



**SPECIAL PERMIT APPLICATION**  
**FOR A WIRELESS COMMUNICATIONS FACILITY**

- 1.-The original application and 3 application copies must be time stamped in the City Clerks office before coming to the Planning Department.
- 2- File one copy of the application with the City Clerk in accordance with the requirements of Section 2.1. Applicant will retain one copy.
- 3- File original and one copy of the application, one mylar, ten copies of the plan and an abutter's list with the Planning Department.
- 4- Applicant to provide envelopes and postage affixed to cover the expense of notifying abutters of the hearing and decision. Count from abutter's list and 6 for surrounding towns times 2 for two mailings.

In accordance with the provisions of Article XIV of the Leominster Zoning Ordinance, the undersigned hereby requests that a Special Permit be granted for the purpose of constructing a Wireless Communications Facility

Applicant Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tele./Fax/Email: \_\_\_\_\_

Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tele./Fax/Email: \_\_\_\_\_

Option Holder Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tele./Fax/Email: \_\_\_\_\_

Name of Engineer or Surveyor: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tel./Fax/Email: \_\_\_\_\_

Telephone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email # \_\_\_\_\_

Registry of Deeds: Book \_\_\_\_\_ Page \_\_\_\_\_ Map \_\_\_\_\_ Parcel \_\_\_\_\_

**Location and Description of Project:** \_\_\_\_\_

\_\_\_\_\_

Zoning District: \_\_\_\_\_ Type of structure \_\_\_\_\_

***Property owner's certification: I/we hereby certify that the applicant(s) cited above have been authorized by me/us to file this application with the Planning Board on property that I/we own.***

Signature of Applicant \_\_\_\_\_ Signature of Owner(s) \_\_\_\_\_  
 Date: \_\_\_\_\_ Date: \_\_\_\_\_

**FEE: \$200.00 plus \$2.00 for each parking space and \$150.00 for required legal advertisement. Non-refundable**

**Contact Sandie Chacon for Technical Review Board  
978-534-7525 ext. 260 or schacon@leominster-ma.gov**

## SPECIAL PERMIT CHECKLIST

- Original and 3 copies of the application form completely filled out. Must be time stamped in the Clerks office.
- A cover letter that gives a detailed description of the project and what action the applicant expects
- Ten copies of an acceptable plan. 3 copies of small size plans if available
- Autocad format of the plan which is compatible with the City's GIS System.
- Cash or check payable to the City of Leominster  
\$200.00 for application  
\$150.00 for legal advertising  
\$2.00 for each parking space

### *Can be included in one check*

- Certified List of abutters. This list must have names and addresses obtained from the Assessor's Office. The Planning Department will make the labels.
- The applicant to provide envelopes with postage affixed to cover the expense of notifying parties in interest of the hearing and decisions. The total of envelopes needed is determined by the abutters list times 2 and 12 envelopes for surrounding towns. This is for two mailings. Please, no return addresses on the envelopes.

If you have any questions regarding your application please call the Planning Department at 978-534-7525 ext. 255.

Now that you ready to file with the Planning Board- you may be asked to attend the Mayor's Technical Review Board meeting.

The Board is made up of a representative from each City Department and serves two purposes. The first purpose is to remain on top of projects in the pipeline in the City and the other is to assist the applicant through the permitting/planning process.

The Technical Review Board meets monthly and during the work day. The meetings take place in the TA Conference Room top floor-room 10 in City Hall. Sandie Chacon of the Planning Department organizes these meetings. Please call/e-mail her to see if you should be placed on the agenda at 978-534-7525 ext. 260 or [schacon@leominster@leominster-ma.gov](mailto:schacon@leominster@leominster-ma.gov).

## **ARTICLE XIV WIRELESS COMMUNICATIONS FACILITIES**

In addition to the general conditions and procedures established in this Ordinance for all Special Permits, the following additional requirements and procedures shall apply.

### **Section 22-97 Purpose**

The purpose of this section is to establish an Ordinance by which wireless communication may be provided with minimal harm to the public health, safety, and general welfare. Specifically, the Wireless Communications Facilities Ordinance has been created to (a) protect the general public from hazards of structural failure associated with wireless communications facilities and (b) minimize visual impacts from wireless communications facilities on residential districts within Leominster. This section does not apply to satellite dishes and antennas for residential use.

### **Section 22-98 Use Restrictions**

- 98.1 Wireless Communications Facilities shall be allowed in all zoning districts with a Special Permit from the Special Permit Granting Authority unless otherwise noted in this Ordinance.
- 98.2 When properly camouflaged, side-mounted, roof-mounted, structure-mounted and interior-mounted Wireless Communications Facilities shall require only a building permit.
- 98.3 The co-location of a new Wireless Communications Facility on any existing guyed tower, lattice tower, or monopole shall require only a building permit, provided that the installation of the new Wireless Communications Facility does not increase the height of the existing structure nor the size of the existing secured area at the base of the facility where the equipment cabinet/shelters are located.

### **Section 22-99 Location**

- 99.1 The applicant shall submit documentation of the legal right to install and/or use the proposed Wireless Communications Facility mount at the time of application for a building permit and/or Special Permit.
- 99.2 If feasible, Wireless Communications Facilities shall be located on existing structures, including, but not limited to buildings, water towers, existing Wireless Communications Facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more Wireless Communications Facilities. The applicant for a special permit under Section 22-102 shall have the burden of proving that there are no feasible existing structures upon which to locate.
- 99.3 If the applicant for a Special Permit demonstrates that it is not feasible to locate on an existing structure, the Wireless Communications Facility shall be designed so as to be camouflaged to the greatest extent possible, including, but not limited to: disguising the facilities to look like other structures (i.e., flagpoles, trees, etc.), the use of compatible building materials and colors, screening, landscaping, and placement within clusters of trees.

### **Section 22-100 Dimensional Requirements**

Wireless Communications Facilities shall comply with the following requirements:

- 100.1 Height, Roof-Mounted Facilities: Roof-mounted Wireless Communications Facilities shall not project more than ten (10) feet above the height of the existing building upon which the Wireless

Communications Facility is proposed to be located. Said Wireless Communications Facilities may locate on a building that is legally non-conforming with respect to height, providing that the Wireless Communications Facilities do not project more than ten (10) feet above the existing building height.

- 100.2 Height, Structure-Mounted Facilities: Structure-mounted Wireless Communications Facilities shall not project more than ten (10) feet above the height of the existing structure upon which the Wireless Communications Facility is proposed to be located. Said Wireless Communications Facilities may locate on a structure that is legally non-conforming with respect to height, providing that the Wireless Communications Facilities do not project more than ten (10) feet above the existing structure height.
- 100.3 Height, Side-Mounted Facilities: Side-mounted Wireless Communications Facilities shall not project above the height of the existing building or structure upon which the Wireless Communications Facility is proposed to be located. Said Wireless Communications Facilities may locate on a building or structure that is legally non-conforming with respect to height, providing that the Wireless Communications Facilities do not project more than ten (10) feet above the existing building or structure height.
- 100.4 Height, Interior-Mounted Facilities: Interior-mounted Wireless Communications Facilities shall not exceed the height of the building or structure upon which the Wireless Communications Facility is proposed to be located and shall be completely camouflaged such as within a flagpole, steeple, chimney or similar structure.
- 100.5 Height, Ground-Mounted Facilities: The Special Permit Granting Authority shall have the authority to authorize the height of a ground-mounted Wireless Communication Facility to exceed the applicable height limits under Article III, provided, however, that it may not authorize a height in excess of 190 feet.
- 100.6 Setbacks: All Wireless Communications Facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the Wireless Communications Facilities are located.
- 100.7 Fall Zone: In order to ensure public safety, the minimum distance from the base of any ground-mounted Wireless Communications Facility to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the Wireless Communications Facility including any antennas or other appurtenances.

## **Section 22-101 Performance Standards**

All Wireless Communications Facilities shall comply with the following Performance Standards set forth in this section:

### 101.1 Design Standards

#### 101.1.1 Visibility/Camouflage: Wireless Communications Facilities shall be camouflaged as follows:

##### 101.1.1.1 Camouflage by Existing Buildings:

###### 101.1.1.1.1 When a Wireless Communications Facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the Wireless Communications

Facility within or behind existing architectural features to limit its visibility from adjoining ways. Wireless Communications Facilities mounted on a roof shall be stepped back from the front façade to limit their impact on the building's silhouette.

- 101.1.1.1.2 Wireless Communications Facilities that are side-mounted shall blend with the architecture of the existing building and shall be painted or shielded with material that is consistent with the design features and materials of the building.
- 101.1.1.2 Camouflage by Vegetation: All ground-mounted Wireless Communications Facilities and equipment shelters shall be surrounded by buffers of tree growth and under story vegetation in all directions to create an effective visual buffer at the street level. Ground-mounted Wireless Communications Facilities shall provide a vegetated buffer of sufficient height and depth to effectively screen the Wireless Communications Facilities at the street level. Trees and vegetation may be existing on the subject property or installed as part of the proposed Wireless Communications Facility or a combination of both. The Special Permit Granting Authority shall determine the types of trees and plant materials, depth, and overall appropriate design of the needed buffer on site conditions.
- 101.1.1.3 Color:
  - 101.1.1.3.1 Wireless Communications Facilities that are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.
  - 101.1.1.3.2 To the extent that any Wireless Communications Facility extends above the height of the vegetation immediately surrounding it, it shall be appropriately camouflaged.
- 101.1.2 Equipment Shelters: Equipment shelters for Wireless Communications Facilities shall be designed consistent with one of the following design standards:
  - 101.1.2.1 Equipment shelters shall be located in underground vaults; or
  - 101.1.2.2 Equipment shelters shall be designed in accordance with architectural styles and materials reflective of the uses within a three hundred (300) foot radius of the location acceptable to the Special Permit Granting Authority; or
  - 101.1.2.3 Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, cabinets, or wooden fence. The Special Permit Granting Authority shall determine the style of the fencing and/or landscape buffer that is compatible with the neighborhood.
- 101.1.3 Lighting & Signage
  - 101.1.3.1 Wireless Communications Facilities shall be lighted only if required by the Federal Aviation Administration. Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties.
  - 101.1.3.2 Signs shall be limited to a sign identifying the facility, the owner and operator and an emergency telephone number where the owner can be reached on a twenty-four (24) hour basis, a no trespassing sign, a sign displaying the FCC registration number and, any signs required to warn of danger. All signs shall comply with the requirements of the Leominster Zoning Ordinance.

- 101.1.3.3 All ground-mounted Wireless Communications Facilities shall be surrounded by a security barrier of a design and material acceptable to the Special Permit Granting Authority.
- 101.1.4 Historic Buildings & Districts
  - 101.1.4.1 All Wireless Communications Facilities proposed to be located within an historic district or on an historic structure must be reviewed by the Leominster Historical Commission.
  - 101.1.4.2 Any Wireless Communications Facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
  - 101.1.4.3 Any alteration made to an historic structure to accommodate a Wireless Communications Facility shall be fully reversible.
  - 101.1.4.4 Wireless Communications Facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from adjoining ways and viewing areas within the district.
- 101.2 Environmental Standards
  - 101.2.1 Wireless Communications Facilities shall be setback from designated wetlands and waterbodies. Conservation Commission review and approval may be necessary.
  - 101.2.2 No hazardous waste shall be discharged on the site of any Wireless Communications Facility.
  - 101.2.3 Stormwater run-off shall be contained on-site or adequately disposed of off-site via connection to an existing stormwater drainage system.
- 101.3 Safety Standards
  - 101.3.1 All equipment proposed for a Wireless Communications Facility shall comply with the Federal Communications Commission Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) and shall be maintained so as to remain in compliance with such guidelines as they may be amended.

### **Section 22-102 Special Permits**

- 102.1 The Special Permit Granting Authority for Wireless Communications Facilities shall be the Planning Board.
- 102.2 The Special Permit Granting Authority shall have the authority to hire a consultant to review any proposed Wireless Communications Facility submission at the expense of the applicant.
- 102.3 Application Filing Requirements: In accordance with this Ordinance, the location of a Wireless Communications Facility which is not in conformance with subsection 98.1 or 98.2 will require a Special Permit from the Planning Board. An application for a Special Permit shall be filed in accordance with Article I and shall be accompanied by seven (7) copies of the following information:

- 102.3.1 Before a Special Permit for any new Wireless Communications Facility is approved, the applicant must demonstrate that it is not feasible to locate their antenna and facilities on an existing Wireless Communications Facility, structure or building. Before a Special Permit for a new Wireless Communications Facility in a residential district is approved, the applicant must also demonstrate that it is not feasible to locate their antenna and facilities in other districts or on municipal facilities. Such demonstration studies shall include a summary of propagation studies and a plan for any network of facilities.
- 102.3.2 Details of the Wireless Communications Facility, guy wires and anchors (if any), lighting, and all structures located within 300 feet of the Wireless Communications Facility.
- 102.3.3 Location of alternate sites, if any.
- 102.3.4 Color photographs, computer simulation or renditions illustrating the proposed Wireless Communications Facility with its antenna and/or panels or dishes and its location. The Planning Board may require additional visual analysis such as, among other items, enhanced landscaping plans and line-of-site drawings.
- 102.3.5 Within thirty days after filing the application for any new Wireless Communications Facility or extension in height thereto, if requested by the Planning Board, the applicant shall arrange to fly a balloon at the site at the maximum height of the proposed installation. The balloon shall be of a size and color that can be seen from every direction for a distance of one (1) mile.
- 102.3.6 A certification that the applicant possesses all necessary licenses to operate such a facility and has complied with all federal and state requirements to provide the proposed service.
- 102.3.7 Reports prepared by one or more registered professional engineers, which shall:
  - 102.3.7.1 Demonstrate that the Wireless Communications Facility complies with all applicable standards of the Federal and State governments; and
  - 102.3.7.2 Describe the capacity of the Wireless Communications Facility including the number and type of transmitting and receiving antennas that it can accommodate and the basis for the calculation of capacity; and
  - 102.3.7.3 Demonstrate that the Wireless Communications Facility and site comply with this regulation; and
  - 102.3.7.4 Describe the auxiliary power source, if any.
- 102.3.8 A copy of the FCC registration, FCC license, and FAA opinion letter or registration for the proposed Wireless Communications Facility and applicant.
- 102.3.9 For facilities proposed on municipally owned land or structures, evidence of contractual authorization from the City of Leominster to conduct wireless communications on municipally owned property.
- 102.3.10 File an approval letter from the Massachusetts Department of Public Health confirming that the proposed filing meets the requirements of Massachusetts Department of Public Health regulation 105 CMR 122.000 for Wireless Communications Facilities with respect to emissions.

### **Section 22-103      Approval**

A Special Permit shall be granted by the Special Permit Granting Authority in accordance with the Massachusetts General Law and Article I of this Ordinance. Any extension of height or replacement of a Wireless Communications Facility shall be subject to a new application or an amendment to the Special Permit.

### **Section 22-104      Conditions of Use**

- 104.1 The Wireless Communications Facility and its transmissions shall comply in all respects with the current standards of the American National Standards Institute (ANSI) and the National Council for Radiation Protection (NCRP), whichever are stricter.
- 104.2 All Wireless Communications Facilities shall be operated only at Federal Communications Commission (FCC) designated frequencies and power levels, and the applicant shall provide certification that the allowable frequencies are not deviated from, and power levels will not be exceeded. Certification shall include technical specifications, an explanation of those specifications, and, if necessary, field verification.
- 104.3 All unused Wireless Communications Facilities or parts thereof or accessory facilities and structures which have not been used for one (1) year shall be dismantled and removed at the owner's expense.
- 104.4 All Wireless Communications Facilities shall be maintained in good order and repair. Any paint and finish must be annually maintained and repaired when the blemishes are visible from the property line. Annual inspection and maintenance reports for the Wireless Communications Facility and site shall be filed with the Director of Inspections and, when applicable, the Special Permit Granting Authority.

### **Section 22-105      Performance Guarantees**

- 105.1 Insurance in a reasonable amount determined and approved by the Special Permit Granting Authority after consultation at the expense of the Applicant with one (1) or more insurance companies shall be in force to cover damage from the structure and other site liabilities. Annual proof of said insurance shall be filed with the Special Permit Granting Authority.
- 105.2 An initial bond shall be posted for annual maintenance for any access road, site and Wireless Communications Facility in an amount approved by the Special Permit Granting Authority.
- 105.3 The Special Permit Granting Authority may require an additional financial performance guarantee to insure that facilities which have not been used for one year are removed.
- 105.4 Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration, and the American National Standards Institute shall be filed with the Director of Inspections and the Special Permit Granting Authority by the Special Permit holder at the operator's expense.