 02062, and shall include:

- 4.2.1** Detailed site and engineering plans for each proposed small cell installation, including all associated equipment necessary for its operation;
- 4.2.2** Photographs of proposed facility equipment;
- 4.2.3** Visual impact analyses with photo simulations;



- 4.2.4 A master plan showing the geographic service area for the proposed small cell installation(s), and all of Applicant's existing, proposed and anticipated installations in the Town;
  - 4.2.5 Certification by a certified radio-frequency engineer that the small cell installation will be in compliance with the FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all collocated equipment;
  - 4.2.6 Certification that the Applicant has a right under state law to install wireless telecommunications facilities in the public right-of-way;
  - 4.2.7 Documentation demonstrating a good faith effort to locate the small cell installation in accordance with the preferred provisions of these regulations;
  - 4.2.8 Documentation that owners of all properties within 500 feet of the proposed small cell installation have been notified in writing of the proposed installation;
  - 4.2.9 An executed indemnification agreement as set forth in Section 4.7 herein; and,
  - 4.2.10 All required certificates of insurance per section 4.9.2 herein.
- 4.3 Application Review Period:** Per FCC Regulations, the following time frames shall be adhered to for making a final determination of a submitted application; (i) 60 days for an application to be attached to an existing structure / collocation; or, (ii) 90 days for the construction of a new qualifying facility / structure. This “shot clock” period starts when the application is filed with the Town’s General Manager’s Office. The shot clock will be stopped and reset to zero if the Town notifies the applicant in writing within ten (10) days that the submitted application is materially incomplete and either identifies the missing documents or information or cites the specific rule or regulation creating the obligation to be submitted. The application will not be deemed to be complete until all information or documentation is supplied as outlined in the notice from the Town. The processing will be stopped further if the Town notifies the applicant in writing within ten (10) days that the supplemental submission does not include the information requested in the Town’s original notice. See Section 4.10 for additional information.
- 4.4 Application Fee:** The Town shall assess an application fee of \$500 for applications with up to five small cell installations. An additional fee of \$100 per small cell attachment shall apply for applications exceeding five attachments. The application fee is intended to cover the Town’s costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application. Additional fees may apply for employing outside consultants and field activities. All fees indicated in this document shall be paid by certified or bank check only, made payable to the Town of Norwood.
- 4.5 Consultant Fee:** The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. The reasonable cost of the review shall be paid by the Applicant in addition to the application fee.
- 4.6 Additional Fees:** Additional fees may be charged for costs incurred by the Town in conducting oversight of the construction of the small cell installation to ensure compliance with all local requirements and for field tests.
- 4.7 Compliance Bond:** Upon approval of the application, the Applicant shall be required to post a bond, in a form reasonably acceptable to the Town, in the amount of \$10,000 for each small cell installation. Such bond to be held and maintained during the entire period of the Applicant’s operation of each small cell installation in the Town as a guarantee that no such installation, including any collocated equipment, exceeds or will exceed the allowable FCC limits for RF radiation exposure to the general public as determined by a qualified independent RF engineer under Section 4.10.4 hereof (“Compliance Bond”).



- 4.8 Permit/License** – Approved permits/licenses shall be for a length of 10 years from the approval date.
- 4.9 Indemnification:** Applicant shall provide an executed agreement in the form provided by the Town, pursuant to which the Applicant agrees to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a legal action brought against the Town for loss of property value or other harm or damage caused by the placement or operation of a small cell installation. This indemnification agreement shall be in a form acceptable to the Town Counsel and shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, the Town and/or the parties initiating or bringing such proceeding. Such agreement shall also include a provision obligating the Applicant to indemnify the Town for all of the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of these regulations.
- 4.10 Annual Recertification:**
- 4.10.1** Each year, commencing on the first anniversary of the issuance of the permit, the Applicant shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location:
- A. Certifying that each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits;
  - B. Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be approved by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.
  - C. If the Town believes the applicant is not in compliance with recertification or removal requirements, the Town shall send a notice within the 10-day period of a new application submission, requiring information to demonstrate compliance before the Town will proceed with the new application review.
- 4.10.2 Insurance Limits:** Applicant shall provide, for the initial permit and upon each annual recertification, the following insurance coverage limits and must furnish Certificates of Insurance and proof of the required endorsements issued by an insurer or insurers qualified to do business in the state of Massachusetts.
- A. Up to five(5) small cell facilities listed per section 4.10.1 owned, controlled or used by the same entity shall be covered by liability insurance of not less than \$2,000,000, naming the Town, it's agents, it's employees and their authorized representatives shall be named as additional insured;
  - B. Electromagnetic and radio wave frequency hazards limits of not less than \$5,000,000 each occurrence or condition;
  - C. Automobile Liability limits of not less than \$1,000,000 covering Owned, Hired and Non-owned vehicles;
  - D. MA Worker's Compensation and Employer's Liability coverage per state statutory limits;
  - E. Umbrella Liability of not less than \$10,000,000 in excess of the underlying general liability, automobile liability and state statutory worker's compensation/Employer's liability coverages. The Town, it's agents, it's employees, and their authorized representatives shall be named as additional insured;



- F. The Town waives all rights of recovery (waiver of subrogation) against the Town and the applicant agrees to have their insurer waive its right as well. Such statement must be submitted by the applicant's insurer as a condition of permit approval; and,
- G. The Town, its agents, its employees, and authorized representatives shall be named insured for both Premises/Operations Liability and Product/Completed Operations Liability, with no privity of contract restriction regarding subcontracted work.

**4.10.3** The Applicant shall pay an annual fee of \$270 per small cell installation to cover the Town's administrative costs. Additional annual fees, such as consulting and field-testing fees as provided herein that are applicable to the application fee, may apply to annual recertification fees, as appropriate.

**4.10.4** The Town shall have the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Applicant's small cell wireless installations located within the Town to certify their compliance with all FCC radio-frequency emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Applicant.

**4.10.5** In the event that such independent tests reveal that any small cell installation or installations owned or operated by the Applicant or its lessees, singularly or in the aggregate, is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Town shall notify the Applicant of the violation, and the Applicant shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest.

**4.10.6** Any small cell wireless installation which is no longer in use shall be removed by the Applicant within 30 days of being taken out of use.

**4.10.7** Any small cell wireless installation which is not removed within 30 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day until such installation is removed.

**4.11 Non-Permitted Installations:** Any small cell installation constructed, erected, modified or enhanced prior to the issuance of a site-specific permit from the Town shall be removed prior to the submission of any other application. No application for a small cell installation shall be approved while such unauthorized installation(s) remain.

## **SECTION 5 - SITING, DESIGN AND AESTHETICS**

**5.1 Siting Guidelines:** The purpose of this section is to provide guidelines to Applicants and the reviewing authority regarding the preferred locations and configurations for small cell installations in the Town, provided that nothing in this section shall be construed to permit a small cell installation in any location that is otherwise prohibited by these regulations or local codes.

**5.2 Order of preference – Location:** The order of preference for the location of small cell installations in the Town, from most preferred to least preferred, is:

1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone
4. Residential zone

**5.3 Design and Aesthetics:** All installations shall be designed to minimize the negative visual impact on the surrounding area. Final designs shall be subject to the Town's approval. At a minimum, the following requirements shall apply:



- 5.3.1 Stealth design elements, such as shapes and colors that match surrounding infrastructure and minimize adverse visual impacts shall be utilized;
- 5.3.2 Tapered shapes that smoothly integrate into structures (avoiding, for example, new rectangular boxes) shall be used whenever possible;
- 5.3.3 The Applicant shall minimize the size and aesthetic difference between a replacement structure and the original pole or structure;
- 5.3.4 In downtown areas, banners and coloring to match surrounding light poles and fixtures should be used;
- 5.3.5 No facilities shall be installed in a park or in a right-of-way within 250 feet of a park, playground and public recreation area; and,
- 5.3.6 In residential areas, a minimum of 500 feet of spacing is required between the Applicant's small cell installations.

## **SECTION 6 - INSTALLATION SPECIFICATIONS AND REQUIREMENTS**

- 6.1 The Applicant shall construct, install, maintain and operate the small cell installation in strict compliance with the plans and specifications included in the application.
- 6.2 Where feasible, as new technology becomes available, the Applicant shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approval required by the Town.
- 6.3 The Applicant shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Applicant shall notify the Town of any changes to the information submitted within seven (7) days of any change, including the name or legal status of the owner or operator.
- 6.4 At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.
- 6.5 The Applicant shall maintain current at all times liability and property insurance for each small cell installation in the Public Right of Way in the amount of \$2,000,000 (Two Million dollars) naming the Town as additional insured. These insurance requirements are in addition to any insurance requirements imposed by the owner of pole or structure.
- 6.6 The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.
- 6.7 Every effort shall be made to locate small cell installations in away from residences, particularly from sleeping and living areas. In general, small cell installations shall be no less than 500 feet away from the Applicant's or any lessee's nearest other small cell installation, or within 100 feet of any permanent residential dwelling.
- 6.8 Single or collocated small cell installations must be mounted on an existing structure such as a utility or lighting pole that can support its weight and the weight of any existing co-located equipment. All new wires needed to service the small cell installation must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.
- 6.9 With the exception of cabinets, as provided in Section 6.10.1 (c) and Section 6.10.2, all equipment that will not be installed on the pole or in an acceptable alternative location inside the pole must be located underground, flush to the ground, and within three (3) feet of the utility pole. Each



installation is to have its own dedicated power source to be installed and metered in accordance with the utility's requirements.

**6.10** The installation of cabinets shall meet the following requirements:

**6.10.1 Pole-Mounted Cabinets**

- A. Cabinets shall only be allowed on the sidewalk side of wooden utility pole, and in compliance with the utility's requirements / specifications, if applicable;
- B. An acceptable alternative to external cabinets on a pole would be equipment placed inside the pole, such as in the base of the pole in a way that integrates with the design of the pole, and in compliance with the utility's requirements / specifications, if applicable;
- C. Outside commercial corridors, cabinets may either be mounted on a pole or on a concrete slab within 50 feet of the pole where the antenna is mounted, and in compliance with the utility's requirements / specifications, if applicable;
- D. Cabinets mounted on poles shall have at least a 12-foot clearance from the ground, or the minimum clearance required by the latest edition of the National Electrical Safety Code (NESC), whichever is greater, and be in compliance with the utility's requirements / specifications, if applicable;
- E. Cabinets shall be flush mounted to poles, and in compliance with the utility's requirements / specifications, if applicable;
- F. Rectangular cabinets on poles are limited to a maximum of 48" (height) by 24" (width) by 18" (depth); cabinets that are non-rectangular in shape must be comparable or less in volume and visual impact;
- G. placing pole-mounted equipment in enclosures with tapered shapes, which are less obtrusive than rectangular cabinets is preferred;
- H. The power meter and power disconnect switch shall be located below the cabinet;
- I. Cabinets on metal poles shall be the same color as the pole. Cabinets on wooden utility poles shall be a neutral, unobtrusive color.

**6.10.2 Surface-Mounted Cabinets**

- A. Surface-mounted cabinets shall be on a concrete slab, and where possible must be placed next to existing pedestals and cabinets (for example, near traffic signal controllers, transformers or other utility pedestals).
- B. All cabinet colors shall be submitted to and approved by the Town.
- C. Surface-mounted cabinets must be no larger than 10 cubic feet in volume, and with height, width, and depth each not exceeding 3.5 feet.

**6.11** Lighting is not allowed on any small cell installations. Any lighting on supplied equipment shall be covered, removed, or deactivated.

**6.12** Small cell installations in residential neighborhoods may not create noise exceeding limits set by state or local authorities.

**SECTION 7 – RF Compliance**

**7.1** The Applicant shall comply with all provisions and guidelines of the FCC OET Bulletin 65, as may be amended from time to time, and shall submit a report certifying FCC OET 65 compliance for each small cell installation.

**7.2 Disconnect Switch.** Each approved small cell installation shall have a clearly marked lockable power cut-off switch as directed by the Town and consistent with applicable laws, standards and utility requirements, as applicable, for every structure to which Applicant has attached facilities that can emit RF energy. Such lockable power cut-off switch shall have a visible open or indicator showing that power is off and must be located outside areas that exceed RF exposure limits. Applicant shall provide the Town and utility company, as applicable, with access to disconnect the switch by



providing keys or combinations to the lock. Disconnect and meter sockets must be installed according to the Town's or the utility company's requirements, as applicable. Once the shut-off switch is placed in the open position, the electronics equipment related to the installation shall not be energized by any source including any battery backup. Additionally, no RF transmissions shall be emitted by any antenna related to the installation.

- 7.3 Report.** The following elements, at a minimum, must be contained within the report:
- 7.3.1** A statement of compliance (or non-compliance);
  - 7.3.2** Date of the report;
  - 7.3.3** Date of statement of compliance;
  - 7.3.4** Pole number proposed small cell installation;
  - 7.3.5** Applicant's site or identification number for the small cell installation;
  - 7.3.6** GPS coordinates of the proposed pole;
  - 7.3.7** Calculation of RF power at the radios or other electronics;
  - 7.3.8** Calculation of RF power at the antennas; and,
  - 7.3.9** Location of the applicable signage with above ground level height listed.
- 7.4 Field Tests.** Upon request by the Town, the Applicant shall perform RF field tests while the small cell equipment or facilities are in operation, supervised by the Town to demonstrate compliance with FCC OET 65.
- 7.5 Signage.** Approved signage compliant with FCC OET Bulletin 65 and OSHA standards shall be posted at each pole or structure hosting a small cell installation, and/or at multiple locations on such pole structure as required by FCC OET 65.

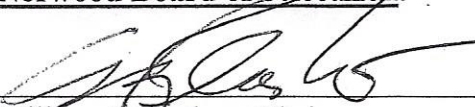
RF signage shall comply with the appropriate and predetermined exposure level applicable to: "General Public", "Occupational Worker", and "Specialized Worker" as shown in Figure 1 below. All signage shall be 8" x 12" and made of weather, corrosion, and Ultra-Violet (UV) resistant materials.

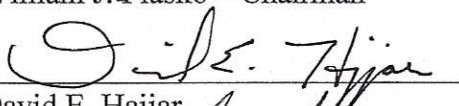
**FIGURE 1**






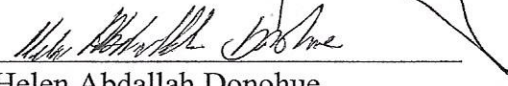
Norwood Board of Selectmen:

  
William J. Plasko – Chairman

  
David E. Hajjar

  
Matthew E. Lane

  
Thomas F. Maloney, Vice-chairman

  
Helen Abdallah Donohue

APPROVED: 7 / 28 / 2020