

Attachment A – Proposed Amendments to Amateur Radio
Communication Towers

128-44. Amateur Radio Communications Towers

- A) Review authority. The ~~Building Inspector Planning Board~~ is hereby authorized to review applications for ~~a building permit site plan review~~ pertaining to the construction of amateur radio communications towers. ~~The Planning Board shall also have the authority to require reasonable conditions and restrictions as are directly related to and incidental to the proposed application.~~
- B) Purpose and intent. The purpose of this section is to establish regulations for the siting of amateur radio communications towers in order to accommodate such equipment as required by Federal Communications Commission Order dated September 16, 1985, known as PRB-1, while protecting the public against any adverse impacts on aesthetic resources, assure public safety and welfare, minimize visual impacts through proper design, siting and screening, and avoid potential physical damage to adjacent properties.
- C) Pre-existing amateur radio communications towers are exempt from the provisions of this section.
- D) Application requirements. The applicant for ~~a building permit site plan approval~~ under this section shall be required to provide the following information: ~~in addition to any other information the Planning Board may require pursuant to Article VIII of this Chapter:~~
- 1) A scaled plan or drawing of the proposed tower, with design data ~~and documentation, certified by a professional engineer or the manufacturer~~ that the tower meets or exceeds applicable federal and state specifications.
 - 2) A ~~sketch plot plan~~ showing the lot or parcel and its dimensions, and all structural improvements thereon, on which the tower is to be located and showing the location of all structures on the lot or parcel, and the location of the proposed tower.
 - 3) Proof that the applicant is an amateur radio operator licensed by the Federal Communications Commission
 - 4) Proof of insurance specifically covering the proposed tower.
 - 5) If the FCC license holder and operator is not the property owner, the property owner must also sign the application, ~~be present at all Planning Board meetings unless excused by the Planning Board, and will be bound by laws of this section.~~
- E) ~~Building Permit Planning Board review~~ criteria. The ~~Building Inspector Planning Board~~, in reviewing the application for amateur radio communications towers, shall be guided by the following standards: ~~instead of those contained in §128-69 of this Chapter:~~
- 1) The structural design of the proposed tower shall meet accepted engineering standards including wind-load requirements.
 - 2) The proposed tower shall be ~~erected only in a rear or side yard located at the rear of the lot or parcel unless such location would impair signal transmission or receipt.~~

- 3) The proposed tower, including all masts and antennas, shall not exceed a height of ninety-five (95) feet above the ground and in no event shall be closer in horizontal distance than one and one-quarter (1.25) the height of the tower to a principal dwelling or structure used for human habitation on any adjacent or neighboring property.
 - 4) No part of the proposed tower, including stays and guy or supporting wires, shall be in violation of the relevant district setbacks.
 - 5) If the base of a ground-based tower is visible from any public right-of-way or from adjacent property, then reasonable screening of the base may be required so long as such screening will not interfere with the reception or the transmission of signals.
 - 6) Towers shall not be located on drainage easements, public utility easements or on any reserved open space.
- F) Approvals. The federal government has determined that amateur radio communications towers and the activities of a licensed operator are beneficial to the public health, safety and general welfare of the community. If the proposed tower meets the requirements of this section, then the building permit application - site plan review application shall be approved, ~~with such reasonable conditions as the Planning Board may impose in accordance with the provisions herein.~~ Any approval shall contain the condition that the Building Inspector may enter the premises at any reasonable time to inspect the tower installation for its construction, stability and maintenance. The applicant shall at all times maintain a valid FCC license to operate the facility, and shall provide a valid copy of his or her FCC license to the Building Inspector upon demand.
- G) Abandonment and removal. The applicant shall remove the tower ~~and restore the property to its original state~~ upon selling the property or when the applicant no longer holds a valid FCC license to operate as an amateur radio operator, unless the purchaser of the property or a member of the purchaser's immediate family is also a licensed amateur radio operator.