

Proposed changes 8-17-22

Section 7.18 Telecommunications Facilities

7.18.1 Purpose

- A. The purpose of this regulation is to provide for the establishment and/or expansion of cellular telephone or mobile radio communication systems within the Town of South Windsor while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. This regulation has been designed to be in compliance with the Telecommunications Act of 1996.
- B. More specifically this regulation has been developed in order to:
 - 1. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community.
 - 2. Encourage providers to co-locate their facilities on a single site.
 - 3. Site facilities below visually prominent ridge lines.
 - 4. Minimize the location of facilities in visually sensitive areas.
 - 5. Encourage creative design measures to camouflage facilities.
 - 6. Protect historic and residential areas from potential adverse impacts of communication towers.
 - 7. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
 - 8. Minimize interference with existing natural scenic vistas.
- C. A facility may be approved after special exception application, following a public hearing, pursuant to consideration of criteria enumerated in these regulations. Such uses will be allowed when the Commission has determined that the appropriate criteria in Article 8 have been met as well as compliance with the following, and that the land is physically suited for such use. Furthermore, the Commission shall find that minimal adverse environmental and aesthetic impacts are created, including but not limited to:
 - 1. Whether alternate sites are exhausted;
 - 2. What lies within the fall zone of a tower;
 - 3. Existence of endangered species;
 - 4. Whether other development is being proposed or considered at or near the site;
 - 5. Historical, architectural, and archaeological sites listed on the National Register or the State Register of Historic Places, or eligible for listing on them;
 - 6. Effect on bird habitats and migration;
 - 7. Length of access road—the longer it is, the more destructive of bird and animal sanctuaries,

and the more stormwater runoff is generated;

8. Psychological injury that could result if a major natural area were intruded upon; and
9. Public health and safety.

7.18.2 Location Preferences

The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed below in order of preference:

1. On existing structures such as buildings, water towers and utility poles, existing or previously-approved towers;
2. On new towers with visual mitigation in commercial and industrial districts;
3. On new towers located in commercial or industrial zones;
4. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening;
5. On new towers less than 60 feet in height located in residential zones;
6. On new towers 60 feet or greater in height located in residential districts.

7.18.3 Telecomm-Related Definitions

Antenna: A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas and dish antennas.

Co-location: Locating wireless communication facilities from more than 1 provider on a single site.

Commercial Wireless Telecommunication Services: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Commercial Wireless Telecommunication Site: A facility operated by a licensed commercial wireless telecommunication service provider that consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Fall Zone: The distance equaling the height of tower from adjacent property lines.

Licensed Carrier (or Provider): A company authorized by the Federal Communications Commission (FCC) to build and operate a commercial mobile radio service in South Windsor.

Tower: A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

Tower Height: A distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances.

7.18.4 General Requirements

- A. Application shall be made only by a licensed carrier or by the Town of South Windsor.

- B. Antennas and towers may be considered either a principle or accessory use. An existing telecommunications facility or other use on the site shall not necessarily preclude the location of a new facility on the site, if the new facility meets the intent, standards and the requirements of these regulations.
- C. The height of the tower to be constructed shall not exceed 175 feet.
- D. No commercial wireless telecommunication site shall be located within 1,000 feet of a ~~playground~~ ~~or~~ school primarily attended by persons less than 18 years of age.
- E. No commercial wireless telecommunication site shall be located within 500 feet of a residence.
- F. No tower shall be located within 1,000 feet of the boundary of an approved historic district.
- G. No lights shall be mounted on proposed towers unless otherwise required by the FAA. No strobe lighting is permitted.
- H. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue, gray or black.
- I. No tower shall be located on municipally-owned land designated as open space except by the Town as the applicant.
- J. All ~~commercial wireless~~ towers shall be a monopole design and shall be designed to collapse upon themselves. ~~Town owned communication towers can be of lattice design provided that the height does not exceed 125 feet and the base of the tower footprint does not exceed a 12' X 12' area.~~
- K. The Commission may require that monopoles be of such design and treated with an architectural material so that it is camouflaged. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building. Roof mounted antenna shall not exceed 10 feet above the height of the building and should be set back on the building so that it is visually less noticeable.
- L. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 150 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- M. Each tower site must be served by a driveway with parking for at least 1 vehicle.
- N. All dish antennas shall be of mesh construction in conjunction with an application for a permitted use and the Commission in conjunction with an application for a Special Exception.
- O. Dish antennas shall not exceed 3 feet in diameter. Panel antennas shall not exceed 2' x 6'.
- P. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
- Q. The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. In the absence of such standards, sites shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields.
- R. All utilities proposed to serve a commercial wireless telecommunication site shall be installed under- ground unless otherwise approved by the Commission.

- S. All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations.

7.18.5 Bulk Requirements

A. Lot Size

Wireless telecommunication sites containing a free-standing tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principle use, the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.

B. Setbacks

All free-standing monopole towers shall comply with the following minimum property line setbacks:

1. Front Yard or Side Yard along a Street: A distance equal to $\frac{3}{4}$ the height of the tower, or the setback required for the underlying zone, whichever is greater.
2. Side or Rear Yards in residential zones: 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.
3. Side or Rear Yards in nonresidential zones: 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. However where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.
4. All other free-standing towers shall be located a minimum distance from any property line, at least 100 feet or a distance equal to the height of the tower, whichever is greater.
5. Any and all equipment buildings/boxes or equipment areas, each 50 square feet or greater in area, shall comply with the minimum property line setbacks for a principal building in the underlying zone.

7.18.6 Site Plan Requirements

- A. All proposals to develop a commercial wireless telecommunication site as a special exception use shall be subject to the site plan requirements listed in Article 8. In addition, the following information shall be submitted in accordance with each particular application where applicable:
1. Plan showing where and how the proposed antenna will be affixed to a particular building or structure;
 2. Details of all proposed antenna and mounting equipment including size and color;
 3. Elevations of all proposed shielding, and details of materials including color;
 4. An elevation of all proposed equipment buildings or boxes;
 5. Details of all proposed fencing including color;

6. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The monopole design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line;
 7. A report from a licensed engineer that the installation of such site will not interfere with public safety communications;
 8. A map depicting the extent of the provider's planned coverage within the Town of South Windsor and the service area of the proposed wireless telecommunication site; and
 9. A map indicating the search radius for the proposed wireless telecommunication site.
- B. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
 - C. In order to facilitate the evaluation of the site in relation to the proposed use, the Commission may require on sections of the site and environs, balloon tests, photographic superimpositions and other studies in connection with any application.

7.18.7 Abandonment

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless facility, such carrier will notify the Commission by certified U.S. 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.
- B. In the event that a licensed carrier fails to give such notice, the personal wireless facility shall be considered abandoned upon such discontinuation of operations.
- C. Upon abandonment or discontinuance of use, the carrier shall physically remove the personal wireless facility within 90 days from the date of abandonment. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area.

7.18.8 Expiration of Permit

The approval of an application for Special Exception shall be void and of no effect unless construction of the project commences within 1 year from the date of Commission approval. As used here, the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to 2 ninety-day extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval or if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special exception, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal. The Commission may, as a condition of approval of a special exception, establish a time period during which such special permit shall remain in effect.