CHAPTER 150
TELECOMMUNICATIONS FACILITIES

Section 150-010 Purpose

This regulation establishes standards and requirements to permit the location of wireless communication facilities, including antennas and towers in the Town of New Milford while protecting the public, health, safety, and general welfare of the community;

1. To accommodate the need for wireless communications facilities while not unreasonably regulating their location and number;

2. To encourage the joint use of any existing or new facilities;

3. To assure proper design, siting, and vegetative screening for wireless communications facilities;

4. To avoid potential damage to adjacent properties from tower failure from falling ice through careful siting of facilities;

5. To site facilities below visually prominent ridge lines;

6. To reduce the number of facilities needed in the future.

Section 150-020 Definitions

When used in this section, the following words or phrases are defined as follows:

1. Antenna: A device used to receive or transmit electromagnetic waves associated with personal communications services (PCS).

2. Antenna Height: The vertical distance measured in feet from the base of the antenna support structure at grade to the highest point of the antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used to calculate height.

3. Facility: The tower, antennas and all associated equipment and equipment buildings.

4. Tower: Anything intended to support antennas greater than 45 feet tall and wider than 27 inches for the purpose of these regulations.

Section 150-030 Permitted Uses

Structures of all types for television reception and radio use are permitted as a residential

accessory use without a zoning permit to a height of 45 feet above grade and at a width no greater than twenty-seven (27) inches for all uses in all residential zoning districts.

Section 150-040 General Provisions

1. The following standards, application requirements, procedures and considerations for approval shall apply to the placement height, setbacks, construction and screening of telecommunications on towers and antennas that may be permitted within the Town of New Milford.

2. All new facilities must comply with the minimum lot area requirements and building requirements set forth in section 020-020 of the zoning regulations.

3. The proposed support structure shall be designed to hold additional antennas including those of other wireless communication companies, local police, fire and ambulance needs, unless it is determined to be technically unfeasible.

4. Upon submission of an application involving the construction of a new facility or in other situations over which the Commission has jurisdiction, the Commission may require independent, outside evaluation of the application to aid it in reaching its decision. This evaluation shall be made at the applicant's expense and shall be payable prior to decision on the application by the Commission.

5. Antennas shall be located on existing towers, high voltage electric transmission structures, telephone poles, water towers or other high buildings or structures. All towers shall meet the minimum set back requirements for the zone. In addition, a tower shall be set back from all property lines a distance equal to 1.5 times the tower height. If an antenna is proposed to be located on the roof of a building or structure, the Commission must be satisfied that the antenna will not present any danger to surrounding properties or to the public in general and will not adversely affect the architectural quality or visual resources of the use.

6. All applications for a facility shall require a special permit in accordance with Chapter 180 of the New Milford zoning regulations and shall include the information and comply with the requirements and criteria set forth in section 150-050 of these regulations.

Section 150-050 Application Requirements

1. A description of the service area for each communication system on the proposed tower location.

2. All new facility applications shall demonstrate that the service proposed cannot be provided by adding the proposed antenna and all accessory equipment to an existing tower, high voltage electric transmission structure, telephone pole, water tower or other high building or structure.

3. Location of tall structures within one-quarter mile of the site.

4. Documentation that the owners of such structures have been contacted and have been asked for permission to install a facility and that this permission has been denied. This documentation shall include the reasons for such denial.

5. Documentation that the antenna height is the minimum required to function satisfactorily.

6. An analysis comparing the site to alternative sites within the proposed service area.

7. A soil report complying with the Geotechnical Investigations Manual standards as amended, verifying the design specifications of the tower foundation and anchors for the guyed wires, if used.

8. Documentation assuring the proposed facility meets all requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and the National Environmental Policy Act (NEPA).

9. Site Plan: A site plan meeting the requirements of Chapter 175 shall show the following:

    a. The antenna and/or tower location and guyed wires, above ground wires, cables, ducts and utility and signal cables.
    b. Areas of construction and drainage improvements including the access road to the site.
    c. The boundaries of the tower fall zone.
    d. The location of any approved or proposed buildings or construction adjacent to the site with compliance of the required setbacks for the specific zone.
    e. The following areas on, or adjacent to the site, shall be shown either on the site plan or a separate existing conditions map:

        1. Protected and/or sensitive areas.
        2. All inland wetlands and water courses.
        3. Critical habitats for plants and animals
        4. Historic structures or sites, unusual features, buildings, monuments, or area of local interest.
        5. Permanently protected lands, such as State Park and forestlands, land protected by a land trust.
        6. Scenic Roads

10. Other Requirements:

    a. Commercial advertising shall not be allowed on an antenna or tower.

b. Signal lights or illumination shall not be permitted unless required by the FCC or FAA.
c. All other uses not clearly necessary to the operation/maintenance of the facility are prohibited, including but not limited to a business office, a maintenance depot or vehicle storage. A related unmanned equipment and/or storage building(s) may be permitted providing it contains not more than 750 square feet of gross floor area and is not more than 12 feet in height.
d. A wireless telecommunication facility, which was permitted by special permit and is not in use by a personal wireless service provider for 12 consecutive months shall be removed by the landowner at their expense. This removal shall occur within ninety (90) days of the end of such 12 month period. The Commission shall require a bond or other surety satisfactory to the Town of New Milford prior to the issuance of any zoning permit to the applicant to guarantee removal of the tower and restoration of the site to its previous appearance, and where appropriate revegetated to blend with the surrounding area. The amount of the bond shall be adjusted annually to conform to changes in the consumer price index.

11. Tower Dimensional Rendering: A rendering drawn to scale depicting the tower showing all antenna(s) with details and dimensions, including any lighting, colors, and accessory elements, as well as the following:

    a. Protected and/or sensitive areas.
    b. All inland wetlands and watercourses.
    c. Critical habitats for plants and animals.
    d. Historic structures or sites, unusual features, buildings, monuments, or areas of local interest.
    e. Permanently protected lands, such as State park, forest lands, land protected by a land trust.

12. Landscaping and Screening Requirements: For a new facility a fence with a minimum height of eight feet (8') shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible. A landscaping plan shall be provided to screen building(s), fuel tanks, and other man-made structures and as much of the tower as possible. The plan shall show an evergreen screen surrounding the site. The screen shall be a row of evergreen trees (planted 10 feet on center minimum). The evergreens shall have a minimum height of six feet (6') at planting and be of a type that grows to a minimum of fifteen feet (15') at maturity. The Commission may accept any combination of existing vegetation, topography walls, or evergreen screen requirements.

13. Site Plan Map: A site plan prepared by a Connecticut licensed engineer showing construction and drainage improvements, including the access road and construction or drainage improvements, including above ground wires, cables,

ducts, utility and signal cables and guying and guy-anchor details. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least three (3) feet to the proposed tower height, at the proposed tower site. Such balloon shall be raised at least three (3) continuous days prior to the date of the public hearing to visualize the proposed facility. The plan shall also contain other information deemed necessary by the Commission, including the public need for the proposed facility and any environmental or community effects associated with its construction.

14. A facility maintenance plan describing maintenance needs including frequency of service, personnel needs equipment needs and traffic, noise or safety impacts of such maintenance shall also be required.

15. Twice yearly the owner/operator/lessee of the facility shall provide the Commission and the Director of Health, Town of New Milford with EMR readings taken at the site for three (3) consecutive days. These reports shall be made no fewer than five (5) and no more than seven (7) months apart

16. The Commission and/or the Director of Health, Town of New Milford, may initiate, at any time, independent EMR investigation, the cost being borne by the owner/operator/lessee.

17. Any failure of the installation to meet FCC standards shall result in an immediate shutdown of the facility until retestings show the facility to be in compliance.
(*Effective: February 3, 2001*)