

**TOWN OF CONCORD  
SELECT BOARD MEETING  
August 8, 2022 | 5:30 PM  
TOWN HOUSE  
22 MONUMENT SQUARE**

**SECOND FLOOR MEETING ROOM AND VIA ZOOM**

<https://us02web.zoom.us/j/85217122692?pwd=dHV1V0RiWXRvd2pNc1prOEFmZVJSZz09>

Meeting ID: 852 1712 2692

Passcode: 734627

**AGENDA**

#	Time*	Agenda Item
1.	5:30pm	Call to Order
2.	5:30pm	Joint Executive Session with the Historic Districts Commission in accordance with M.G.L. 30A, Section 21(a)(3), to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares. (615 Lowell Road)
3.		<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>• Town Accountant Warrant: August 4, 2022</li> <li>• Minutes: January 31, 2022; April 25, 2022; July 11, 2022; Executive Session Minutes of February 7, 2022 (not to be released); Executive Session Minutes of April 11, 2022 (not to be released)</li> <li>• One Day Special Liquor License Applications <ul style="list-style-type: none"> <li>○ Belmont Hill School/HBS Golf Tournament for Financial Aid at Concord Country Club, 246 Old Road to Nine Acre Corner, on September 19, 2022, from 6:00pm-8:00pm, Wine &amp; Malt Beverages Only</li> <li>○ Wine Empire/Thoreau Tennis Open, 275 Forest Ridge Road, on August 9, 2022, from 6:00pm-11:00pm, Wine &amp; Malt Beverages Only</li> <li>○ Wine Empire/Thoreau Tennis Open, 275 Forest Ridge Road, on August 13, 2022, from 11:00am-5:00pm, Wine &amp; Malt Beverages Only</li> <li>○ Wine Empire/Thoreau Tennis Open, 275 Forest Ridge Road, on August 14, 2022, from 11:00am-5:00pm, Wine &amp; Malt Beverages Only</li> </ul> </li> <li>• Article 47-Reformatory Branch Trail Letter</li> </ul>
4.		Town Manager's Report
5.		Chair's Report
6.	6:45pm	Minute Man National Historic Park Development Update
7.	7:25pm	5G Policy Review and Approval
8.	7:40pm	Vote on Designation of Police Officers at Polling Locations
9.	7:45pm	Select Board Goals—Checkpoint Discussion
10.	7:55pm	Discussion Regarding Liaison Reporting Objectives
11.	8:10pm	Committee Nominations: Dr. Robert Munro, of 1400 Lowell Road, to the 2025 Executive Committee; Helene Clayton, of 31 Black Birch Lane, to the West Concord Junction Cultural District Committee
12.	8:15pm	Committee Appointments: Laura Payne, of 480 Laws Brook Road, to the West Concord Advisory Committee for a term to expire April 30, 2025; Barbara Morse, of 1975 Main Street, to the West Concord Advisory Committee for a term to expire April 30, 2025; Ryan Hanley, of 77 Lexington Road, to the Historical Commission-Associate Member for a term to expire May 31, 2025

13.	8:20pm	Select Board Liaison Reports
14.	8:25pm	Miscellaneous Correspondence
15.	8:30pm	Public Comment
16.	8:35pm	Adjourn

*\*Times are approximate and subject to change*

<b>Current Board and Committee Vacancies</b>
Board of Health
Community Preservation Committee
Comprehensive Sustainability and Energy Committee
Concord 2025 Executive Committee
Concord Housing Development Corporation (CHDC)
Concord Local Cultural Council
Conservation Restriction Stewardship Committee
Council on Aging
Cultural Council
Economic Vitality Committee
Historic Districts Commission
Library Board
Personnel Board
Planning Board
Public Ceremonies and Celebrations Committee
Transportation Advisory Committee
Trustees of Donations
West Concord Advisory Committee
West Concord Junction Cultural District
White Pond Advisory Committee (WPAC)
Zoning Board of Appeals

**Town of Concord  
Select Board  
Minutes  
January 31, 2022**

Pursuant to a notice duly filed with the Town Clerk, the Concord Select Board convened in the Select Board Meeting Room and via Zoom on January 31, 2022 at 6:30pm.

Present were Terri Ackerman; Chair, Matthew Johnson; Clerk; Henry Dane, Linda Escobedo, and Susan Bates. Also present was Kerry Lafleur, Interim Town Manager; Christopher Carmody, Administrative Manager; Christine Reynolds, Finance Committee Chair; Karlen Reed, Chair of the PEG Access Committee; Mr. Howell, Chair of the Broadband Fiber Task Force; Kate Hodges, Deputy Town Manager; Marcia Rasmussen, DPLM Director; Alan Cathcart, Director of Public Works.

**Call to Order**

Chair Ackerman called the meeting to order at 6:30 p.m.

**Consent Agenda**

- Arbor Day Proclamation

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to approve the consent agenda.

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to approve the following Committee Appointments:

Stephen Stasheski of 76 Jennie Dugan Road and Heather Bout of 33 Alden Road and Interim Town Manager Kerry A. Lafleur (ex officio) to the Concord Middle School Building Committee until the end of the project; Francesca Cataldo of 40 Hosmer Road to the Historical Commission as an Associate Member for a term to expire on January 23, 2023; Henry Moss of 557 Sudbury Road, as nominated by the Natural Resources Commission, to the Historic Districts Commission as an Associate member for a term set to expire on January 1, 2025; Abigail Flanagan of 398 Main Street as nominated by the Concord Museum, to the Historic Districts Commission from an Associate Member to a Member, for a term set to expire on January 1, 2027; Doug Bacon of 410 Lowell Road to the Concord Housing Development Corporation for a term to expire April 30, 2025.

**Purpose of Tonight's Meeting—Kerry A. Lafleur, Interim Town Manager**

Interim Town Manager Kerry Lafleur welcomed everyone and stated that tonight's meeting will focus on ARPA, particularly these 2 goals:

1. Promoting equitable outcomes and equitable recovery from Covid
2. US Department of Treasury urges us to utilize community engagement in determining ARPA allocations

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**ARPA Overview and Eligibility Requirements—Christopher Carmody, Administrative Manager; Q & A**

Mr. Carmody explained that ARPA, the American Recovery Plan Act, is generally considered to be the successor to the CARES Act. It is a huge \$ 1.8 trillion act, providing both direct and indirect funds to state and local government in the wake of COVID. Concord has been granted \$5.64 million in direct funding.

Mr. Carmody detailed the 8 general categories of eligible use under ARPA, as well as prohibited uses. Concord is eligible to utilize our entire \$5.64 million under the “lost revenue” category. Prohibited uses include stabilization and rainy-day funds.

Finally, Mr. Carmody briefly discussed the new Infrastructure Investment and Jobs Act, estimated to be 1.2 trillion nationwide.

Mr. Johnson advocated for Concord to utilize all ARPA funds under “Lost Revenue” and roll the entire 5.64 million into our regular budget process. No earmarking or segmenting would be necessary. Ms. Ackerman emphasized the need for community and SMT input, transparency and collaboration, regardless of whether the ARPA funds are designated under “Lost Revenue” or other categories.

Ms. Bates inquired, under eligible uses, whether \$1.84 million for FY21 and \$2.21 million for FY22 have been identified but not earmarked. Mr. Carmody confirmed.

Chris Reynolds asked for clarification on Concord’s eligibility for “Lost Revenue.” Mr. Johnson and Mr. Carmody clarified that the “Final Rule” allows for all expenditures under \$10 million. Ms. Reynolds liked the flexibility of this rule.

Karlen Reed, Chair of the PEG Access Committee, advocated for a low-income Broadband program. She inquired who will be the decision maker(s) for ARPA spending.

Ms. Ackerman stated that the Select Board, along with Town Manager, Senior Management Team, Town Meeting and with much community input, would decide. She emphasized the need for a specific plan that would be circulated and posted on the website.

Ms. Lafleur added that as grant funds, ARPA does not require further appropriation by Town Meeting. In addition to the \$5.64 million coming directly to Concord, there are funds coming to Commonwealth, which Concord may be eligible to apply for.

Mr. Johnson re-iterated that ARPA should not be treated as a slush fund; it should go into Lost Revenue and rolled into the budget process. Mr. Howell, Chair of the Broadband Fiber Task Force, stated that these funds are a windfall and should be segregated so that their uses are well understood. Ms. Escobedo stated that we may not necessarily yet know all the community needs, and this windfall gives us an opportunity to address one-time capital needs.

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**ARPA Preparations by Area Towns—Terri Ackerman**

Ms. Ackerman reported that she and Mr. Carmody had attended a webinar where other Massachusetts towns reported on their processes for deciding how to allocate ARPA funds. The Webinar emphasized accomplishing multiple objectives and working across silos. Bottom line is whether the spending will improve the quality of life, particularly for vulnerable populations.

**Ideas From Interim Town Manager & Senior Management Team—  
Kerry A. Lafleur, Interim Town Manager; Ideas from Union(s)**

Ms. Lafleur reported on Senior Management Team discussions for 5 of the 8 eligible ARPA categories. The Town is still expending funds related to the pandemic (testing, vaccine clinics, overtime), but we expect FEMA and MEMA to cover these expenses. Ms. Hodges added that the Town has experienced a recent spike in demand for expenditures in mental health, substance abuse, and utility bill assistance. Ms. Lafleur has earmarked \$400,000 so far in “Lost Revenue”, based on the revenue lost from the parking meter program. She advocated for Premium Pay for employees who faced the greatest health risk because of their service during the pandemic. Some area towns have awarded \$1,000 to \$5,000 for each public service employee. In the Economic Recovery category, Ms. Lafleur recommended aid to businesses and aid to affordable housing, specifically the Assabet River Bluff project and the municipal affordable housing trust.

Ms. Lafleur then introduced a number of possible capital items that could be funded via ARPA. Marcia Rasmussen, DPLM Director discussed \$110,000 for the Assabet Pedestrian River Bridge, a Cross-Town Connect vehicle, a transportation planner, and expanded sewer access. Alan Cathcart, Director of Public Works, recommended \$537,000 for pedestrian and bike improvements (out of a total need of \$34 million!) and \$310,000 for parking lot improvements, and funds for stormwater improvements. Ms. Hodges discussed \$345,000 for the Beede Center roof, expanded broadband access, and better cell service.

Detective Michael Bordenca spoke in favor of Premium Pay for those who took on additional risk during Covid. During the crisis, public safety responded to extra mental health crises, vaccination clinics, delivered meals and medicine. He explained how police officers risked their lives for the community every day: 28 of the 32 Concord officers contracted Covid, some more than once. Some brought the illness home to their families. The situation created more vacant shifts, family and childcare stress. Premium Pay would be a recognition to the officers for their courage and sacrifice.

Chair Ackerman then listed the ARPA ideas heard so far, totaling \$2.77million so far. These will need to be sorted by operating, capital, enterprise funds, etc. Karlen Reed added Low Income Broadband to the list.

**Ideas from Town Committees**

Nick Pappas, Chair of the Transportation Advisory Committee, reminded everyone of the high priority transportation needs stated in Envision Concord. Top priority is a Transportation Planner,

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creating a central transportation function in town government. He also recommended a consolidated Ride Service. Kathleen Fasser, member of the TAC and a professional landscape architect, highlighted the need for Complete Streets program.

Keith Bergman, Chair of the Concord Municipal Affordable Housing Trust, requested \$500,000 for the trust for coming year. In the past 3 years, \$500,000 from Free Cash has been allocated for this purpose, but Free Cash may be unavailable for this purpose this year.

Carol Wilson of the Concord Business Partnership, discussed the goal of strengthening the bond between the Town and local businesses. She stated that it is difficult to start and maintain a business, yet businesses are the heart of the community. The permitting process can be arduous in Concord and many decide to start their business elsewhere. The CBP recommends an ombudsman to assist with this process.

Mark Howell, Chair of the Fiber Broadband Task Force, described the inequitable access of the current broadband infrastructure. Some low income and business areas are underserved, which is a specific qualification for ARPA funds. Also, during Covid, people have become more dependent on broadband.

### **Ideas and Questions from Select Board**

Ms. Bates thanked all the committees for their ideas and asked for a more detailed breakout on the spreadsheet. Ms. Ackerman agreed.

Mr. Johnson stated that he supports many of the worthwhile ideas discussed tonight. However, he advocated for evaluating these ideas in the context of the entire budget and capital process, rather than in isolation. We will have \$1.4 million per year in ARPA funds over the next 4 years.

Ms. Escobedo reminded that we have not recently given the Non-Union employees a cost-of-living raise. She stated that there may be employees, besides Public Safety employees, who deserve Premium Pay. She emphasized the need for affordable housing funds and employee training.

### **Ideas from the Public; Q & A**

Dorie Kehoe suggested that some funds be put aside for a rainy day. Ms. Ackerman clarified that we are not planning to spend it all this year and that rainy day funding is prohibited under ARPA. However, Mr. Johnson explained how to indirectly contribute to a rainy-day fund via the “lost revenue” option and the budget process.

Tanya Gailus recommended ARPA funding for senior services and disabled people, and cross-town connect.

Diane Proctor commended the public safety personnel and all the committees for their thoughtful ideas. She recommended bus service to Newbury Court.

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Mary Hartman stated that we likely have far more in requests than the \$5.6 million we are receiving. We should prioritize based on equity, on the ability to achieve multiple goals, and the investment potential.

Chris Reynolds, Chair of Fin Com but speaking for herself, reminded everyone that budget cuts were needed in the past few years. We should now go back and try to restore some of those services. Also, any type of funding for the large Middle School project would be welcome.

Kate Yoder, Chair of the West Concord Junction Cultural District advocated for support of the Arts in West Concord.

Ms. Ackerman summarized the list of ideas presented tonight. (See list at the end of these minutes).

Ms. Fasser inquired about behavioral health support at the schools and whether ARPA funds could be utilized.

Lois Suarez commended the Fire Department for their extraordinary service during the pandemic. Ms. Ackerman clarified that Premium Pay for public safety employees includes the Fire Department. Stephan Bader inquired whether Public Health employees are included. Ms. Lafleur confirmed and added that some Public Works employees may also be included.

### **Next Steps**

Ms. Lafleur inquired whether the Select Board has heard anything tonight that is definitely off the table. She suggested a possible citizen survey. Ms. Ackerman suggested that the list needs to be categorized by salary/expenses; operating/capital and dollar estimates be included.

Ms. Bates encouraged the public to add to the list in coming days. Ms. Ackerman asked that the list be posted online. Ms. Escobedo requested that all committees be asked if they wish to add to the list; Ms. Ackerman agreed to do so.

Ms. Escobedo and Ms. Gailus advocated more funding for senior services.

Ms. Ackerman thanked Ms. Lafleur, the Senior Management Team, and all the Committees who participated in tonight's meeting, for their energy and commitment to the Town.

### **Public Comment**

Diane Proctor read a statement from the League of Women Voters concerning the upcoming Town election.

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**Adjourn**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to adjourn.

**Meeting Materials:** <https://concordma.gov/DocumentCenter/View/34529/January-31-2022-final-packet-v2>

**Minuteman Media Network Coverage:** <https://youtu.be/TeervOSLxLk>

**List of ARPA ideas/projects suggested at Jan 31, 2022 Select Board meeting**

- 75 Mental Health/Subst Abuse
- 400 Lost Rev-Parking
- 500 Assasbet Bluff
- 500 Housing Trust
  - Add'l Afford. Housing projects
  - Premium Pay
  - Dir of Bus Devel
- 110 Assabet River Bridge
- 537 Ped & Bike Improvements
- 310 Pkg Lot Rehab
- 345 Beede Roof
  - BUSES: Cross Town Connect, Microtransit, 1st/Last Mile
  - Transp Planner
  - Complete Streets Design Phase
  - Seed Money to expand Broadband
  - Broadband Access

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Broadband for Low Income  
Expand Cell service  
Expand sewer treatment capacity  
Salary Catch Up for Non Union  
Salary Catchup for Special Positions  
Middle School  
Rainy Day Fund (indirectly)  
Sr Citizens  
Services for the Disabled  
Restore Services/ salaries cut during Covid  
School-Behavioral Health/Mental Health  
Cultural/Arts

2,777      TOTAL

**Town of Concord  
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April 25, 2022**

Pursuant to a notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting in the Second Floor Meeting Room and via Zoom on April 25, 2022, at 6:30pm.

Present were Terri Ackerman; Chair, Matthew Johnson; Clerk, Susan Bates, Linda Escobedo, and Henry Dane. Also present was Kerry Lafleur, Interim Town Manager.

**Call to Order**

Chair Ackerman called the meeting to order at 6:30 p.m.

Following the Call to Order, Chair Ackerman called for a moment of silence in remembrance of Debra Stark, the owner of Debra's Natural Gourmet and an active and generous community member, who had recently passed away.

**Consent Agenda**

- Town Accountant Warrant: April 14, 2022
- Sunday Entertainment License
  - The Concord Orchestra, Inc. at 51 Walden Street on May 22, 2022, from 1pm to 5pm.
- One Day Special Liquor License
  - The Friends of Sleep Hollow Cemetery for donor reception at Umbrella Arts Center located at 40 Stow Street, on June 18, 2022, from 6:30PM to 7:45PM for wine and malt beverages only
  - HIVE LLC at Nashoba Brooks School, located at 200 Strawberry Hill Road, for a school community event on April 30, 2022, from 6:30pm to 10pm for all alcoholic beverages
- Proclamations
  - April 10-16: Public Safety Telecommunicators Week
  - May 1-7: as Professional Municipal Clerks Week

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to approve the consent agenda.

**Town Manager's Report**

Ms. Lafleur reviewed the Town Manager's Report included as part of the Select Board Meeting Packet. The Board and Ms. Lafleur discussed the phone service, work at Gerow and White Pond, other capital projects underway, and the grant funding for the Assabet Bluff preservation and affordable housing development.

**Chair's Report**

Chair Ackerman reminded the Board and residents of the Annual Town Meeting dates/times, events at the library, and a meeting regarding the Housing Production Survey.

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**Public Hearing: Application for a New License for on-premises consumption of wine and malt beverages by Emerson Umbrella, Inc.**

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to open the public hearing for the application for a new license filed by Emerson Umbrella, Inc. for on-premises consumption of wine and malt beverages.

Jerry Wedge, President Emerson Umbrella, Inc. explained that their organization had historically been granted one-day liquor licenses but following a vote at Town Meeting, were encouraged to apply for a permanent liquor license.

The Board discussed the managers of record, the ability to apply for Wine & Malt Beverages with Cordials and Liqueurs, and the recommendations of the Police Department. The Board and Mr. Wedge also discussed the description of premises, the capacity listed on the application, outdoor events, and hours of operation.

Detective Harrington explained the report he had submitted, and why the Police would ask for a police detail when Emerson Umbrella, Inc. would hold large outdoor events.

Mr. Wedge explained that his organization was only seeking a Wine & Malt Beverages license.

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to close the public hearing.

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to approve the application for a new license filed by the Emerson Umbrella, Inc. for an on-premises consumption of Wine & Malt beverages with the following conditions:

1. Hours of operation to 5:00 p.m. to 10:30 p.m. Monday-Friday, and 2:00 p.m. to 10:30 p.m. Saturday-Sunday & Holidays
2. Maximum of six outdoor events with over 100 participants per year
3. Maximum of 300 outdoor participants without a Police Detail
4. Subject to a successful completion of a 304 inspection by the Building Inspector and Fire Department

**Public Hearing: Application for a New License for on-premises consumption of wine and malt beverages by Verrill Farm, LLC**

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to open the public hearing for the application for a new license filed by Verrill Farm, LLC for on-premises consumption of wine and malt beverages.

Jen Verrill, owner of Verrill Farm, LLC, explained that she was also seeking a Wine & Malt Beverage liquor license. The Board discussed the application and the capacity at some of the events they had hosted in the past. The Board and Ms. Verrill discussed issuing a license with conditions that had been established with a previously issued special permit. The Board also discussed the license being subject to a 304 inspection by the Building Inspector and Fire Department

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Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to close the public hearing.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the application for a new license filed by the Verrill Farm, LLC for an on-premises consumption of Wine & Malt beverages subject to the conditions established by the Special Permit issued by the Zoning Board of Appeals issued on March 29, 2019, and subject to the successful completion of a 304 inspection by the Building Inspector and the Fire Department.

**Town Meeting Items**

The Board discussed what time the Board would arrive at the High School and hold their meeting prior to Town Meeting. Chair Ackerman also informed the Board that Town Moderator, Carmin Reiss, requested that the Board extend the time for no new business to 6:00 p.m. Ms. Escobedo raised concerns that an item could begin prior to 6:00 p.m. and a discussion could carry on well into the night. Ms. Escobedo reminded the Board of a suggestion that food concessions be made available. Mr. Johnson stated that the Town Moderator had some control over discussion and could seek adjournment if she believed an item would require a lengthy discussion. The Board agreed to advise the Town Moderator that no new business should be taken up after 6:00 p.m.

The Board also reviewed a table that was included as part of the Select Board meeting packet which detailed speaking assignments for each warrant article. Additionally, the Board discussed the statements they had prepared for each article, and the language related to their support of each article and presentations. The Board also discussed and revised their Town Meeting handout.

The Board deliberated whether to make recommendations on Articles 18 and 37 and took two votes relative to them. The Board and Joseph Stein, the citizen petitioner of Article 37, discussed the Article as they considered their support.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 18.

Upon a motion duly made and seconded, it was 4-1  
**VOTED:** to recommend affirmative action on Article 37, as amended.

Brad Hubbard Nelson, of 221 Nashawtuc Road, stated that he had proposed an amendment to Article 19, relative to the capital funding for the school, to postpone the installation of a new gas boiler. Mr. Nelson explained that Dr. Laurie Hunter, the Superintendent of Schools, informed him that the School Committee may not be opposed to amendment, and that they would be discussing the issue at their next meeting. Chair Ackerman recommended the Board discuss the amendment to Article 19 at their meeting prior to Town Meeting.

The Board also discussed Article 46, and the Reformatory Branch Trail, and whether to recommend the article at Town Meeting.

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Upon a motion duly made and seconded, it was 4-1

**VOTED:** to recommend affirmative action on Article 46, as amended and presented in the Select Board Meeting Packet.

**Discuss Hanscom Re-Routing Traffic**

Ms. Lafleur explained that a letter included as part of the Select Board meeting packet was sent as a courtesy notice, as a member community of Hanscom Area Town Selectmen (HATS). Ms. Lafleur added that the proposed work would take place in Lexington and that she had forwarded the letter to the Concord Public Works, Police Department, and Fire Department, who had no concerns about the project.

**Discuss and Approve PEG Access Franchise Renewal Process**

Karlen Reed, Chair of the PEG Access Advisory Committee, introduced Jon Harris, the Town's Budgeting and Purchasing Director, and explained that the Committee was looking for the Select Board's guidance on a Request for Proposal (RFP) that she had drafted with Mr. Harris, to seek proposals for a cable consultant to help the Town negotiate the renewal of the Comcast/Concord Cable TV Franchise Agreement. Ms. Reed explained that the current agreement expired in 2024, and that the Select Board ultimately signs Franchise Agreement. Ms. Reed further reviewed the Comcast/Concord PEG Franchise Renewal Timeline included as part of the Select Board meeting packet. The Board and Ms. Reed also discussed the budget, timeline, potential contract, and the creation of a RFP review team.

Chair Ackerman volunteered to be the Select Board representative on the RFP review team.

**Continue 250<sup>th</sup> Update and Committee Charge**

Mr. Dane explained that he had been working with John Arena to review volunteer cards, and was submitting four applicants for appointment to the Concord 2025 Executive Committee. Mr. Dane added that he would be meeting with the Committee immediately following Town Meeting to outline a structure for the Committee. Mr. Dane stated that he had sent out a roster to the Committee which detailed the various subcommittees that were created to plan for the 200<sup>th</sup> Celebrations. Mr. Dane also discussed potential changes to the existing charge with the Board, including the additional of honorary members to the Committee, who would be non-voting advisory members. The Board and Mr. Dane further discussed the nomination and appointment process of members to the Concord 2025 Executive Committee.

**Review Progress on SB 2021-2022 Goals**

The Board reviewed the progress made on the 2021-2022 Select Board Goals included as part of the Select Board meeting packet. There was consensus that many of the year's goals had been completed or significant progress made toward their completion, and Chair Ackerman thanked the Board and staff for their diligence and hard work.

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**Select Board Meeting Schedule for Remainder of Calendar Year 2022**

The Board discussed the proposed meeting schedule included as part of the Select Board meeting.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the Select Board schedule for the remainder of calendar year 2022 as included in the board packet.

**Committee Nominations**

Gary Clayton of 31 Black Birch Lane, Diana Clymer of 13 River Street, David Wood of 266 Lexington Road, Richard Loughlin, Jr. of 83 Chestnut Street to the Concord 2025 Executive Committee; Katharine T. Berger of 60 Revolutionary Road to the Hugh Cargill Trust Committee

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to Joseph Rogers, 20 Tracy Street, re-appointed as associate member to the Agriculture Committee, term expires April 30, 2025

**Miscellaneous Correspondence**

There was none.

**Public Comment**

There was none.

**Adjourn**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to adjourn.

**Meeting Materials:** <https://concordma.gov/DocumentCenter/View/36120/April-25-2022-Packet>

**Minuteman Media Network Coverage:** <https://youtu.be/vsgS17mutnA>

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July 11, 2022**

Pursuant to a notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting in the Second Floor Meeting Room and via Zoom on July 11, 2022 at 6:30pm.

Present were Matthew Johnson; Chair, Terri Ackerman; Clerk; Henry Dane, Linda Escobedo, and Mary Hartman. Also present was Kerry Lafleur, Interim Town Manager.

**Call to Order**

Chair Johnson called the meeting to order at 6:30 p.m.

**Consent Agenda**

- Town Accountant Warrants: July 7, 2022
- Minutes: June 13, 2022
- Gift Acceptance:
  - \$75,000 from the Concord Free Public Library Corporation to the Archival Projects Gift Account
  - \$5,000 from the Susanna E Bedell Foundation to the Council on Aging
- Tour Guide Licenses:
  - Mary Beth Bass
  - Mary Bierman
  - Roni Olitsky
  - Trisha J Hunt
  - Courtney McInvale Reardon
  - Maureen Byrnes
  - Andrew Hill
  - Caryn Mickle
  - Evan Brown
  - Tom Rogers

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to approve the consent agenda.

**Town Manager's Report**

Ms. Lafleur reviewed the Town Manager's reports included as part of the Select Board meeting packet. Ms. Lafleur highlighted the formation of an Internal Risk Committee and that the Police Department had recently had its first all-female shift on July 6<sup>th</sup>. Ms. Escobedo asked Ms. Lafleur asked about a health department report included as part of the Town Manager's report, regarding food borne illness. Ms. Lafleur stated that the food borne illness was the result of a retirement party held by the Town staff. Ms. Hartman asked Ms. Lafleur when data regarding the new Trolley/Shuttle service would be available, and Ms. Lafleur stated that she would try to get the data included in an upcoming Town Manager's Report.

**Chair's Report**

Chair Johnson reported that the Select Board had held a swearing in ceremony for the new Town

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Manager on June 30, 2022, per the Town Charter. Chair Johnson also stated that the Middle School Building Committee decided to wait until the 60% construction document phase to consider any cuts or changes in scope to the Middle School building project. He added that the School Committee would be meeting on July 14 to discuss recommendations to the Middle School Building Committee. Chair Johnson also stated that he had invited the Co-Chairs of the Middle School Building Committee to attend the Select Board meeting of August 29<sup>th</sup> to discuss their view of the project and next steps. Ms. Escobedo asked about the timeline regarding the 60% construction document phase, and whether it would accelerate or delay the project, and how the timeline may affect the project cost. Ms. Ackerman voiced her support of the discussion with the Co-Chairs of the Middle School Building Committee and asked when the 60% construction document phase would be completed, and Chair Johnson suggested it may be October. Ms. Hartman asked if the Town had done any estimates regarding a potential debt increase with the recent rise in interest rates and Chair Johnson that prior estimates were in line with current interest rates.

**Public Hearing: Grant of Location Petition by National Grid to relay approximately 470 feet of 2- inch Coated Steel (1930) gas main with 470 feet of 2-inch Plastic in Davis Court from Bedford Street to end at #47 Davis Court**

Chair Johnson introduced Steve Dookran, the Town Engineer, who explained why National Grid was again seeking a continuance of the four public hearings scheduled for that evening. Mr. Dookran stated that the Engineering Department reviewed the grant of location petitions submitted by National Grid and offered several conditions for the Select Board to impose should they approve the grant of location petitions. Mr. Dookran explained that his department was trying to protect the Town's best interest and was negotiating with National Grid to do so. Ms. Ackerman asked why the suggested conditions are opposed by National Grid. Mr. Dookran explained that the conditions have only been implemented in recent grant of location petitions, and that National Grid did not appear to recognize them on previously granted petitions. Chair Johnson asked Mr. Dookran when he believed the Board could reasonably expect to hear the petitions. Mr. Dookran explained that he had discussed the petitions with Michael Gibbons, the Senior Administrative Assistant in the Town Manager's Office, and they suggested continuing the public hearings to August 29, 2022.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to, at the request of National Grid, continue the public hearing scheduled for 6:40pm on its application for work between Bedford Street and #47 Davis Court until August 29, 2022.

**Discussion with the Bruce Freeman Rail Trail Advisory Committee on Junction Park Conceptual Redesign**

Richard Fahlander and Nathaniel Welch, Co-Chairs of the Bruce Freeman Rail Trail Advisory Committee (BFRTAC) reviewed a presentation included as part of the Select Board meeting packet with the Board. Mr. Welch reviewed:

- the charge of the Bruce Freeman Rail Trail Advisory Committee
- How the BFRTAC engaged the public and carried out the work described in their charge
- Recommendations and reasoning for the short- and long-term design ideas
- Suggested next steps for the Select Board

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The Board thanked the Committee and Sub-Committee for their hard work, and asked several questions regarding the design suggestions, the differences between the short- and long-term solutions, possible grant funding available, and the potential for a needs assessment of the projects in the future.

Sabrina Haber, of 308 Oak Hill Circle and Vice President of the West Concord Green Thumbs, thanked the Board and the BFRTAC for their work on the Junction Park conceptual redesign. Ms. Haber addressed the short-term plan presented and stated that the Green Thumbs were primarily concerned with safety in the short term. Ms. Haber stated that the Green Thumbs have been stewards of Junction Park since its opening in 2013 and that they would like to see tactical urbanism implemented in Junction Park in the short term. Ms. Haber explained that tactical urbanism employs low cost, temporary changes to the built environment which advocates different types of inexpensive, temporary, and easily installed impediments to slow down different means of transportation to allow for safe and welcoming use of the park. Chair Johnson asked if tactical urbanism had been reviewed as part of the work done by the BFRTAC. Mr. Welch explained that the Committee had considered a form of tactical urbanism, but that the Committee chose to rely more on personal accountability as opposed to installing impediments.

Stephen Irza, of 39 Cottage Street, stated that once the bridge over Route 2 is connected and open, that E-Bikes (electronic bikes) may become an issue that will need to be addressed. Mr. Irza also supported the proposed long-term solution.

Jean Goldsberry, of 1832 Main Street and Chair of the Concord Commission on Disabilities, voiced her concerns regarding bicycle traffic. Ms. Goldsberry stated that park users with a disability may not be able to see or hear cyclists, and an accident could occur. Ms. Goldsberry urged the Board to explore the installation of traffic calming devices, to encourage cyclists to dismount when going through the park. Ms. Goldsberry stated that the Commission on Disabilities unanimously supports the installation of traffic calming devices.

Chair Johnson stated that he recognized that the BFRTAC would not be the group that implements the short term or long-term changes to Junction Park. He asked that Town Staff explore how the short-term suggestions could be implemented, within current budget constraints. Marcia Rasmussen, the Town's Director of Planning and Land Management explained that there was no budget currently for implementation but noted that Town Meeting had recently approved \$30,000 as part of the work to be done on the Bruce Freeman Rail Trail. Ms. Rasmussen added that she would have to work with Concord Public Works regarding any impediments, as they would need to be considered for snow removal. Ms. Rasmussen stated that she would beginning working on the proposed implementations and report back to the Select Board in 60 days.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to accept the report of the Bruce Freeman Rail Trail Committee and the improvements to be made to Junction Park.

**Departmental Update from Concord Police Chief Joseph O'Connor**

Joseph O'Connor, Concord's Chief of Police, introduced his command staff, Captain Thomas Mulcahy, Lieutenant Kevin Monahan, and Lieutenant Brian Goldman. Chief O'Connor thanked all the Town's police officers for their work, especially throughout the COVID-19 pandemic. Chief O'Connor explained that 2022 marked the 150th anniversary of the formation of the Town of Concord's Police Department, and that he understood how involved the Police Department was

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with every department in Town. Chief O'Connor stated that Capt. Mulcahy would be presenting on the Town's Police Reform efforts, Lt. Monahan would be discussing patrols and the work of the uniformed officers, and Lt. Goldman would explain the special services unit and his work as the Accreditation Officer.

Chief O'Connor briefly reviewed the history of the Concord Police Department, the work conducted by the department throughout the pandemic, and some of the initiatives the department has undertaken like the Youth Police Academy. Chief O'Connor and the Board also discussed the staffing of the department, the recent all female shift, the hiring of Licensed Social Worker Emily Black, the upcoming 250<sup>th</sup> celebrations, and the Police Departments recent Accreditation by the Massachusetts Police Accreditation Commission.

Captain Tom Mulcahy described the work of the Peace Officer Standards and Training (POST) Commission and noted that Massachusetts had recently passed legislation which established certification standards for Police Officers. Captain Mulcahy reviewed various trainings that the Town's officers had undergone and stated that the Department had begun to interview its officers to ensure that the Town's officers would meet certification standards. Chief O'Connor added that the department was one of the first ten departments in the state to implement body worn cameras, and he thanked Jason Bulger and the Information Technology team for their help in the implementation.

Lieutenant Kevin Monahan reviewed the policies and work of the town's patrol officers. Lieutenant Monahan also reviewed crime statistics over the past year, traffic enforcement procedures, and some of the training the officers received to handle certain crimes, specifically domestic violence.

Lieutenant Brian Goldman explained that he oversees the special services division for the Police Department which incorporates dispatchers, detectives, records, and school resource officers. Lt. Goldman reviewed the capabilities of the Town's dispatch operations, which he noted was as technologically advanced as it had ever been. He also discussed the work of the detective division in the Police Department and highlighted some of the financial fraud scams they had recently investigated. Lt. Goldman also went into detail regarding the Town's recent accreditation the department had received from the Massachusetts Police Accreditation Commission. Lt. Goldman noted that only 104 police departments out of the 351 departments in Massachusetts were accredited, and that it was through the hard work of the department and its officers, with support from the Town, that they were able to achieve that accomplishment.

Ms. Ackerman asked how the upcoming regionalization of the dispatch services was perceived by the Department. Chief O'Connor stated that while it would be a change, he believed it would be very helpful to the department.

Ms. Hartman asked if the Chief believed the COVID-19 pandemic affected the Town's officers, particularly their morale and mental health. Chief O'Connor noted the difficulties, especially at the beginning of the pandemic, faced by the officers. He noted that many officers were infected and had to isolate away from their families for weeks. He noted the efforts taken by the Department during that difficult time, including sanitization of the Police Station and offering hotel rooms to officers who were infected to avoid exposing their families.

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Ms. Escobedo asked Chief O'Connor if he anticipated what kinds of services may be needed when the new Landmark Recovery facility opens. Chief O'Connor stated that there was a need for the service, and that he was recently notified that the number of beds offered in the facility had increased. He also stated that open communication with the operators of the facility would help address any additional needs following their opening. Ms. Escobedo also asked about the role the Department's licensed social worker Emily Black played in the Town's policing. Chief O'Connor explained that Ms. Black was in the station one day a week, and that when she's in the station, she goes on calls with the officers. Ms. Escobedo also asked about the amount of training undertaken by the police department, and Chief O'Connor shared his belief that he didn't think officers can ever have too much training.

Chair Johnson asked if the home location of officers was an impediment to the full staffing of the department. Chief O'Connor explained that all Town Officers lived within 20 miles of Concord.

The Board thanked Chief O'Connor, and the Police Department for their service and presentation.

**Discussion of Fiscal Year 2023 Town Manager Goals**

The Board reviewed the Fiscal Year 2023 Town Manager Goals document included as part of the Select Board meeting packet. Ms. Hartman asked that goal number 30, regarding economic vitality, be rephrased to reflect implementation versus research. The Board and Ms. Lafleur discussed the goals document and noted that some of the goals would be completed in fiscal year 2023 while others would be completed in phases over several years.

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to approve the Fiscal Year 2023 Town Manager Goals as presented in the Select Board meeting packet with an amendment to goal number 30, replacing "Research" with "Implement".

**Review of 2022 Special Town Meeting Calendar**

Ms. Lafleur suggested that the Select Board continue the discussion of the Special Town Meeting Calendar to the Board's next meeting. Ms. Lafleur stated that the proposed calendar needed to be updated based on the Select Board meeting schedule. Ms. Ackerman asked if a Finance Committee report should be included as part of the calendar, which the Board confirmed. Ms. Escobedo also noted that the timelines included as part of the calendar may need to be revised.

**Correction of Liquor License Description of Premises for Concord  
Brewery II d/b/a Rapsallion**

Mr. Gibbons explained that he had received a call from Thomas Taranto, the owner of the building occupied by Concord Brewery II d/b/a Rapsallion who requested a copy of their liquor license. Following Mr. Taranto's receipt of the application he noted that the license had not been updated following the request for a change of premises that had been approved by the Select Board and the Alcoholic Beverages Control Commission in July of 2019. Mr. Gibbons shared his belief that the license had not been updated by the Town's Senior Administrative Assistant in 2019, and that the proposed correction was administrative in nature. Chair Johnson asked if the establishment was

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still open and whether they could continue to hold a license if they were not. Mr. Gibbons stated that he was aware that the restaurant had recently closed, but that they had been granted a license renewal for calendar year 2022. Ms. Ackerman also asked about description of the patio, and its location, and Mr. Gibbons explained that he had taken the verbiage for the license from the minutes of the Select Board meeting minutes in 2019.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the revised liquor license for Concord Brewery II d/b/a Rapsallion, dated July 11, 2022, as presented in the Select Board Meeting Packet.

**Public Hearing: Grant of Location Petition by National Grid to relay approximately 250 feet of 4- inch Plastic main in Lowell Road with approximately 250-feet of 8-inch Plastic main from the existing 8-inch plastic main to house #925 Lowell Road**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to, at the request of National Grid, continue the public hearing scheduled for 6:50pm on its application for work in Lowell Road to the House at #925 until August 29, 2022.

**Public Hearing: Grant of Location Petition by National Grid to extend its existing 2-inch plastic main in Simon Willard Road approximately 480 feet to serve an existing residence located at #398 Simon Willard Road**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to, at the request of National Grid, continue the public hearing scheduled for 7:00pm on its application for work relating to the residence at #398 Simon Willard Road until August 29, 2022.

**Public Hearing: Grant of Location Petition by National Grid to relay approximately 805 feet of 2- inch, coated steel (1930) and approximately 150 feet of 2-inch, plastic (2013) with approximately 955 feet of 2-inch, plastic in Crescent Rd from #42 Crescent Rd to the end of main at #138 Crescent Rd; and to relay approximately 735 feet of 2-inch, coated steel (1930) with approximately 735 feet of 2-inch, plastic in Hosmer Rd from Nashoba Rd to Crescent Rd; and to relay approximately 710 feet of 2-inch, coated steel (1930) with approximately 710 feet of 2-inch, plastic in Garland Rd from Crescent Rd to Nashoba Rd; and to relay approximately 465 feet of 2-inch, coated steel (1957) with approximately 465 feet of 2-inch, plastic in Wilson Rd from Nashoba Rd to end of main at #59 Wilson Rd; and to relay of approximately 860 feet of 2- inch, coated steel (1957) with approximately 860 feet of 2- inch, plastic in Nashoba Rd from Hosmer Rd to end of main at #321 Nashoba Rd; and to relay of approximately 480 feet of 2- inch, coated steel (1930) with approximately 480 feet of 2- inch, plastic in Nashoba Rd from Garland Rd to the existing 2- inch, coated steel at #144 Nashoba Rd.**

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Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to, at the request of National Grid, continue the public hearing scheduled for 7:10pm on its application for work in Crescent Road, Hosmer Road, Garland Road, Wilson Road, and Nashoba Road until August 29, 2022.

**Committee Nominations**

Mark Gailus, of 62 Prescott Road, to the Transportation Advisory Committee

**Committee Appointments**

Upon a motion duly made and seconded, it was **VOTED:** to appoint Joshua Lee, of 65 Everett Street, to the Diversity, Equity, & Inclusion Commission for a term to expire April 30, 2025; Anita Tekle, of 260 Virginia Road, to the Concord Local Cultural Council for a term to expire April 30, 2025; Pauline C. Reeve of 429 Williams Road to the Concord 2025 Executive Committee for a term to expire December 31, 2026; Frederick Ryan of 211 Park Lane to the Concord 2025 Executive Committee for a term to expire December 31, 2026; Melissa Saalfield, of 7 Concord Greene Unit 7, to the Historical Commission for a term to expire May 31, 2023; Rebecca Lemaitre, of 3 Abbott Lane Unit 7, to the Historical Commission for a term to expire May 31, 2025; Francesca Cataldo, of 40 Hosmer Road, to the Historical Commission-Associate Member, for a term to expire May 31, 2023

**Select Board Liaison Reports**

Mr. Dane reported that the Board of Health had cancelled its two summer meetings.

Ms. Ackerman reported that the PEG Access Committee was negotiating a contract with Comcast and had selected a consultant to aid with the negotiations. She also reported that the Bruce Freeman Rail Trail Advisory Committee (BFRTAC) had elected to new co-chairs, Nathaniel Welch, and Adrienne Boardman. She added that the BFRTAC would be holding a multi-town meeting to discuss the use of e-bikes on the Bruce Freeman Rail Trail. Ms. Ackerman also reported that the Personnel Study Task Force would be holding several meetings with the Personnel Board, Town Staff, and finally a public forum, before coming before the Select Board. She also stated that the Personnel Study Task Force would be seeking assistance in coming up with a new Personnel Board charge.

Ms. Hartman reported that the Recreation Commission met and discussed the revenue surplus of the Beede Center, which will be used for deferred maintenance on the building. Ms. Hartman also reported that she attended a ribbon cutting for Target Painting and that the owner of the business stated that they found the permitting process in Town to be a smooth one.

Ms. Escobedo reported that the Concord Municipal Affordable Housing Trust met and was still conducting follow up on the Assabet River Bluff project. She added that the Town may be 8-20 units short of the 10% SHI goal based on the findings of the housing production forum. Ms. Escobedo also reported that the Concord Housing Development Corporation met and that they had entered into an agreement with the Concord Housing Authority for the short-term management for

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the existing house at Assabet River Bluff. Ms. Escobedo also reported that the Concord Commission on Disabilities met and were pleased with the adaptive bikes installed in Town but had concerns about the accessibility of the bikes based on their placement.

Mr. Johnson stated that he had covered his liaison report during his Chair remarks.

**Correspondence**

Chair Johnson stated that there was a letter from Natasha Heimrath, of Concord Park, who wished to share her views on Junction Park.

**Public Comment**

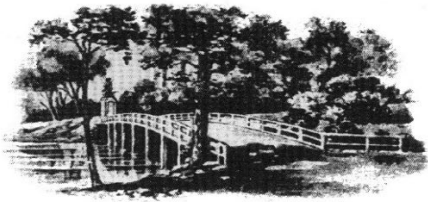
Stuart Weeks, of 100 Newbury Court and founder of American Studies, gave a report on an event held on July 4<sup>th</sup>, and shared his views regarding the ongoing COVID-19 pandemic. Mr. Weeks invited the Board and residents to a future event.

**Adjourn**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to adjourn.

**Meeting Materials:** <https://concordma.gov/DocumentCenter/View/37305/Select-Board-Meeting-Packet-July-11-2022>

**Minuteman Media Network Coverage:** [https://youtu.be/\\_AKPM9--bxc](https://youtu.be/_AKPM9--bxc)



OLD NORTH BRIDGE

**TOWN OF CONCORD**

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

August 8, 2022

**Re: Reformatory Branch Trail – Annual Town Meeting 2022 Article 47**

To Interested Parties,

Pursuant to a motion passed by a clear majority at the 2022 Annual Town Meeting, the Town recommends to the owners of the various portions of the Reformatory Branch Trail in Concord and to the individuals and entities and all other parties responsible for the care thereof, that the Trail continue to be maintained in an unpaved natural condition for walking, hiking, jogging, dog walking, nature immersion, nature observation, photography, and cycling; and that any future changes made to drainage, to features affecting individuals with reduced mobility, or to other aspects of the Trail, be done in a way that causes the least injury possible to existing trees, does not clear-cut trees to make the trail wider, and preserves to the greatest extent possible the existing natural characteristics of the Trail.

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Concord Select Board



## Operational Status Reports & Departmental Updates

*For the Week Ending July 29, 2022*

### Public Safety

#### Police Department

##### Activity Log July 20 – July 27

Log items	903
Traffic Enforcement	71
Motor Vehicle Stops	166
Arrests	2

**Update:** The suspect in the June 30 breaking and entering of the Exxon/Dunkin Donuts at 1098 Concord Turnpike has been identified and charges are being sought in the Concord District Court.

**Award and Ceremonial Swearing-in Event:** The Department held an awards and ceremonial swearing-in event at the Town House on July 26.

[Sergeant Jeffrey Young](#) received the Meritorious Service Award in recognition of life-saving actions on September 3, 2021, for his actions in saving a young child who had suffered severe lacerations to both arms from a broken window. [Public Safety Dispatchers Richard Landers](#) and [Anthony Marabella](#) also received Meritorious Service Awards for their efforts in providing emergency instructions via phone, coordinating the Police and Fire Departments and Boston Med Flight.

[Inspector Ronald Holsinger](#) received the Meritorious Service Award in recognition of his actions taken on January 18 in assisting with the saving a man who had been struck by a Commuter Rail train and suffered life threatening leg injuries.

[Detective Sergeant Jeffrey Young](#), [Detective Keith Harrington](#) and [Detective Michael Bordenca](#) received a Unit Commendation in recognition of dedication, effort, collaboration, and teamwork in locating a child who was kidnapped by his father and taken out of the country. The child was returned to his mother unharmed, and the father arrested in Canada and returned for prosecution.

[Officers Brendan Fitzgerald](#) and [Brianna Rudolph](#) received Commendations for their efforts in locating a vehicle and suspect wanted by the State Police.

[Sergeant Luke Rennie](#) and [Officer Gregory Mailloux](#) received Commendations for their efforts controlling a combative person who was threatening healthcare workers.

**Assistant Town Clerk MaryLou** Carney administered the Oath of Office for a ceremonial badge pinning for Officers hired recently and during the pandemic. Officers pinned by family or friends were [Benjamin Lacure](#), [Nathaniel Brady](#), [Brendan Fitzgerald](#), [Leah Olansky](#), [Brianna Rudolph](#), [Danile Lordan](#), [Juliana DiRamio](#), and [Charles Femino](#).

## Fire Department

- **Calls for service:** The fire department responded to eighty calls for service during the week, including a six-alarm fire on Sunday July 24 on Sudbury Road near the intersection of Thoreau Street. The fire was reported at about 9:00 pm; fire companies began arriving a few minutes later, and **Captain Whitney** (Shift Commander) reported that there was fire showing from the rear of the structure. The fire quickly went to multiple alarms primarily because of the excessive hot weather. Fire crews needed to be relieved much sooner than normal, which required more resources. Ultimately, eighteen communities assisted us. There were no civilian injuries, and one Firefighter was transported for a heat related injury.
- **Fire Prevention:** Fire prevention conducted quite a few inspections this week, including several annual inspections conducted as a team with the building department.
- **Training:** A builder who is soon to tear down a Monsen Road house has generously allow the department to use the structure for training. This past week crews began training on deployment of hose lines, and search and rescue techniques. We hope to have this house available for a couple of weeks.

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## Facilities

- The Planning Department office renovation has begun; creating three offices from two existing offices and a vestibule.
- The second phase of exterior painting of the Cemetery buildings has begun.
- A vendor has been selected for exterior painting at 37 Knox Trail and the Assessors Building.
- Emergency weekend repairs were made to AC units at Station 1 and the Annursnac radio tower building.

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## Public Works and Engineering

- **Commonwealth Avenue Construction:** National Grid was given approval of their traffic management plan for their gas work by Concord Police and CPW Engineering. A pre-construction meeting with neighborhood residents and businesses is scheduled for Monday, August 1 at 8:00 a.m.
- **Hubbard Street Construction:** Newport continued work for the preparation of final paving of the street and sidewalk.
- **Chip Seal Treatment:** All States Materials has completed the application of asphalt rubber chip seal as a pavement preservation treatment on Barretts Mill Rd between Rt 2 and College Rd, Hildreth Ln, Farmer's Cliff Rd, College Rd, and Annursnac Hill Rd. The contractor will return for some cleanup of roadsides and driveways and the final striping of Barretts Mill Rd.
- **Annursnac Hill:** Newport completed the repaving of the access road to the Annursnac Hill reservoir. Newport has also milled the pavement and shimmed as needed on Anson Rd, Alden Rd, Raymond Rd, and the White Pond well access road and will be repaving those streets soon.
- **Culvert and Bridge Inspections:** The consultant, Wright-Pierce has completed the inspections of the bridges and about 50 % of the culverts. They have identified some culverts that need cleaning and the clearing of brush for access. The Highway and Grounds Division is scheduling this maintenance work for the next few weeks.



### Natural Resources Division

- **Water Chestnut Harvesting** - This week the Conservation Crew, [Shelby Guinard](#), and [Kaelyn Gormley](#), finished up water chestnut harvesting for the season. Last week the crew spent 3 days on the Sudbury River working collaboratively with the Town of Lincoln, Concord Land Conservation Trust, and OARS. This week they tackled town-owned ponds: Hutchins Pond, Macone Pond, and Warners Pond. Their efforts resulted in seventy-two bushels of water chestnut pulled between the Sudbury River and town ponds.
- **Emerson-Thoreau Amble** – In addition to regular mowing on town conservation lands, Shelby and Kaelyn focused in on a section of the Emerson-Thoreau Amble conducting brush clearing, bog bridging repair and inspection, and bridge maintenance. Next week Appalachian Mountain Club (AMC) staff and AmeriCorps will be working with Natural Resources Division staff and volunteers to install sixteen new tamarack and cedar bog bridges along the Amble, which is considered a part of the regional 230-mile Bay Circuit Trail.



### Economic Vitality & Tourism Division

- **The Concord Trolley Pilot update:** Launch date was July 2, 2022. Average ridership is 10-30 passengers per day, with the most riders using the trolley between 10am and 3pm. Guests are primarily being picked up at the Concord Center MBTA station, Concord Visitor Center, and the North Bridge. Our paid marketing campaign began the week of July 11 and our ads are getting a .12 response which is well over the industry average of .08. Over 100,000 targeted visitors have viewed ads. Visitors are being targeted at local and Boston hotels, transportation areas and visitor centers.

Our on-board visitor survey shows 100% of riders saying 'extremely satisfied' with the service. We have the survey both on board, and online for all users.

In addition, we have been promoted to the Plymouth County and Greater Merrimack Valley Convention & Visitors Bureaus opt-in audiences of over 20,000 each on social and email newsletters. Lastly, we have received some very nice press coverage from the Boston Globe, Only-in-Boston online, Living Concord and Discover Concord Magazine, with a combined reach of over 1 million people. Our in-house staff trolley team is meeting bi-weekly to review ridership, advertising and press for any needed changes as we work through the Pilot Program.

- **Federal grant application to be submitted:** On August 1, Concord, along with the Minuteman National Historical Park, Town of Lexington and Town of Lincoln will be submitting for a FLAP grant (Federal Land Access Program), with the goal of expanding the trolley/shuttle service in the coming years. The supporting feasibility study for a town-led shuttle service was prepared by the federal transportation group at the VOLPE Center and is found here: <https://concordma.gov/3044/Transportation-Mobility>.

### Planning Division

- **Planning Board meeting of July 26:** The Planning Board discussed the proposed PRD application at 48Y Fitchburg Turnpike and continued the discussion to August 23 to allow the Applicant to submit additional information to address comments raised by Town Staff before making a recommendation to the Zoning Board of Appeals. The Board finalized their memo to the Select Board regarding their Goals & Projects for

2022-2023. The discussion on a draft Zoning Bylaw amendment for the Combined Business/Residence was postponed to the August 9 meeting.

- **Housing Production Plan update:** The Steering Committee met with Consultant JM Goldson Associates, the Regional Housing Services Office, and Town staff to review and discuss the preliminary goals and strategies that had been identified by JM Goldson during the June 7 Public Forum. The list will be further expanded and refined with the Steering Committee again prior to the next Public Forum scheduled for Wednesday, September 14 at 7:00 p.m.

**Health Division**

- This week in the Health Division we worked with the regional inspector Ann Lowree, from the Great Meadows Collaborative, on Septic System Reviews. Emily Amico from the Great Meadows Public Health Excellence grant (PHE) collected samples and spearheaded our Maven work regarding the ongoing food borne illness outbreak.
- We continue to work on septic system reviews and inspections as well as summer camp inspections. Dino’s pizzeria proposed new ownership and we are reviewing the food plan review for this establishment. We met with representatives from a private engineering firm on Minuteman Commons’ (Lincoln) failed septic system and proposed new system. We continue to work on an ongoing noise complaint and have two housing complaints that are under review. White Pond water quality continues to be monitored for cyanobacteria and all semi-public beaches continue to have low bacteria counts.
- COVID Case update (below):

**Confirmed and probable COVID Cases July 15-July 21, 2022**

Source: *Massachusetts Virtual Epidemiologic Network (MAVEN)*

	<18 years	>18 years	Total
Lincoln	1	5	6
Carlisle	0	8	8
Concord	2	13	15

**Confirmed and probable COVID Cases July 22-July 28, 2022**

Source: *Massachusetts Virtual Epidemiologic Network (MAVEN)*

	<18 years	>18 years	Total
Lincoln	1	5	6
Carlisle	0	1	1
Concord	4	9	13

National Park Service  
Minute Man National Historical Park



# Great American Outdoors Act Legacy Restoration Fund (LRF) Project for Minute Man NHP

August 2022

# Minute Man National Historical Park

National Park Service  
U.S. Department of the Interior



# Great American Outdoors Act

The Great American Outdoors Act (GAOA) is a significant investment that will help reduce the burden of backlogged maintenance in national parks and public lands.

- GAOA's National Parks and Public Lands Legacy Restoration Fund (LRF) is an extraordinary opportunity for crucial investments in NPS infrastructure. The NPS receives 70% of the LRF—up to \$1.3 billion each year for five years through 2025, or up to \$6.65 billion total.
- NPS infrastructure needs significant repairs and reinvestment to provide quality experiences for hundreds of millions of visitors each year.
- Through strategic and significant investments, GAOA funding will enhance conservation and recreational opportunities on public lands. NPS is making sound investment decisions, considering long-term operation commitments so each project provides long-term value for the American people.
- LRF funding presents an opportunity to address large-scale projects that could not be realistically funded through other means.



# Legacy Restoration Fund and Minute Man NHP

In FY22, Minute Man NHP was awarded a Legacy Restoration Fund project which will invest \$27,400,000 on a suite of projects to rehabilitate or restore numerous historic properties throughout the park.

- Over a dozen historic structures will be rehabilitated for residential, operational, or interpretive uses. Historic properties include The Wayside and Barn, Elisha Jones House, Major John Buttrick House, Stow-Hardy House, Samuel Brooks House, Joshua Brooks House, Captain William Smith House, Jacob Whittemore House, Farwell Jones House, and the George Hall House.
- Over 800 acres of “witness” landscapes will be rehabilitated.
- Repair Battle Road and North Bridge Trails that link the witness landscapes and structures, as well as provides recreational and interpretive infrastructure.
- Conservation of stone and bronze monuments and the Replacement of 300 Park Signs.



# LRF Project-Buildings and Structures

**The LRF project for Minute Man NHP will be executed in phases with the primary schedule goal focused on the 250<sup>th</sup> Anniversary of the opening battle of the American Revolution in April 2025.**

- The first phase, buildings and structures, is currently in contracting with a goal to award by the end of FY22 (September 30, 2022). Drawings were shared with consulting parties, including the Town of Concord, on March 30, 2022.
- In addition to contractors, the NPS will be deploying in-house preservation crews (MAT-Maintenance Action Teams) for some of the more complicated preservation work. All work will meet the Secretary of Interior's Standards for the Treatment of Historic Properties.
- Work will include rehabilitation of windows, doors, siding, and trim on many structures with more focused work at interior spaces for those which have been vacant for years such as the George Hall House (corner of Lexington Road and Manuel Drive) and Joshua Brooks House (North Great Road at Lincoln line).



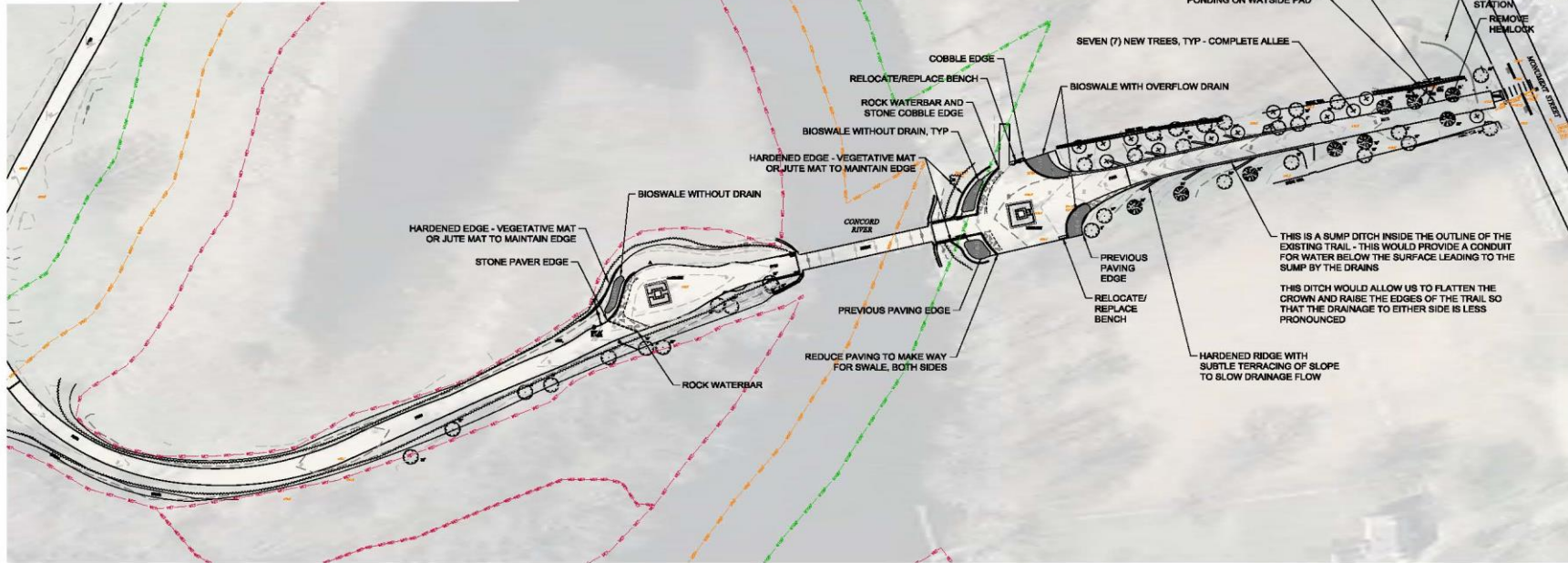
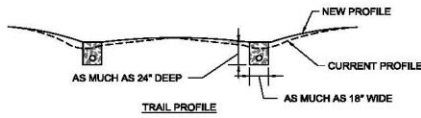
# LRF Project-Landscapes and Trails

**The Landscapes and Trails phase will focus on rehabilitation of current infrastructure.**

- The trail package includes a suite of work focusing on drainage improvements, re-establishment of trail widths, repairs to stone walls, and re-filling of trail material at degraded trail areas.
- The landscape package includes efforts to revitalize current plantings, replace missing elements due to vegetation loss, removal of hazardous trees, and pruning of trees as appropriate.
- Both the landscape and trail packages will be executed through a design-build contract. Schematic Designs were provided to the Town of Concord for preliminary comments in June/July 2022. Contracting goal is to award no later than 1<sup>st</sup> quarter FY23.



- NOTES:
1. BASELINE PROVIDED FOR REFERENCE ONLY. THE BASELINE SHOWN IS NOT BOUND BY ANY FIELD SURVEY.
  2. PROPOSED GRASSED SWALES TO BE 2'-6" IN WIDTH AND 6" DEEP MAX. UNLESS OTHERWISE NOTED. IT IS THE CONTRACTORS RESPONSIBILITY TO GRADE TO DRAIN, AND KEEP WATER OFF OF THE TRAIL SURFACE.
  3. DETAILS FOR DRAINAGE AND BIOSWALES FOUND ON SHEET L26 - DETAILS



2/29/2022 10:40 AM B020025 119 0\Users\MSURBERTY\OneDrive - 001\Projects\WMAA\GAAO\LANDSCAPE\3-D\DWG\CURRENT\LANDSCAPE\WMAA-GAAO-119\B020025-119.rvt

QUAN	COMMON NAME(SPECIES)	SIZE	NOTES
0	TREES REMOVED - SPECIES VARY	VARIABLES	
11	SUGAR MAPLE ACER SACCHARUM		COMMEMORATION



DESIGNED:	SUB SHEET NO.	TITLE OF SHEET	DRAWING NO.
ADDJ		NORTHBRIDGE OPTION A	A
TECH. REVIEW:		AGRICULTURAL LANDSCAPE	B
DATE:		TRAIL REPAIRS (GAAO)	
2/28/2022		MINUTE MAN NATIONAL HISTORICAL PARK	
			SHEET
			5 of XX



# LRF Project-Signage

**Minute Man NHP has approximately 300 wayfinding and identification signs to guide the public.**

- This phase of the project will include a combination of in-house sign design by the NPS' Harpers Ferry Center and contracted design.
- Due to scheduling constraints, primary signs such as the park's new identification sign and key directional signs, will be prioritized to ensure design approval, fabrication, and installation is completed in time for the 250<sup>th</sup> anniversary. Remaining signs would be installed after the anniversary.
- Preliminary engagement with the Town of Concord has begun, but the first grouping of design work is not anticipated until Fall 2022 at the earliest.



# LRF Project-Monument Conservation

**The final phase of the project will focus on the park's monuments and statues.**

- This phase of the project is proposed to be completed by in-house NPS conservators who specialize in monument and statue conservation.
- Work will include cleaning and waxing of metal (bronze) features and any minor repairs as needed. All efforts will use the gentlest means possible to preserve the work of art.
- Stonework will include cleaning and, as appropriate, repair to joints. It is not anticipated that any major repair work will be needed for any of the monuments.
- All work will be completed ahead of the anniversary in 2025.





**Questions?**

## APPENDIX G

### COOPERATIVE AGREEMENT WITH TOWN OF CONCORD

COOPERATIVE AGREEMENT BETWEEN THE TOWN OF CONCORD MASSACHUSETTS, AND THE NATIONAL PARK SERVICE RELATING TO THE TOWN PROPERTY KNOWN AS THE BATTLE GROUND AREA

THIS AGREEMENT, made and entered into this 6th day of June 1963, by and between the United States of America, acting in this behalf by Conrad L. Worth, Director of the National Park Service, party of the first part, and the Town of Concord, Commonwealth of Massachusetts, hereinafter referred to as the "Town," party of the second part,

WITNESSETH:

WHEREAS, the Minute Man Statue, Old North Bridge, and associated historic structures and objects, located in the Town on land bounded northerly by land now or formerly of Tanner, easterly by Monument Street, southerly by land of the Trustees of Reservations, and westerly by land now or formerly of Buttrick, hereinafter referred to as the "Battle Ground area," which reference shall include the parking lot adjacent thereto bounded northerly by Simmons Landing Lane and easterly by Great Meadows Road, are recognized as possessing national significance as associated with the American Revolution; and

WHEREAS, the Act of Congress approved September 21, 1959, (73 Stat. 590-591) has provided for the establishment of the Minute Man National Historical Park for the purpose of preserving for the benefit of the American people the above-named and other nationally important historic lands and structures in the Town associated with the American Revolution and the founding and growth of the United States; and

WHEREAS, the Town by vote of its Annual Town Meeting held March 11, 1963, has authorized the Selectmen and Town Manager to execute and deliver this agreement on behalf of the Town; and

WHEREAS, the United States in all matters hereinafter referred to will act through the National Park Service or such other body as may be legally substituted therefore; and

WHEREAS, it is the desire of the Town to bring about the preservation of the said historic structures, objects, and grounds in the Battle Ground area as a national historical park that they may be devoted to public use and to the perpetuation of the greatest traditions of the United States of America; and

WHEREAS, it is the desire of the United States to cooperate with the Town in preserving the integrity of the above-mentioned historic structures, objects, and area, and to interpret them to the American people as a great national heritage.

NOW THEREFORE, in consideration of the foregoing and pursuant to the authority contained in the act of Congress approved August 21, 1935 (49 Stat. 666). entitled "An Act to Provide for the Preservation of

Historic American Buildings, Objects, and Antiquities of National Significance, and for Other Purposes," and the act of Congress approved September 21, 1959 (73 Stat. 590-591), entitled "An Act to Provide for

the Establishment of the Minute Man National Park, and for Other Purposes," the said parties have covenanted and agreed, and by these presents do covenant and agree to and with each other and in consideration of the mutual promises herein expressed, as follows:

ARTICLE 1. The Town will retain ownership of the said historic structures, objects, and grounds in the Battle Ground area but hereby agrees: (a) To permit the United States to occupy them exclusively, except as otherwise provided herein, during the term of this agreement for the purpose of preserving, exhibiting, and interpreting them to the American people and otherwise utilizing them for national historical park purposes.

(b) To permit the United States to have curatorial responsibility for the care and display of such exhibits of historical interest as may be available in the Battle Ground area for exhibit and interpretive purposes.

(c) To supply customary municipal services, including police and fire protection and water facilities without charge therefore.

ARTICLE II. The Director hereby agrees, on behalf of the United States:

(a) That he will occupy the grounds and associated structures for the purposes set forth in Article I of this agreement, and for no other purposes. and that he will not sublet or assign to another person or organization any part of the structures, objects, or grounds without prior approval in writing by the Town; that he will (as funds become available through appropriations by Congress) operate and maintain the structures, objects, and grounds and make all repairs thereto; remedy all defects in the structures and objects which may arise from any cause whatsoever, including ordinary wear and tear; and undertake such work of restoration or major alteration as may be mutually agreed upon under the provisions of Article III (b).

The director may apply such reasonable rules and regulations therein as may be necessary properly to perform his functions.

(b) That he will exercise reasonable care to prevent damage to, or destruction of, any part of the structures, objects, or grounds.

(c) That he will provide public access to the area at all reasonable times, and will provide the services of a competent person, or persons, to furnish information to the visiting public.

(d) That he will encourage and cooperate with the Town, Civic groups, and patriotic societies in the annual observance of Patriots' Day and other celebrations in which the area and its facilities may be appropriately used which have the approval of the Selectmen.

ARTICLE III. It is mutually understood and agreed:

(a) That nothing herein contained shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the United States in any contract or other obligation for the future expenditure of money in excess of such appropriations.

(b) That any work of restoration or any alterations or major repairs in the area shall not be undertaken until the plans for such work shall have been mutually agreed upon with the Selectmen.

(c) That neither of the parties to this agreement will erect or place, or permit the erection or emplacement of any monument, marker, tablet, or other memorial in the area without the written consent of the other. This section shall not be construed as prohibiting the placing of signs within the area for the information and direction of the public. The design and location of any signs within the area to indicate that it is occupied and operated by the National Park Service acting in cooperation with the Town, shall be subject to the approval of the Selectmen.

(d) That it is the purpose of both parties to this agreement to develop a unified, long-range program of preservation, development, protection, and interpretation for the area for the inspiration and benefit of the people of the United States, and, to secure this result, a high degree of cooperation is necessary with each other, and the parties hereto pledge themselves to consult on all matters of importance to the program.

(e) That nothing herein contained shall be held to deprive the Commonwealth of Massachusetts or the Town of their civil and criminal jurisdiction in and over the said structures, objects, and grounds.

(f) That wherever in this agreement the Director is referred to, the term shall include his duly authorized representative or representatives.

(g) No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise there from, but this restriction shall not be construed to extend to this agreement if made with a corporation or company for its general benefit.

(h) This agreement shall become effective upon its execution, but occupation, operation, and maintenance by the United States in accordance with Article II shall begin on July 1, 1963, or as soon thereafter as practicable. It shall continue in effect until such time as Congress enacts legislation inconsistent with its continuance or expressly providing for its termination, or until terminated by the Director, National Park Service, who shall give six months' notice to the Town of such intention, or if the Town at an annual or special town meeting, held after January 1, 1968, shall vote to terminate this agreement, it shall terminate not less than six months from the date on which such vote is taken by the town meeting.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals (in quintuple) the day, month, and year aforesaid.

UNITED STATES OF AMERICA

By /s/ Conrad L. Worth

TOWN OF CONCORD

By /s/ John B. Finigan, Chairman

Robert E. Sheehan

Herbert P. Wilkins

Frederick J. Robbins

Robert J. Rodday

Board of Selectmen

Theodore M. Nelson

Town Manager

# Small Cell Wireless Installation Policy

Final proposed version for Select Board Adoption

## Background

On March 7, 2022, the Select Board asked the Town Manager and CIO to draft a Small Cell Wireless policy for the Town of Concord based on policies already in existence in other local municipalities. The draft was discussed at a Select Board meeting on April 11, 2022, and the Board agreed with the recommendation of posting the draft policy on the Town's website for public comment while it was circulated among department heads internally.

On June 13, the policy was once again discussed by the Select Board as the CIO sought to have the Board weigh in on some key decisions as a result of the public comments received. The Board communicated its wishes, and the policy was modified.

Following those changes, the modified policy was once again circulated among department heads and also to Town Counsel.

The version here titled "Concord MA Small Cell Wireless Installation Policy – 2022" represents the final form of this policy.

All pages referenced in the table below come from the first red-lined version.

## Document Versions

1. Concord MA Proposed Small Cell Wireless Equipment Policy (2022).pdf – The first version presented to the Select Board and the public
2. Concord MA Small Cell Wireless Equipment Policy (2022)\_Red line.pdf – The changes made as a result of the public feedback confirmed by the Select Board
3. Concord MA Small Cell Wireless Installation Policy (2022)\_Legal Red line.pdf – The changes made by counsel upon review of the previous version
4. Concord MA Small Cell Wireless Installation Policy (2022) Final.pdf – The final version for Select Board adoption (same as document #3 but with all changes accepted and no document markup)

Watermarks have been added to all documents for clarity, but they will not appear on the final form of the adopted policy.

## Summary of Changes Made

What follows is a summary of the changes made between document versions 1 and 2 along with explanations of each.

<b>What changed?</b>	<b>How was it changed?</b>	<b>Why did it change?</b>
Preamble (p.1)	Turned into a background section in conventional text instead of a series of declarations	At the suggestion of the Board
Limit to number of facilities/installations per permit (p.1, p.5)	The limit of 5 per permit was removed	Based on the guidance from the FCC and the fee structure they blessed, it is clear that deliberately forcing applicants to duplicate efforts for locations in excess of 5 would not be allowed.
Hard copy application requirement (p.1 and on the application cover sheet)	It was lowered from 10 to 3 hard copies	Several public comments suggested this; the Board was in support of a number that would satisfy application review but not waste natural resources.
Clarified that if an application is pulled because of incompleteness, the fee does not need to be paid again. (p.2)	Added text “The original application fee covers resubmissions due to incompleteness.”	In this early phase before any other review has occurred, it does not make sense to punish applicants, especially considering the extensive information this application requires.
Clarified “time standards” (p.2)	Explained the time standards, which are the FCC’s shot clocks	Remove ambiguity of the term “time standards”
The restriction on one installation per pole/structure (p.2)	“Multiple small cell wireless facilities shall be eligible to be approved on a pole, strand, or support structure provided it meets the Design Rules and Regulations found in this policy and does not impede the future ability for municipal use of the structure”	At the suggestion of the Board
Added information on strand-mounted facilities (p.2-3, 9-11)	Added several references to strand-mounted facilities as well as a section (Section 5.4) within the Design Rules and Regulations.	Strand-mounted facilities were not as common when the basis for this policy was developed. A public comment suggested its inclusion, and the Board supported it.
Referenced a pollution exclusion to the general liability insurance required for applicants (p.4)	“Insurance certificate (issued to the parent company) evidencing workers’ compensation coverage and comprehensive general liability coverage that does not have a ‘pollution exclusion’ for the installation.”	A public comment suggested we include this clarification since many general liability policies exclude EMF-related claims due to pollution exclusions.

<b>What changed?</b>	<b>How was it changed?</b>	<b>Why did it change?</b>
Additional requirements for application added (p.4)	Sections 3n-3q were added. They deal with submission requirements of (1) analysis that the installation will not interfere with the operation of the pole, (2) analysis of how the installation will impact public safety concerns, (3) a written protocol for disabling the antenna if maintenance is required on the structure, and (4) a written response protocol if the equipment is damaged due to weather or accident.	These were in the base policy from the City of Medford but got dropped inadvertently from the draft.
Clarified policy on tree-trimming and removal (p.10)	Added reference to Public Works Commission (later removed because it was in error) and the text "Trimming trees for the sole purpose of improving transmissibility of electromagnetic signal is prohibited under this policy."	A public comment suggested we clarify and expand this, and the Board was supportive.
Encouraged applicants to measure real-world emissions to ensure they were under stated limits (p.10)	"Applicants are encouraged to ensure that the measured real-world emissions of electromagnetic radiation are within the technical specifications provided by the manufacturer of antenna equipment."	A public comment suggested we clarify and expand this, and the Board was supportive.
Encouraged sustainability of materials and practices (p.12)	Added section 7 to Design Rules and Regulations referencing the 2011 adoption of sustainability principles and APP60; encouraged applicants to adhere to these principles.	A public comment suggested we clarify and expand this, and the Board was supportive.
Added schools and daycare centers to the list of "Least Preferable Locations" for wireless facilities (p.12-13)	Added "or schools and daycare centers" to the list of least preferable locations	A public comment suggested we clarify and expand this, and the Board was supportive.
Many small proofreading edits, clarifying text and formatting changes (throughout)	Review the red-line document to see all changes.	For clarity, consistency, and grammatical correctness.

## Draft Small Cell Wireless Installation Policy

Please send comments to [smallcell@concordma.gov](mailto:smallcell@concordma.gov).

**Town of Concord Policy  
Applications for Small Cell Wireless Installations**

Whereas, On September 27, 2018 the Federal Communications Commission (FCC) issued a Declaratory Ruling with the intent to streamline the installation of “small cell wireless” communication system infrastructure; and

Whereas, The regulations, which significantly limit the ability of cities and towns to regulate “small cell wireless” infrastructures, took effect on January 14, 2019; and

Whereas, if a town or municipality fails to publish aesthetic standards and requirements pertaining to “small cell wireless” infrastructures by way of an ordinance or a policy it may not be able to impose certain restrictions, including but not limited to aesthetic requirements on “small cell wireless” infrastructures; and

Whereas, it is the intent of the Town Manager to propose an policy to the Select Board of the Town of Concord with the objective of striking a balance between preserving and protecting the character of the Town through careful design, siting, and camouflaging techniques to blend these “small cell wireless” infrastructures into their surrounding environment and provide other reasonable conditions on their placement and use, while concurrently enhancing the ability of small cell wireless facilities carriers to deploy small cell wireless facilities and wireless support structures in the Town effectively and efficiently so that residents, businesses, and visitors benefit from enhanced wireless service;

Now Therefore, the Select Board of the Town does hereby adopt and implement the following policy and guidelines.

The Town of Concord ("Town") by and through its Select Board hereby adopts this policy (“Policy”) concerning Applications for Small Cell Wireless installations within the public right of way of the Town or located on Town- owned property.

**1. Application Process.**

- a. Applications shall be submitted to the Select Board through the Office of the Town Manager accompanied by the application fee of \$500 per application, payable to the Town of Concord. The \$500 fee will cover up to 5 locations. Each application for more than 5 installations is subject to a separate fee of \$100 per installation.
- b. Ten (10) hard copies and 1 (one) electronic copy of the application must be submitted. Applications may be hand-delivered during normal business hours or mailed. If mailed, the date of receipt shall be the date from which the time standards are measured.
- c. No application will be accepted for review until all items listed in 2, below, have been submitted, as well as all fees and the abutters list paid for.

- d. Upon receipt, the Office of the Town Manager shall (1) date- and timestamp the Application as received; and (2) make a determination as to completeness of the application and notify the Applicant, in writing, within 10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the application is deemed rejected and must be resubmitted.
- e. The Office of the Town Manager shall also circulate a copy of the application to the following departments or divisions for comment and review: Light Plant; Building; Public Works Engineering; Planning & Zoning; Health; Police; Fire; Natural Resources; and any other department or division deemed necessary by the Town Manager.
- f. Written comments from the departments or divisions shall be submitted to the Office of the Town Manager within 20 days of circulation of the application.
- g. Once the application is deemed complete, and all comments have been received, the Select Board will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within the time period required by law.
- h. The applicant must also pay for and publish and mail legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the abutters list for each pole location within the application. The applicant must provide proof of mailing and publication to the Town Manager.
- i. Any material changes to an application, as determined by the Town in its sole discretion, shall constitute a new application for the purposes of the time standards. Where a changed or new application is submitted, the prior application shall be deemed withdrawn.
- j. Upon completion of the hearing, the Select Board may grant, grant with conditions, or deny the application, based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, or failure to meet applicable engineering or design standards.
- k. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small cell wireless location will require a new application and approval from the Town. The renting, leasing, subletting or assigning by the applicant is prohibited.
- l. Only one small cell wireless facility shall be eligible to be approved on a poles and support structures. The Town of Concord is desirous of reserving space on poles and support structures for future use by government or other public sector entities for public safety purposes and to allow for more prudent planning for future needs.
- m. The Town of Concord reserves the right to charge higher fees from wireless providers on the basis of higher costs incurred. To that end, the Town shall

conduct regular and methodical cost studies for small cell deployments to both adjust fee calculations and to disclose the reasons for any fee/cost adjustments to wireless providers.

**2. Content of Applications. Applications shall include the following information:**

- a. Applicant's name, address, telephone number and email address.
- b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.
- c. Detailed drawings, with wet stamp/wet signature, and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:
  - i. Type of equipment
  - ii. Specifications of equipment (including but not limited to dimensions and weight of each piece of equipment and of all equipment)
  - iii. Dimension of each piece of equipment and total dimension of all equipment
  - iv. Costs of all equipment and installation
  - v. Equipment mount type and material
  - vi. Power source or sources for equipment, including necessary wires, cables and conduit
  - vii. Expected life of equipment
  - viii. Coverage area of equipment, including:
    1. Amount of antennas
    2. Antenna model
    3. Antenna length
    4. Remote radio units (RRU) count and power
    5. Antenna height
    6. Typical coverage area radius
  - ix. Call capacity of equipment, including:
    1. Total RRUs
    2. Max bandwidth per RRU
    3. Multiple input, multiple output (MIMO) per RRU
    4. Backhaul rate per RRU
  - x. Hardening, including:

1. If there is battery backup
2. If there is generator backup
3. If there are multiple fiber paths to switch
- xi. Frequencies of equipment proposed to be installed.
- d. Photos, renderings, and elevation of equipment proposed to be installed.
- e. Detailed map with locations of the poles or other structure on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service. The data must be supplied in a format that can be uploaded as a data layer to the Town's Geographic Information System (GIS).
- f. Detailed map showing existing and proposed small cell installations within 500 feet of the Application site.
- g. Certification by a registered professional engineer that the pole/or location will safely support the proposed equipment.
- h. Written consent from the pole, structure, or facility owner to the installation.
- i. Affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installations address that need in Concord. Such affidavit should characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent" "good" and "poor" reception areas.
- j. Insurance certificate evidencing workers' compensation coverage, and comprehensive general liability coverage for the installation.
- k. Description as to why the desired location is superior to other similar locations, from a community perspective, including:
  - i. Visual aspects
  - ii. Proximity to residential structures
- l. Description of efforts to co-locate the equipment on existing structures, poles, or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.
- m. An Affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
- n. Completed cover sheet on Town form, using extra sheets as necessary to provide all information.

- o. Surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

**3. Annual Re-Certification and Affidavit.**

- a. Each year, no later than July 1, the party responsible for the equipment maintenance shall submit an affidavit that shall list, by location, all small cell wireless installations it maintains within the Town of Concord by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.
- b. The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
- c. Any small cell wireless installation which is no longer in use shall be removed by the party responsible for its maintenance within 60 days of receipt of the annual re- certification affidavit, at that party's expense.
- d. Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
- e. Where such annual re-certification has not been submitted by July 1, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town from that applicant until such time as the annual re-certification has been submitted and all fees and fines paid.

**4. Prohibitions.**

- a. No small cell wireless installations shall be installed on double poles, which are defined as poles that have been replaced by the installation of an adjacent pole but not have not been fully decommissioned and removed.
- b. No small cell wireless installations shall be installed on poles that do not meet sidewalk clearance requirements and standards. This includes horizontal and vertical clearances for pedestrian passage. Applicable requirements and standards may include, but are not limited to, ADA and MUTCD.
- c. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- d. No small cell wireless installation shall be installed on government-owned assets such as traffic lights, streetlights and roadway infrastructure.

- e. No small cell wireless installation equipment shall be replaced or altered without a re- application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.
- f. No application may seek approval of more than five (5) proposed facilities.
- g. No applicant or closely held applicant may file more than two (2) applications within 60 days of another.
- h. No emailed applications shall be accepted for filing.
- i. No equipment may be used that is manufactured by a company whose equipment is banned from use by any branch or department of the U.S. government.

# Town of Concord Small Cell Wireless Facility

and similar structures

## Design Rules and Regulations



These Rules and Regulations describe approved aesthetic and location criteria for Small Cell Wireless Facilities (SWF) in the Town of Concord. These requirements apply to both the SWF and accessory equipment, such as ground-mounted equipment.

## **1. BACKGROUND**

Public spaces and streetscapes enhance the quality of life for our residents and visitors, and ensure that the Town has the foundation to become a more walkable and sustainable city. It also serves as the city's civic, cultural, and physical framework of the character of Concord.

To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure (Small Cell), a new lower-powered antenna technology, to reduce data traffic load on roof mounted equipment and larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground. Small Cell infrastructure consists of antennas and related power equipment that transmits wireless signals to improve reliable data streaming. This infrastructure will provide cellular and data coverage to smaller geographic areas. New Small Cell facilities will improve the provider's ability to meet the public's current 4G (LTE) voice and data demands and the future 5th generation cellular needs for interconnected devices to operate at high speeds to access data.

Small Cell infrastructure will affect the function and aesthetics of public spaces. Cities and Towns across the nation are beginning to address the issue of balancing the need to accommodate the increased cellular demand with their community's public space character and function. To provide the necessary coverage, each cellular provider will install infrastructure to serve their individual needs; additionally, some companies serve as an infrastructure provider installing equipment that will house infrastructure for multiple cellular providers. Like other utilities, federal law allows Small Cell infrastructure equipment in the public right-of-way. Balancing the need to accommodate increasing cellular demand while preserving public space character and function is critically important, as is the need to design and place the proposed infrastructure in an appropriate way.

## **2. ADOPTION**

These Rules and regulations are intended to cover the general standards and aesthetics for the design and installation of Small Cell and similar technology.

## **3. SITING PROHIBITIONS**

Small Cell infrastructure is not permitted to be installed on:

- a. No small cell wireless installation shall be installed on Double Poles
- b. No small cell wireless installation shall be installed on poles which are not ADA compliant.
- c. No equipment shall be placed inconsistent with ADA regulations for passage around said infrastructure.

- d. Cabinets or other small cell infrastructure may not be placed within the travel way of the sidewalk to impede ADA accessibility. Sidewalk travel ways shall maintain a minimum of 4 feet in width to accommodate the snow clearing vehicles along the sidewalks.
- e. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- f. No small cell wireless installation equipment shall be replaced or altered without a re-application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

#### **4. AESTHETIC REQUIREMENTS FOR SMALL CELL WIRELESS FACILITIES**

- a. Except when Small Cell infrastructure is attached to a wood pole, poles and all equipment must be the same color and finish as surrounding streetlight poles or third-party poles.
- b. Exposed wires are not permitted.
  - 1. Corporate or company names (except for location identification purposes noted below), logos, identifying graphics or other advertisements shall not be painted, embossed, applied or displayed in any manner on the poles, equipment enclosures (boxes, cabinets, etc.), hand hole covers, or other component of the pole.
  - 2. Individual location identification information will be permitted, provided no letter, number, or graphic symbol is taller than one inch in height.
- c. Standalone Poles: The height of any standalone pole including its antenna(e) shall not exceed 32 feet or no more than 10 percent taller than other adjacent poles, whichever is greater.
- d. Wood Poles: The height of any replacement wood pole including its antennae shall not exceed 45 feet.

#### **5. ANTENNAS**

- a. Each Small Cell wireless antenna shall be located entirely within a shroud or canister type enclosure.
- b. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
- c. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the wireless support structure noted in the application and approved by the Town, but at least 10 feet above ground level at its lowest point.
- d. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the Right of Way must be noted in the application and must be approved by the Town’s Tree Warden.

### 5.1 Cables and Wires

All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

### 5.2 Colors

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

### 5.3 Equipment Enclosures / Concealment

- a. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the Town. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
- b. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the Town.
- c. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

## 6. SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS

- a. Signage: The Small Cell Wireless Facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the Town. If no cabinet exists, the signage shall be placed at the base of the pole.
- b. Lights: New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a streetlight pole.
- c. Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the Building Inspector. Small wireless facilities and wireless support

structures shall not include advertisements and may only display information required by a federal, state, or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

- d. Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. If a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

## **7. LOCATION REQUIREMENTS**

### **7.1 Most Preferable Locations**

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. *Industrial Districts* if not adjacent to a park, residential district or historic district.
2. *Public Rights of Way* areas if not adjacent to a park, residential district.

### **7.2 Collocation Preference**

It is the Town's strong preference that whenever an applicant proposes to place a new Small Cell Wireless Facility that the applicant collocate the same on existing wireless support structures.

### **7.3 Least Preferable Location**

The following are the least preferred areas for new small wireless facilities in the order of preference (2 being least preferable).

1. *Residential Districts*
2. *Parks*

### **7.4 Consideration of Alternate Locations**

The Town reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the Right of Way or structure in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

### **7.5 General limits: Adherence to Other Applicable Standards**

If a streetscape is redesigned in the future, including, but not limited to the location and type of streetlights, small cell providers will be required to remove their infrastructure at their own cost

and apply to reinstall small cell infrastructure in accordance with these guidelines and the new streetscape.

## 7.6 Guidelines on Placement

The Town desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a Small Cell Wireless Facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent poles and structures, and of the surrounding area adjacent to their location.

The following additional guidelines on placement shall apply:

- a. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
- b. A combination wireless support structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- c. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a Right of Way.
- d. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a Right of Way by a utility provider.
- e. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the zoning and general bylaws, applicable law and regulations, or this policy.
- f. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
- g. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- h. Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, streetlights, and buildings.
- i. Small wireless facilities and wireless support structures shall be located equidistant between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- j. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- k. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
- l. Small wireless facilities and wireless support structures shall be located not within sight triangles at street intersections.
- m. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.

To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the Town where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.



## **8. PEDESTRIAN PATH AND AMENITY ZONE**

- a. The sidewalk area of public space is typically delineated into the pedestrian path and the amenity zone. The amenity zone is located between the pedestrian path and the roadway and provides access between the two as well as the area for street trees, streetlights and traffic signals, and other functional elements. It is critical that all pedestrian paths are clear to facilitate safe and optimal access and circulation along sidewalks.
- b. Standalone poles shall not be located in the clear pedestrian path
- c. Standalone poles shall be aligned with existing streetlights, third party poles, and street trees as applicable in order to maintain a visual and physical organization of structures within the right-of-way, as measured from the center of the base of the pole. When streetlight and street tree alignment are offset within the amenity or curbside zones, prioritize alignment of the small cell facility with streetlights.
- d. All measurements shall be taken from the outer edge of the standalone pole and the infrastructure listed in the following specific limits/prohibitions.
- e. Standalone poles must be placed a minimum of six feet (6') from existing fire hydrants or buildings' fire connections.
- f. Standalone poles shall be located a minimum of 10 feet (10') from light poles and traffic signal poles.

- g. Standalone poles shall be located a minimum of 3 feet (3') from bicycle racks and shall not impede the attachment of bicycles.
- h. Standalone poles shall be placed a minimum of ten feet (10') from any above grade building face, including bay windows, show windows and building projections or overhangs.
- i. Poles should be located, to the maximum extent possible, to minimize impact on businesses and residential mixed-use development by avoiding placement directly in front of building entrances, alignment with windows, primary entry walks, or delivery zones or entrances.



## 9. ACCESS, CIRCULATION AND SIGHT DISTANCES

- a. Safe and functional access, circulation, and clear sight lines are important for pedestrian ease of movement and to maintain unobstructed line of sight among drivers, pedestrians, bicyclists.
- b. Standalone poles shall not obstruct ADA access, including maintaining a clear landing at the top of curb ramps at crosswalks.
- c. Pole placement shall not impede, obstruct, violate, conflict with, or hinder any mode of travel over or access to any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or driveway, including but not limited to the obstruction of sight lines.
- d. Poles shall be placed consistent with the most current Manual on Uniform Traffic Control Devices and adopted District standards for maintenance of an intersection's sight line triangles.
- e. A minimum of fifteen feet (15') shall be maintained between the pole and the outside edge of the alley or driveway.

## **10. OTHER REQUIRED SUBMISSION INFORMATION**

- a. A composite map of all the desired locations of the small cell providers to understand the total need for facilities and the areas of highest demand within the study area.
- b. An understanding as to why there is no requirement for multiple providers to share infrastructure (hoteling) and whether this could occur if the number of allowable poles were reduced.

## **11. LIMITATIONS**

While the Town fully intends to apply the guidelines established in this policy uniformly to all Small Cell Wireless Facility applications, there may be circumstances where not every specific guideline may be met. In these cases, Town staff will use its reasonable discretion in approving Small Cell Wireless Facilities permit applications that deviate from the strict application of this policy.

## **12. EFFECTIVE DATE OF POLICY**

This Policy will be effective as of the 1st of May, 2022. Modifications of the Design Rules and Regulations may be modified from time to time by the Concord Select Board.

**Town of Concord  
Applications for Small Cell Wireless Installations  
Cover Sheet**

**Applicant’s use of this cover sheet is mandatory. It is meant to provide a framework to ensure compliance with the Town of Concord's Policy for Applications for Small Cell Wireless Installations.**

Total number of Small Wireless Facilities being requested on this application  
\_\_\_\_\_ (Per town policy, no application may exceed 5 proposed facilities)

Total number of applications filed by the applicant or closely held applicant in the last 60 days  
(Per town policy, no application will be accepted if more than 2 applications have been filed in that time period)

Date and Time stamped on each application

\$500 made out to the Town of Concord for up to five locations for initial application review  
\$100 for each additional location

All applications shall number each page with easily identifiable identifier numbers unique to each application

Specify whether the application is under the FCC Declaratory Ruling and Third Report and Order, §6409/Wireless Siting Order, or neither: \_\_\_\_\_

a. If §6409 application, submit documentation to establish the basis for that conclusion

Specify which shot clock (60-90-150 day) applies and the basis for that conclusion:

\_\_\_\_\_  
\_\_\_\_\_

10 day receipt date \_\_\_\_\_

Applications complete, including receipt of all permits or notification that a permit was not needed except for a building permit from other town boards and commissions applicable to the proposed locations and facilities? Yes      No

Checklist of prior reviewing departments (insert Y, N, or N/A)

- \_\_\_\_\_ Light Plant
- \_\_\_\_\_ Police
- \_\_\_\_\_ Fire
- \_\_\_\_\_ Board of Health
- \_\_\_\_\_ Natural Resources
- \_\_\_\_\_ Planning & Zoning

\_\_\_\_\_ Public Works Engineering  
\_\_\_\_\_ Building  
\_\_\_\_\_ Other (specify)

a. Submit a copy of all such received permits or verification that no permit is needed

If no, which applications are incomplete (any incomplete applications will be rejected)

a. Identify how each application is incomplete

Date and time of re-submission \_\_\_\_\_

Public Hearing Notice published in a newspaper of general circulation and mailed to abutters within 300 feet of the proposed locations by applicant using notice provided by Town. The applicant must obtain the certified abutter's list from the Assessor's Office.

Public Hearing fee is paid for by applicant.

Ten (10) hard copies of the application are required  
One (1) electronic copy to [tmo@concordma.gov](mailto:tmo@concordma.gov) sent on \_\_\_\_\_

Applicant's name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone number \_\_\_\_\_  
Email address. \_\_\_\_\_

Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ensure that wet stamps/wet signatures of professional designers are on all drawings

Include detailed drawings and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:

- Description of type of equipment
- Specifications of equipment
- Dimension of each piece of equipment and total dimensions of all equipment
- Costs of all equipment and installation

- Total weight at each location
- How will equipment be mounted and what type of material will be used to mount equipment
- All power sources for equipment (comment on necessary wires, cables, and conduit)
- Expected life of equipment
- Coverage area of equipment on the location
  - Amount of antennas
  - Antenna model
  - Antenna length remote radio units (RRU) count and power
  - Antenna height
  - Typical coverage area radius
  
- Call capacity of equipment, including:
  - Total RRUs
  - Max bandwidth per RRU
  - Multiple input, multiple output (MIMO) per RRU
  - Backhaul rate per RRU
  
- Hardening, including:
  - Is there battery backup
  - Is there generator backup
  - Will there be multiple fiber paths to switch
  - Frequency of equipment proposed to be installed.

Photos, rendering and elevation of equipment proposed to be installed:

Include detailed map with locations of the poles or other facility on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service. Location details must be provided to be compatible as an additional data layer to the Town's GIS maps

Include detailed map showing existing and proposed small cell installations within 500 feet of the Application site.

Include certification by a registered professional engineer that the pole/or location will safely support the proposed equipment.

Include written consent from the pole, structure, or facility owner to the installation.

Include an affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installations address that need in Concord. Such affidavit should characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent" "good" and "poor" reception areas.

Include insurance certificate evidencing workers' compensation and comprehensive general liability coverage for the installation.

Include a description as to why the desired location is superior to other similar locations, from a community perspective, including:

Visual aspects

Proximity to residential structures

Include a description of efforts to co-locate the equipment on existing structures, poles, or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.

Include a narrative of how design requirements have been met.

Include an affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.

Include surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

**Annual Re-Certification and Affidavit.**

- Each year on July 1 the party responsible for the equipment maintenance shall submit an affidavit which shall list, by location, all small cell wireless installations it maintains within the Town of Concord by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.
- The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
- Any small cell wireless installation which is no longer in use shall be removed by the owner within 60 days of receipt of the annual re-certification affidavit, at that party's expense.
- Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
- Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

Agree to annual re-certification and affidavit and payment as shown above.  
Conditions/Prohibitions.

- No small cell wireless installations shall be installed on double poles.
- No small cell wireless installation shall be installed on poles which are not ADA compliant.
- No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual re-certification affidavit.
- No small cell wireless installation equipment shall be replaced or altered without a re-application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

Agree to Conditions/Prohibitions as set forth in Town bylaws and policies.

As submitted by,

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## Town of Concord Policy Applications for Small Cell Wireless Installations

### 1. Background

~~Whereas,~~ On September 27, 2018, the Federal Communications Commission (FCC) issued a Declaratory Ruling with the intent to streamline the installation of “small cell wireless” communication system infrastructure; ~~and~~ these

~~Whereas, The~~ regulations, which significantly limit the ability of cities and towns to regulate “small cell wireless” infrastructures, took effect on January 14, 2019; ~~and~~.

~~Whereas, if~~ a town or municipality fails to publish aesthetic standards and design requirements pertaining to “small cell wireless” infrastructures by way of an ordinance or ~~a~~ policy, it may not be able to impose certain restrictions, including but not limited to aesthetic requirements on “small cell wireless” infrastructures; ~~and~~.

~~Whereas, it~~ is the intent of the Town Manager to propose ~~an~~ policy to the Select Board of the Town of Concord with the objective of striking a balance between preserving and protecting the character of the Town through careful design, siting, and camouflaging techniques to blend these “small cell wireless” infrastructures into their surrounding environment and provide other reasonable conditions on their placement and use, while concurrently enhancing the ability of small cell wireless facilities carriers to deploy small cell wireless facilities and wireless support structures in the Town effectively and efficiently so that residents, businesses, and visitors benefit from enhanced wireless service; ~~and~~.

~~Now Therefore, the Select Board of the Town does hereby adopt and implement the following policy and guidelines:~~

The Town of Concord (“Town”) by and through its Select Board hereby adopts this policy (“Policy”) concerning Applications for Small Cell Wireless installations within the public right of way of the Town or located on Town-owned property.

### 2. Application Process.

- a. Applications shall be submitted to the Select Board through the Office of the Town Manager accompanied by the application fee of \$500 per application, payable to the Town of Concord. The \$500 fee will cover up to 5 locations. ~~Each application for more than 5 installations is subject to a separate fee with each additional location after 5 costing of \$100 per installation each.~~
- b. ~~Ten~~ Three (~~10~~ 3) hard copies and 1 (one) electronic copy of the application must be submitted. Applications may be hand-delivered during normal business hours or mailed. If mailed, the date of receipt shall be the date from which the time standards are measured.
- c. No application will be accepted for review until all items listed in 32, below, have been submitted, as well as all fees and the abutters list paid for (see 2h).

- d. Upon receipt, the Office of the Town Manager shall (1) date- and time-stamp the ~~Application~~ application as received,; and (2) make a determination as to completeness of the application and notify the Applicant, in writing, within 10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the application is deemed rejected and must be resubmitted. The original application fee covers resubmissions due to incompleteness.-
- e. The Office of the Town Manager shall also circulate a copy of the application to the following departments or divisions for comment and review: Light Plant; Building; Public Works Engineering; Planning & Zoning; Health; Police; Fire; Natural Resources; and any other department or division deemed necessary by the Town Manager.
- f. Written comments from the departments or divisions shall be submitted to the Office of the Town Manager within 20 days of circulation of the application.
- g. Once the application is deemed complete, and all comments have been received, the Select Board will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within the time period required by law.
- h. The applicant must also pay for and publish and mail legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the certified abutters list from the Town Assessor (for a fee) for each pole or strand location within the application. The applicant must provide proof of mailing and publication to the Town Manager.
- i. Any material changes to an application, as determined by the Town in its sole discretion, shall constitute a new application for the purposes of the time standards imposed by the FCC (i.e. 60- and 90-day shot clocks). ~~Where-When a changed or new~~ an application is resubmitted after being originally deemed incomplete application, is submitted, the prior application shall be deemed withdrawn for the purposes of the shot clock.
- j. Upon completion of the hearing, the Select Board may either grant, grant with conditions, or deny the application,; Conditions for denial can be based on inadequate capacity of the pole, strand, or mounting structure,; safety concerns,; reliability concerns,; or failure to meet applicable engineering or design standards.
- k. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small cell wireless location will require a new application and approval from the Town. The renting, leasing, subletting or assigning by the applicant is prohibited.
- l. ~~Only one~~ Multiple small cell wireless ~~facility~~ facilities shall be eligible to be approved on a pole, strand, ors ~~and~~ support structures provided it meets the Design Rules and Regulations found in this policy and does not impede the future ability for municipal use of the structure. The Town of Concord is desirous of reserving space on poles and support structures for future use by government or other public sector entities for public safety purposes and to allow for more prudent planning for future needs.
- m. The Town of Concord reserves the right to charge higher fees from wireless providers on the basis of higher costs incurred. To that end, the Town shall conduct regular and methodical cost studies for small cell deployments to both adjust fee calculations and ~~to~~ disclose the reasons for any fee/cost adjustments to wireless providers.

**3. Content of Applications. Applications shall include the following information:**

- a. Applicant's name, address, telephone number and email address.
- b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.
- c. Detailed drawings, with wet stamp/wet signature, and descriptions of the equipment to be installed, whether mounted on poles, strands or on the ground, or otherwise, including:
  - i. Type of equipment
  - ii. Specifications of equipment (including but not limited to dimensions and weight of each piece of equipment and of all equipment)
  - iii. Dimension of each piece of equipment and total dimension of all equipment
  - iv. Costs of all equipment and installation
  - v. Equipment mount type and material
  - vi. Power source or sources for equipment, including necessary wires, cables and conduit
  - vii. Expected life of equipment
  - viii. Coverage area of equipment, including:
    1. ~~Amount~~ Number of antennas
    2. Antenna model(s)
    3. Antenna length(s)
    4. Remote radio units (RRU) count and power for each
    5. Antenna height(s)
    6. Typical coverage area radius/radii~~s~~
  - ix. Call capacity of equipment, including:
    - 0.1 Total RRUs
    - 0.2 Max bandwidth per RRU
    - 0.3 Multiple input, multiple output (MIMO) per RRU
    - 0.4 Backhaul rate per RRU
  - x. Hardening, including:
    - 0.1 If there is battery backup
    - 0.2 If there is generator backup
    - 0.3 If there are multiple fiber paths to switch
  - xi. Frequencies of equipment proposed to be installed.
- d. Photos, renderings, and elevation of equipment proposed to be installed.
- e. Detailed map with locations of the poles or other structures on which equipment is to be located, including specific pole identification numbers, if applicable, and the areas it will service. The data must be supplied in a format that can be uploaded as a data layer

- to the Town's Geographic Information System (GIS).
- f. Detailed map showing existing and proposed small cell installations within 500 feet of the ~~Application site~~locations requested in the application.
  - g. Certification by a registered professional engineer that the pole/~~or structure~~~~or location~~ will safely support the proposed equipment.
  - h. Written consent from the pole, structure, or facility owner to the installation.
  - i. Affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installation~~s~~ addresses that need in Concord. Such affidavit ~~should~~shall characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent," "good," and "poor" reception areas.
  - j. Insurance certificate (issued to the parent company) evidencing workers' compensation coverage, and comprehensive general liability coverage that does not have a "pollution exclusion" for the installation.
  - k. Description as to why the desired location is superior to other similar locations, from a community perspective, including:
    - ~~xii.i.~~ Visual aspects
    - ~~xiii.~~ Proximity to residential structures
    - ~~xiv.ji.~~
  - l. Description of efforts to co-locate the equipment on existing structures, poles, or towers ~~which currently exist~~or those or that are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.
  - m. An ~~a~~ Affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC ~~standards,~~and standards and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
  - n. A written analysis indicating that the installation and location of the equipment will not interfere with the operation of the existing pole or its primary uses.
  - o. A written analysis indicating how the installation of new equipment on existing poles will affect the integrity of the pole for public safety concerns.
  - p. A written plan indicating the protocol for turning off wireless facilities when utility workers are present on poles, in order to limit their exposure to radio frequency emissions. The plan should also include a description of any warning signs that will be posted to alert utility workers to radio frequency exposure.
  - m-q. A written plan indicating the response protocol to be implemented in the event that the equipment is damaged by a weather related event or due to an accident.
  - n-r. Completed cover sheet on Town form, using extra sheets as necessary to provide all information.
  - o-s. Surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

#### 4. Annual Re-Certification and Affidavit.

- a. Each year, no later than July 1, the party responsible for the equipment maintenance shall submit an affidavit that shall list, by location, all small cell wireless installations it maintains within the Town of Concord by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.
- b. The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
- c. Any small cell wireless installation which is no longer in use shall be removed by the party responsible for its maintenance within 60 days of receipt of the annual re-certification affidavit, at that party's expense.
- d. Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
- e. Where such annual re-certification has not been submitted by July 1, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town from that applicant until such time as the annual re-certification has been submitted and all fees and fines paid.

## 5. Prohibitions.

- a. No small cell wireless installations shall be installed on double poles, which are defined as poles that ~~have been~~ are being decommissioned but have not yet been removed and already have ~~replaced by the installation of an~~ adjacent replacement pole installed but not have not been fully decommissioned and removed.
- b. No small cell wireless installations shall be installed on poles that do not meet sidewalk clearance requirements and standards. This includes horizontal and vertical clearances for pedestrian passage. Applicable requirements and standards may include, but are not limited to, ADA and MUTCD.
- c. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- d. No small cell wireless installation shall be installed on government-owned assets such as traffic lights, streetlights and roadway infrastructure.
- ~~e.~~ No small cell wireless installation equipment shall be replaced or altered without a ~~re-~~ new application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.
- ~~f.e.~~ No application may seek approval of more than five (5) proposed facilities.
- ~~g.f.~~ No applicant or ~~closely held applicant~~ affiliate acting on an applicant's behalf may file more than two (2) applications within 60 days of another.
- ~~h.~~ No emailed applications shall be accepted for filing.
- ~~i.g.~~ No equipment may be used that is manufactured by a company whose equipment is

banned from use by any branch or department of the U.S. government.

# **Town of Concord Small Cell Wireless Facility** and similar structures

## **Design Rules and Regulations**



These Rules and Regulations describe approved aesthetic and location criteria for Small Cell Wireless Facilities (SWF) in the Town of Concord. These requirements apply to both the SWF and accessory equipment, such as ground-mounted equipment.

## 1. Background

Public spaces and streetscapes enhance the quality of life for our residents and visitors and ensure ~~that~~ the Town has the foundation to become a more walkable and sustainable ~~city~~ Town. ~~It~~ They also serves as the ~~city's~~ Town's civic, cultural, and physical framework of the character of Concord.

To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure (Small Cell), a new lower-powered antenna technology, to reduce data traffic load on roof-mounted equipment and larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground. Small Cell infrastructure consists of antennas and related power equipment that transmits wireless signals to improve reliable data streaming. This infrastructure will provide cellular and data coverage to smaller geographic areas. New Small Cell facilities will improve the provider~~s~~' ability to meet the public's current 4G (LTE) voice and data demands and the future 5th generation cellular needs for interconnected devices to ~~operate~~ access data at higher speeds ~~to access data~~.

Small Cell infrastructure will affect the function and aesthetics of public spaces. Cities and Towns across the nation are beginning to address the issue of balancing the need to accommodate the increased cellular demand with their community's public space character and function. To provide the necessary coverage, each cellular provider will install infrastructure to serve their individual needs; additionally, some companies serve as an infrastructure provider installing equipment that will house infrastructure for multiple cellular providers. Like other utilities, federal law allows Small Cell infrastructure equipment in the public right-of-way. Balancing the need to accommodate increasing cellular demand while preserving public space character and function is critically important, as is the need to design and place the proposed infrastructure in an appropriate way.

## 2. Adoption

These Rules and Regulations are intended to cover the general standards and aesthetics for the design and installation of Small Cell and similar technology.

## 3. Siting Prohibitions

~~Small Cell infrastructure is not permitted to be installed on~~ The following prohibitions apply:

- a. No small cell wireless installation shall be installed on ~~Double-double Poles~~ poles.
- b. No small cell wireless installation shall be installed on poles which are not ADA-compliant.
- c. No equipment shall be placed inconsistent with ADA regulations for passage around said infrastructure.

- d. Cabinets or other small cell infrastructure may not be placed within the travel way of the sidewalk so as to impede ADA accessibility. Sidewalk travel ways shall maintain a minimum of 4 feet in width to accommodate ~~the~~ snow clearing vehicles along the sidewalks.
- e. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- f. No small cell wireless installation equipment shall be replaced or altered without a ~~new~~ application (fees required), hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

#### 4. Aesthetic Requirements for Small Cell Wireless Facilities

- a. Except when Small Cell infrastructure is attached to a wood pole, poles and all equipment must be the same color and finish as surrounding streetlight poles or third-party poles.
- a.b. Strand-mounted facilities should match the color of the existing cable infrastructure.
- b.c. Exposed wires are not permitted.
  - iii.i. Corporate or company names (except for location identification purposes noted below), logos, identifying graphics or other advertisements shall not be painted, embossed, applied or displayed in any manner on the poles, equipment enclosures (boxes, cabinets, etc.), hand hole covers, or other component of the pole or other supporting structure.
  - iv-ii. Individual location identification information will be permitted, provided no letter, number, or graphic symbol is taller than one inch in height.
- e.d. Standalone Poles: The height of any standalone pole including its antenna(e) shall not exceed 32 feet or no more than 10 percent taller than other adjacent poles, whichever is greater.
- f.e. Wood Poles: The height of any ~~replacement~~ wood pole including its antennae shall not exceed forty-five (45) feet.

#### 5. Antennas

- a. Pole-mounted ~~Each~~ Small Cell wireless antennas shall be located entirely within a shroud or canister-type enclosure.
- b. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
- c. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side-mounted antenna being at a location on the wireless support structure noted in the application and approved by the Town, but at least 10 feet above ground level at its lowest point.

- e. —
- d. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the Right of Way must be noted in the application and must be approved by the Town’s Tree Warden and Public Works Commission. Trimming trees for the sole purpose of improving transmissibility of electromagnetic signal is prohibited under this policy.
- e. Applicants are encouraged to ensure that the measured real-world emissions of electromagnetic radiation are within the technical specifications provided by the manufacturer of antenna equipment.

### 5.1 Cables and Wires

All cables, wires, and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

### 5.2 Colors

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

### 5.3 Equipment Enclosures / Concealment

- a. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the Town. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
- b. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the Town.
- c. Landscaping to concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

### 5.4 Strand-mounted antennas

- a. Only one strand-mounted antenna shall be allowed in each span between support structures.
- b. Strand-mount antennas shall not be installed directly below pole-mounted streetlight fixtures, as this may interfere with the intended illumination pattern.
- c. Electric service for all strand-mount antennas shall be fed from a pole-mounted power

supply and will be metered by the Municipal Light Plant.

d. Strand-mount antennas shall have a maximum horizontal length of no greater than 3 feet. There shall be a nominal 3 feet of clearance between the closest component of the strand-mounted equipment and the pole face. Anywhere in the span, vertical clearances shall be:

- i. A minimum of 30 inches from the secondary service or system neutral
- ii. A minimum of 10 feet from the primary conductor
- iii. A minimum of 4 inches from all other communications cable, messenger, and strand-mounted equipment.

## **6. Signage/Logos/Lights/Decals/Cooling Fans**

~~d.a.~~ Signage: The Small Cell Wireless Facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (~~e.g.e.g.~~, radio-frequency (RF) ground notification signs) or the Town. If no cabinet exists, the signage shall be placed ~~at on the pole~~the base of the pole.

~~e.b.~~ Lights: New small wireless facilities and wireless support structures shall not be illuminated, except ~~in accordance~~as required by state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a streetlight pole in an area where the light is deemed necessary for safety of the public.

~~f.~~ Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match the adjacent surface or shall be as approved by the Building Inspector. Small wireless facilities and wireless support

g.c. structures shall not include advertisements and may only display information required by a federal, state, or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF ~~warning sticker~~caution tag required by government or electric utility regulations. Placement of the RF ~~sticker~~caution tag shall be ~~as close to the antenna as possible~~within 6 feet of the antenna, outside of the general population stand-off distance and visible from the ground.

h.d. Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. If a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with as low of a noise profile as is possible to meet the demands of the equipment.

## 7. Sustainability of Materials and Practices

On July 25, 2011, the Concord Select Board (known as the Board of Selectmen at the time) voted to approve the following sustainability principles:

1. Reduce dependence on fossil fuels, underground metals, and minerals;
2. Reduce dependence upon synthetic chemicals and other manufactured substances;
3. Reduce encroachment upon nature; and
4. Meet human needs fairly and efficiently

On September 12, 2011, the Town of Concord adopted Administrative Policy & Procedure 60 (APP60) titled "Sustainable Municipal Practices," which is available on the Town's website.

Applicants are encouraged to review this policy and use materials and practices that follow the spirit of this policy where possible.

### 7.8. Location Requirements

#### 7.0.8.1. Most Preferable Locations

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. Industrial Districts if not adjacent to a park, residential ~~district~~district, ~~or~~ historic district, or schools and daycare centers.
2. Public Rights of Way areas if not adjacent to a park, ~~residential district~~, or schools and daycare centers.

#### 7.0.8.2. Collocation Preference

It is the Town's strong preference that whenever an applicant proposes to place a new Small Cell Wireless Facility that the applicant collocate the same on existing wireless support structures.

#### 7.0.8.3. Least Preferable Location

The following are the least preferred areas for new small wireless facilities in the order of preference. ~~(2 being least preferable).~~

1. Residential Districts
2. Parks
3. Historic Districts
- 2.4. Adjacent to schools and daycare facilities

7.0:8.4. Consideration of Alternate Locations

The Town reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the Right of Way or structure in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

7.0:8.5. General limits: Adherence to Other Applicable Standards

If a streetscape is redesigned in the future, including, but not limited to the location and type of streetlights, small cell providers will be required to remove their infrastructure at their own cost~~t~~

and apply to reinstall small cell infrastructure in accordance with these guidelines and the new streetscape.

#### 7.0:8.6. Guidelines on Placement

The Town desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a Small Cell Wireless Facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent poles and structures, and of the surrounding area adjacent to their location.

The following additional guidelines on placement shall apply:

- a. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
- b. A combination wireless support structure and streetlight pole ~~should~~shall only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- c. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a Right of Way.
- d. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a Right of Way by a utility provider.
- e. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the zoning and general bylaws, applicable law and regulations, or this policy.
- f. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
- g. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- h. Small wireless facilities and wireless support structures shall be located in geographical alignment with existing trees, utility poles, streetlights, and buildings.
- i. Small wireless facilities and wireless support structures shall be located equidistant between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- j. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- k. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
- l. Small wireless facilities and wireless support structures shall not be located ~~not~~ within sight triangles at street intersections.
- m. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.

- n. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing support structures. In areas of the Town where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.



### **8.9 Pedestrian Path and Amenity Zone**

The sidewalk area of public space is typically ~~delineated-split between into~~ the pedestrian path and the amenity zone. The amenity zone is located between the pedestrian path and the roadway and provides access between the two as well as the area for street trees, streetlights and traffic signals, and other functional elements. It is critical that all pedestrian paths are clear to facilitate safe and optimal access and circulation along sidewalks.

- b.a. Standalone poles shall not be located in the ~~clear~~ pedestrian path.
- e.b. Standalone poles shall be aligned with existing streetlights, third party poles, and street trees as applicable in order to maintain a visual and physical organization of structures within the right-of-way, as measured from the center of the base of the pole. When streetlight and street tree alignment are offset within the amenity or curbside zones, prioritize alignment of the small cell facility with streetlights.
- d.c. All measurements shall be taken from the outer edge of the standalone pole and the infrastructure listed in the following specific limits/prohibitions.
- e.d. Standalone poles must be placed a minimum of six feet (6'<sup>2</sup>) from existing fire hydrants or buildings' fire connections.
- f.e. Standalone poles shall be located a minimum of 10 feet (10'<sup>2</sup>) from light poles and

traffic signal poles.

~~g.f.~~ Standalone poles shall be located a minimum of 3 feet (3') from bicycle racks and shall not impede the attachment of bicycles.

~~h.g.~~ Standalone poles shall be placed a minimum of ten feet (10') from any above-grade building face, including bay windows, show windows and building projections or overhangs.

~~i.h.~~ To the maximum extent possible, Poles-poles should be located, ~~to the maximum extent possible, to where they will~~ minimize impact on businesses and residential mixed-use development by avoiding placement directly in front of building entrances, ~~alignment with~~ windows, primary entry walks, ~~or~~ delivery zones, or entrances.



## 9.10. Access, Circulation and Sight Distances

Safe and functional access, circulation, and clear sight lines are important for pedestrian ease of movement and to maintain unobstructed line of sight among drivers, pedestrians, and bicyclists.

~~b.a.~~ Standalone poles shall not obstruct ADA access, including maintaining a clear landing at the top of curb ramps at crosswalks.

~~e.b.~~ Pole placement shall not impede, obstruct, violate, conflict with, or hinder any mode of travel over or access to any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or driveway, including but not limited to the obstruction of sight lines.

~~d.c.~~ Poles shall be placed consistent with the most current Manual on Uniform Traffic Control Devices and adopted District standards for maintenance of an intersection's sight line triangles.

~~e.d.~~ A minimum of fifteen feet (15') shall be maintained between the pole and the outside edge of the alley or driveway.

**10.11. Other Required Submission Information**

- a. A composite map of all the ~~proposed small cell wireless facility desired~~ locations ~~of the along with those wireless facilities currently in use~~ ~~small cell~~ by the applicant providers to understand the total need for facilities and the areas of highest demand within the study area.
- b. ~~Descriptive evidence showing a good faith effort to co-locate equipment on existing structures, poles or towers – regardless of who owns them – is required. An understanding as to why there is no requirement for multiple providers to share infrastructure (hoteling) and whether this could occur if the number of allowable poles were reduced.~~

**11.12. Limitations**

While the Town fully intends to apply the ~~guidelines rules and regulations~~ established in this policy uniformly to all Small Cell Wireless Facility applications, there may be circumstances where not every specific ~~guideline rule or regulation~~ may be met. In these cases, Town staff will use its reasonable discretion in approving Small Cell Wireless Facilities permit applications that deviate from the strict application of this policy.

**12.13. Effective Date of Policy**

This Policy will be effective as of the 1st of August, 2022. Modifications of the Design Rules and Regulations may be modified from time to time by the Concord Select Board.

## Town of Concord Applications for Small Cell Wireless Installations: Cover Sheet

Applicant's use of this cover sheet is mandatory. It is meant to provide a framework to ensure compliance with the Town of Concord's Policy for Applications for Small Cell Wireless Installations.

Total number of Small Wireless Facilities being requested on this ~~application~~ application:

                      
 (Per town policy, no application may exceed 5 proposed facilities)

Total number of applications filed by the applicant ~~or closely held applicant~~ in the last 60 days:

                      
(Per town policy, no application will be accepted if more than 2 applications have been filed in that time period.)

           Date and ~~Time~~ time stamped on each application

           Fees

- \$500, payable by check (made out to the Town of Concord), for up to five locations ~~for initial application review~~
- \$100 for each additional location

All applications shall number each page with easily identifiable identifier numbers, ~~unique to each application~~

Specify whether the application is under (check one):

~~The~~ FCC Declaratory Ruling and Third Report and Order;

§6409/Wireless Siting Order, ~~or n~~

           Neither:           

If §6409 application, submit documentation to establish the basis for that conclusion and ~~S~~ specify which shot clock (60-, 90-, or 150-day) applies and the basis for that conclusion:

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~~Applications complete, i~~ Does the application ~~including~~ include ~~receipt~~ copies of all permits or notification that a permit was not needed (except for a building permit) from other ~~town~~ Town boards and ~~committees~~ committees applicable to the proposed locations and facilities?    ~~Y~~  Yes  No

Checklist of prior reviewing departments (insert Y, N, or N/A)

<del>1.</del>	<del>Light Plant</del>	<del>Board of Health</del>
<del>Police</del>		<del>Natural Resources</del>
<del>Fire</del>		<del>Planning &amp; Zoning</del>
<del>Public Works Engineering</del>		<u>Board of Health</u>
<del>Building</del>		<u>Natural Resources</u>
<del>Other (specify)</del>		<u>Planning &amp; Zoning</u>
<u>Light Plant</u>		<u>Public Works Engineering</u>
<u>Police</u>		<u>Building</u>
<u>Fire</u>		<u>Other (specify: _____)</u>

Submit a copy of all such received permits or verification that no permit is needed. If not, which applications are incomplete? (~~any~~ Any incomplete applications will be rejected.)

a. Identify how each ~~application-permit or verification~~ is incomplete:

\_\_\_\_\_  
\_\_\_\_\_

~~Date and time of~~ Is this application a re-submission?  Yes  No

If so, date of original application: \_\_\_\_\_

~~Please note: Public Hearing~~ hearing notices ~~Notice shall be posted in accordance with state law (MGL CH40A §11) published in a newspaper of general circulation and mailed to abutters within 300 three hundred (300) feet of the proposed locations by the applicant using notice provided by Town certified abutters lists provided by the Assessor's office.~~  
~~The applicant must obtain the certified abutter's list from the Assessor's Office. Public Hearing fee is paid for by applicant.~~

~~Ten Three (103)~~ hard copies of the application are required

One (1) electronic copy to ~~tmo@concordma.gov~~ tmo@concordma.gov sent on (date)

\_\_\_\_\_  
\_\_\_\_\_

Applicant's name: \_\_\_\_\_

\_\_\_\_\_  
Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Telephone number: ( \_\_\_\_\_ ) \_\_\_\_\_

\_\_\_\_\_  
Email address: \_\_\_\_\_

Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.

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Ensure that wet stamps/wet signatures of professional designers are on all drawings.

Include detailed drawings and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:

- Description of type of equipment
- Specifications of equipment
- Dimension of each piece of equipment and total dimensions of all equipment
- Costs of all equipment and installation
- Total weight at each location
- How will equipment be mounted and what type of material will be used to mount equipment
- All power sources for equipment (comment on necessary wires, cables, and conduit)
- Expected life of equipment
- Coverage area of equipment on the location:
  - Amount of antennas
  - Antenna model
  - Antenna length remote radio units (RRU) count and power
  - ~~○ Antenna height~~
  - ~~○~~
  - ~~○ Typical coverage area radius~~
  - ~~○~~
- Call capacity of equipment, including:
  - Total RRUs
  - Max bandwidth per RRU
  - Multiple input, multiple output (MIMO) per RRU
  - ~~○ Backhaul rate per RRU~~
  -
- ~~• Hardening, including:~~
  - - Is there battery backup?
    - Is there generator backup?
    - Will there be multiple fiber paths to switch?
    - Frequency of equipment proposed to be installed.

Photos, rendering and elevation of equipment proposed to be installed:

- Include detailed map with locations of the poles or other facility on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service. Location details must be provided to be compatible as an additional data layer to the Town's GIS maps.
- Include detailed map showing existing and proposed small cell installations within 500 feet of the Application site.
- Include certification by a registered professional engineer that the pole/~~or~~ location will safely support the proposed equipment.
- Include written consent from the pole, structure, or facility owner to the installation.
- Include an affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installations address that need in Concord. ~~Such~~ affidavit ~~should~~shall characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent," "good," and "poor" reception areas.
- Include insurance certificate evidencing workers' compensation and comprehensive general liability coverage for the installation.
- Include a description as to why the desired location is superior to other similar locations, from a community perspective, including:
  - Visual aspects
  - Proximity to residential structures
- Include a description of efforts to co-locate the equipment on existing structures, poles, or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.
- Include a narrative of how design requirements have been met.
- Include an affidavit from the applicant which certifies ~~that~~ it will maintain the installations in good repair and according to FCC ~~standards, and~~standards and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
- Include surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

**Annual Re-Certification and Affidavit.**

- Each year on July 1 the party responsible for the equipment maintenance shall submit an affidavit which shall list, by location, all small cell wireless installations it maintains within the Town of Concord by ~~location, and~~location and shall certify: (1) each such installation that remains in use; (2) that such in--use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.
- The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
- Any small cell wireless installation which is no longer in use shall be removed by the owner within 60 days of receipt of the annual re-certification affidavit, at that party's expense.
- Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
- Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

Agree to annual re-certification and affidavit and payment as shown above.

**Conditions/Prohibitions:-**

- No small cell wireless installations shall be installed on double poles.
- No small cell wireless installation shall be installed on poles which are not ADA compliant.
- No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in--use in the annual re-certification affidavit.
- No small cell wireless installation equipment shall be replaced or altered without a ~~re~~re-new application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

Agree to Conditions/Prohibitions as set forth in Town bylaws and policies. As submitted by,

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## Town of Concord Policy Applications for Small Cell Wireless Installations

### 1. Background

~~Whereas,~~ On September 27, 2018, the Federal Communications Commission (FCC) issued a Declaratory Ruling ~~with the intent intended~~ to streamline the installation of “small cell wireless” communication system infrastructures, ~~and these~~

~~Whereas, The~~ regulations, which ~~significantly~~ limit the ability of cities and towns to regulate “small cell wireless” infrastructures, took effect on January 14, 2019, ~~and~~

~~Whereas, if a town or~~ municipality ~~which~~ fails to publish aesthetic standards and ~~design~~ requirements pertaining to “small cell wireless” infrastructures by way of an ordinance or ~~a policy~~, ~~it~~ may not be able to impose certain restrictions, including but not limited to aesthetic requirements, ~~on “small cell wireless” infrastructures, and~~

~~Whereas, it~~ is the ~~intent of the Town Manager to propose an policy to the Select Board of the objective of the~~ Town of Concord ~~with the objective of to strikeing~~ a balance between preserving and protecting the character of the Town through careful design, siting, and camouflaging techniques to blend these “small cell wireless” infrastructures into their surrounding environment and provide other reasonable conditions on their placement and use, ~~while concurrently and~~ enhancing the ability of small cell wireless facilities carriers to deploy small cell wireless facilities and wireless support structures in the Town effectively and efficiently so that residents, businesses, and visitors benefit from enhanced wireless service.

~~Now Therefore, the Select Board of the Town does hereby adopt and implement the following policy and guidelines.~~

The Town of Concord (“Town”) by and through its Select Board hereby adopts this policy (“Policy”) concerning Applications for Small Cell Wireless installations within the public right of way of the Town or ~~located~~ on Town-owned property.

### 2. Application Process.

- a. Applications shall be submitted to the Select Board through the Office of the Town Manager accompanied by the application fee of \$500 per application, payable to the Town of Concord. The \$500 fee will cover up to ~~5~~ five locations. ~~Each application for more than 5 installations is subject to a separate fee with e~~ Each additional location after ~~5~~ five will ~~costing of \$100 per installation each.~~
- b. ~~Ten-Three (103)~~ hard copies and ~~1~~ (one) electronic copy of the application must be submitted. Applications may be hand-delivered during normal business hours or mailed. If mailed, the date of receipt shall be the date from which the time standards are measured.
- c. No application will be accepted for review until all items listed in ~~32~~, below, have been submitted, as well as all fees and the abutters list paid for ~~(see 2h)~~.
- d. Upon receipt, the Office of the Town Manager shall (1) date- and time- stamp the

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- ~~Application~~ application as received; and (2) determine whether the application is complete~~make a determination as to completeness of the application~~ and notify the Applicant, in writing, within ~~10~~10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the application is deemed rejected and must be resubmitted. ~~The original application fee covers resubmissions due to incompleteness.~~
- e. The Office of the Town Manager shall also circulate a copy of the application to the following departments or divisions for comment and review: ~~Belmont~~Concord Municipal Light Plant; ~~Building;~~Public Works; ~~Community Development;~~ Engineering Division; ~~Community Development;~~ Building Division; ~~Community Development;~~ Planning Division; ~~Natural Resources;~~ ~~Planning & Zoning;~~ Health; Police; Fire; ~~Natural Resources;~~ and any other department or division deemed necessary by the Town Manager.
  - f. Written comments from the departments or divisions shall be submitted to the Office of the Town Manager within 20 days of circulation of the application.
  - g. After the Town has received a complete application, and twenty days have passed since the application was circulated under § 2(c). Once the application is deemed complete, and all comments have been received,~~the~~ Select Board will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within the time period required by ~~law~~the FCC.
  - h. The applicant must also pay for and publish and mail legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the certified abutters list from the Town Assessor (for a fee) for each pole or strand location within the application. The application fee shall be deemed to cover the cost of the certified abutters list. ~~The applicant must provide proof of mailing and publication to the Town Manager.~~
  - i. Any material changes to an application, as determined by the Town Manager or their designee in the reasonable exercise of its sole discretion, shall constitute a new application for the purposes of the time standards imposed by the FCC for the review of applications (i.e. 60- and 90-day shot clocks). ~~Where~~ When a changed or new an application is resubmitted after being originally deemed incomplete application, is submitted, the prior application shall be deemed withdrawn for the purposes of the shot clock.
  - j. Upon completion of the hearing, the Select Board may either grant, grant with conditions, or deny the application; Conditions for denial can be based on inadequate capacity of the pole, strand, or mounting structure; safety concerns; reliability concerns; or failure to meet applicable engineering or design standards. ~~The Board may additionally issue such other administrative orders as are lawful, including orders concerning public way safety, pole or strand capacity, or compliance with other relevant laws.~~
  - k. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small cell wireless location will require a new application and approval from the Town. The renting, leasing, subletting or assigning by the applicant is prohibited.
  - l. ~~Only one~~Multiple small cell wireless ~~facility~~ facilities shall be eligible to be approved on a pole, strand, or ~~and~~ support structures provided #that pole, strand, or support structure meets the Design Rules and Regulations found in this policy and does not impede the future ability for municipal use of the structure. The Town of Concord is desirous of reserving space on poles and support structures for future use by government or other public sector entities for public safety purposes and to allow for more prudent planning for

**Commented [PK1]:** The policy takes advantage of the FCC's safe-harbor fee (\$500 for up to five sites, plus \$100 for each subsequent site). Charging a fee for the certified abutters list arguably undermines this.

**Commented [PK2]:** We softened this language a bit. The FCC policy requires that towns toll but not reset the shot clock when applications are incomplete. This allows the Town to reset the shot clock by deeming the completion of an incomplete application to be a material change.

**Commented [PK3]:** This contradicts the FCC policy:  
The clock can be *paused*, however, if the locality notifies the applicant within 30 days that the application is incomplete.

¶ 141 (emphasis added).

future needs.

- m. The Town of Concord reserves the right to charge higher fees from wireless providers on the basis of higher costs incurred. To that end, the Town shall conduct regular and methodical cost studies for small cell deployments to both adjust fee calculations and ~~to~~ disclose the reasons for any fee/cost adjustments to wireless providers.

### 3. Content of Applications.

3. Applications shall include the following information:

- a. Applicant's name, address, telephone number and email address.
- b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.
- c. Detailed drawings, with wet stamp/wet signature, and descriptions of the equipment to be installed, whether mounted on poles, strands or on the ground, or otherwise, including:
  - i. Type of equipment
  - ii. Specifications of equipment (including, but not limited to, dimensions and weight of each piece of equipment and of all equipment)
  - iii. Dimension of each piece of equipment and total dimension of all equipment
  - iv. Costs of all equipment and installation
  - v. Equipment mount type and material
  - vi. Power source or sources for equipment, including necessary wires, cables and conduit
  - vii. Expected life of equipment
  - viii. Coverage area of equipment, including:
    - 1. ~~Amount~~ Number of antennas
    - 2. Antenna model(s)
    - 3. Antenna length(s)
    - 4. Remote radio units (RRU) count and power for each
    - 5. Antenna height(s)
    - 6. Typical coverage area radius/radii~~s~~
  - ix. Call capacity of equipment, including:
    - 1. Total RRUs
    - 2. Max bandwidth per RRU
    - 3. Multiple input, multiple output (MIMO) per RRU
    - 4. Backhaul rate per RRU
  - x. Hardening, including:
    - 1. ~~If~~ Whether there is battery backup
    - 2. Whether ~~If~~ there is generator backup
    - 3. Whether ~~If~~ there are multiple fiber paths to switch

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- xi. Frequencies of equipment proposed to be installed.
- d. Photos, renderings, and elevation of equipment proposed to be installed.
- e. Detailed map with locations of the poles or other structures on which equipment is to be located, including specific pole identification numbers, if applicable, and the areas it will service. The data must be supplied in a format that can be uploaded as a data layer to the Town's Geographic Information System (GIS).
- f. Detailed map showing existing and proposed small cell installations within 500 feet of the ~~Application site~~ locations requested in the application.
- g. Certification by a registered professional engineer that the pole, ~~strand, or structure~~ location will safely support the proposed equipment.
- h. Written consent from the pole, structure, or facility owner to the installation.
- i. Affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installations ~~addresses~~ addresses that need in Concord. Such affidavit ~~should shall~~ characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent," "good," and "poor" reception areas.
- j. Insurance certificate (issued to the parent company) evidencing workers' compensation coverage, and comprehensive general liability coverage that does not have a "pollution exclusion" for the installation.
- k. Description as to why the desired location is superior to other similar locations, from a community perspective, including:
  - i. Visual aspects
  - ii. Proximity to residential structures
  - iii. \_\_\_\_\_
- l. Description of efforts to co-locate the equipment on existing structures; ~~poles, or towers which currently exist or those of that~~ are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.
- m. ~~An a~~ Affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC ~~standards, and standards and~~ will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
- n. A written analysis indicating that the installation and location of the equipment will not interfere with the operation of the existing pole or strand or its primary uses.
- o. A written analysis indicating how the installation of new equipment on existing poles will affect the integrity of the pole or strand for public safety concerns.
- p. A written plan indicating the protocol for turning off wireless facilities when utility workers are present on poles or strands, in order to limit their exposure to radio frequency emissions. The plan should also include a description of any warning signs that will be posted to alert utility workers to radio frequency exposure.
- q. A written plan indicating the response protocol to be implemented in the event that the equipment is damaged by a weather-related event or due to an accident.
- r. ~~a~~ Completed cover sheet on Town form, using extra sheets as necessary to provide all

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information.

☞S. Surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

#### 4. Annual Re-Certification and Affidavit.

- a. Each year, no later than July 1, the party responsible for the equipment maintenance shall submit an affidavit that shall list, by location, all small cell wireless installations it maintains within the Town of Concord ~~by location~~, and shall certify: (1) each such installation that remains in use; (2) that such in-use installations remain covered by insurance to the extent as required by MassDOT; and (3) each such installation which is no longer in-use.
- b. The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
- c. Any small cell wireless installation which is no longer in use shall be removed by the party responsible for its maintenance within 60 days of receipt submission of the annual re-certification affidavit. ~~at that party's expense.~~ Removal shall be at the responsible party's expense.
- d. Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
- e. Where an applicant has failed to submit the such annual re-certification ~~has not been submitted~~ by July 1, or timely remove equipment an installation no longer in use ~~has not been removed within the required 60 day period, the Town shall not grant that application until~~ no further applications for small cell wireless installations will be accepted by the Town from that applicant until such time as the annual re-certification has been submitted and all fees and fines paid.

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#### 5. Prohibitions.

- a. No small cell wireless installations shall be installed on double poles ~~(, which are defined as~~ poles that ~~have been~~ are being decommissioned but have not yet been removed and already have replaced by the installation of an adjacent replacement pole installed) ~~but not have not been fully decommissioned and removed.~~
- b. No small cell wireless installations shall be installed on poles that do not meet sidewalk clearance requirements and standards. This includes horizontal and vertical clearances for pedestrian passage. Applicable requirements and standards may include, but are not limited to, ADA and MUTCD.
- c. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- d. No small cell wireless installation shall be installed on government-owned assets such as traffic lights, streetlights and roadway infrastructure, except where barring such installation materially inhibits a competitor or potential competitor from competing in a fair and balanced legal and regulatory environment.

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e.—No small cell wireless installation equipment shall be replaced or altered without a ~~re-~~new-application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

~~f.e. No application may seek approval of more than five (5) proposed facilities.~~

~~g.f.~~ No applicant or ~~closely held applicant~~affiliate acting on an applicant's behalf may file more than ~~two (2)~~three applications within 60 days ~~of another~~.

~~h. No emailed applications shall be accepted for filing.~~

~~i.g.~~ No equipment may be used that is manufactured by a company whose equipment is banned from use by any branch or department of the U.S. government.

# **Town of Concord Small Cell Wireless Facility** and similar structures

## **Design Rules and Regulations**



These Rules and Regulations describe approved aesthetic and location criteria for Small Cell Wireless Facilities (SWF) in the Town of Concord. These requirements apply to both the SWF and accessory equipment, such as ground-mounted equipment.

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### 1. Background

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Public spaces and streetscapes enhance the quality of life for our residents and visitors and ensure ~~that~~ the Town has the foundation to become a more walkable and sustainable ~~city~~ Town. ~~It~~ They also serves as the ~~city's~~ Town's civic, cultural, and physical framework of the character of Concord.

To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure (Small Cell), a new lower-powered antenna technology, to reduce data traffic load on ~~roof-~~mounted equipment and larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground. Small Cell infrastructure consists of antennas and related power equipment that transmits wireless signals to improve reliable data streaming. This infrastructure will provide cellular and data coverage to smaller geographic areas. New Small Cell facilities will improve the provider~~s'~~ ability to meet the public's current 4G (LTE) voice and data demands and the future 5th generation cellular needs for interconnected devices to ~~operate~~ access ~~data~~ at higher speeds ~~to access data~~.

Small Cell infrastructure will affect the function and aesthetics of public spaces. Cities and Towns across the nation are beginning to address the issue of balancing the need to accommodate the increased cellular demand with their community's public space character and function. To provide the necessary coverage, each cellular provider will install infrastructure to serve their individual needs; additionally, some companies serve as an infrastructure provider installing equipment that will house infrastructure for multiple cellular providers. Like other utilities, federal law allows Small Cell infrastructure equipment in the public right-of-way. Balancing the need to accommodate increasing cellular demand while preserving public space character and function is critically important, as is the need to design and place the proposed infrastructure in an appropriate way.

### 2. Adoption

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These Rules and ~~R~~egulations are intended to cover the general standards and aesthetics for the design and installation of Small Cell and similar technology.

### 3. Siting Prohibitions

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~~Small Cell infrastructure is not permitted to be installed on~~ The following prohibitions apply:

- a. No small cell wireless installation shall be installed on ~~Double-double Poles~~ poles (poles that are being decommissioned but have not yet been removed and already have an adjacent replacement pole installed).
- b. No small cell wireless installation shall be installed on poles which are not ADA-compliant.
- c. No equipment shall be placed inconsistent with ADA regulations for passage around said

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infrastructure.

- d. ~~Cabinets or other small cell infrastructure may not be placed within the travel way of the sidewalk so as to impede ADA accessibility.~~ Sidewalk travel ways shall maintain a minimum of 4 feet in width to accommodate ~~the~~ snow clearing vehicles along the sidewalks.
- e. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- f. No small cell wireless installation equipment shall be replaced or altered without a ~~new~~ re-application ~~(fees required including fees)~~, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

Commented [PK4]: This is duplicative of 30.

#### 4. Aesthetic Requirements for Small Cell Wireless Facilities

- a. Except when Small Cell infrastructure is attached to a wood pole, poles and all equipment must be the same color and finish as surrounding streetlight poles or third-party poles.
- ~~a-b.~~ Strand-mounted facilities must match the color of the existing cable infrastructure.
- ~~b-c.~~ Exposed wires are not permitted.
- ~~i-d.~~ Corporate or company names (except for location identification purposes noted below), logos, identifying graphics or other advertisements shall not be painted, embossed, applied or displayed in any manner on the poles, equipment enclosures (boxes, cabinets, etc.), hand hole covers, or other component of the pole or other supporting structure.
- ~~ii-e.~~ Individual location identification information will be permitted, provided no letter, number, or graphic symbol is taller than one inch in height.
- ~~e-f.~~ Standalone Poles: The height of any standalone pole including its antenna(e) shall not exceed 32 feet or no more than 10 percent taller than other adjacent poles, whichever is greater.
- ~~d-g.~~ Wood Poles: The height of any ~~replacement~~ wood pole including its antennaes shall not exceed forty-five (45) feet.

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#### 5. Antennas

- a. ~~Pole-mounted~~ ~~Each~~ Small Cell wireless antennas shall be located entirely within a shroud or canister-type enclosure.
- b. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
- c. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure ~~shall be~~ parallel with the wireless support structure, with the height of the side-mounted antenna ~~being at a location on the wireless support structure noted in the application and approved by the Town, but~~ at least 10 feet above ground level at its lowest point.
- ~~e.-~~
- d. Tree "topping" or the improper pruning of trees is prohibited. Any proposed pruning or

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removal of trees, shrubs or other landscaping already existing in the Right of Way must be noted in the application and must be approved by the Town's Tree Warden and Public Works Commission. Trimming trees for the sole purpose of improving transmissibility of electromagnetic signal is prohibited under this policy.

- e. Applicants are encouraged to ensure that the measured real-world emissions of electromagnetic radiation are within the technical specifications provided by the manufacturer of antenna equipment.

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### 5.1 Cables and Wires

All cables, wires, and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

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### 5.2 Colors

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

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### 5.3 Equipment Enclosures / Concealment

- a. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the Town. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
- b. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the Town.

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- c. Landscaping to conceal~~ing~~ equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

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### 5.4 Strand-mounted antennas

- a. Only one strand-mounted antenna shall be allowed in each span between support structures.
- b. Strand-mount antennas shall not be installed below pole-mounted streetlight fixtures in a way that interferes with the intended illumination pattern.
- c. Electric service for all strand-mount antennas shall be fed from a pole-mounted power supply and will be metered by the Municipal Light Plant.
- d. Strand-mount antennas shall have a maximum horizontal length of no greater than 3 feet. There shall be a nominal 3 feet of clearance between the closest component of the strand-mounted equipment and the pole face. Anywhere in the span, vertical clearances shall be:

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- i. A minimum of 30 inches from the secondary service or system neutral
- i. A minimum of 10 feet from the primary conductor
- ii. A minimum of 4 inches from all other communications cable, messenger, and strand-mounted equipment.

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#### 6. Signage/Logos/Lights/Decals/Cooling Fans

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- a. Signage: The Small Cell Wireless Facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (~~e.g.e.g.~~ radio-frequency (RF) ground notification signs) or the Town. If no cabinet exists, the signage shall be placed ~~at on the pole~~ the base of the pole.
- b. Lights: New small wireless facilities and wireless support structures shall not be illuminated, except ~~in accordance required by~~ with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a streetlight pole in an area where the light is deemed necessary for safety of the public.
- e. Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match the adjacent surface or shall be as approved by the Building Inspector. Small wireless facilities and wireless support

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~~e.c.~~ structures shall not include advertisements and may only display information required by a federal, state, or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF ~~warning sticker~~caution tag required by government or electric utility regulations. Placement of the RF ~~sticker~~caution tag shall be ~~as close to the antenna as possible~~within 6 feet of the antenna, outside of the general population stand-off distance and visible from the ground.

~~e.d.~~ Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. If a fan is needed for an installation in a non-residential area, the small wireless facility operator/permittee shall use a cooling fan with as low of a noise profile as is possible to meet the demands of the equipment.

### 7. Sustainability of Materials and Practices

On July 25, 2011, the Concord Select Board (known as the Board of Selectmen at the time) voted to approve the following sustainability principles:

1. Reduce dependence on fossil fuels, underground metals, and minerals;
2. Reduce dependence upon synthetic chemicals and other manufactured substances;
3. Reduce encroachment upon nature; and
4. Meet human needs fairly and efficiently

On September 12, 2011, the Town of Concord adopted Administrative Policy & Procedure 60 (APP60) titled "Sustainable Municipal Practices," ~~which is available on the Town's website.~~

Applicants are encouraged to review this policy<sup>1</sup> and use materials and practices that follow the spirit of this policy where possible.

### ~~7.8.~~ Location Requirements

#### ~~8.1.~~

#### 8.1 Most Preferable Locations

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. Industrial Districts if not adjacent to a park, residential ~~district~~district, ~~or~~ historic district, ~~or~~ schools, ~~or~~ and daycare centers.
2. Public Rights of Way ~~areas~~ if not adjacent to a park, residential district, ~~or~~ schools, ~~or~~ and daycare centers.

#### 8.2 Collocation Preference

It is the Town's strong preference that whenever an applicant proposes to place a new Small Cell Wireless Facility that the applicant co-locate the same on existing wireless support structures.

#### 8.3 Least Preferable Location

<sup>1</sup> APP60 is available on the Town's website.

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The following are the least preferred areas for new small wireless facilities, from most to least preferable; in the order of preference; (2 being least preferable).

1. Residential Districts
- ~~2.~~ Parks
- ~~3.~~ Historic Districts
- ~~2-4.~~ Adjacent to schools and daycare facilities

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#### 8.4 Consideration of Alternate Locations

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The Town reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the Right of Way or structure in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

#### 8.5 General limits: Adherence to Other Applicable Standards

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If a streetscape is redesigned in the future, including, but not limited to the location and type of streetlights, small cell providers will be required to remove their infrastructure at their own cost.

and apply to reinstall small cell infrastructure in accordance with these guidelines and the new streetscape.

#### 8.6 Guidelines on Placement

The Town desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a Small Cell Wireless Facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent poles and structures, and of the surrounding area adjacent to their location.

The following additional guidelines on placement shall apply:

- a. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
- b. A combination wireless support structure and streetlight pole ~~should~~ shall only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- c. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a Right of Way.
- d. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a Right of Way by a utility provider.
- e. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the zoning and general bylaws, applicable law and regulations, or this policy.
- f. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act (“ADA”).
- g. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- h. Small wireless facilities and wireless support structures shall be located in geographical alignment with existing trees, utility poles, streetlights, and buildings.
- i. Small wireless facilities and wireless support structures shall be located equidistant between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- j. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- k. Small wireless facilities and wireless support structures shall ~~be located so as not to~~ be located along the frontage of any building listed in the National Register of Historic Places, the State Register of Historic Places, or deemed to be of historic significance by the Select Board deemed to be of historic significance on a federal, state, or local level based on comments from the Historic District Commission.
- l. Small wireless facilities and wireless support structures shall not be located ~~not~~ within sight triangles at street intersections.
- m. New wireless support structures shall not be located directly in front of any existing

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residential, commercial or industrial structure.

- n. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing support structures. In areas of the Town where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.



**Commented [MSM5]:** We should add captions if we will include pictures to explain why they're there.

### 8.9. Pedestrian Path and Amenity Zone

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The sidewalk area of public space is typically ~~delineated split between into~~ the pedestrian path and the amenity zone. The amenity zone is located between the pedestrian path and the roadway and provides access between the two as well as the area for street trees, streetlights and traffic signals, and other functional elements. It is critical that all pedestrian paths are clear to facilitate safe and optimal access and circulation along sidewalks.

- a. Standalone poles shall not be located in the ~~clear~~ pedestrian path.
- b. Standalone poles shall be aligned with existing streetlights, third party poles, and street trees, as applicable, in order to maintain a visual and physical organization of structures within the right-of-way. ~~Alignment shall be as~~ measured from the center of the base of the pole. When streetlight and street tree alignment are offset within the amenity or curbside zones, ~~prioritize~~ alignment of the small cell facility with streetlights ~~shall be prioritized~~ prioritized.
- c. All measurements shall be taken from the outer edge of the standalone pole and the infrastructure listed in the following specific limits/prohibitions.
- d. Standalone poles must be placed a minimum of six feet (6') from existing fire hydrants or

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buildings' fire connections.

- e. Standalone poles shall be located a minimum of 10 feet (10') from light poles and traffic signal poles.
- f. Standalone poles shall be located a minimum of 3 feet (3') from bicycle racks and shall not impede the attachment of bicycles.
- g. Standalone poles shall be placed a minimum of ten feet (10') from any above-grade building face, including bay windows, show windows and building projections or overhangs.

~~h.~~ ~~To the maximum extent possible, Poles-poles~~ should be located, ~~to the maximum extent possible, to where they will~~ minimize impact on businesses and residential mixed-use development by avoiding placement directly in front of building entrances, ~~alignment with~~ windows, primary entry walks, ~~or~~ delivery zones, or entrances.

h.



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~~9.~~

### 10. Access, Circulation and Sight Distances

Safe and functional access, circulation, and clear sight lines are important for pedestrian ease of movement and to maintain unobstructed line of sight among drivers, pedestrians, and bicyclists.

- a. Standalone poles shall not obstruct ADA access, including maintaining a clear landing at the top of curb ramps at crosswalks.
- b. Pole placement shall not impede, obstruct, violate, conflict with, or hinder any mode of travel over or access to any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or driveway, including but not limited to the obstruction of sight lines.
- c. Poles shall be placed consistent with the most current Manual on Uniform Traffic Control Devices and adopted District standards for maintenance of an intersection's sight line triangles.
- d. A minimum of fifteen feet (15') shall be maintained between the pole and the outside edge of the alley or driveway.

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**11. Other Required Submission Information**

- a. A composite map of all the ~~proposed small cell wireless facility desired~~ locations ~~of the along with those wireless facilities currently in use~~ ~~small cell~~ ~~by the applicant providers~~ to understand the total need for facilities and the areas of highest demand within the study area.
- b. ~~Descriptive evidence showing a good faith effort to co-locate equipment on existing structures, poles or towers – regardless of who owns them – is required. An understanding as to why there is no requirement for multiple providers to share infrastructure (hoteling) and whether this could occur if the number of allowable poles were reduced.~~

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**12. Limitations**

While the Town fully intends to apply the ~~guidelines rules and regulations~~ established in this policy uniformly to all Small Cell Wireless Facility applications, there may be circumstances where not every specific ~~guideline rule or regulation~~ may be met. In these cases, ~~the Select Board~~ ~~Town staff will~~ ~~may~~ use its reasonable discretion in approving Small Cell Wireless Facilities permit applications that deviate from the strict application of this policy.

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**13. Effective Date of Policy**

This Policy will be effective as of the ~~81st~~ of August, 2022. ~~Modifications of t~~The Design Rules and Regulations may be modified from time to time by the Concord Select Board.

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Town of Concord  
Applications for Small Cell Wireless Installations: Cover Sheet

Applicant's use of this cover sheet is mandatory. It is meant to provide a framework to ensure compliance with the Town of Concord's Policy for Applications for Small Cell Wireless Installations.

Total number of Small Wireless Facilities being requested on this ~~application~~ application:

            
 (Per town policy, no application may exceed 5 proposed facilities)

Total number of applications filed by the applicant ~~or closely held applicant~~ in the last 60 days:

            
(Per town policy, no application will be accepted if ~~more than 2~~ three or more applications have been filed in that time period.)

Date and ~~Time~~ time stamped on each application

Fees

- \$500 payable by check (made out to the Town of Concord) for up to five locations for initial application review
- \$100 for each additional location

All applications shall number each page with easily identifiable identifier numbers ~~unique to each application~~

Specify whether the application is under (check one):

~~The~~ The FCC Declaratory Ruling and Third Report and Order;

§6409/Wireless Siting Order; ~~or n~~

Neither;

If §6409 application, submit documentation to establish the basis for that conclusion, and ~~S~~ specify which shot clock (60- 90- or 150- day) applies and the basis for that conclusion:

\_\_\_\_\_

\_\_\_\_\_

~~Applications complete, i~~ Does the application including include receipt copies of all permits or notification that a permit was not needed (except for a building permit) from other ~~town~~ Town boards and commitees applicable with jurisdiction over the proposed locations and facilities? X  Yes  No

Checklist of prior reviewing departments (insert Y, N, or N/A)

<del>Light Plant</del>	<del>Board of Health</del>
<del>Police</del>	<del>Natural Resources</del>
<del>Fire</del>	<del>Planning &amp; Zoning</del>
<del>Public Works Engineering</del>	<del>Board of Health</del>
<del>Building</del>	<del>Natural Resources</del>
<del>Other (specify)</del>	<del>Planning &amp; Zoning</del>
<u>Light Plant</u>	<u>Board of Health</u>
<u>Police</u>	<u>Natural Resources</u>
<u>Fire</u>	<u>Planning &amp; Zoning</u>
	<u>Public Works Engineering</u>
	<u>Building</u>
	<u>Other (specify: _____)</u>

Submit a copy of all such received permits or verification that no permit is needed. If not, which applications/permits are still required? are incomplete? (any ~~Any~~ incomplete applications will be rejected.)

a. Identify how each application permit or verification is incomplete:

\_\_\_\_\_

\_\_\_\_\_

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Commented [PK6]: The FCC order states that all subsidiary "permits are subject to ... the shot clocks we adopt or codify here." Par. 144.

Date and time of Is this application a re-submission?  Yes  No

If so, date of original application: \_\_\_\_\_

Please note: ~~Public Hearing~~ ~~hearing notices~~ ~~Notice shall be posted in accordance with state law (MGL CH40A §11) published in a newspaper of general circulation and mailed to abutters within 300 three hundred (300) feet of the proposed locations by the applicant using notice provided by Town certified abutters lists obtained from the Assessor's office. The applicant must obtain the certified abutter's list from the Assessor's Office. Public Hearing fee is paid for by applicant.~~

~~Ten-Three (403)~~ hard copies of the application are required

One (1) electronic copy to tmo@concordma.gov sent on (date) \_\_\_\_\_

Applicant's name: \_\_\_\_\_

\_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_ Telephone number: (\_\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_ Email address: \_\_\_\_\_

Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.

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Ensure that wet stamps/wet signatures of professional designers are on all drawings.

Include detailed drawings and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:

- Description of type of equipment
- Specifications of equipment
- Dimension of each piece of equipment and total dimensions of all equipment
- Costs of all equipment and installation
- Total weight at each location
- How will equipment be mounted and what type of material will be used to mount equipment
- All power sources for equipment (comment on necessary wires, cables, and conduit)
- Expected life of equipment
- Coverage area of equipment on the location, including:
  - Amount of antennas
  - Antenna model(s)
  - Antenna length(s)
  - ~~+~~Remote radio units (RRU) count and power
  - ~~Antenna height(s)~~
  - ~~Typical coverage area radius~~
  - /radii
- Call capacity of equipment, including:
  - Total RRUs
  - Max bandwidth per RRU
  - Multiple input, multiple output (MIMO) per RRU
  - ~~Backhaul rate per RRU~~
  -
- ~~Hardening~~, including:
  - Whether ~~is~~ there is battery backup?
  - Whether ~~is~~ there is generator backup?
  - Whether there are ~~Will there be~~ multiple fiber paths to switch?

**Commented [PK7]:** The following changes are to conform with Section 3(c) of the policy.

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~~e~~ Frequency of equipment proposed to be installed:

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~~Also, include: Photos, rendering and elevation of equipment proposed to be installed:~~

~~☐ Photos, rendering and elevation of equipment proposed to be installed.~~

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~~☐ — Include d~~Detailed map with locations of the poles or other facility on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service.

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~~The data must be supplied in a format that can be uploaded as a data layer to the Town's Geographic Information System (GIS). Location details must be provided to be compatible as an additional data layer to the Town's GIS maps.~~

~~☐ Include d~~Detailed map showing existing and proposed small cell installations within 500 feet of the Application site.

~~☐ Include e~~Certification by a registered professional engineer that the pole/~~or~~ location will safely support the proposed equipment.

~~☐ Include w~~Written consent from the pole, structure, or facility owner to the installation.

~~☐ Include a~~An affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installations address that need in Concord. Such affidavit ~~should shall~~ characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent," "good," and "poor" reception areas.

~~☐ Include i~~nsurance certificate evidencing workers' compensation and comprehensive general liability coverage for the installation.

~~☐ Include a~~A description as to why the desired location is superior to other similar locations, from a community perspective, including:

~~☐ Visual aspects~~

~~☐ Proximity to residential structures~~

~~☐ Include a~~A description of efforts to co-locate the equipment on ~~existing~~ structures, poles, or towers which currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.

~~☐ Include a~~A narrative of how design requirements have been met.

~~☐ Include a~~An affidavit from the applicant which certifies ~~that~~ it will maintain the installations in

good repair and according to FCC ~~standards, and~~standards and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.

- A written analysis indicating that the installation and location of the equipment will not interfere with the operation of the existing pole or its primary uses.
- A written analysis indicating how the installation of new equipment on existing poles will affect the integrity of the pole for public safety concerns.
- A written plan indicating the protocol for turning off wireless facilities when utility workers are present on poles, in order to limit their exposure to radio frequency emissions. The plan should also include a description of any warning signs that will be posted to alert utility workers to radio frequency exposure.
- A written plan indicating the response protocol to be implemented in the event that the equipment is damaged by a weather-related event or due to an accident.
- ~~Include a~~ surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

**Annual Re-Certification and Affidavit.**

- Each year on July 1 the party responsible for the equipment maintenance shall submit an affidavit which shall list, by location, all small cell wireless installations it maintains within the Town of Concord by ~~location, and~~location and shall certify: (1) each such installation that remains in use; (2) that such in-use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.
- The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
- Any small cell wireless installation which is no longer in use shall be removed by the owner within 60 days of ~~receipt submission~~ of the annual re-certification affidavit. Removal shall be at the responsible, at that party's expense.
- Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
- Where an applicant has failed to submit the annual re-certification by July 1, or timely remove an installation no longer in use, the Town shall not grant that application until such time such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

- Agree to annual re-certification and affidavit and payment as shown above.

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Conditions/Prohibitions:

- No small cell wireless installations shall be installed on double poles.
- No small cell wireless installation shall be installed on poles which are not ADA compliant.
- No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual re-certification affidavit.
- No small cell wireless installation equipment shall be replaced or altered without a ~~re~~-new application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

Agree to Conditions/Prohibitions as set forth in Town bylaws and policies. As submitted by,

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## **Town of Concord Policy Applications for Small Cell Wireless Installations**

### **1. Background**

On September 27, 2018, the Federal Communications Commission (FCC) issued a Declaratory Ruling intended to streamline the installation of “small cell wireless” communication system infrastructure, and these regulations, which limit the ability of cities and towns to regulate “small cell wireless” infrastructures, took effect on January 14, 2019.

A municipality which fails to publish aesthetic standards and design requirements pertaining to “small cell wireless” infrastructures by way of an ordinance or policy may not be able to impose certain restrictions, including but not limited to aesthetic requirements, on “small cell wireless” infrastructures.

It is the objective of the Town of Concord to strike a balance between preserving and protecting the character of the Town through careful design, siting, and camouflaging techniques to blend these “small cell wireless” infrastructures into their surrounding environment and provide other reasonable conditions on their placement and use; and enhancing the ability of small cell wireless facilities carriers to deploy small cell wireless facilities and wireless support structures in the Town effectively and efficiently so that residents, businesses, and visitors benefit from enhanced wireless service.

The Town of Concord (“Town”) by and through its Select Board hereby adopts this policy (“Policy”) concerning Applications for Small Cell Wireless installations within the public right of way of the Town or on Town-owned property.

### **2. Application Process.**

- a. Applications shall be submitted to the Select Board through the Office of the Town Manager accompanied by the application fee of \$500 per application, payable to the Town of Concord. The \$500 fee will cover up to five locations. Each additional location after five will cost \$100.
- b. Three hard copies and one electronic copy of the application must be submitted. Applications may be hand-delivered during normal business hours or mailed. If mailed, the date of receipt shall be the date from which the time standards are measured.
- c. No application will be accepted for review until all items listed in 3, below, have been submitted, as well as all fees and the abutters list paid for (see 2h).
- d. Upon receipt, the Office of the Town Manager shall (1) date- and time-stamp the application as received, and (2) determine whether the application is complete and notify the Applicant, in writing, within 10 days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the application is deemed rejected and must be resubmitted. The original application fee covers resubmissions due to incompleteness.
- e. The Office of the Town Manager shall also circulate a copy of the application to the following departments or divisions for comment and review: Concord Municipal Light; Public Works; Engineering Division; Building Division; Planning Division; Natural

Resources; Health; Police; Fire; and any other department or division deemed necessary by the Town Manager.

- f. Written comments from the departments or divisions shall be submitted to the Office of the Town Manager within 20 days of circulation of the application.
- g. After the Town has received a complete application, and twenty days have passed since the application was circulated under § 2(e), the Select Board will schedule and hold a public hearing to consider the application, such that a determination may be made on any application for an installation on an existing structure within the time period required by the FCC.
- h. The applicant must also pay for and publish and mail legal notices of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the certified abutters list from the Town Assessor for each pole or strand location within the application. The application fee shall be deemed to cover the cost of the certified abutters list. The applicant must provide proof of mailing and publication to the Town Manager.
- i. Any material changes to an application, as determined by the Town Manager or their designee in the reasonable exercise of its discretion, shall constitute a new application for the purposes of the time standards imposed by the FCC for the review of applications (i.e. 60- and 90-day shot clocks).
- j. Upon completion of the hearing, the Select Board may either grant, grant with conditions, or deny the application. Conditions for denial can be based on inadequate capacity of the pole, strand, or mounting structure; safety concerns; reliability concerns; or failure to meet applicable engineering or design standards. The Board may additionally issue such other administrative orders as are lawful, including orders concerning public way safety, pole or strand capacity, or compliance with other relevant laws.
- k. Any approval granted to an applicant shall be only for the specific applicant and application. Any change in the name/carrier or sistered service provided by another carrier or small cell wireless location will require a new application and approval from the Town. The renting, leasing, subletting or assigning by the applicant is prohibited.
- l. Multiple small cell wireless facilities shall be eligible to be approved on a pole, strand, or support structure provided that pole, strand, or support structure meets the Design Rules and Regulations found in this policy and does not impede the future ability for municipal use of the structure. The Town of Concord is desirous of reserving space on poles and support structures for future use by government or other public sector entities for public safety purposes and to allow for more prudent planning for future needs.
- m. The Town of Concord reserves the right to charge higher fees from wireless providers on the basis of higher costs incurred. To that end, the Town shall conduct regular and methodical cost studies for small cell deployments to both adjust fee calculations and disclose the reasons for any fee/cost adjustments to wireless providers.

### **3. Content of Applications.**

Applications shall include the following information:

- a. Applicant's name, address, telephone number and email address.
- b. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.

- c. Detailed drawings, with wet stamp/wet signature, and descriptions of the equipment to be installed, whether mounted on poles, strands or on the ground, or otherwise, including:
  - i. Type of equipment
  - ii. Specifications of equipment (including, but not limited to, dimensions and weight of each piece of equipment and of all equipment)
  - iii. Dimension of each piece of equipment and total dimension of all equipment
  - iv. Costs of all equipment and installation
  - v. Equipment mount type and material
  - vi. Power source or sources for equipment, including necessary wires, cables and conduit
  - vii. Expected life of equipment
  - viii. Coverage area of equipment, including:
    - 1. Number of antennas
    - 2. Antenna model(s)
    - 3. Antenna length(s)
    - 4. Remote radio units (RRU) count and power for each
    - 5. Antenna height(s)
    - 6. Typical coverage area radius/radii
  - ix. Call capacity of equipment, including:
    - 1. Total RRUs
    - 2. Max bandwidth per RRU
    - 3. Multiple input, multiple output (MIMO) per RRU
    - 4. Backhaul rate per RRU
  - x. Hardening, including:
    - 1. Whether there is battery backup
    - 2. Whether there is generator backup
    - 3. Whether there are multiple fiber paths to switch
  - xi. Frequencies of equipment proposed to be installed.
- d. Photos, renderings, and elevation of equipment proposed to be installed.
- e. Detailed map with locations of the poles or other structures on which equipment is to be located, including specific pole identification numbers, if applicable, and the areas it will service. The data must be supplied in a format that can be uploaded as a data layer to the Town's Geographic Information System (GIS).
- f. Detailed map showing existing and proposed small cell installations within 500 feet of the locations requested in the application.
- g. Certification by a registered professional engineer that the pole, strand, or structure will safely support the proposed equipment.
- h. Written consent from the pole, structure, or facility owner to the installation.
- i. Affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installation addresses that need in Concord. Such affidavit shall characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current

and proposed coverage, including a breakdown of “excellent,” “good,” and “poor” reception areas.

- j. Insurance certificate (issued to the parent company) evidencing workers’ compensation coverage and comprehensive general liability coverage that does not have a “pollution exclusion” for the installation.
- k. Description as to why the desired location is superior to other similar locations, from a community perspective, including:
  - i. Visual aspects
  - ii. Proximity to residential structures
- l. Description of efforts to co-locate the equipment on existing structures or those that are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.
- m. An affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
- n. A written analysis indicating that the installation and location of the equipment will not interfere with the operation of the existing pole or strand or its primary uses.
- o. A written analysis indicating how the installation of new equipment on existing poles will affect the integrity of the pole or strand for public safety concerns.
- p. A written plan indicating the protocol for turning off wireless facilities when utility workers are present on poles or strands, in order to limit their exposure to radio frequency emissions. The plan should also include a description of any warning signs that will be posted to alert utility workers to radio frequency exposure.
- q. A written plan indicating the response protocol to be implemented in the event that the equipment is damaged by a weather-related event or due to an accident.
- r. Completed cover sheet on Town form, using extra sheets as necessary to provide all information.
- s. Surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

#### **4. Annual Re-Certification and Affidavit.**

- a. Each year, no later than July 1, the party responsible for the equipment maintenance shall submit an affidavit that shall list, by location, all small cell wireless installations it maintains within the Town of Concord, and shall certify: (1) each such installation that remains in use; (2) that such in-use installations remain covered by insurance to the extent required by MassDOT; and (3) each such installation which is no longer in use.
- b. The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
- c. Any small cell wireless installation which is no longer in use shall be removed by the party responsible for its maintenance within 60 days of submission of the annual re-certification affidavit. Removal shall be at the responsible party’s expense.
- d. Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment’s maintenance until such

installation is removed.

- e. Where an applicant has failed to submit the annual re-certification by July 1, or timely remove an installation no longer in use, the Town shall not grant that application until such time as the annual re-certification has been submitted and all fees and fines paid.

## **5. Prohibitions.**

- a. No small cell wireless installations shall be installed on double poles (poles that are being decommissioned but have not yet been removed and already have an adjacent replacement pole installed).
- b. No small cell wireless installations shall be installed on poles that do not meet sidewalk clearance requirements and standards. This includes horizontal and vertical clearances for pedestrian passage. Applicable requirements and standards may include, but are not limited to, ADA and MUTCD.
- c. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- d. No small cell wireless installation shall be installed on government-owned assets such as traffic lights, streetlights and roadway infrastructure, except where barring such installation materially inhibits a competitor or potential competitor from competing in a fair and balanced legal and regulatory environment.
- e. No small cell wireless installation equipment shall be replaced or altered without a new application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.
- f. No applicant or affiliate acting on an applicant's behalf may file more than three applications within 60 days.
- g. No equipment may be used that is manufactured by a company whose equipment is banned from use by any branch or department of the U.S. government.

# **Town of Concord Small Cell Wireless Facility**

and similar structures

## **Design Rules and Regulations**



These Rules and Regulations describe approved aesthetic and location criteria for Small Cell Wireless Facilities (SWF) in the Town of Concord. These requirements apply to both the SWF and accessory equipment, such as ground-mounted equipment.

## **1. Background**

Public spaces and streetscapes enhance the quality of life for our residents and visitors and ensure the Town has the foundation to become a more walkable and sustainable Town. They also serve as the Town's civic, cultural, and physical framework of the character of Concord.

To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure (Small Cell), a new lower-powered antenna technology, to reduce data traffic load on roof-mounted equipment and larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground. Small Cell infrastructure consists of antennas and related power equipment that transmits wireless signals to improve reliable data streaming. This infrastructure will provide cellular and data coverage to smaller geographic areas. New Small Cell facilities will improve the providers' ability to meet the public's current 4G (LTE) voice and data demands and the future 5th generation cellular needs for interconnected devices to access data at higher speeds.

Small Cell infrastructure will affect the function and aesthetics of public spaces. Cities and Towns across the nation are beginning to address the issue of balancing the need to accommodate the increased cellular demand with their community's public space character and function. To provide the necessary coverage, each cellular provider will install infrastructure to serve their individual needs; additionally, some companies serve as an infrastructure provider installing equipment that will house infrastructure for multiple cellular providers. Like other utilities, federal law allows Small Cell infrastructure equipment in the public right-of-way. Balancing the need to accommodate increasing cellular demand while preserving public space character and function is critically important, as is the need to design and place the proposed infrastructure in an appropriate way.

## **2. Adoption**

These Rules and Regulations are intended to cover the general standards and aesthetics for the design and installation of Small Cell and similar technology.

## **3. Siting Prohibitions**

The following prohibitions apply:

- a. No small cell wireless installation shall be installed on double poles (poles that are being decommissioned but have not yet been removed and already have an adjacent replacement pole installed).
- b. No small cell wireless installation shall be installed on poles which are not ADA-compliant.
- c. No equipment shall be placed inconsistent with ADA regulations for passage around said infrastructure.

- d. Sidewalk travel ways shall maintain a minimum of 4 feet in width to accommodate snow clearing vehicles along the sidewalks.
- e. No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in use in the annual recertification affidavit.
- f. No small cell wireless installation equipment shall be replaced or altered without a new application (including fees), hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

#### **4. Aesthetic Requirements for Small Cell Wireless Facilities**

- a. Except when Small Cell infrastructure is attached to a wood pole, poles and all equipment must be the same color and finish as surrounding streetlight poles or third-party poles.
- b. Strand-mounted facilities must match the color of the existing cable infrastructure.
- c. Exposed wires are not permitted.
- d. Corporate or company names (except for location identification purposes noted below), logos, identifying graphics or other advertisements shall not be painted, embossed, applied or displayed in any manner on the poles, equipment enclosures (boxes, cabinets, etc.), hand hole covers, or other component of the pole or other supporting structure.
- e. Individual location identification information will be permitted, provided no letter, number, or graphic symbol is taller than one inch in height.
- f. Standalone Poles: The height of any standalone pole including its antenna(e) shall not exceed 32 feet or no more than 10 percent taller than other adjacent poles, whichever is greater.
- g. Wood Poles: The height of any wood pole including its antennas shall not exceed forty-five (45) feet.

#### **5. Antennas**

- a. Pole-mounted Small Cell wireless antennas shall be located entirely within a shroud or canister-type enclosure.
- b. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
- c. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure is parallel with the wireless support structure, with the height of the side-mounted antenna at least 10 feet above ground level at its lowest point.
- d. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the Right of Way must be noted in the application and must be approved by the Town’s Tree Warden. Trimming trees for the sole purpose of improving transmissibility of electromagnetic signal is prohibited under this policy.
- e. Applicants are encouraged to ensure that the measured real-world emissions of

electromagnetic radiation are within the technical specifications provided by the manufacturer of antenna equipment.

### 5.1 Cables and Wires

All cables, wires, and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

### 5.2 Colors

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

### 5.3 Equipment Enclosures / Concealment

- a. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the Town. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
- b. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the Town.
- c. Landscaping to conceal equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

### 5.4 Strand-mounted antennas

- a. Only one strand-mounted antenna shall be allowed in each span between support structures.
- b. Strand-mount antennas shall not be installed below pole-mounted streetlight fixtures in a way that interferes with the intended illumination pattern.
- c. Electric service for all strand-mount antennas shall be fed from a pole-mounted power supply and will be metered by the Municipal Light Plant.
- d. Strand-mount antennas shall have a maximum horizontal length of no greater than 3 feet. There shall be a nominal 3 feet of clearance between the closest component of the strand-mounted equipment and the pole face. Anywhere in the span, vertical clearances shall be:
  - i. A minimum of 30 inches from the secondary service or system neutral
  - ii. A minimum of 10 feet from the primary conductor
  - iii. A minimum of 4 inches from all other communications cable, messenger, and strand-mounted equipment.

## **6. Signage/Logos/Lights/Decals/Cooling Fans**

- a. **Signage:** The Small Cell Wireless Facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g., radio-frequency (RF) ground notification signs) or the Town. If no cabinet exists, the signage shall be placed on the pole.
- b. **Lights:** New small wireless facilities and wireless support structures shall not be illuminated, except as required by state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a streetlight pole in an area where the light is deemed necessary for safety of the public.
- c. **Logos/Decals:** The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match the adjacent surface or shall be as approved by the Building Inspector. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state, or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF caution tag required by government or electric utility regulations. Placement of the RF caution tag shall be within 6 feet of the antenna, outside of the general population stand-off distance and visible from the ground.
- d. **Cooling Fans:** In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. If a fan is needed for an installation in a non-residential area, the small wireless facility operator/permittee shall use a cooling fan with as low of a noise profile as is possible to meet the demands of the equipment.

## **7. Sustainability of Materials and Practices**

On July 25, 2011, the Concord Select Board (known as the Board of Selectmen at the time) voted to approve the following sustainability principles:

1. Reduce dependence on fossil fuels, underground metals, and minerals;
2. Reduce dependence upon synthetic chemicals and other manufactured substances;
3. Reduce encroachment upon nature; and
4. Meet human needs fairly and efficiently

On September 12, 2011, the Town of Concord adopted Administrative Policy & Procedure 60 (APP60) titled “Sustainable Municipal Practices.” Applicants are encouraged to review this policy<sup>1</sup> and use materials and practices that follow the spirit of this policy where possible.

## **8. Location Requirements**

### **8.1 Most Preferable Locations**

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

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<sup>1</sup> APP60 is available on the Town’s website.

1. *Industrial Districts* if not adjacent to a park, residential district, historic district, schools, or daycare centers.
2. *Public Rights of Way* if not adjacent to a park, residential district, schools, or daycare centers.

## 8.2 Co-location Preference

It is the Town's strong preference that whenever an applicant proposes to place a new Small Cell Wireless Facility that the applicant co-locate the same on existing wireless support structures.

## 8.3 Least Preferable Location

The following are the least preferred areas for new small wireless facilities, from most to least preferable:

1. Residential Districts
2. Parks
3. Historic Districts
4. Adjacent to schools and daycare facilities

## 8.4 Consideration of Alternate Locations

The Town reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the Right of Way or structure in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

## 8.5 General limits: Adherence to Other Applicable Standards

If a streetscape is redesigned in the future, including but not limited to the location and type of streetlights, small cell providers will be required to remove their infrastructure at their own cost and apply to reinstall small cell infrastructure in accordance with these guidelines and the new streetscape.

## 8.6 Guidelines on Placement

The Town desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a Small Cell Wireless Facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent poles and structures, and of the surrounding area adjacent to their location.

The following additional guidelines on placement shall apply:

- a. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
- b. A combination wireless support structure and streetlight pole shall only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- c. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a Right of Way.
- d. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a Right of Way by a utility provider.
- e. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the zoning and general bylaws, applicable law and regulations, or this policy.
- f. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act (“ADA”).
- g. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- h. Small wireless facilities and wireless support structures shall be located in geographical alignment with existing trees, utility poles, streetlights, and buildings.
- i. Small wireless facilities and wireless support structures shall be located equidistant between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- j. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- k. Small wireless facilities and wireless support structures shall not be located along the frontage of any building listed in the National Register of Historic Places, the State Register of Historic Places, or deemed to be of historic significance by the Select Board based on comments from the Historic District Commission.
- l. Small wireless facilities and wireless support structures shall not be located within sight triangles at street intersections.
- m. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.
- n. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing support structures. In areas of the Town where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.

## **9. Pedestrian Path and Amenity Zone**

The sidewalk area of public space is typically split between the pedestrian path and the amenity zone. The amenity zone is located between the pedestrian path and the roadway and provides access between the two as well as the area for street trees, streetlights and traffic signals, and other functional elements. It is critical that all pedestrian paths are clear to facilitate safe and optimal

access and circulation along sidewalks.

- a. Standalone poles shall not be located in the pedestrian path.
- b. Standalone poles shall be aligned with existing streetlights, third party poles, and street trees, as applicable, in order to maintain a visual and physical organization of structures within the right-of-way. Alignment shall be measured from the center of the base of the pole. When streetlight and street tree alignment are offset within the amenity or curbside zones, alignment of the small cell facility with streetlights shall be prioritized.
- c. All measurements shall be taken from the outer edge of the standalone pole and the infrastructure listed in the following specific limits/prohibitions.
- d. Standalone poles must be placed a minimum of six feet (6') from existing fire hydrants or buildings' fire connections.
- e. Standalone poles shall be located a minimum of 10 feet (10') from light poles and traffic signal poles.
- f. Standalone poles shall be located a minimum of 3 feet (3') from bicycle racks and shall not impede the attachment of bicycles.
- g. Standalone poles shall be placed a minimum of ten feet (10') from any above-grade building face, including bay windows, show windows and building projections or overhangs.
- h. To the maximum extent possible, poles should be located where they will minimize impact on businesses and residential mixed-use development by avoiding placement directly in front of building entrances, windows, primary entry walks, delivery zones, or entrances.

## **10. Access, Circulation and Sight Distances**

Safe and functional access, circulation, and clear sight lines are important for pedestrian ease of movement and to maintain unobstructed line of sight among drivers, pedestrians, and bicyclists.

- a. Standalone poles shall not obstruct ADA access, including maintaining a clear landing at the top of curb ramps at crosswalks.
- b. Pole placement shall not impede, obstruct, violate, conflict with, or hinder any mode of travel over or access to any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or driveway, including but not limited to the obstruction of sight lines.
- c. Poles shall be placed consistent with the most current Manual on Uniform Traffic Control Devices and adopted District standards for maintenance of an intersection's sight line triangles.
- d. A minimum of fifteen feet (15') shall be maintained between the pole and the outside edge of the alley or driveway.

## **11. Other Required Submission Information**

- a. A composite map of all the proposed small cell wireless facility locations along with those wireless facilities currently in use by the applicant to understand the total need for facilities and the areas of highest demand within the study area.
- b. Descriptive evidence showing a good faith effort to co-locate equipment on existing structures, poles or towers – regardless of who owns them – is required.

## **12. Limitations**

While the Town fully intends to apply the rules and regulations established in this policy uniformly to all Small Cell Wireless Facility applications, there may be circumstances where not every specific rule or regulation may be met. In these cases, the Select Board may use its reasonable discretion in approving Small Cell Wireless Facilities permit applications that deviate from the strict application of this policy.

## **13. Effective Date of Policy**

This Policy will be effective as of the 8th of August, 2022. The Design Rules and Regulations may be modified from time to time by the Concord Select Board.

## Town of Concord Application for Small Cell Wireless Installations: Cover Sheet

Applicant's use of this cover sheet is mandatory. It is meant to provide a framework to ensure compliance with the Town of Concord's Policy for Applications for Small Cell Wireless Installations.

Total number of Small Wireless Facilities being requested on this application: \_\_\_\_\_

Total number of applications filed by the applicant in the last 60 days: \_\_\_\_\_  
(Per town policy, no application will be accepted if three or more applications have been filed in that time period.)

- Date and time stamped on each application
- Fees
  - \$500, payable by check (made out to the Town of Concord), for up to five locations
  - \$100 for each additional location

All applications shall number each page with easily identifiable identifier numbers.

Specify whether the application is under (check one):

- The FCC Declaratory Ruling and Third Report and Order
- §6409/Wireless Siting Order
- Neither

If §6409 application, submit documentation to establish the basis for that conclusion, and specify which shot clock (60-, 90-, or 150-day) applies and the basis for that conclusion:

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Does the application include copies of all permits or notification that a permit was not needed (except for a building permit) from other Town boards and committees with jurisdiction over the proposed locations and facilities?    Yes    No

Checklist of prior reviewing departments (insert Y, N, or N/A)

- |                       |                              |
|-----------------------|------------------------------|
| ___ Light Plant       | ___ Planning & Zoning        |
| ___ Police            | ___ Public Works Engineering |
| ___ Fire              | ___ Building                 |
| ___ Board of Health   | ___ Other (specify: _____)   |
| ___ Natural Resources |                              |

Submit a copy of all such received permits or verification that no permit is needed. If not, which permits are still required?

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Is this application a re-submission?  Yes  No

If so, date of original application: \_\_\_\_\_

Please note: Public hearing notices shall be posted in accordance with state law (MGL CH40A §11) and mailed to abutters within three hundred (300) feet of the proposed locations by the applicant using certified abutters lists obtained from the Assessor’s office.

Three (3) hard copies of the application are required

One (1) electronic copy to [tmo@concordma.gov](mailto:tmo@concordma.gov) sent on (date) \_\_\_\_\_

Applicant’s name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: (\_\_\_\_\_) \_\_\_\_\_

Email address: \_\_\_\_\_

Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the application.

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Ensure that wet stamps/wet signatures of professional designers are on all drawings.

Include detailed drawings and descriptions of the equipment to be installed, whether mounted on poles or on the ground, or otherwise, including:

- Description of type of equipment
- Specifications of equipment
- Dimension of each piece of equipment and total dimensions of all equipment
- Costs of all equipment and installation
- Total weight at each location
- How will equipment be mounted and what type of material will be used to mount equipment
- All power sources for equipment (comment on necessary wires, cables, and conduit)
- Expected life of equipment

- Coverage area of equipment, including:
  - Amount of antennas
  - Antenna model(s)
  - Antenna length(s)
  - Remote radio units (RRU) count and power
  - Antenna height(s)
  - Typical coverage area radius/radii
- Call capacity of equipment, including:
  - Total RRUs
  - Max bandwidth per RRU
  - Multiple input, multiple output (MIMO) per RRU
  - Backhaul rate per RRU
- Hardening, including:
  - Whether there is battery backup
  - Whether there is generator backup
  - Whether there are multiple fiber paths to switch
- Frequency of equipment proposed to be installed

Also, include:

- Photos, rendering and elevation of equipment proposed to be installed.
- Detailed map with locations of the poles or other facility on which equipment is to be located, including specific pole identification number, if applicable, and the areas it will service. The data must be supplied in a format that can be uploaded as a data layer to the Town's Geographic Information System (GIS).
- Detailed map showing existing and proposed small cell installations within 500 feet of the Application site.
- Certification by a registered professional engineer that the pole/location will safely support the proposed equipment.
- Written consent from the pole, structure, or facility owner to the installation.
- An affidavit from a Radio Frequency Engineer outlining the network/network service requirements in Concord and how the installations address that need in Concord. Such affidavit shall characterize the current level of coverage and how the desired installations will change the current level of coverage, through or with coverage maps, including current and proposed coverage, including a breakdown of "excellent," "good," and "poor" reception areas.
- Insurance certificate evidencing workers' compensation and comprehensive general liability coverage for the installation.
- A description as to why the desired location is superior to other similar locations, from a community perspective, including:
  - Visual aspects
  - Proximity to residential structures
- A description of efforts to co-locate the equipment on structures, poles, or towers which

currently exist or are under construction. A good faith effort to co-locate is required and evidence of such efforts must be included within the application.

- A narrative of how design requirements have been met.
- An affidavit from the applicant which certifies it will maintain the installations in good repair and according to FCC standards and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.
- A written analysis indicating that the installation and location of the equipment will not interfere with the operation of the existing pole or its primary uses.
- A written analysis indicating how the installation of new equipment on existing poles will affect the integrity of the pole for public safety concerns.
- A written plan indicating the protocol for turning off wireless facilities when utility workers are present on poles, in order to limit their exposure to radio frequency emissions. The plan should also include a description of any warning signs that will be posted to alert utility workers to radio frequency exposure.
- A written plan indicating the response protocol to be implemented in the event that the equipment is damaged by a weather-related event or due to an accident.
- A surety bond on which the Town is obligee, in an amount equal to the cost of installation, to ensure removal of equipment.

#### **Annual Re-Certification and Affidavit.**

- Each year on July 1 the party responsible for the equipment maintenance shall submit an affidavit which shall list, by location, all small cell wireless installations it maintains within the Town of Concord by location and shall certify: (1) each such installation that remains in use; (2) that such in-use installations remain covered by insurance as required by MassDOT; and (3) each such installation which is no longer in use.
  - The party responsible for the equipment maintenance shall pay an annual re-certification fee of \$270 per installation which remains in use.
  - Any small cell wireless installation which is no longer in use shall be removed by the owner within 60 days of submission of the annual re-certification affidavit. Removal shall be at the responsible party's expense.
  - Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day against the party responsible for the equipment's maintenance until such installation is removed.
  - Where an applicant has failed to submit the annual re-certification by July 1, or timely remove an installation no longer in use, the Town shall not grant that application until such time as the annual re-certification has been submitted and all fees and fines paid.
- Agree to annual re-certification and affidavit and payment as shown above.

Conditions/Prohibitions:

- No small cell wireless installations shall be installed on double poles.
- No small cell wireless installation shall be installed on poles which are not ADA compliant.
- No small cell wireless installations shall remain within the Town right of way or on Town property which has not been certified as in- use in the annual re-certification affidavit.
- No small cell wireless installation equipment shall be replaced or altered without a new application, hearing, and approval from the Select Board unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment.

Agree to Conditions/Prohibitions as set forth in Town bylaws and policies. As submitted by,

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Town Clerk's Office  
22 Monument Square  
Concord, MA 01742

# Memo

**To:** Select Board  
**Cc:** Kerry Lafleur, Town Manager  
Board of Registrars  
**From:** Kaari Mai Tari, Town Clerk  
**Date:** July 20, 2022  
**Re:** Designation of Police Officers to Polling Locations

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Pursuant to Section 13 of the [VOTES Act](#) (Chapter 92 of the Acts of 2022) as shown below, I request that:

The Select Board delegates the authority given to them in Chapter 92, Section 72 of the act of 2022 to detail a sufficient number of police officers or constables for each building that contains the polling places for one or more precincts at every election therein to preserve order and to protect the election officers and supervisors from interference with their duties and to aid in enforcing the laws relating to elections to the Chief of Police.

SECTION 13. Said chapter 54 is hereby further amended by striking out section 72, as so appearing, and inserting in place thereof the following section:-

Section 72. The select board, board of selectmen, town council or city council of each city and town, in consultation with its election officers and registrars, shall detail a sufficient number of police officers or constables for each building that contains the polling place for 1 or more precincts at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections.

Thank you for your consideration.

Kaari

Status	Deadline	Type	Goal #	Goal Description
Complete	Q1	[Priority]	A.01.	Identify and hire a permanent Town Manager
	Q4	[Priority]	A.01.	Determine the form of the Town Manager evaluation
Complete	Q1	[Priority]	A.02.	Identify departmental goals and review progress with the Town Manager at the beginning of the fiscal year.
	Q1	[Priority]	A.03.	Evaluate recommendations of the Personnel Bylaw Study Task Force and propose the future charge of Personnel
In Process	Q1		A.04.	Implement the new town volunteer database and volunteer card recruitment process.
	Q4		A.04.	Review effectiveness of town volunteer database by the end of the 2022-2023 Select Board term.
	Ongoing		A.04.	Ensure that all volunteers are acknowledged for their willingness to serve.
	Q3		A.05.	Provide input to the Town Manager's evaluation of Town Counsel and Labor Counsel performance and approve future appointments.
	Ongoing		A.06.	Support and participate in the public review of all new Public Private Partnership Agreements.
	Q2		A.07.	Advise the Town Manager on opportunities to improve the Town website organization and access to the information it contains.
In Process	Q1		A.08.	Work with the Town Manager and office staff to improve the process of preparation for Select Board meetings and timely publication of minutes.
Complete	Q1		A.09.	Keep town boards and committees apprised of hybrid meeting best practices while supporting a continued virtual (Zoom) meeting option if authorized.
	Q3		A.10.	Work to improve citizen communications by reviewing/implementing the citizen correspondence policy drafted in
	Q2		B.01.	Continue the capital planning process begun in 2021 by conducting a review of the capital and facilities needs of the Town and the Schools, to include timetables, cost estimates, environmental impact, debt forecasting and citizen tax
In Process	Ongoing		B.02.	Review quarterly progress reports from the Middle School Building Committee.
Complete	Q1		B.03.	Review the Town Manager's annual plan for and use of ARPA and Federal infrastructure bill funds.
	Q3		B.04.	Review the Town Manager's strategies for risk and legal budget management.
	Q2		B.05.	Review the long-term capital requirements and business plan for the Beede Center.
	Q2		C.01.	Conduct the biannual Town-wide survey with a special focus on diversity, equity, and inclusion topics.
	Q3		C.02.	Conduct diversity, equity, and inclusion training sessions for the Select Board.
	Q2	[Priority]	C.03.	Work with the DEI Commission to research and implement diversity, equity, and inclusion best practices in town governance. Listen to diverse voices in the community and assess which additional DEI actions the Select Board should take.
	Q1		C.04.	Provide input to the housing production plan update to maximize the equity and diversity impacts of future affordable housing initiatives. Review and adopt the completed plan.
	Q3		C.06.	Submit a 2023 ATM warrant appropriation article for affordable housing if the related special legislation or equivalent state-wide funding program has not been approved.
	Q4	[Priority]	C.06.	Evaluate whether to implement the residential exemption to reduce the real estate tax burden of less affluent homeowners.
	Ongoing		D.01.	Monitor progress of both the recreational use and long-term protection of White Pond, the Gerow land, Warner Pond, and their ecosystems.
Complete	Q2		D.02.	Adopt BFRT committee recommendations to improve coexistence of pedestrian and cyclist users in Junction Park.
	Q3	[Priority]	D.03.	Determine next steps relative to Estabrook Trail access based on the land court's anticipated ruling.

	Q2	[Priority]	D.04.	Review 250th Anniversary Executive Committee's proposed theme, scope, budget, and organizational structure of events celebrating the 250th anniversary of the American Revolution. Set interim goals and milestones, and receive their initial report and subsequent quarterly reports. Assist in recruiting and operationalizing 250th anniversary
	Q4		D.05.	Review and adopt the Recreation and Open Space Strategic Plan.
In Process	Q3	[Priority]	E.01.	Sponsor a town-wide transportation study that supports economic, social equity and recreational needs in line with Complete Streets principles.
Complete	Q1		E.02.	Review the recommendations of the Fiber Broadband Completion Committee report
	Q2		E.02.	Decide which of the recommendations of the Fiber Broadband Completion Committee report to adopt
	Q2	[Priority]	E.03.	Review the town's wireless communications policies and provide a definitive plan for addressing the priority safety and access concerns of town center cellphone coverage.
	Q3		E.04.	Review the Concord Municipal Light Plant's development plan for municipal solar generation.
	Q1	[Priority]	F.01.	Encourage the establishment and success of local businesses by taking concrete actions: deciding whether to hire an Economic Development Director, reorganizing departments to reduce bottlenecks, and/or streamlining regulatory requirements.
	Q2		F.02.	Propose next steps for the 2229 Main Street site based upon the recommendations in the NMI-Starmet Reuse Planning Committee report and advice of Town Counsel.
	Q2		F.03.	Evaluate the costs, revenues, and efficacy of using parking meters in business districts.
	Q1		G.01.	File home rule petition for ATM'22 Article 23 (ranked choice voting) and special legislation for ATM'22 Article 37 (local bag charge).
	Ongoing		G.02.a.	Work with our State legislative representatives on special legislation refiled 2021 for ATM'19 Articles 25 and 26 related to affordable housing
	Ongoing		G.02.b.	Work with our State legislative representatives on home rule petition filed 2021 for ATM'20 Article 15: Senior Means-Tested Property Tax Exemption
In Process	Ongoing		G.02.c.	Work with our State legislative representatives on special legislation filed for ATM 21 Article 31 Fossil Fuel
	Q3		G.03.	Annually invite state legislators to meet with the Select Board.
	Q2		G.04.	Update regional dispatch center agreement.
	Ongoing		G.04.	Receive Town Manager's periodic report on actual additional revenues or resource benefits of the regional dispatch center, as well as direct Concord expenses.
	Ongoing		G.05.	Meet with Concord's representative to statewide 250th Commission quarterly.
	Q4		G.06.	Receive an annual update on Minuteman Regional Technical High School with a focus on OPEB liabilities and Concord's expected long-term enrollment, projected per-pupil and total long-term costs.