

## **Wireless Telecommunications Facilities Siting Ordinance Cover Letter / Introduction**

TO: Municipal Planning Board Members, Town Planners, Code Enforcement Officers, and Town Selectmen and Women

CC: Wireless Telecommunications Industry Providers and Industry Consultants

FROM: Erik Carson, Senior Planner

DATE: September 1, 1998

SUBJECT: Wireless Telecommunications Facility Siting Ordinance

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### **The Process to Develop This Example -**

In late 1997, in response to an increasing number of calls regarding the siting of these facilities, the State Planning Office held a meeting with all interested parties (carriers, municipal and state representatives, regional planning commissioners, and other non-governmental organization representatives) to begin developing a dialogue among the various stakeholders. Out of that, a smaller work group was created to develop an ordinance which could be used by Maine communities impacted by the new technology, and to establish a "pattern language" for better communication. The first meeting identified three key issues:

- the industry needs a clear, definable process to facilitate siting, and make colocation on existing facilities the first priority and first choice;
- Planning Boards need design and technical assistance in order to better understand the permits before them, and to help them make better, more legally defensible findings; and,
- The development of either facilities' siting "overlay zones," and/or clear performance standards are important in order to help make colocation a "permit by right" activity.

## ***The Ordinance -***

This Ordinance and Appendix are the outcome of that working group. More importantly, however, is the dialogue and greater understanding that a clear process helps avoid misunderstandings. The focus of this ordinance is to encourage, to the greatest extent possible, colocation, thus seeking to minimize the visual impact of the development.

It is also designed as a stand-alone ordinance, with its own Purpose and Definition sections. It may be incorporated into an existing Site Design or Site Plan Ordinance, or an existing Zoning Ordinance. ***It cannot be emphasized enough, however, that this ordinance should be reviewed by the municipal attorney prior to consideration for local adoption.*** There are a great number of models and examples from within and without the State (Kennebunk, South Portland, Freeport, Arundel, to name a few) available for use. Municipalities are urged to use what is appropriate and applicable for your individual needs.

This ordinance was crafted for municipalities without professional planners; that is, those with Code Enforcement Officers and Planning Boards. There are more sophisticated models available, as noted above, available from the Regional Planning Commissions and Councils of Government, the Maine Municipal Association, or the State Planning Office. All would be pleased to help.

## ***Ordinance Provisions -***

This sample consists of ordinance provisions on the left side, and commentary on the right side. It establishes a two tier process for the placement of facilities: for colocation on or attached to existing facilities or buildings (i.e., sharing of locations), review by the CEO of the application is all that is necessary. Where colocation is either not possible or is desired, then a more detailed Planning Board review is required.

The CEO review process consists of submission of a limited number of items, review of the materials, and decision made within a short period of time. The Planning Board review consists of the standard review process, but with several new wrinkles: it requires the applicant in either case to attend a pre-application meeting; for new facilities, the owner must build and certify that it will later allow the facility to accommodate colocation of at least three other providers; and, it requires the new facility owner to work with the Planning Board

regarding its placement in light of a "priority of locations," in order to achieve the most unobtrusive siting of the new facility.

***Another important note: this ordinance does not attempt to prescribe height limitations.*** Given the height and topographical considerations and limitations which this state's topography provides and requires, it was decided that this was best left up to the communities. ***Remember: the lower the height standard, the more towers that may be required to meet carriers needs.***

Towns are encouraged to review those portions of the community which hold a specific scenic character, and document that through inclusion in the municipally adopted comprehensive plan. This is crucial for both policy direction for the Planning Board, and legal support of any ordinances which would regulate a use based on the impact upon scenic character.

This, as said before, is a working draft, and we invite comments and suggestions on the material presented here. The final draft will be made available to communities through their regional councils, together with an Appendix which provides a great deal of useful information concerning these uses and their impacts.

Please feel free to contact me at the State Planning Office, or your regional planning commission.

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## A WIRELESS TELECOMMUNICATIONS FACILITY SITING ORDINANCE

a guide for municipalities and applicants seeking to plan for and site wireless telecommunications facilities

This handbook is designed to provide Maine communities with an ordinance to address issues surrounding the siting of these facilities. It

provides a sample ordinance and appendix with information from a variety of sources for applicants, Planning Boards, and local Planners alike to develop a clear, consistent, and dependable application and review process.

The workbook represents the combined efforts of industry, municipal, regional, and State representatives. Their work, and the flexibility provided by their employers and clients is greatly appreciated:

Judith Bernstein, AICP - Town of Kennebunk  
Erik Carson - State Planning Office  
Roger Cole - Town of Arundel  
Doug Edwards - Maine Wireless  
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Blaine Hopkins - Assoc. Telecommunications Consultants  
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James Katsiaficas, Esq. - Maine Municipal Association  
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. . . with special assistance from :

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