

**TORRINGTON PLANNING AND ZONING COMMISSION
AMENDMENT TO THE ZONING REGULATIONS
WIRELESS COMMUNICATION FACILITIES**

EFFECTIVE DATE: ??4/19/08

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ADDENDUM A. WIRELESS COMMUNICATION FACILITIES

A.1.0 Statement of Purpose

~~This regulation establishes standards and requirements and permitting procedures for wireless communication facilities that are subject to local zoning regulation in Connecticut. Its purpose is to regulate the placement of antennas, towers, and other regulated wireless communication facilities to protect the health, safety and welfare of the City, and to provide for locations consistent with the City's Plan of Development and the purposes of these Regulations, to minimize adverse visual effects through proper design, siting and screening, to avoid potential damage to adjacent properties, to provide for orderly removal of abandoned facilities. The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the City of Torrington to: (1) avoid visual impacts to the downtown, scenic corridors, residential and visually distinctive areas (2) avoid impact to sensitive wildlife and natural habitats, and (3) to provide a uniform and comprehensive set of standards for the orderly development of telecommunications facilities and installation of antennas. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter also provides standards necessary to: (1) preserve and promote harmonious land uses in the City; (2) promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the City consistent with the goals, objectives, and policies of the Plan of Conservation and Development; (3) provide for the orderly, managed, and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules, and regulations; and (4) encourage new technology in the provision of wireless telecommunications facilities.~~

~~This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications services; (3) unreasonably discriminate among providers of functionally-equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; or (5) prohibit any collocation or modification that the City may not deny under federal or state law.~~

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~~When the location of such facilities are subject to State or Federal Authority which supersedes City~~

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authority, the standards of this section shall serve to guide any City participation or comments before any such authority.

Notwithstanding any provision of any City Ordinance or Regulation to the contrary, provisions governing the installation of a public utility structure or facility shall not apply to wireless telecommunications facilities. This chapter shall govern all applications for wireless telecommunications facilities.

A.2.0 Definitions

The following definitions shall apply solely to this Addendum:

"Accessory Equipment" means any equipment associated with the installation of a wireless telecommunications facility, including, but not limited to, cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

"AGL" means above ground level.

"Antenna" means that part of a wireless telecommunications facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Antenna – The surface from which wireless radio signals are sent and received by a personal wireless service facility.

"Adequate Coverage" means- cCoverage that is is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -95dbm for at least 75% of the intended coverage area. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain strength of greater than or equal to -95dbm.

"Adequate Capacity"- means -cCapacity that is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hours, as assessed by direct measurement of wireless communication facility in question. The GOS shall be determined by the use of standard Erlang-B calculations. As call blocking may

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occur in the land line or radio portions of a wireless network, adequate capacity shall apply only to the capacity of the wireless components.

Where capacity must be determined prior to the installation of the wireless communication facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

"Base Station" means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), as may be amended, which currently defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.6100(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this chapter, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this chapter, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii).

"Building-mounted" means mounted to the side or facade, but not the roof, of a building or another structure such as a water tank, pump station, church steeple, freestanding sign, or similar structure.

"Camouflaged" means a wireless communication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered "camouflaged."

"Carrier" means a company that provides wireless services.

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.

"Collocation" means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), as may be amended, which currently defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

"Communications Facility" or **"Facility"** means collectively, the equipment at a fixed location or locations that enables Communications Services, including: (i) radio transceivers, antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. Also included are all facilities defined as "small wireless facilities". A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

"Decibel (dB)" means a unit for expressing the ratio between two physical quantities, usually amounts of acoustic or electric power, or for measuring the relative loudness of sounds. One decibel (0.1 bel) equals 10 times the common logarithm of the power ratio

"Elevation" - The elevation at grade or ground level may be given in many ways, usually Above

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Mean Sea Level (AMSL). The height of a wireless service facility is often given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The Total elevation of the wireless service facility is AGL plus AMSL.

"Eligible Facilities Request" means the same as defined by the FCC in 47 C.F.R. §1.6100(b)(3), as may be amended, which currently defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

"Eligible Support Structure" means the same as defined by the FCC in 47 C.F.R. §1.6100(b)(4), as may be amended, which currently defines that term as any tower or base station as defined in this section; provided that it is existing at the time the relevant application is filed with the State or local government under this chapter.

"Environmental Assessment (EA)" means—An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

"Equipment Shelter" means a—An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

"Equivalent Isotropically Radiated Power (EIRP)" means the product of the power supplied to the antenna and the gain in a given direction relative to an isotropic antenna.

"Existing" means a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process or under another State or local regulatory review process; provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

"Fall Zone" means t—The area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

"FCC" means the Federal Communications Commission or its duly appointed successor agency.

"Guyed Tower" means a—A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

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

"Licensed Carrier" means a —A company authorized by the FCC to construct and operate a wireless communication facility.

"Listed Species" means any species, endangered, threatened or rare species as listed by the Department of Fish and Wildlife (CT Department of Energy and Environmental Protection), or the United States Fish and Wildlife Service (Endangered Species Act, 16 U.S.C. §§ 1531 et seq.).

"Modification" means any change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, a change in size, shape, color, visual design, or exterior material. Modification does not include repair, replacement, or maintenance if those actions do not involve a change to the existing facility involving any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or

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augmentation.

"Monopole" means a wireless communication facility support structure which consists of a self-supported structure, usually a rounded single shaft of wood, steel concrete or other material erected on the ground to support antennas and connecting appurtenances.

Monopole Tower – The type of mount that is self-supporting with a single shaft of wood, steel, concrete or other material and platforms (or racks) for antennas arrayed at the top.

"Mount" means – The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a building.
3. Ground-mounted ~~Tower~~. Mounted on the ground.
4. Structure-mounted. Mounted on a structure other than a building.

"mW/cm²" means milliwatts per square centimeter, a typical unit of power density measurement.

4. "Non-Ionizing Electromagnetic Radiation" means electromagnetic radiation primarily in the visible, infrared and radio frequency portions of the electromagnetic spectrum).

"Omnidirectional (whip) Antenna" means a – A thin rod that transmits and receives a signal in all directions.

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"Panel Antenna" means a flat surface antenna usually operated in multiples.

"Personal Wireless Services" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

"Personal Wireless Service Facilities" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as facilities for the provision of personal wireless services.

"Power Density" means power per unit area normal to the direction of propagation, usually expressed in units of watts per square meter.

"Power Output" means the sum in watts of each transmitter power at a site, i.e. twelve (12) channels at twenty (2) watts per channel is two hundred-forty (240) watts.

"Public Right-of-Way or "Right-of-Way" means any public street, public way, public alley or public place, laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, under the jurisdiction of the City.

"Radiofrequency (RF) Engineer" (RF) means an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

"Radiofrequency Radiation (RFR)" means the emissions from any device that propagates a wave form for the purpose of communication, including wireless communication facilities.

"Regulated Facility, Regulated Service and/or Regulated Site" means all facilities including mounts, towers and antennas and the site(s) these facilities are located on relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation.

"Repeaters" means a device used to relay a radio transmission.

"Reviewing Authority" means the person or body who has the authority to review and either grant or deny a wireless telecommunications facility permit pursuant to this chapter.

"RF" means radio frequency or electromagnetic waves.

"Roof-mounted" means mounted directly on the roof of any building or structure, above the eave line of such building or structure.

"Security Barrier" means a locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

"Separation" means the distance between one carrier's array of antennas and another carrier's array.

"Shared-Location" means more than one wireless communications facility comprised of multiple structures used to support antennas operated by one or more carriers where the structures are located within proximity to each other.

"Site" means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission

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equipment already deployed on the ground.

"Small Wireless Facility" means facilities that are (a) mounted on structures 50 feet or less in height including their antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures, or (c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater. Each antenna associated with the deployment, excluding associated antenna equipment is no more than three (3) cubic feet in volume. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in federal regulations.

"Substantial Change" means (a) an increase of the overall height of more than 10% or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or (b) the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or (c) the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or (d) the proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site or (e) the proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the zoning administrator; or (f) the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.

"Telecommunications Tower" or "Tower" means a freestanding mast, pole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

"Transmission Equipment" means equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Utility Pole" means a pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the Connecticut Public Utilities Regulatory Authority.

"Wireless Services" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

"Zoning administrator" means the City's Planning Director or his/her designee.

A.3 A.3.0 Use Regulations

A3.1 Exemptions

The following shall be exempt from this regulation.

A3.1.1 Repair and maintenance of existing towers and antennas.

A3.1.2 Antenna used solely for residential television and radio reception that are 30

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feet or less in height as measured from the average grade.

A3.1.3 Satellite antenna measuring 48 inches ~~2 meters~~ or less in diameter and for the sole use of the owner or tenant occupying a parcel or space on which the antenna is located, not to exceed the height of the roof ridge of the host structure ~~located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location.~~

A3.1.4 A ground, building or tower mounted antenna facility operated by a federally licensed amateur radio operator as part of the Amateur Radio Service that qualifies as an amateur station as defined by the FCC, 47 C.F.R. Part 97, of FCC Rules, or its successor regulation, provided that the antenna or mounting structure or pole does not exceed 30 feet above average grade

~~A3.1.3 Satellite antenna measuring 2 meters or less in diameter and located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location.~~
A3.1.5 Facilities, towers and other structures under the exclusive jurisdiction of the Connecticut Siting Council

A3.1.6 Portable radios and devices including, but not limited to, hand-held, vehicular, or other portable receivers, transmitters or transceivers, cellular phones, CB radios, emergency services radio, and other similar portable devices.

A3.1.8 Mobile services providing public information coverage of news events of a temporary nature.

A3.1.9 Any wireless telecommunications facilities exempted from Municipal Code or Regulation by federal law or state law.

A3.2 -Permitted Uses

No wireless telecommunications facility shall be located or modified within the City on any property, including the public right-of-way or other public property, without compliance with this chapter. Any facility proposed within a City right-of-way or other property, buildings, structures or easements owned by the City shall be subject to licensing requirements contained in other applicable City Ordinances, as amended, and such licensing shall be considered a condition of approval under these regulations.

Excluding those facilities eligible for an exemption under section A3.1 as amended, applications for wireless facilities shall require a site plan or special exception approval subject to the requirements of this chapter, in addition to any other permit(s) required pursuant to City Codes or Regulations.

A3.3 Site Plan Approval

The following regulated facilities ~~located on existing structures or co-located~~ shall ~~be~~ Permitted Uses in all districts subject to Site Plan approval:

A3.2.1 ~~Camouflaged~~. A regulated facility which is completely camouflaged and not recognizable as ~~part of~~ a wireless facility such as within a flagpole, steeple, chimney, or similar structure.

A3.2.2 ~~Existing Structure~~. A regulated facility on an existing structure (whether or not it is conforming in terms of height) including but not limited to a guyed, lattice, or monopole tower, fire tower or water tower, provided it does not increase the height of the existing structure.

A3.2.3 Utility Structures. An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure. The installation may increase the height of the existing structure by no more than twenty feet, except in designated historic districts (or other historic or scenic areas of the City as shown on a map on file in the Planning and Zoning Office) or within 150 feet of the paved portion of a City road or State highway proposed for or designated as a scenic road or highway.

A3.2.4 Conforming Building - ~~(roof or side)~~ mounts provided it does not project more

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than ~~10~~ten feet above the building height.

A3.2.5 Legally Non-Conforming Building (roof or side) mounts may locate on a building or structure legally non-conforming with respect to height, provided it does not project above the existing building or structure height, or more than 10 feet above the height limit of the zoning district.

A3.2.6 Police and Emergency Services. A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A tower may be erected as a permitted use for these purposes unless it is to be shared by a commercial wireless service carrier, in -which case it shall require a Special Exception.

A3.2.7 Residential TV, Radio or Amateur Radio Towers in excess of 30 feet above average grade.

A3.43 -Special Exception Use

The following co-located regulated facilities and ground mounted towers that do not qualify for an exemption under A3.1 -shall require a Special Exception and Site Plan approval:

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- 2. Roof-mounted;
- 3. Building-mounted;
- 4. Mounted on an existing pole or utility pole, whether in our out of the public right-of-way and;
- 5. Mounted on a new telecommunication tower, pole or structure, whether in or out of the public right-of-way.

A4.1.33 Site Justification for Ground Mounted Towers

An application for a ground mounted tower shall include a detailed site justification report which:

~~A.~~ The applicant shall provide written documentation of all regulated facility sites in the City and any facility sites outside of the City that are within two (2) miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such regulated facility site, it shall demonstrate with written documentation that these facility sites are not already providing, or do not have the potential by adjusting the site to provide adequate coverage and/or adequate capacity to the City.

~~B.~~ Demonstrates that the proposed location (which includes both tower position and antenna height) is superior to other potential locations for the proposed uses, and demonstrating consideration of the location preferences in A4.1.1 and A4.1.2s.

~~B.~~ Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the tower.

~~C.~~ Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower.

~~D.~~ Demonstrates that for each proposed use of the tower the proposed height is the minimum necessary to provide adequate coverage as defined in these regulations.

~~E.~~ Demonstrates that ~~the a~~ tower can accommodate both the applicant's antennas and at least two other carriers' antennas and a municipal antenna if the tower is over one hundred feet high.

A4.1.4. Additional Location Standards

A. Facilities shall be located a minimum distance of the height of any tower or structure plus 50 feet from all residences and a minimum 300 feet from child day care centers, schools, playgrounds, parks, ballfields, and medical facilities unless the applications include information sufficient to demonstrate:

- 1. The location and type of preferred sites which exist within the proposed or technically feasible coverage area is mapped;
- 2. The preferred location site was not available as shown by the good faith efforts and measures taken by the carrier to secure the preferred location sites;
- 3. Specific reasons why such efforts and measures were unsuccessful;
- 4. Specific reasons why the location of the proposed facility site is essential to meet the service demands of the carrier; and
- 5. Thorough reports are submitted demonstrating compliance with current federal health standards.

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B. Wireless communications facilities shall be attached or sited adjacent to existing structures unless the carrier demonstrates that no other technically feasible site exists or that construction of a freestanding facility on or at a distant location from an existing structure will mitigate adverse effects related to land use compatibility, visual resources, public safety and other environmental factors. Appropriate types of existing structures may include, but not be limited to: buildings, water tanks and some telephone/utility poles.

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C. Monopoles for wireless communications facilities should not be located in residential or open space areas unless technical evidence demonstrates that no other alternative facility site or type of antenna support structure is feasible and/or if the use of a Monopole for the proposed facility by itself or in combination with other existing, approved and proposed facilities will avoid or mitigate adverse effects related to land use compatibility, visual resources, public safety or adverse impacts to the land or resources of such open space areas.

D. In order of preference from most preferred to least preferred, accessory equipment for wireless telecommunication facilities shall be located underground where possible, within a building or structure, on a screened roof top area or structure, or in a rear yard if not readily visible from surrounding properties and the roadway, unless the reviewing authority finds that another location is preferable under the circumstances of the application. The applicant shall bear the burden of demonstrating that accessory equipment cannot be placed in the most preferred location.

A4.2 Visibility - ~~Camouflage and Color~~ Screening and Buffering

A visual analysis of new proposed sites shall be required, and shall include, but is not limited to, a photo montage or photo simulation of poles erected at the proposed site (and surrounded by temporary construction fencing) or other similar technique.

The visual analysis shall address visually distinctive areas and scenic corridors as depicted and described in the Plan of Conservation and Development as well as views from public vantage points and private residences if determined appropriate by the Commission. The visual analysis may be expanded to include alternative locations within the proposed service area. Photographs of facility equipment and an accurate visual impact analysis with photo simulations shall also be required.

The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

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A4.2.1 Requirements for Existing Buildings or Structures:

A. Roof Mount. Where a roof mount extends above the roof the applicant shall demonstrate every effort has been made to conceal the mount within or behind existing architectural features to limit visibility from public streets.

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~~B.~~ Side Mount. Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building.

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~~B.~~ Mounts and antennas located on a historic structure shall be fully removable without diminishing the historic quality of the structure.

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~~C.~~ Regulated facilities in a local historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

~~D.~~ A4.2.2 Requirements for proposed Ground Mounted Towers:-

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~~A.~~ Photographs of facility equipment and an accurate visual impact analysis with photo simulations.

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~~—~~ The Commission may require that proposed ground mounted towers provide a vegetated buffer of sufficient height and a depth to screen the facility to the extent feasible. The required buffer shall not be greater than 2550 feet in width. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a facility, the applicant shall submit a landscape plan prepared by a Connecticut licensed landscape architect or a landscape gardener. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the facility on the neighborhood and community character.

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~~B.~~ The Commission may require that the ground mounted tower be camouflaged as a tree or other feature.

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~~C.~~ A4.2.3 Historic and Scenic Roads and Areas.

~~A.~~ A visual analysis shall address visually distinctive areas and scenic corridors as depicted and described in the Plan of Conservation and Development, views from public vantage points and private residences if determined appropriate by the Commission.

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~~—~~ The Commission may approve a ground mounted tower located in an open area visible from a public road, recreational area, or residential development only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or a co-location.

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~~B.~~ A regulated facility located within 300 feet of a City or State designated scenic road, may exceed the height of vegetation at the proposed location only where the applicant has demonstrated to the satisfaction of the Commission that the proposed regulated facility cannot be reasonably placed in another location.

~~C.~~ A4.2.4 Tree Cover and Sight Line Information

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~~Where the Commission determines that tree cover and/or sight line information, including viewpoints (points from which view is taken) and visible points (points being viewed), are necessary to determine compliance with the standards in this section the Commission may require the following:~~

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~~A.~~ Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.

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- B. Sight lines and photographs. A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.

- a. Existing (before) condition photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet.
- Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.
- b. Sight elevations. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one-foot scale and show the following:
 - a. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - b. Security barrier. If the security barrier will block views of the regulated facility, the barrier drawing shall be cut away to show the view behind the barrier.
 - c. Any and all structures on the subject property.
 - d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
 - e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

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A4.34 Environmental and Safety Standards.

A4.34.1 Hazardous materials. No hazardous waste shall be discharged on the site of any Regulated Facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

~~A4.4.2 Radiofrequency Radiation (RFR) Standards and Requirements. The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) or its successor publication. A.4.3.2 Noise Control. The Applicant shall provide a written report that analyzes acoustic levels for the proposed wireless telecommunications facility and all associated equipment, including, without limitation, all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with Noise Control. The acoustic analysis must be prepared and certified by a qualified engineer and include an analysis of the manufacturer specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.~~

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A.5.0 A.5.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses

A5.1 Feasible Alternative

Where a ground mounted tower is proposed, the applicant shall have the burden of proving that there are no feasible existing structures or co-location sites upon which to locate.

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A5.2 Setback

In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted tower to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the tower including any antennas or other appurtenances, plus 50 feet.

A5.3 Setback Reduction

In its consideration of the visual and safety impacts of a proposed ground mounted tower, the Commission may reduce the required setback area (as required above) by not more than 50% or allow the setback to be measured into a neighboring property where:

A. a monopole tower is proposed;

B. such reduction permits a tower site plan with better camouflage and overall design than alternative sites;

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~~C.~~ the setback area within a neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

A.6. A.6.0 Application Filing Requirements

The following shall be included with an application for a Special Permit or Site Plan Application for all regulated facilities. The Commission may waive one or more of the following required submissions if the Commission determines that the information is not necessary.

Technical information, including, but not limited to radio frequency and power density reports, visual analysis, alternative sites analysis, landscape plans, lighting plans, and architectural and engineering plans shall be prepared by an appropriate qualified professional acceptable to the Planning and Zoning Commission, City Planner or their designee.

All applications for a permit required by this chapter must be made in writing on such form as the City Planner prescribes and submitted along with prescribed application fees. The City Planner may waive the requirements for submittal of any information described herein only when determined that it is inapplicable based on project-specific factors, and documentation is provided to that effect. The form shall include the following information, in addition to all other information determined necessary by the City Planner, as part of an application for a site plan or special exception approval:

A6.1 General Filing Requirements

The following documentation shall be provided for all applications under this section:

A6.1.1 Full name and contact information for the facility owner, facility operator, agent, and property owner, and related letter(s) of authorization.

A6.1.2 The type of facility, including a full written description of the proposed facility, its purpose, technical specifications, and an assessment of any fire hazard a proposed installation presents to surrounding vegetation and structures.

A6.1.3 Licensed carrier information - a licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a "licensed carrier."

A6.1.4 Narrative or other proof for why expanded service is required for the proposed location(s) based on a) service deficiencies, b) capacity limitations of current towers, c) obsolete or malfunctioning equipment d) alternative site analysis or e) other technical, legal or environmental constraints.

A6.1.5 A narrative and documentation to demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the proposed site.

A6.1.6 Proof of all applicable licenses or other approvals required by the FCC.

A6.1.7 A written report that explains the proposal's consistency with the Connecticut Siting Council's latest State-wide Telecommunications Coverage Plan for Small Wireless Facilities.

A6.1.8 Any other studies or information determined necessary by the City Planner, Planning and Zoning Commission or their designees.

A6.2 Location Filing Requirements

A6.2.1 A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.

A6.2.2 A City-wide map showing the other existing non-residential wireless service facilities in the City and outside the City within five miles of its boundary.

A6.2.3 A written description identifying the geographic service area for the subject installation, accompanied by a plan and maps showing anticipated future installations and modifications for the following two years. The locations of all existing

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~~and potential future wireless service facilities in the City on a City-wide map for this carrier.~~

A6.2.4 ~~If the application is for a facility that will be located within the public right-of-way, the applicant shall certify that it is a telecommunications facility or telephone corporation or state the basis for its claimed right to enter the right-of-way, and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the Connecticut Public Utilities Regulatory Authority, as well as all applicable approvals required by local ordinances governing public rights-of-way.~~

A6.2.5 ~~A copy of any land use easement or restriction (access, open space, public utility and the like) which encumbers the proposed facility site, as well as a copy of the proposed site's title report,~~

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A6.3 Site Plan Requirements

The following Site Plan requirements shall be in addition to the requirements of ~~s~~Section 8.4 of the ~~Torrington Zoning Regulations~~ ~~ese regulations~~ regarding ~~s~~Site ~~p~~Plan ~~r~~review. Where the requirements of this section are more restrictive than that of ~~s~~Section 8.4, these requirements shall apply. For ~~applications where a special exception is not required-~~ ~~permitted use~~, the Commission may determine that ~~some of the the~~ information specified ~~under subsections 7 and 8 in this section~~ is not needed to determine compliance with this regulations. A one-inch-equals-40 feet vicinity plan shall be submitted ~~by a qualified licensed engineer~~ showing the following:

A6.3.1 ~~_~~ Property lines for the subject property.

A6.3.2 ~~_~~ Property lines of all properties adjacent to the subject property within 300 feet.

A6.3.3 ~~_~~ Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.

A6.3.4 ~~_~~ Proposed location of antenna, mount and equipment shelter(s).

A6.3.5 ~~_~~ Proposed security barrier, indicating type and extent as well as point of controlled entry.

A6.3.6 ~~_~~ Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the regulated facility.

A6.3.7 ~~_~~ Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.

A6.3.8 ~~_~~ Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.

A6.3.9 ~~_~~ All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

A6.3.10 Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

A6.3.11 ~~The dimensions of each proposed facility, including its height from the ground level.~~

A6.3.12 ~~4~~ Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" sub-section below.

A6.3.13 ~~Any other architectural or engineering plans as deemed necessary by the Planning and Zoning Commission or their designee.~~

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A6.4 Design Filing Requirements

A6.4.1 Equipment brochures for the proposed regulated 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.

A6.4.2 Materials of the proposed regulated facility specified by generic type and specific

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treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

- A6.4.3 Colors of the proposed regulated facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- A6.4.4 A profile plan showing dimensions of the regulated 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.
- A6.4.5 Appearance shown by at least two photographic superimpositions of the regulated facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth. The Commission may determine that this information is not needed for a Permitted Use.
- A6.4.6 Landscape plan prepared by a Connecticut licensed landscape architect or landscape gardener including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- A6.4.7 Within 15 days of the public hearing on an application for a Special ~~Permit~~Exception, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. The Commission may require that the balloon or crane remain in place for a period of up to three consecutive days. The applicant shall inform the Planning and Zoning Department of the dates of the test.
- A6.4.8 Plans for lighting of the site which are subject to lighting standards contained in Section 5.17 of the zoning regulations, including a photometric plan of proposed site lighting on the property.~~If lighting of the site is proposed, the applicant shall submit a manufacturer's computer-generated point to point printout, indicating the horizontal-foot candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.~~

A6.5 Radiofrequency Radiation (RFR) Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

- A6.5.1 A technically sufficient written report certified by a qualified radio frequency emissions engineer, certifying that the facility, operating by itself and in combination with other existing or approved facilities which can be measured at the proposed facility site, is in compliance with such FCC standards. Measurements for radio frequency emissions shall be based on all proposed, approved and existing facilities operating at maximum power densities at all relevant frequencies being used.
A6.5.2 A technically sufficient written report by a qualified radio frequency engineer, certifying the location type, capacity, field strength or power density, and calculated geographic service of the proposed wireless communication facility.

~~Existing or ambient: the measurements of existing RFR;~~

~~A6.5.2 Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.~~

~~A6.5.3 Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this regulation.~~

A6.6 Federal Environmental Filing Requirements

A6.6.1 The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, (47 CFR Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning

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operations for any wireless communication facility proposed in or involving any of the following:

- A. Wilderness areas.
- B. Wildlife preserves.
- C. Endangered species habitat.
- D. Historical site.
- E. ~~Native American~~Indian religious site.
- F. Flood plain.
- G. Wetlands.
- H. High intensity white lights in residential neighborhoods.
- I. Excessive radiofrequency radiation exposure.

A6.6.2 At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility site that requires such an environmental assessment to be submitted to the FCC.

A6.6.3 The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

A.7.0

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Co-location

A.7.1

Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone. All applicants for a Special Exception for a regulated facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes alternatives analysis of other sites, which should, at minimum, describe:

- A. A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;
- B. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed facility and timely response to co-location inquiries from other providers; ~~and~~
- C. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

~~C.~~

A7.2 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 Commission. The Commission 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 as provided by City Ordinance and these regulations. The City may deny a Special Exception ~~to an applicant for an application~~ that has not demonstrated a good faith effort to provide for co-location.

A7.3 If the applicant does intend to co-locate or to permit co-location, the Commission shall request drawings and studies which show the ultimate appearance and operation of the Regulated Facility at full build-out.

A7.4 If the Commission approves co-location for a regulated facility site, the Special Exception shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Exception approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Exception shall require a new Special Exception.

Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

A.8.0 Modifications

A modification of a regulated facility may require a Special Exception application where the following events apply:

A8.1 The applicant and/or co-applicant wants to alter the terms of the Special Exception by changing the regulated facility in one or more of the following ways:

- A. Change in the number of facilities permitted on the site;
- B. Change in technology used for the regulated facility.

~~B.~~

A8.2 The applicant and/or co-applicant ~~wants-proposes~~ to add any equipment or additional height not specified in the original design filing.

A.9.0 Monitoring and Maintenance

A9.1 After the regulated facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Regulation. The Commission or the City Planner may also request this information be provided on an annual basis.

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A9.2 The applicant and co-applicant shall maintain the regulated 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.

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A10.0 Abandonment or Discontinuation of Use

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~~A.10.0~~

A10.1 At such time that a licensed carrier plans to abandon or discontinue operation of a regulated 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. In the event that a licensed carrier fails to give such notice, the regulated facility shall be considered abandoned upon such discontinuation.

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of operations. When the facility has not been operated for a continuous period of twelve months, it shall be considered abandoned.

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A10.2 Upon abandonment or discontinuation of use, the carrier shall physically remove the facility within 90 days from the date of abandonment or discontinuation of use. "Physically removed" shall include, but not be limited to:

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A. Removal of antennas, mount, equipment shelters and security barriers from the subject property.

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 facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

A10.3 If a carrier fails to remove a regulated facility in accordance with this section of this regulation, the City shall have the authority to enter the subject property and physically remove the facility.

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The Commission may require the applicant to post a bond at the time of construction to cover costs for the removal of the Regulated Facility in the event the City must remove the facility.

A11.0-Reconstruction or Replacement of Existing Towers and Monopoles

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Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Exception, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the City than the existing structure. In making such a determination, the Commission 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.

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A.12.0-Term of Special Exception

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A Special Exception issued for any ground mounted tower over fifty (50) feet in height shall be valid for fifteen (15) years. At the end of that time period, the regulated facility shall be removed by the carrier or a new Special Exception shall be required.

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