

**Telecommunications Facility Ordinance**  
**Bartlett, New Hampshire**  
(As revised 2019)

**I. Authority**

This ordinance is adopted by the town of Bartlett on March 12<sup>th</sup>, 2002 in accordance with the authority as granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally under the guidance of 675:1, II.

**II. Purpose and Goals**

This ordinance is enacted in order to effectuate the following goals and standards in permitting the siting of Personal Wireless Services Facilities (PWSF) within the Town of Bartlett in accordance with federal and state law.

- A. To facilitate the review and approval of PWSFs consistent with ~~the current state and federal law and this ordinance. Town's existing ordinances and established development patterns including the size and spacing of structures and open spaces. This ordinance is intended to be applied in conjunction with and consistent with other regulations adopted by the Town, to encourage appropriate land use, environmental protection and provision of adequate infrastructure development.~~ **the current state and federal law and this ordinance.**
- B. To preserve and define the town of Bartlett's zoning authority to effectively regulate the placement of PWSFs in the town **within the bounds of the law**, and to provide procedural criteria for the reasonable siting of ~~wireless communication facilities, towers and antennas~~ **PWSFs** without discrimination for or against providers of such services.
- C. To reduce the adverse impacts such facilities may create on aesthetic standards, environmentally sensitive areas, transportation access corridors, property values, and the health, safety and welfare of persons and property, both publicly and privately held.
- D. To protect and preserve the vulnerable forest canopy and other natural vegetation along the hillsides and ridgelines and to prevent the degradation of historically significant locations, scenic view sheds, and the public's right to enjoy the scenery of the White Mountains.
- E. To minimize the cumulative impact of such development by employing regulations that ~~require~~ **encourage** co-location and cooperation between providers **where possible** and **require, within the context of the review of an application for a new cell tower or for a substantial modification to an existing tower, mount, or PWSF,** a thorough assessment of available technology, current and future location and expansion possibilities, and innovative siting techniques and to avoid, **where possible,** deployment of PWSFs that service substantially the same service area.
- F. To lessen visual impact on the community through regulations requiring the use of creative approaches to design and facilities construction that incorporate the use of existing structures and, to the greatest extent possible, reflect the qualities and character of our region.
- G. To implement guidelines that will ensure the safe operation of such facilities through the use of appropriate access, routine safety inspections, and maintenance provisions.

- H. To adopt effective procedures that will ensure the prompt and safe removal of abandoned facilities and require the upgrade of facilities that become technologically outdated.
- I. To work cooperatively with other jurisdictions and the region as a whole in adopting standards for the regulation of the wireless communications industry in the town of Bartlett.
- J. To promote the telecommunications infrastructure of the town by creating preference for siting PWSFs on town-owned property before seeking sites on privately owned parcels. ~~and by seeking dedication of a portion of permitted PWSFs to the Town of Bartlett and/or Carroll County for public telecommunications use as deemed appropriate by the board of selectmen, including but not limited to fire, police, rescue, and school use.~~
- K. **To comply with all applicable law regarding the receipt and processing of applications for co-location or applications for modifications of existing PWSFs as those terms are defined herein and in state law.**

### III. Applicability

- A. The terms of this Article and Regulations shall apply to ~~Telecommunications~~ PWSFs proposed to be located on property owned by the town of Bartlett, on privately-owned property, and on property that is owned by any other governmental unit which acts in its proprietary capacity to lease such property for the siting of a PWSF.
- B. For the purposes of this ordinance, the orderly development of the Wireless Communications Industry is beneficial to and in the best interest of the town of Bartlett. Siting of telecommunications facilities is a use of land and subject to all applicable ordinances and regulations. Such a use of land shall not be interpreted or considered as infrastructure, essential services or public utilities. The use of land for the siting of PWSFs is subject to the full authority of the town to tax such use including, under RSA72:23, the right of the town to tax improvements and real property for private use on governmental land.
- C. Unless provisions of this ordinance specifically provide otherwise, the location, siting, installation, construction or operation of a wireless communications facility or equipment shall be considered an allowable primary or accessory use in all **zoning** districts. **Pursuant to RSA 12-K.10, co-locations or modifications of existing PWSFs will be subject to review by the Board of Selectmen, like their review of other commercial building permits, only to determine conformity with applicable building permit requirements. Co-locations and modifications shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, planning board review or a public hearing requirement and shall not be required to obtain a Special Use Permit under this ordinance. Construction of a new tower or a substantial modification to an existing tower, mount, or PWSF, however, will only be authorized, as described below, pursuant to when authorized by a Special Use Permit granted by the planning board.** Under no circumstances shall the installation, construction or operation of a ~~wireless communications facility~~ PWSF or associated equipment be allowed or permitted as an extension of a non-conforming use.
- D. The responsibility for the issuance of the Special Use Permit shall be vested in the Bartlett Planning Board, subject to the Board of Selectmen’s authority to accept and negotiate bonding provisions and ~~license~~ **review** building permit applications.

#### IV. Siting Standards

- A. Location: Preference for siting PWSFs shall be given to town-owned property before seeking sites on privately owned parcels **and to co-locating or modifying PWSFs, as opposed to building new towers where possible. All new towers and substantial modifications of existing facilities, as that term is defined herein, and in RSA 12-K:2, XXV, will require review by the planning board and a Special Use Permit as outlined below.** ~~Personal wireless service facilities shall be permitted in all districts except where the construction of such facilities would significantly interfere with the public's right to enjoy the pristine scenery of the White Mountains, or cause visual or environmental degradation of historically significant locations, scenic view sheds and/or impact the vulnerable forest canopy along the hillsides and ridgelines.~~ **As such, Applicants seeking approval for a new ground-mounted PWSF shall first evaluate existing siting opportunities and determine that no such opportunities exist pursuant to the criteria contained within Section IV: C.**
- B. Existing Structure Policy: **Co-location or modification of PWSFs shall be allowed and encouraged** on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, ~~utility poles or towers,~~ and related facilities, **as a more attractive alternative to constructing a new tower or substantially modifying an existing facility.** ~~provided that such installations preserve the character and integrity of those structures.~~
- C. ~~Existing Structure: New Tower:~~ Burden of Proof. ~~Co-location on any existing facilities is a priority consideration for any new personal wireless service providers before the Planning Board will accept any application for a new tower construction.~~ **The Any applicant for a new tower shall have the burden of proof that there is no existing structure which is suitable to locate its PWSF on. To meet that burden, and pursuant to the Special Use process,** the applicant shall take all the following actions to the extent applicable:
1. The applicant shall submit to the planning board a list of all contacts made with owners of potential sites regarding the availability of potential space for a PWSF. If the planning board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
  2. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the US Post Office shall be provided for each owner of existing structures that was contacted.
  3. If the applicant claims that a structure is not capable of physically supporting a personal wireless service facility, a licensed professional civil engineer must certify the claim. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the personal wireless service facility.
- D. Ground Mounted Facilities Policy. If the applicant demonstrates that it is not feasible to locate on an existing structure, **a new ground-mounted PWSF shall require Special Use Permit approval from the planning board, and** be designed consistent with **the definition of "Alternative Tower Structure" as defined in Section XVI:3, below,** so as to be camouflaged to the greatest extent possible ~~including but not limited to:~~ use of compatible building materials and colors, screening, landscaping and placement within trees. In all **new tower cases, every effort should be made to accomplish new tower construction must be accomplished** in such a manner that the top of the tower

is visually below the nearest ridgeline, up slope from the tower site when viewed from Routes 16 and 302.

- E. Ground-mounted facilities shall not be allowed within five hundred (500) feet of existing residential structures. There must be a minimum of two (2) miles in a direct line separating any **simultaneously** proposed ground mounted facilities.
- F. Design Standards. All **new towers and substantial modifications of existing towers, mounts, and PWSF antenna** ~~PWSF antenna and towers~~ must be camouflaged to minimize the visual impact ~~on~~ **of their** ~~its~~ surroundings. No lattice type towers are allowed in the town of Bartlett.

## V. Regulations

In all cases, a PWSF shall require a building permit issued by the Bartlett Selectmen. ~~The application and plan shall be reviewed and approved by the Bartlett Planning Board before it goes to the Selectmen for a building permit and may be permitted as follows.~~

- A. **Co-location and Modifications: Co-location or modification building permit applications shall be submitted directly to the Bartlett Selectmen as these types of applications do not require review by the planning board consistent with RSA 12-K:10, and are only reviewed for conformance with applicable building permit requirements.** ~~Existing Tower Structures: Subject to the issuance of a building permit that includes review by the Planning Board, carriers may locate a PWSF on any structure approved under the provisions of this Article so long as the co-location complies with the approved plan. All the performance standards from this Article shall be met. This provision shall apply only so long as the height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased. Planning Board review is required.~~
- B. **New Towers and Substantial Modification of Existing Towers, Mounts, and PWSFs: Prior to the issuance of a building permit for new towers or substantial modifications to existing towers, mounts, or PWSFs,** ~~Existing Structures: Subject to the provisions of this Article and planning board review, a carrier may locate a PWSF on an existing structure, building, or building permit applications for all PWSFs that do not qualify as a co-location, subject to the provisions of this Article, the an applicant must:~~
  1. **Provide documentation of a PWSF Special Use Permit for the site, or obtain a PWSF Special Use Permit from the planning board, in accordance with Section VI of this Article.**
  2. **Obtain plan review and approval from the planning board in accordance with Section IX through XIII of this Article.**
  3. **After obtaining a PWSF Special Use Permit and plan review and approval from the planning board, obtain a building permit from the selectmen.**
- C. ~~Ground Mounted Facility: A PWSF involving construction of a ground mount shall require a plan review and approval subject to the provisions of the Article.~~

## VI. Special Use Permit Process

- A. ~~PWSF Special Use Permit~~ **Before submitting an application for a PWSF Special Use Permit for a property, an applicant may provide a preliminary or conceptual presentation to the planning board. Preliminary/conceptual presentation: voluntary**
- B. Application: **The applicant shall submit a scaled plan prepared by a licensed land surveyor showing the property’s map and parcel number, topography, elevations, setbacks, facilities placement, (including location of any equipment shelters), access road, fencing and landscaping. The applicant shall additionally provide: Also included on the plan shall be:**
1. **A list of abutting properties, including owners’ names and address and parcel numbers;**
  2. **Identification of the property’s zoning district;**
  3. **A list of surrounding municipalities communities that the town is required to notify under as required by RSA 12-K:7;**
  4. **Written consent of the property’s owner;’s consent**
  5. **A copy of the applicant’s FCC license demonstrating its authority to provide personal wireless services in the geographic area where the property is located, as required by RSA 12-K:3, IV. Alternatively, if applicant is seeking a PWSF Special Use Permit on behalf of a carrier, the applicant shall provide a signed authorization from a representative of the carrier and a copy of the carrier’s license; Reference to FCC license holder per RSA 12-K: IV**
  6. **A statement identifying the maximum height of the PWSF and any opportunities for future co-location that the PWSF would provide, if approved;**
  7. **A written agreement to allow future co-location on the proposed PWSF, if approved, and if applicable; Statement promising co-location opportunities in the future**
  8. **A Location of equipment shelters and detailed description of potentially hazardous materials and power generating equipment expected to be contained within the facility building**
- C. The board shall **also** require the applicant to file the following information at least twenty (20) days prior to the public hearing:
- ~~1. Copy of Federal license (Per RSA 12-K: IV)~~
  1. **Proof that applicant served written notification that complies with the requirements of RSA 12-K:7 of Regional Notification served on to municipalities within a twenty (20) mile radius of the property, at applicant’s expense.**
  2. **A map of existing coverage showing all of the carrier’s current externally visible tower and monopole PWSF locations in the state within a twenty (20) mile radius of the property, per RSA12-K:3, IV(b)**
  3. **The carrier’s Plan of Development for future coverage in the area.**
  4. **Documentation demonstrating the carrier’s existing need for PWSF Special Use Permit in accordance with this ordinance.**
  5. **Documentation as required by Section IV of this ordinance, including co-location attempts/alternate siting locations why less-visually intrusive alternatives for this project were not proposed.**
  6. **Simulation photos which comply with Section X(A)(7) of this ordinance.**
  7. **Date and time of scheduled balloon test which comply with Section X(A)(6) of this ordinance.**
  - ~~8. Agreement to allow future co-location.~~

- D. Public Hearing may be continued at the request of either the planning board or the applicant. **If the applicant requests that the public hearing be continued, the applicant must agree in writing to toll the running of any application deadlines under federal or state law for the town to act on the application for the length of time that the public hearing is continued.**
- E. The planning board shall have the right to request expert review, and information not otherwise listed above, at the applicant’s expense, should the Board deem such a review or information is necessary to make an informed decision. Any cost incurred as a direct result shall be at the applicant’s expense.
- F. A non-refundable application fee for a PWSF ~~Facility~~ **Special** Use permit is \$1,500.

**VII. Waivers**

- A. Where the Board finds that the strict application of this **Telecommunications Facility Ordinance** would produce results that are at odds with the best interest of the town, or an alternate proposal would yield a greater benefit, it may approve a waiver to these regulations, if requested in writing by the applicant, provided the **planning board finds that the** following conditions are met **by a majority vote**:
  - 1. That the granting of a waiver would substantially satisfy the objectives of this ordinance.
  - 2. That certain conditions exist that warrant the granting of a waiver, such as but not limited to, geographic, topographic or other site limitations, **and**.
  - 3. ~~The extent that granting a~~ **The** waiver will:
    - a) Minimize visual impact on surrounding hillsides, ridgelines, and existing tree canopy;  
and
    - b) Preserve environmentally sensitive areas or pristine views along the access corridor.

The waiver is not intended to provide an alternative to an applicant who finds the provisions inconvenient or financially difficult to meet. The sole intent of this provision is to ensure that whatever approval is granted conforms to the standards and goals identified in this ordinance and are consistent with the guidelines articulated in the Master Plan.

**B. Waiver Procedure:**

- 1. The applicant must file a request in writing stating clearly the nature of the waiver being sought and the facts relied upon in requesting such a waiver.
- 2. Prior to making any decision on the approval or denial of such a request, the planning board shall schedule an opportunity for public comment at a hearing, noticed and scheduled consistent with RSA 676:I (d).
- 3. In approving a waiver, the planning board may impose such conditions and restrictions, as it deems necessary. Any costs incurred as a result of applying for a waiver will be at the applicant’s expense.

**VIII. Co-location or Modification Building Permit**

- A. ~~An applicant seeking approval of a special co-location permit shall submit the following:~~ **Co-location applications and modification applications shall be reviewed by the Board of Selectmen, as all other commercial building permit applications are reviewed, for**

**conformance with applicable building permit requirements and shall not otherwise be subject to zoning or land-use requirements, including design or placement requirements, public hearing review by the planning board, or the obtaining of a Special Use Permit.**

1. Documentation of a PWSF Special Use Permit approval for the site
  2. FCC license holder for the site (per RSA 12-K: IV)
  3. ~~Statement concerning existing coverage and maximum coverage projected for the future.~~
  4. ~~Inventory of remaining co-location opportunities on site.~~
  5. ~~Documentation of existing need.~~
  6. ~~Simulation photo~~
- B. The Board of Selectmen will process and review any application for co-location of an existing PWSF in a timeline and manner consistent with applicable laws, as currently outlined in RSA 12-K:10.**
- C. The fee for a co-location permit is ~~\$1,000~~ **will be per the current fee schedule for a commercial building permit as determined by the Board of Selectmen.**
- ~~C. A public hearing shall be noticed and scheduled pursuant to RSA 676 and 12K.~~
- ~~D. It is the facility owner's responsibility to notify the Town, in writing within thirty (30) days, if a colocation opportunity is discontinued.~~

## **IX. Dimensional Requirements**

- A. **Height, Maximum:** A PWSF shall not exceed sixty (60) feet in height or sixty (60) feet in combined total height when using existing structures, or be no more than twenty feet (20) above the average tree canopy.
- B. **Height, Existing Structures and Utility Poles:** Carriers that locate new PWSFs on water towers, electric transmission and distribution towers, utility and similar existing utility structures, or ski lift towers may be permitted to increase the height of those structures no more than twenty (20) feet. The combined total height will not exceed sixty (60) feet. This increase in height shall only be permitted once for each structure.
- C. **Height, Other Existing Structures:** The height of a PWSF shall not increase the height of a structure by more than ten (10) feet, unless the facility is completely camouflaged; for example, a facility completely within a flagpole, steeple or chimney. The increase in height of the structure shall be in scale and proportion to the structure as originally configured.
- D. **Height, Ground-Mounted Facilities:** Ground-mounted PWSF shall not project higher than twenty (20) feet above the average tree canopy height.
- E. **Setbacks:** All PWSF, their equipment shelters and the security fences shall comply with the building setback provisions of the zoning district in which the facility is located. Security fences higher than six (6) feet will have to be approved by the Zoning Board of Adjustment (ZBA) by a Special Exception.

- F. Fall Zone for Ground Mounts: In order to insure public safety, the minimum distance from the base of any ground-mount of a PWSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in this Article. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the plan review and annotated on the recorded plot plans.
- G. Fall Zone for Non-Ground Mounts: In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of a pre-existing non-conforming structure, PWSF and their equipment shelters shall not increase any non-conformity.

**X. Performance and Design Standards for New Towers or Substantial Modifications to Existing Towers, Mounts, or PWSFs.**

- A. **When the planning board is reviewing applications for new towers or the modification of existing towers, mounts, or PWSFs, it will consider the following design standards:**
1. Visibility: Visual impacts are measured on the basis of:
    - i. Change in community scale, as exhibited in the relative height, mass or proportion of the PWSF within their proposed surroundings.
    - ii. New visible elements proposed on a contrasting background.
    - iii. Different colors or textures proposed against a contrasting background.
    - iv. Use of materials that are foreign to the existing built environment.
    - v. Visibility focuses on: a) Eliminating or mitigating visual impact, and b) protecting, continuing, and enhancing the existing environment.
    - vi. Balloon Test. Within fourteen (14) days of the acceptance of the plan application by the planning board, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town of Bartlett at least ten (10) days prior to the test.
    - vii. **Simulation Photo: To simulate the pProposed (after condition) impact, the applicant shall submit pPhotographs of the existing conditions shall that have the proposed PWSF superimposed on them to show what will be seen from public roads and residences if the proposed PWSF is built.**
- B. **Camouflage for new towers. All new ground-mounted PWSFs shall be surrounded by a dense tree buffer that extends continuously for a minimum distance of one-hundred-and-fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens the facility in all directions. These trees must exist on the adjacent property, be planted on site, or be within a landscape easement on an adjoining site. The planning board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one-hundred-and-fifty (150) foot dense tree buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property. Cutting cannot be started without the prior approval of the selectmen's office.**
- ~~Facilities on Existing Buildings and Structures:~~



- a. ~~Roof Mounts: When a PWSF extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from the public way. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the buildings silhouette.~~
- b. ~~Side Mounts: PWSF, which are side mounted, shall blend with the existing buildings architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with a material consistent with the design features and materials of the building.~~
- viii. ~~Camouflage for Ground Mounted Facilities: All ground mounted PWSF shall be surrounded by a dense tree buffer that extends continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens the facility in all directions, as set forth in Figure C 1. These trees must exist on the subject property, be planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one hundred and fifty (150) foot dense tree buffer area shall be protected by a landscape easement or be within the area of the carrier’s lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property. Cutting cannot be started without the prior approval of the Selectmen’s Office. (See figure C 1 below)~~
- C. Color: To the extent that any PWSF extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings.
- D. Equipment Shelters: Equipment shelters for PWSF shall be designed consistent with one of the following design standards: 1) Equipment shelters shall be located in underground vaults; or 2) Equipment shelters shall be designed so that the shelters are architecturally consistent with respect to materials and appearances to the buildings in the area of the PWSF; or 3) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building; or 4) If mounted on a rooftop, equipment shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be part of the original structure.
- E. Lighting:
1. The mounts of PWSF shall be lighted only if required by the Federal Aviation Administration (FAA).
  2. Lighting of equipment structures and any other facilities on the site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles.
- F. Signage: Signs shall be limited to those needed to identify the property and the owner and warn of danger. All signs shall comply with requirements of Article XVI “Signs” of the Bartlett Zoning Ordinance. No graphic advertising or message is permitted.

- G. **Security Barrier:** The planning board shall have the final authority on whether a ground mounted PWSF should be surrounded by a security barrier.
- H. Electrical and telephone lines extended to the PWSF site shall be installed underground.
- XI. Driveways:** Existing entrances and driveways to serve PWSF shall be utilized, unless the applicant can demonstrate that a new entrance or driveway will result in less visual traffic and environmental impact. New driveways to serve PWSF shall not exceed twenty (20) feet in width, with 2ft. shoulders and slopes or a maximum fifty (50) foot right-of-way. Tree canopy shall be maintained in order to limit the impact of the new driveway on the abutting properties. A gravel or crushed stone surface is required. An emergency access turnaround shall be built to town specifications and approved by the fire chief.
- XII. Antenna Types.** Any antenna array placed upon ~~an existing or proposed~~ **new ground mount tower or as part of a substantial modification to an existing tower, mount, or PWSF, utility pole, or transmission tower mount** shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted **within the context of a new tower or substantial modification of an existing tower, mount, or PWSF** after a finding of the planning board that the visual impacts of a larger antenna array are negligible.
- XIII. Hazardous Waste.** No hazardous waste shall be discharged on the site of any PWSF. If any hazardous materials are to be used on the site, there shall be provisions for full containment of such material. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials used on the site. No outside storage of hazardous materials is allowed.
- XIV. Monitoring and Maintenance.**
- A. **Maintenance:** The owner of the facility shall maintain the PWSF in compliance with applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Such maintenance shall include, but shall not be limited to; painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscape.
- B. **Monitoring:** As part of the issuance of the building permit, the property owner shall agree that the town of Bartlett may enter the subject property to inspect the site to ensure that the maintenance provisions are being satisfied. The town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the town representatives when the monitoring is conducted.
- C. **Certification:** Every three (3) years from the anniversary of the original approval, the carrier must provide the town with 1) certification by a licensed professional engineer that the PWSF is being maintained in compliance with applicable standards for towers published by the Electronics Industries Association, and 2) certification by a licensed Radio Frequency engineer that all applicable RFR standards are being met. 3) Annually, provide the selectmen's office with proof of liability insurance.

- D. **Security for Removal:** Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the planning board shall set form and amount of security that represents the cost for removal and disposal of abandoned telecommunication facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with section XV-B. The amount of the security will be based upon the removal cost plus fifteen percent (15%), provided by the applicant and certified by a professional civil engineer licensed in New Hampshire every five years from the date of the planning board’s approval of the plan. If the cost has increased, then the owner of the facility shall provide additional security in the amount necessary to maintain the required fifteen percent (15%) buffer.

**XV. Abandonment or Discontinuation of Use:** If the FCC licensee leaves the facility and/or the facility owner no longer holds a license, the facility is considered abandoned.

- A. **Notification:** At such time that a carrier plans to abandon or discontinue operation of a PWSF, such carrier will notify the town by certified US mail of the proposed date of abandonment or discontinuation of operations. If the town determines that a PWSF is abandoned, a declaration of abandonment shall only be issued following a public hearing notice according to RSA 676:4, with notice to abutters and the last know owner/operator of the tower. The owner shall have thirty (30) days to appeal any decision.
- B. **Removal:** Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the PWSF within ninety (90) days from the date of abandonment or discontinuation of use. “Physically remove” shall include, but not be limited to:
  - 1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
  - 2. Disposal of the waste materials from the site in accordance with local and state solid waste regulations.
  - 3. Restoring the location of the PWSF to its natural condition, except that any landscaping and grading shall remain in the after condition.
- C. **Failure to Remove:** If the owner of the PWSF does not remove the facility upon the Selectmen’s order, the town shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within (90) days of the receipt of the declaration of abandonment by the town. If the abandoned facility is not removed within ninety (90) days, the town may execute the security to pay to have the tower removed.

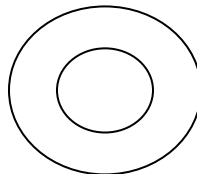
**XVI. Definitions:**

For the purpose of this Article, the following terms shall have the meaning given herein:

- 1. **Antenna.** The surface from which wireless radio signals are sent and/or received by a ~~personal wireless service/telecommunications facility~~ **PWSF.**
- 2. **Antenna Array.** A collection of antennas attached to a mount to send or receive radio signals.

3. Alternative Tower Structure. Innovative siting techniques such as artificial trees, bell towers, steeples, light poles, monopole and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
4. Average Tree Canopy Height. An average height found by inventorying the height at above ground level (AGL) of all the trees over twenty (20) feet in height within one hundred fifty (150) feet of the mount.
5. Camouflaged. A personal wireless service facility that includes one of the following:
  - a. Lower antenna mounts that do not protrude above the surrounding tree canopy.
  - b. Disguised to blend in with their surroundings such as flagpoles, artificial trees, light poles, steeples, etc.
  - c. Hidden within the structural elements of an existing or proposed structure.
6. Carrier. A company that provides personal wireless services, also sometimes referred to as a provider.
7. Co-location. ~~The use of a single mount on the ground by more than one carrier (vertical co-location) or the same carrier with a multiple license, and/or the use of several mounts on an existing building or structure by more than one carrier or the same carrier with multiple licenses. The placement or installation of new PWSFs on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting attachment of PWSFs in compliance with applicable codes. “Co-location” does not include a “substantial modification.”~~
8. **Co-location application. A request submitted by an applicant to the town of Bartlett for co-location on a tower or mount.**
8. ~~Environmental Assessment (EA). A document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in a certain area.~~
9. Equipment Shelter. An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for personal wireless service facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.
10. Fall Zone. The area on the ground from the base of a ground mounted personal wireless service facility that forms a circle with the diameter equal the height of the tower.

Diameter = H



Ground Mount with a height = H

Area of fall zone

11. Guy Wire. A cable used to secure and steady a tower.
12. Guyed Tower. A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.
13. Height. The distance above ground level (AGL) from the natural grade of a site to the highest point of a tower or structure, including antennas.
14. Lattice Tower. A type of mount with multiple legs and structural cross bracing between the legs that is self-supporting and free standing. This type of tower is not allowed under this ordinance.
15. Mast. A thin pole that resembles a streetlight standard or a telephone pole. A dual polarized antenna is typically deployed on a mast.
- 16. Modification. Modification means the replacement or alteration of an existing PWSF within a previously approved equipment compound or upon a previously approved mount. Routine maintenance of an approved PWSF shall not be considered a modification.**
- 17. Modification application. A request submitted by an applicant to the town for modification of a PWSF.**
18. Monopole. A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel, or other material that is designed for the placement of antennas and arrays along the shaft.
19. Mount. The structure or surface upon which antennas are mounted, including the following four types: a) Roof-mounted. Mounted on the roof of a building. b) Side-mounted. Mounted on the side of a building. c) Ground-mounted. Mounted on a structure other than a building. d) Structure mounted. Mounted on a structure other than a building.
20. Personal Wireless Service Facility (PWSF). Facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, as amended. Personal Wireless Service facilities include the mount, antenna, equipment shelter and other related equipment.
21. Personal Wireless Services. The three types of services regulated by this Ordinance: Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.
22. Pre-existing Towers and Antennas. Any tower or antenna lawfully constructed or permitted prior to adoption of this Ordinance. Only one such pre-existing tower and antenna exists as of the date of adoption. The tower and antenna is forty (40) feet high and is located on Attitash Mountain on land owned and controlled by the US Forest Service.

23. Radio Frequency Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.
24. Radio Frequency Radiation (RFR). The emissions from personal wireless service facilities, acceptable limits are set by the FCC.

~~Secondary Use. Any use of land or of a building or portion thereof, which is unrelated to the principle use of the land or building.~~

25. Security Barrier. A wall, fence or berm that restricts an area from unauthorized entry or trespass.
26. Separation. The distance between one carrier's array of antennas and another's array.
27. **Substantial modification. Means the mounting of a proposed PWSF on a tower or mount which, as a result of single or successive modification applications,**
  - (a) **Increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by either more than ten (10) percent or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or**
  - (b) **Involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than twenty (20) feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or**
  - (c) **Increases or results in the increase of the permitted square footage of the existing equipment compound by more than twenty-five hundred (2,500) square feet; or**
  - (d) **Adds to or modifies a camouflaged PWSF in a way that would defeat the effect of the camouflage.**
28. Tower. A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.