

## 2000 ANNUAL TOWN MEETING WARRANT

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### WARRANT FOR THE ANNUAL TOWN ELECTION MONDAY, APRIL 10, 2000 TOWN OF NEEDHAM COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the constables in the Town of Needham in said County. Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the Inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet in their respective voting places in said Town namely:

|            |   |                                     |
|------------|---|-------------------------------------|
| Precinct A | - | Hillside School - Gymnasium         |
| Precinct B | - | Hillside School - Gymnasium         |
| Precinct C | - | Newman School - Gymnasium           |
| Precinct D | - | High Rock School - Gymnasium        |
| Precinct E | - | Pollard Middle School - Room 226    |
| Precinct F | - | Stephen Palmer Community Room       |
| Precinct G | - | Broadmeadow School - Gymnasium      |
| Precinct H | - | Broadmeadow School - Gymnasium      |
| Precinct I | - | William Mitchell School - Gymnasium |
| Precinct J | - | William Mitchell School - Gymnasium |

on MONDAY, THE TENTH DAY OF APRIL, 2000

from forty-five minutes after six o'clock in the forenoon, until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

#### **ARTICLE 1: ANNUAL TOWN ELECTION**

To choose by ballot the following Town Officers:

One Moderator for One Year;  
Two Selectmen for Three Years;  
One Assessor for Three Years;  
Two Members of School Committee for Three Years;  
One Member of the School Committee for One Year;  
Two Trustees of Memorial Park for Three Years;  
One Trustee of Memorial Park for One Year;  
Two Trustees of Needham Public Library for Three Years;  
One Trustee of Needham Public Library for Two Years;  
One Member of Board of Health for Three Years;  
One Member of Planning Board for Five Years;  
One Member of the Needham Housing Authority for Five Years;  
One Commissioner of Trust Funds for Three Years;  
Two Members of Park and Recreation Commission for Three Years;  
Nine Town Meeting Members from Precinct A for Three Years;  
One Town Meeting Member from Precinct A for Two Years;  
Nine Town Meeting Members from Precinct B for Three Years;  
Two Town Meeting Members from Precinct B for One Year;  
Nine Town Meeting Members from Precinct C for Three Years;  
Two Town Meeting Members from Precinct C for Two Years;  
One Town Meeting Member from Precinct C for One Year;  
Nine Town Meeting Members from Precinct D for Three Years;  
One Town Meeting Member from Precinct D for Two Years;  
One Town Meeting Member from Precinct D for One Year;  
Eight Town Meeting Members from Precinct E for Three Years;  
Eight Town Meeting Members from Precinct F for Three Years;

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One Town Meeting Member from Precinct F for Two Years;  
One Town Meeting Member from Precinct F for One Year;  
Eight Town Meeting Members from Precinct G for Three Years;  
Eight Town Meeting Members from Precinct H for Three Years;  
Two Town Meeting Members from Precinct H for One Year;  
Eight Town Meeting Members from Precinct I for Three Years;  
Eight Town Meeting Members from Precinct J for Three Years.

### **ARTICLE 2:                   BALLOT QUESTION: DEBT EXCLUSION - ELEMENTARY SCHOOLS**

To submit the following question upon the official ballot to the voters of the Town:

“Shall the Town of Needham be allowed to exempt from the provisions of Proposition two and one-half, so called, the amount required to pay for the bond issued in the principal amount of \$31,500,000 for the following elementary school projects including necessary design, engineering and equipping: (1) addition to and renovation of the Broadmeadow School; (2) construction of a new Eliot School; (3) repairs to the High Rock School, to be used during the construction for the Broadmeadow and Eliot School projects; and (4) partial renovations to the Newman School so that it may be used for the pre-school program which is now located at the High Rock School?”

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### **ARTICLE 3:                   BALLOT QUESTION: DEBT EXCLUSION - HIGH SCHOOL**

To submit the following question upon the official ballot to the voters of the Town:

“Shall the Town of Needham be allowed to exempt from the provisions of Proposition two and one-half, so called, the amount required to pay for the bond issued in the principal amount of \$5,350,000 for: (1) heating and ventilation system replacement; (2) gym, auditorium and other facility improvements; and (3) paving at Needham High School, including necessary design, engineering and equipping?”

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## **Warrant for the Annual Town Meeting**

**MONDAY, MAY 1, 2000 AT 7:30 P.M. AT NEWMAN SCHOOL**

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### **ARTICLE 4:                   COMMITTEE AND OFFICER REPORTS**

To hear and act on the reports of Town Officers and Committees.

INSERTED BY: Board of Selectmen

#### **Town Meeting Actions (8:16 pm 5/1/00 - 8:27 pm)**

##### **Discussion**

Finance Committee report by chairman Paul Milligan. Spent much time on Capital and debt. Divided debt into four parts. They work with two caps (3% of levy for levy-supported debt and 10% of all revenue for all debt) and a general guideline (avoid debt when current revenue can be used).

For this coming fiscal year we are just over the 3% levy cap.

Two unusual sources of revenue being proposed this year

    FY 2000 reserve fund. It ended up with extra money.

    Stabilization Fund. Money put there in November that is suitable for use now.

New projects will be coming up, including possible increased town exposure due to Big Dig fallout.

This year expenses are increasing faster than revenue.

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## **ZONING/LAND USE ARTICLES**

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### **ARTICLE 5:    AMEND ZONING BY-LAW - WIRELESS COMMUNICATIONS FACILITIES**

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To see if the Town will vote to amend the Needham Zoning By-Law, as follows:

- (a) In Section 2.1, Classes of Districts, by adding a new Overlay District designation and category as follows:

“WCFT - Wireless Communications Facilities Towers Overlay”

- (b) In Section 3, Use Regulations, by inserting a new Subsection 3.7, Wireless Communications Facilities Towers Overlay District, to read as follows:

“3.7 Wireless Communications Facilities Towers Overlay District

3.7.1 Purpose of District

The purpose of the Wireless Communications Facilities Towers Overlay District is to promote the health, safety and general welfare of the community while accommodating the communications needs of the general public. Those purposes are to be achieved by minimizing the adverse visual effect of wireless communication equipment towers, facilities and devices, by providing safeguards for the general public, by avoiding potential damage to adjacent properties, by maximizing the use of existing towers and buildings, by concealing new equipment within or on existing towers or buildings, and by encouraging co-location of equipment to accommodate the needs of wireless communication in order to reduce the number of towers needed to service the community.

3.7.2 Scope of Authority

The Wireless Communications Facilities Towers Overlay District shall be considered as overlying other use districts established by this By-Law. Within the Wireless Communications Facilities Towers Overlay District, the requirements of the underlying district continue to apply except as may be specifically superseded herein. The provisions of this section 3.7 shall not be applicable to towers presently in existence or to towers that may be constructed in the future that serve commercial television or radio communications purposes. The scope of authority of this section 3.7 shall be limited to personal wireless services and equipment related thereto as defined in section 6.7.2 of this By-Law.

3.7.3 Uses in the Wireless Communications Facilities Towers Overlay District

3.7.3.1 Permitted Uses

All uses permissible and as regulated within the underlying district. See Section 6.7 Wireless Communications Facilities.

3.7.3.2 Special Permit Uses

- (a) All uses permitted by special permit in the underlying district at that location may be allowed upon the issuance of a special permit by the Board of Appeals under such conditions as that Board may require.
- (b) Free-standing monopoles and free-standing lattice towers which meet the following criteria:
  - 1. Free-standing monopoles and free-standing lattice towers shall be no higher than 199 feet.
  - 2. The setback from a free-standing monopole or a free-standing lattice tower shall be at least 125 feet from the property line.
  - 3. Monopoles are the preferred mount for such structures. The applicant for a wireless communication lattice tower shall demonstrate that such installation will reduce the number of standalone facilities needed for wireless communication facilities by enabling greater co-location of wireless communication equipment than would otherwise have been achievable on a monopole installation.
  - 4. Co-location of wireless communication equipment on existing towers and buildings is encouraged. The applicant for a wireless communication monopole or lattice tower shall demonstrate that the communication equipment planned for the proposed structure cannot be accommodated on an existing or approved tower or structure or building within one-half mile

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search radius of a proposed monopole or lattice tower for one or more structural, technical, economic or other reasons as documented by a qualified engineer or other qualified professional including, but not limited to the following:

- (a) no such tower or building exists.
- (b) the structural capacity of the existing tower or structure is inadequate and cannot be modified at a reasonable cost, the proposed equipment will interfere with the usability of existing equipment.
- (c) the owner of an appropriate building or structure has effectively denied permission to co-locate by unreasonable delay or commercially unreasonable terms or conditions.
- (d) the height of an existing tower or structure is not adequate to permit the proposed equipment to function.

In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Board of Appeals. The Board of Appeals may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant, said fee should be reasonable, customary and actual. The Board of Appeals may deny a special permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

- 5. Every special permit issued by the Board of Appeals for a new monopole or lattice tower shall be automatically subject to the condition that the permit holder must allow co-location upon the structure by other wireless communication providers upon commercially reasonable terms and conditions and without unreasonable delay, if such co-location is technically feasible. It is expressly provided that any requirement imposed by a permit holder which requires the payment of rent in excess of industry standards or which allows co-location only if the requesting party provides comparable space on one of its structures to the permit holder shall be deemed to be commercially unreasonable.

### 3.7.4 Establishment and Delineation of Wireless Communications Facilities Tower Overlay District

For the purposes of this district, there are hereby established within the town certain wireless communications facilities towers overlay districts, consisting of areas which are delineated on a map entitled, "Zoning Map of the Town of Needham, Massachusetts": as originally dated September 1924 and revised to May 15, 1989, and as revised and amended to date and on file in the Office of the Town Clerk.

### 3.7.5 Severability

A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder."

- (c) In Section 6, Special Regulations, by inserting a new Subsection 6.7, Wireless Communications Facilities, to read as follows:

#### "6.7 Wireless Communications Facilities

##### 6.7.1 Intent

The purpose of this section is to accommodate the communication needs of the general public while promoting the health, safety and general welfare of the community. These purposes are to be achieved by minimizing the adverse visual effect of wireless communication equipment towers, facilities and devices, by providing safeguards for the general public, by avoiding potential damage to adjacent properties, by maximizing the use of existing towers and buildings, by concealing new equipment

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within or on existing towers or buildings, and by encouraging co-location of equipment to accommodate the needs of wireless communication in order to reduce the number of towers needed to service the community.

### 6.7.2 Definitions

For the purposes of this section, the following words and phrases shall have the following meanings:

Antenna - a device, usually a metal rod, dish or panel, for receiving and transmitting electromagnetic signals, including, but not limited to radio, video, telephone or data transmissions.

Building-mounted wireless communication equipment - both roof-mounted and facade-mounted wireless communication equipment.

Carrier - a company that provides wireless service.

Co-location - the use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

Environmental Assessment (EA) - the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

Equipment Shelter - an enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Facade-mounted wireless communication equipment - wireless communications equipment attached to a vertical wall, exterior surface or ornamental feature other than the roof of a building or structure.

Free Standing Device - a monopole wireless service facility not requiring guy wires for support; and any other device mounted on the ground and not mounted on any existing building or structure.

Guyed Tower - a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Height - a distance measured from the average grade of the land surrounding the device to its highest point, surface or projection, in the case of free-standing devices, or a distance measured from the average grade of the land surrounding the exterior walls of a building to the highest point, surface or projection of the device, in the case of devices mounted on existing buildings.

Interior-mounted wireless communication equipment - wireless communications equipment that is wholly within a building or structure, including such equipment within a mechanical penthouse, steeples, bell towers, cupolas or other architectural features which are not completely enclosed.

Lattice Tower - a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Monopole - the type of mount that is self-supporting with a single shaft of steel or concrete and a platform for antennas arrayed at the top.

Personal Wireless Services - Wireless telecommunications services regulated by the Federal Communications Commission ("FCC") and defined as "personal wireless services" in Section 704, or other sections, of the Federal Telecommunications Act of 1996 as amended; by way of example but not limitation, personal wireless services include cellular telephone services, so-called personal communications services ("PCS") and paging services.

Radio Frequency (RF) Engineer - an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Roof-mounted wireless communication equipment - wireless communications equipment attached to the primary roof of a building.

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Security Barrier - A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

Wireless Communication Equipment - any device or other apparatus, fixed at a location, for transmission and reception of telecommunication that performs the function of antennas, together with any supporting structures, equipment and facilities ancillary and/or accessory thereto, including, but not limited to panel antennas, whip antennas, free-standing monopoles (not lattice shaped towers except as allowed in sections 6.7.3.1(b), 6.7.3.1(c) and 6.7.3.3(h) below), dish and cone shaped antennas, satellite earth station antennas, personal wireless communication systems facilities, paging service facilities, cellular telephone service facilities, mobile radio service facilities and related equipment boxes serving personal wireless services exclusively.

It is recognized that technology is rapidly changing and the definitions herein are intended to encompass such wireless communication equipment as it evolves over time.

### 6.7.3 Use Regulations

#### 6.7.3.1 Permitted As of Right

The following wireless communication equipment is allowed as-of-right, subject to the criteria of section 6.7.5 and the review process of section 6.7.6, if applicable:

- (a) Equipment used solely for receiving or transmitting wireless communication customary for private residential use, even if such equipment is used in conjunction with non-residential structures, including but not limited to, a conventional television or radio antenna, fixed wireless personal communication system, direct broadcast satellite antenna one (1) meter or less in diameter, and multipoint distribution service antenna or home satellite dish of not more than two (2) meters in diameter or measured diagonally; provided that in the case of a home satellite dish that is free-standing, such satellite dish shall be installed in the rear yard only.
- (b) Equipment owned and operated by an amateur radio operator licensed by the FCC, which device shall be installed at the minimum height necessary for the functioning of amateur radio communication in accordance with the licensing requirements for that location. Such equipment, which may include a ground-mounted lattice style tower, shall be allowed in accordance with the setback requirements for primary structures in the district in which it is located. No commercial use of equipment or supporting structures which were installed for amateur radio operation is permitted.
- (c) Towers used for the purposes set forth in M.G.L. Chapter 40A, Section 3.
- (d) Antennas attached to an existing utility pole or utility structure, such as the support for an electrical transmission tower or electrical distribution pole, but no higher than ten (10) feet above the existing structure, provided that the total height from the ground to the top of the antenna does not exceed fifty-five (55) feet and provided that all control and operating equipment associated with the antenna shall be camouflaged or completely screened from view in some other manner. Antennas shall be placed on any structure so as to minimize the visual impacts off-site. This provision shall not apply within 150 feet of the right-of-way of any scenic roadway where such use shall not be permitted.
- (e) Roof-mounted wireless communication equipment in the commercial, industrial, and institutional districts (a) which does not extend more than ten (10) feet above the height of an existing building, (b) which is set back from the edge of the roof the distance it is high, and (c) whose equipment will be housed within the existing building or on the rooftop in such a way as to be not visible from the street level or to be constructed in such a way and of such material as to appear as part of the existing structure.
- (f) Facade-mounted equipment located in the commercial, industrial, and institutional districts (a) which does not extend above the face of any wall or exterior surface in the case of structures that do not have walls, (b) which is concealed within or behind existing architectural features or within material consistent with the design features and materials of the building, (c) which does not obscure any window or other architectural feature, and (d) which has been finished in a color and style to blend with the surface on which it is mounted.
- (g) All interior-mounted wireless communications equipment is allowed in commercial, industrial and institutional districts. In residential districts interior-mounted wireless communication equipment shall be permitted in

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existing steeples, bell towers, cupolas, and spires of non-residential buildings or structures existing on January 1, 2000.

### 6.7.3.2 Prohibited

Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires for support shall not be allowed except as permitted under 6.7.3.1(b), 6.7.3.1(c), and 6.7.3.3(h). Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires existing or approved on the effective date of this bylaw may be used for wireless communications equipment, subject to section 6.7.3.3(f).

### 6.7.3.3 Special Permit

The Board of Appeals may issue a special permit under the provisions of section 7.5.2 and subject to the criteria of section 6.7.5 for:

- (a) Antennas attached to an existing utility pole or utility structure not otherwise allowed in section 6.7.3.1(d) hereof.
- (b) Roof-mounted wireless communication equipment in the commercial, industrial and institutional districts not otherwise allowed in section 6.7.3.1(e) hereof.
- (c) Facade-mounted equipment located in the commercial, industrial and institutional districts not otherwise allowed in section 6.7.3.1(f) hereof.
- (d) Any interior-mounted wireless communication equipment in non-residential buildings or structures not otherwise allowed in section 6.7.3.1(g) hereof.
- (e) Satellite earth station antennas not otherwise allowed as-of-right.
- (f) Modification or addition of wireless communication equipment on or to existing free-standing monopoles or towers, except those monopoles and towers constructed for the purposes allowed in section 6.7.3.1 above.
- (g) Any equipment ancillary to antennas otherwise allowed under sections 6.7.3.1 or 6.7.3.3 hereof, which cannot be located in the rear yard and/or does not meet the setback requirements for the district in which it is located. An applicant may apply for a special permit allowing an alternate location by showing that such equipment (i) is required for successful transmission or reception or is otherwise required by the FCC, (ii) cannot due to its size or other health or safety reasons be located within the building, and (iii) cannot be located in the rear yard and/or within applicable setbacks for one or more of the following reasons: the size of the equipment; the size of the rear, front and/or side yards; the location within the rear yard or applicable setbacks would result in the removal of required parking; and the aesthetic purposes of the bylaw would be better served by such alternate location.
- (h) Free-standing monopoles and free-standing lattice towers located in the Wireless Communications Facilities Tower Overlay District which meet the criteria outlined in section 3.7.3.2(b).

### 6.7.4 Submittal Requirements

Ten copies of the following information must be submitted for an application to be considered complete:

- (a) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicant with original signatures.
- (b) A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), street landscape features, dwellings and other structures within one-hundred (100) feet of the property line.

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- (c) Equipment brochures for the proposed wireless communication facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- (d) Materials of the proposed wireless communication facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- (e) Colors of the proposed personal wireless facility showing actual color proposed on a color board. Colors shall be provided for the antennas, mounts, equipment shelters, cables, as well as cable runs, and security barrier, if any.
- (f) Dimensions of the proposed wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- (g) Appearance shown by at least two photographic superimpositions of the wireless communication facility with its antennas and/or panels presented to scale. For satellite dishes or antennas, a color photographic imposition illustrating the dish or antenna at the proposed location is required. A color photographic imposition shall also be prepared illustrating a view of the tower, dish or antenna from the nearest street or streets.
- (h) The following information must be prepared and signed by a registered professional engineer:
  - (i) a description of the facility and the technical, economic and other reasons for the proposed location, height and design.
  - (ii) confirmation that the facility complies with all applicable Federal and State standards.
  - (iii) a description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
  - (iv) if applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
  - (v) a schedule for periodic (at least annually) maintenance.
- (i) In the case of a special permit application, an application for Site Plan Review as outlined in section 7.4.4.

### 6.7.5 Decision Criteria

All wireless communication equipment, except that described in section 6.7.3.1(a) must satisfy the following criteria:

- (a) Wireless communication equipment shall be installed, erected, maintained and used in compliance with all applicable federal and state laws and regulations, including, but not limited to, radio frequency emissions regulations issued pursuant to the Telecommunications Act of 1996 including all successors to such laws and regulations. An applicant seeking to construct or install wireless communication equipment shall submit a report from a qualified engineer or other appropriate professional certifying that the proposed equipment meets the requirements of these regulations. This report shall be submitted prior to any site plan approval or special permit application or at the time of a building permit application if there is no review.
- (b) Wireless communication equipment must at all times be maintained in good and safe condition and comply with all applicable FCC standards and shall be removed within 90 days of the date when all use of such equipment ceases. This provision shall apply to all wireless communication



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equipment and structures in support of that equipment, including such equipment and structures existing on the effective date of this section. Continued compliance with these conditions shall be maintained by the operator of the equipment and the owner of the structure. Failure to comply with these conditions shall constitute a zoning violation.

- (c) All wireless communication equipment shall be sited, screened, and/or painted or otherwise colored or finished to blend in with the building or structure on which it is mounted or in a manner which aesthetically minimizes the visibility of the devices in the surrounding landscape or on the building or structure to which they are attached. In certain circumstances, additional architectural features or changes to the facade may be necessary to maintain the balance and integrity of the design of the building or structure with building-mounted wireless communication equipment.
- (d) Wireless communication facilities shall be designed and installed at the minimum height necessary for the proper functioning of the telecommunications services to be provided at that location.
- (e) There shall be no advertising or signs on or in the vicinity of the wireless communication facility, except for no trespassing signs and a required sign, not exceeding four square feet, which shall display a phone number where a person responsible for maintenance can be reached on a twenty-four hour basis, or other signs as may be required by law.
- (f) Any fencing used to control access to wireless communication equipment shall be compatible with the visual character of the structures in the surrounding neighborhood, to the extent possible.
- (g) Equipment boxes for building-mounted wireless communication equipment must be either interior to the building on which it is located, camouflaged, and/or screened from view from the public way to the maximum extent practical.
- (h) All network connections from the communications site shall be via underground land lines except as allowed by special permit.
- (i) All free-standing wireless communication equipment must meet any setback requirements of the district in which it is located and, to the greatest extent possible, shall be screened from the public way by fencing and/or landscaping. Such equipment shall be located in the rear yard of the lot on which it is located.
- (j) No part of any building-mounted wireless communication equipment shall be located over a public way.
- (k) The construction of wireless communication equipment shall avoid major topographic changes and shall minimize the removal of trees and soil in order for any topographic changes to be in keeping with the appearance of neighboring properties.
- (l) Wireless communication facilities shall not be located in wetland.
- (m) No hazardous waste shall be discharged on the site of any wireless communication facility. If any hazardous materials are to be use on site, there shall be provisions for full containment of such materials.
- (n) The installation of wireless communication equipment shall avoid the removal or disruption of historic resources on and off-site. Historic resources shall include designated historic structures or sites, historical architectural elements or archaeological sites.
- (o) There shall be no illumination of the wireless communication equipment except as required by state and federal law. Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and footcandle measurements at the property line shall be 0.0 initial foot candles when measured at grade.

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- (p) An applicant seeking to construct or install any external noise producing equipment ancillary to antennas shall use best efforts to minimize noise emanating from such equipment by the use of air-tight seals and noise absorbing materials on the walls and ducts of such equipment. The use of batteries as the back up power source is preferred over generators.

### 6.7.6 Design Review for Wireless Communication Equipment

Except for wireless communication equipment described in section 6.7.3.1(a) hereof, no wireless communication equipment shall be constructed or installed pursuant to section 6.7.3.1 until an application has been submitted to the Building Inspector as described in section 6.7.4. The applicant shall simultaneously file a copy of said application with the Design Review Board. The Design Review Board shall submit an advisory report to the Building Inspector within three weeks of the application filing date. In making their report, the Design Review Board shall evaluate the application based on the requirements of section 6.7.5 and may seek input from relevant Town departments. The Building Inspector shall not approve wireless communication equipment until the advisory report of the Design Review Board has been received or three weeks have elapsed without receipt of such report, and until all required departmental approvals have been issued. The Building Inspector has the authority to deny any building permit application which the Inspector determines does not comply with the requirements of section 6.7.5.

### 6.7.7 Modifications

A modification to a wireless communication facility shall be considered equivalent to an application for a new wireless communication facility and will require a special permit when the following events apply:

- (a) The applicant and/or co-applicant wants to alter the terms of the special permit by changing the wireless communication facility in one or more of the following ways:
  - (i) Change in the number of facilities permitted on the site;
  - (ii) Change in the technology used for the wireless communication facility.
  - (iii) Change in the original permitted use of wireless communication.
- (b) The applicant wants to add any equipment or additional height not specified in the original design filing.

### 6.7.8 Monitoring and Maintenance

Once a year if requested by the Building Inspector, the owner and/or operator of a wireless communication facility shall file with the Building Inspector an updated maintenance schedule as well as evidence that the wireless communication facility complies with the applicable standards of the Federal Communications Commission, the Federal Aviation Administration and the American National Standards Institute, and that the wireless communication facility remains in use.

The applicant and co-applicant shall maintain the wireless communication facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

### 6.7.9 Abandonment or Discontinuation of Use

At such time that a carrier plans to abandon or discontinue operation of a wireless communication facility, such carrier shall notify the Town by certified mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a carrier fails to give such notice, the wireless communication facility shall be considered abandoned upon such discontinuation of operations.

Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication equipment within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- (a) Removal of antennas, equipment shelters and security barriers from the subject property.

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- (b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- (c) Restoring the location of the wireless communication facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

### 6.7.10 Reconstruction or Replacement of Existing Towers and Monopoles

Guyed towers, lattice towers and monopoles in existence at the time of the adoption of this By-Law may be reconstructed, altered, extended or replaced on the same site by special permit, provided that the Board of Appeals finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Board of Appeals shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. No reconstruction, alteration, extension or replacement shall exceed the height of the existing facility by more than twenty (20) feet.

### 6.7.11 Severability

A determination that any section or portion of this By-Law is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.”

or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken.

*Article 5 Explanation: The spiraling demand for state-of-the-art wireless communication services and the requirement that licensed carriers provide “reliable service coverage” are fueling vigorous development of the wireless communication infrastructure. The industry is striving to close coverage gaps and increase significant capacity in order to provide quality service for years to come. Municipal leaders, meanwhile, are committed to preserving local aesthetic qualities within the limits on land-use regulation established by federal law regarding wireless communications. Since federal law does not allow local governments to ban the siting of these facilities, the challenge is to establish a framework that protects the interests and rights of both the Town and the industry.*

*With these sometimes competing interests in mind a Wireless Communication Study Committee was appointed a year ago to work with the Planning Board to develop a bylaw to address wireless communication facilities. The goal of that planning effort was to find a solution that would enable Needham to address concerns regarding the visual and aesthetic impact on neighborhoods of such facilities, while making it possible for the wireless industry to build out its infrastructure to meet the growing needs of its customers. The results of that planning effort are contained in Articles five and six before you. The Articles were contributed to by many sources, including one public hearing and the detailed review of the Wireless Communication Study Committee.*

*There are many issues surrounding the installation of wireless communication facilities including questions regarding the health effect of the antennas – does the radiation pose health risks?; the safety of the installations – can a pole fall?; what is the visual impact and does this impact outweigh the public benefits of an installation? The federal government has taken the issue of health impacts as its own and removed it from local consideration. As long as the installation meets federal standards a town cannot require a higher standard, nor can it address health concerns. The safe installation of equipment is regulated by the state building code and is not a subject of this bylaw.*

*The purpose of this bylaw is to promote the health, safety and general welfare of the community while accommodating the communications needs of the general public. These purposes are to be achieved by minimizing the adverse visual effect of wireless communication equipment towers, facilities and devices, by providing safeguards for the general public, by avoiding potential damage to adjacent properties, by maximizing the use of existing towers and buildings, by concealing new equipment within or on existing towers or buildings, and by encouraging co-location of equipment to accommodate the needs of wireless communication in order to reduce the number of towers needed to service the community.*

*The bylaw allows wireless communications facilities to be installed as-of-right in the following situations subject to the review of the Design Review Board:*

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- *Equipment used solely for receiving or transmitting wireless communication customary for private residential use.*
- *Equipment owned and operated by an amateur radio operator licensed by the FCC.*
- *Towers used by public service corporations, which are exempt from zoning regulations by the State enabling legislation.*
- *Antennas attached to an existing utility structure which are no higher than ten (10) feet above the existing structure, provided that the total height from the ground to the top of the antenna does not exceed fifty-five (55) feet and provided that all control and operating equipment associated with the antenna is camouflaged.*
- *Roof-mounted wireless communication equipment in the commercial, industrial and institutional districts (a) which does not extend more than ten (10) feet above the height of an existing building, (b) which is set back from the edge of the roof the distance it is high, and (c) whose equipment is housed within the existing building or on the rooftop in such a way as to be not visible from the street level or to be constructed in such a way and of such material as to appear as part of the existing structure.*
- *Facade-mounted equipment located in the commercial, industrial and institutional districts (a) which does not extend above the face of any wall or exterior surface, (b) which is concealed within or behind existing architectural features or within material consistent with the design features and materials of the building, (c) which does not obscure any window or other architectural feature, and (d) which is finished in a color and style to blend with the surface on which it is mounted.*
- *All interior-mounted wireless communications equipment in commercial, industrial and institutional districts. In residential districts, interior-mounted wireless communication equipment is permitted in existing steeples, bell towers, cupolas, and spires of non-residential buildings or structures existing on January 1, 2000.*

*The bylaw also allows the Board of Appeals to issue a special permit for the following facilities that cannot meet the requirements which would allow their installation as-of-right: antennas attached to an existing utility structure, roof or facade-mounted wireless communication in the commercial, industrial and institutional districts, interior-mounted wireless communication equipment in non-residential buildings or structures, and satellite earth station antennas. Special permits can also be granted for any equipment ancillary to antennas otherwise allowed, which cannot be located in the rear yard and/or does not meet the setback requirements for the district in which it is located.*

*Lastly, the bylaw allows the Board of Appeals to issue a special permit for free-standing monopoles and free-standing lattice towers in the Wireless Communications Facilities Overlay District. In the world of wireless communications there are tradeoffs between number of towers and height of towers. This bylaw is designed to reduce the number of towers within the town by encouraging co-location, that is multiple carriers using the same structure to support their antennas. The towers are limited in height to 199 feet, the maximum height allowed by the FAA without requiring lighting. The lowest height most antennas are placed on towers is about 80 feet, to clear treetops, and different carriers need approximately a 10-foot vertical separation. Siting and design standards are included in the bylaw to limit negative visual impacts through effective site planning and design.*

### **Town Meeting Actions (8:28 pm 5/1/00 - 10:28 pm)**

#### **Disposition**

Approved as amended

#### **Amendments**

1. Twickler  
Nay
2. Alpert; Definition change  
Aye
3. Alpert; 300 feet  
Nay
4. Killeen; Discretionary 125 feet  
Aye

#### **Discussion**

(Meeting votes to discuss articles 5 and 6 together.)

Mr. Paul Killeen. Planning Board.

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Concerns are not of our own making. Federal law makes local zoning hard for such towers.

You end up with 2 choices, lead the decisions or hide from them.

They used a task Force to identify suitable rules.

Leadership and regulatory components.

- Leadership: Can put antennas on existing facilities.
- Regulatory: Special permit for other cases in pair of specified zones.

Offers an amendment that encourages a setback as tall as the tower (125 feet at ZBA's discretion).

Mr. Paul Alpert. Precinct C residents are concerned over more towers in their precinct. Safety and radio problems. Feel it should be farther from residences.

Proposes 3 Amendments.

300 instead of 125 foot setback.

Rename definition of Wireless Communication Equipment.

Put overlay district in landfill only (Article 6).

Mr. Richard Weitzen.

He also discusses the second overlay district. Motion to remove the front part of the landfill area so only the landfill itself is in the district.

The reason he is making this proposal is to keep the 12 pristine acres free of towers.

Ms. Mary Lou Twickler. She also proposes an amendment. New England Business Center (former industrial park) concerned with ice and chemicals falling from towers. Tower owners will work to alert businesses of ice hazard and to reduce the hazard. Her amendment is a new paragraph discouraging towers in the Business Center that might have such problems.

Mr. Alan Fanger. what is the area that is endangered? Answer: depends on wind.

Mr. Jack Cogswell. Selectmen. Commends Planning Board. Owners and tenants feel no new towers will be needed.

Phil Dugan. He has worked on towers for all his life. Ice falls from towers, not wires. Precinct C people support Alpert.

Mr. David Tobin. Town Counsel. He has to defend some current litigation. Do not make either change to second area because it might emasculate the bylaw. The wetland and landfill would not be sufficient.

Mr. George Tarallo. How many? Killeen. Purpose is to allow only a few. Need 10-ft vertical separation, 6 providers currently vying for space. Tree line at 80 feet. So all 6 providers should be able to colocate on one tower.

Mr. James Healy. Does the 300 feet prevent towers in pristine and near-populated areas? would it affect current litigation? Mr. Alpert thinks it would get it far from Star Ridge. Mr. Tobin not sure of effect.

Ms. Sheila Pransky. Pool and Racquet open when ice present? Not answered.

Ms. Susan Abbott. A previous committee reported on electromagnetic risks. Should this committee be resurrected? Where are wetlands? Mr. Killeen shows a map of upland and wetland.

Break 9:30-9:57.

Mr. Rosenstock. Why change definition? Dugan. Commercial Mobile Radio Service is the wording they prefer. Precludes use by taxis etc. Killeen agrees.

Weitzen. Suggests the 300 foot and front exclusion amendments together would be the best result.

Mr. William Tedoldi. Board of Appeals. 6 petitions so far. Need to work it out together. He thinks Planning Board has done well and the bylaw has to be passed nearly as proposed. Lists the cases they've had and shows how they worked out best when the town had control.

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### ARTICLE 6: AMEND ZONING BY-LAW - WIRELESS COMMUNICATIONS FACILITIES TOWERS OVERLAY DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (a) Place in the Wireless Communications Facilities Towers Overlay District all that land now zoned Industrial Park and lying in the area bounded on the west by the Circumferential State Highway, Route 128, on the south by Cutler Reservation, on the east

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by Fourth Avenue, the line of the MDC Charles River Reservation, by several courses abutting residential districts of Riverside Street, Highview Street and Highland Terrace and on the north by a line parallel to Highland Avenue.

- (b) Place in the Wireless Communications Facilities Towers Overlay District all that land now zoned Industrial and lying in the area bounded on the west by the Circumferential State Highway, Route 128, on the south by lines parallel to Highland Avenue, on the east by the Charles River and on the north by land of the MBTA.
- (c) Place in the Wireless Communications Facilities Towers Overlay District all that land now zoned Industrial and lying in the area bounded on the west by the Circumferential State Highway, Route 128, on the south by land of the MBTA, on the east by the Charles River, and on the north by land of the Town of Needham.
- (d) Place in the Wireless Communications Facilities Towers Overlay District all that land now zoned Industrial and lying in the area bounded on the west by Reservoir Street, on the south by land of the Town of Needham, on the east by the Charles River and on the north by a line parallel to Central Avenue.
- (e) Place in the Wireless Communications Facilities Towers Overlay District all that land now zoned Single Residence A and lying in the area northerly of the Needham Pool and Racquet Club and westerly of the Town of Needham landfill being bounded and described as follows: Beginning at a point on the westerly sideline of Central Avenue, thence by said sideline by a curve to the left, with a radius of 680.00 feet, a length of 321.10 feet to a point, thence by a curve to the right, with a radius of 20.00 feet, a length of 39.03 feet to a point, thence N43°-10'-43"W a distance of 853.07 feet to a point, thence S46°-49'-17"W a distance of 60.00 feet to a point, thence N44°-30'-34"W a distance of 484.73 feet to a point, thence N43°-11'-10"W a distance of 435.48 feet to a point, thence N51°-43'-50"W a distance of 256.94 feet to a point, thence N25°-09'-50"E a distance of 1190.92 feet to a point, thence N25°-55'-00"E a distance of 284.32 feet to a point, thence N25°-37'-00"E a distance of 196.62 feet to a point, thence N10°-49'-00"E a distance of 18.70 feet to a point, thence N10°-44'-00"E a distance of 22± feet to Fuller Brook, thence turning and running by said Fuller Brook a distance of 1335 ± feet to a point, thence turning and running S14°-57'-34"E a distance of 1216 ± feet to a point, thence S29°-31'-10"W a distance of 767.18 feet to a point, thence N89°-37'-20"W a distance of 495.98 feet to a point, thence S00°-22'-40"W a distance of 407.30 feet to a point, thence S11°-11'-07"E a distance of 182.74 feet to a point, thence S06°-11'-30"E a distance of 114.08 feet to a point, thence by a curve to the left with a radius of 240.00 feet, a length of 217.57 feet to a point, thence S58°-07'-56"E a distance of 220.16 feet to the point of beginning.
- (f) Place in the Wireless Communications Facilities Towers Overlay District all that land now zoned Single Residence A and commonly known as the Town of Needham landfill and lying in the area bounded and described as follows: Beginning at a point on the northerly sideline of Central Avenue, thence running N55°-25'-16"W a distance of 59.67 feet to a point, thence running N55°-42'-46"W a distance of 71.12 feet to a point, thence N58°-27'-06"W a distance of 112.06 feet to a point, thence N56°-16'-06"W a distance of 296.96 feet to a point, thence S00°-21'-59"W a distance of 42.02 feet to a point, thence S49°-16'-14"W a distance of 279.44 feet to a point, thence S75°-42'-34"W a distance of 187.24 feet to a point, thence S56°-16'-24"W a distance of 46.41 feet to a point, thence S41°-45'-34"W a distance of 50.01 feet to a point, thence S46°-22'-54"W a distance of 131.13 feet to a point, thence N82°-50'-34"W a distance of 228.42 feet to a point, thence N29°-35'-24"E a distance of 866.65 feet to a point, thence N14°-53'-20"W a distance of 1216 ± feet to a point in the centerline of Fuller Brook, thence by the said centerline of Fuller Brook northeasterly to a point (a tie of N62°-30'-33"E a distance of 1009.94 feet), thence S37°-39'-21"E a distance of 719.43 feet to a point, thence S36°-38'-47"E a distance of 88.71 feet to a point, thence S38°-48'-02"E a distance of 115.27 feet to a point, thence S38°-59'-47"E a distance of 152.44 feet to a point, thence S30°-32'-19"E a distance of 290.44 feet to a point, thence S24°-48'-14"E a distance of 24.80 feet to a point, thence S09°-13'-39"E a distance of 34.19 feet to a point, thence S63°-32'-06"E a distance of 97.36 feet to a point, thence S36°-34'-38"E a distance of 234.40 feet to a point, thence S50°-42'-20"E a distance of 77.07 feet to a point, thence N54°20'-46"E a distance of 19.05 feet to a point, thence N82°-49'-47"E a distance of 11.46 feet to a point, thence S76°-10'-08"E a distance of 31.72 feet to a point, thence S57°-15'-20"E a distance of 35.66 feet to a point, thence S53°-33'-52"E a distance of 15.31 feet to a point, thence S57°-38'-03"E a distance of 36.67 feet to a point, thence S58°-29'-44"E a distance of 181.83 feet to a point, thence S28°-44'-00"W a distance of 310.59 feet to a point, thence S59°-05'-55"E a distance of 275.42 feet to a point on the northerly sideline of Central Avenue, thence by said sideline and a curve to the right, with a radius of 500.00 feet, a length of 419.84 feet to a point, thence N88°-49'-18"W a distance of 233.98 feet to a point, thence by a curve to the left, with a radius of 804.73 feet, a length of 238.48 feet to a point, thence S74°-11'-57"W a distance of 348.85 feet to a point, thence by a curve with a radius of 894.54 feet, a length of 84.00 feet to the point of beginning.

or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS: No Position Taken.

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Article 6 Explanation: This article describes the geographical boundaries of the new Wireless Communications Facilities Towers Overlay District which would include: (a) all land now zoned Industrial Park and lying in the area bounded on the west by the Circumferential State Highway, Route 128, on the south by Cutler Reservation, on the east by Fourth Avenue, the line of the MDC Charles River Reservation, by abutting residential districts of Riverside Street, Highview Street and Highland Terrace and on the north by a line parallel to Highland Avenue; (b) all land now zoned Industrial and lying in the area bounded on the west by the Circumferential State Highway, Route 128, on the south by lines parallel to Highland Avenue, on the east by the Charles River and on the north by land of the MBTA; (c) all land now zoned Industrial and lying in the area bounded on the west by the Circumferential State Highway, Route 128, on the south by land of the MBTA, on the east by the Charles River, and on the north by land of the Town of Needham; (d)

all land now zoned Industrial and lying in the area bounded on the west by Reservoir Street, on the south by land of the Town of Needham, on the east by the Charles River and on the north by a line parallel to Central Avenue; (e) all land now zoned Single Residence A and lying in the area northerly of the Needham Pool and Racquet Club and westerly of the Town of Needham landfill which is commonly known as the locale of the WHDH radio towers; and (f) all land now zoned Single Residence A and lying in the area northerly of Central Avenue which is commonly known as the Town of Needham landfill.

### **Town Meeting Actions (10:28 pm 5/1/00 - 10:30 pm)**

#### **Disposition**

Approved

#### **Amendments**

1. Weitzen; no front  
Nay
2. Alpert; only landfill  
Nay