

**TOWN OF BEDFORD
APPLICATION FOR SPECIAL EXCEPTION
TELECOMMUNICATION FACILITIES**

To: Board of Adjustment Date Filed: _____

Name of Applicant: _____ E-Mail: _____

Daytime Phone: _____ Evening Phone: _____

Mailing Address: _____

Owner's Name: _____
(If same as applicant, write "same")

Owner's Signature: _____
(or letter of authorization)

Owner's Mailing Address: _____

Location of Property: _____
(Street number & Map/Lot number)

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheet if the space provided is inadequate.

This application is due 21 days prior to the Zoning Board meeting which is held on the third Tuesday of each month. The application must be accompanied by an abutters list with three sets of mailing labels, 14 color copies of the entire application package and a check to pay for all fees. The fees total includes \$750 for the application, plus one set of labels to notify regional municipalities as shown on the attached list with the current USPS postal rate and the current USPS certified return/receipt amount to notify all abutters, professionals whose names appear on application materials and applicants by certified mail. Checks to be made payable to: Town of Bedford (all rehearings granted by the ZBA will also be subject to the above fees).

Any scheduled applicant who has been listed on the public notice and who wishes to request a postponement shall do so within seven working days and notify all abutters of the change or that item will not be heard for six months. The applicant will pay the charges for notifying abutters.

It is necessary that the applicant appear at the hearing. An agent authorized in writing may appear for the applicant.

Received by: _____ Date: _____

REQUIRED ITEMS FOR WIRELESS TELECOMMUNICATION FACILITIES:

(A) Burden of proof. The applicant shall have the burden of proving that the wireless telecommunication facility is necessary and that there are no existing structures that are suitable to locate its wireless facility, as proven by the following:

(Note: the full text of this descriptive paragraph can be found in the Bedford Code Article VI, section 275-41.)

(1) ***Provide the following:*** A location plan of other existing commercial wireless telecommunications towers or antennas within a three-mile radius of the proposed site, with complete documentation (including financial information) to justify why the proposed facility cannot utilize an existing or approved tower, building, antenna, equipment area or other existing structure within a three-mile radius for the following reasons:

Please provide a narrative/required documentation for the following:

(a) The planned equipment would exceed the structural capacity of an existing or approved tower, building, antenna, equipment area, or other existing structure as documented by a qualified structural engineer licensed in New Hampshire, and the existing or approved tower, building, antenna, equipment area or other existing structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost: (Documentation with the stamp of the structural engineer must be submitted to the Board of Adjustment with the location plan.)

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at an existing or approved tower, building, antenna, equipment area or other existing structure as documented by a qualified radio frequency (RF) engineer and the interference cannot be prevented at a reasonable cost:

(c) Existing or approved towers, buildings, antennas, equipment areas, or other existing structures within the three-mile search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified RF engineer:

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- (d) Other unforeseen reasons which make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower, building, antenna, equipment area, or other existing structure:

- (2) **Provide the following:** A list of all contacts made with owners of potential sites regarding the availability of potential space for a wireless telecommunications facility.

- (3) **Provide the following:** Copies of all letters of inquiry made to owners of existing structures that are suitable to locate its wireless telecommunications facility, requesting a reply within 30 days, **and** letters of rejection. If responses are not received within 30 days of postmark, they may be considered unanswered and return receipt requested forms from the United States Post Office shall be provided.

- (4) **Provide the following:** If the application claims that a structure is not capable of physically supporting proposed wireless telecommunications equipment, this claim must be certified by a qualified structural engineer licensed in New Hampshire and submitted to the Zoning Board of Adjustment. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the wireless telecommunications facility without unreasonable costs.

- (B) **Provide the following:** Master Plan: A master plan of the applicant's ultimate transmission proposal for the Town of Bedford, including the number of facilities that will be needed to provide uninterrupted service within Bedford and general locations for any necessary future facilities to effectuate the applicant's master plan.

- (C) **Provide the following:** 1. Radio frequency coverage analysis. A coverage analysis for the proposed site shall include, at a minimum, two antenna heights with a minimum 10 feet of separation. In addition, the applicant shall provide a composite map showing all proposed and existing sites within a ten-mile radius from the proposed site as well as a summary sheet identifying the following for each site propagated.

- Provide the following:** 2. Summary sheet identifying:

1. Coordinates.
2. Transmitter effective radiated power.
3. Receive signal threshold.
4. Antenna height.
5. Antennas used with sectors.

- (D) **Provide the following:** Viewshed analysis. A Viewshed analysis, including photographs of a crane test (or balloon test) moored at the site indicating the visibility of the proposed structure from all abutting streets and other key locations as determined by the Zoning Administrator. Public notification is required seven days in advance in the local daily newspaper of wide circulation. *(The date for the test shall be determined at the first ZBA*

meeting.)

(E) **Provide the following:** Aesthetic impact mitigation proposal. An aesthetic impact mitigation proposal which should include existing and proposed landscaping, proposed site grading, proposed limits of clearing, siting considerations relative to surrounding topography, color, camouflage, disguise mechanism (i.e., disguising a monopole as a pine tree or a light pole), or other mitigation techniques.

(F) **Provide the following:** Radio frequency radiation emission. The applicant shall provide appropriate documentation calculating the radio frequency radiation emission per current Federal Communications Commission (FCC) regulations taking into account all current users of the structure.

(G) **Address the following:** Co-location:

(1) No special exception or nonresidential site plan review will be required if a company chooses to utilize an existing or approved tower, building, equipment area, or other existing structure. A building permit from the Building Code Official will still be required. The co-locator shall also supply the Building Code Official with appropriate documentation calculating the radio frequency radiation emission per current Federal Communications Commission (FCC) regulations taking into account all current users of the structure.

(2) **Provide the following:** Each commercial carrier application for a new wireless telecommunications facility shall submit a written confirmation to the Zoning Board of Adjustment specifying that the carrier agrees to design and construct the new facility to structurally accommodate the equipment of at least two carriers, including the applicant. The spacing shall be based upon 10 feet per carrier, utilization of three sectors and a total of 12 antennas per carrier. The written document must also specify that the applicant agrees to provide for shared use of the proposed facility to maximum structural capacity at industry standard lease rates.

(3) **Provide the following:** The applicant shall also submit a shared use evaluation form which provides notice to all commercial carriers in the region that a new wireless telecommunications facility is proposed to be erected and that a potential opportunity for co-location exists.

275-43. Design requirements for new commercial ground-mounted facilities:

(A) Height: Complete/Provide the following if applicable:

(1) **Provide the following:** The height of any such wireless telecommunications facility must not exceed 75 feet above the average existing ground level adjoining the structure in the Residential & Agricultural (R&A) District and the General Residential District and must not exceed 130 feet above the average existing ground level adjoining the structure in all other districts. A favorable

written recommendation from the Manchester Airport must be received by the Zoning Board of Adjustment if the proposed structure would be located within a five-mile radius of this airport.

(2) **Apply for the following:** Any request for a wireless telecommunications facility that exceeds 130 feet in height must obtain a variance from the Zoning Board of Adjustment and a favorable written recommendation from the Manchester Airport.

(3) **Notify the following if applicable:** All applicant must comply with the requirements of the Federal Aviation Administrations (FAA) Advisory Circular AC 70/7460.2J and must file notification to the FAA when required. No action shall be taken until such time as the FAA has made a formal determination of impacts.

(B) **Address the following:** Stealth design. Towers and antennas shall be designed to blend into the surrounding environment through the use of architectural treatment, stealth design, and use of color except in instances where the color is dictated by federal and state authorities such as the Federal Aviation Administration. Disguise mechanisms are required unless the applicant proves to the Zoning Board that natural conditions surrounding the facility mitigate visual impacts to the Board's satisfaction.

(C) **Address the following:** Equipment shelters. All equipment for new commercial ground-mounted facilities, including but not limited to generators and cabinets, must be housed within an equipment shelter. The equipment shelter shall be designed in accordance with one of the following requirements:

- (1) Equipment shelters shall be located in underground vaults; or
- (2) Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the wireless telecommunications facility.

(D) **Provide the following:** Landscaping requirements. All ground-mounted wireless telecommunications facilities shall require a landscaping plan that provides for screening the base of the facility and all equipment with existing vegetation and new plantings.

(E) **Address the following:** Fall Zone. A new ground wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back 100% of its height from all property lines, habitable dwellings, businesses, institutional or public facilities, whichever is greater. Exception: In all districts, except the Residential and Agricultural

District and the General Residential District, the setback may be reduced by the Zoning Board of Adjustment upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property. In the Residential and Agricultural District and the General Residential District all wireless telecommunication facilities must be setback at least 750 feet from the nearest residentially zoned property.

Important information:

Time limits on approvals:

Any variance, special exception, or administrative appeal granted by the Zoning Board of Adjustment shall be rendered null and void two years from the date of approval unless the applicant files a complete application for a building permit, site plan, or subdivision plan for the subject parcel at which point the Zoning Board of Adjustment approval will run with the administrative time line of the building permit or Planning Board decision.

Adopted March 20, 2018