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FROM: Joseph Divis

November 2, 2020

RE: Wireless facilities/small cell ordinance and design manual

VIA EMAIL

In advance of the public hearing November 6 and on behalf of AT&T, I am writing to provide comments and suggested amendments to the proposed wireless facilities/small cell ordinance and accompanying design manual.

Some of these recommendations are minor or are clarifications, but others are important for a balanced and workable relationship between the town and wireless providers like AT&T who would wish to invest in important connectivity infrastructure.

Consumer demand for data is growing exponentially. AT&T has witnessed a 580,000 percent increase in mobile data traffic since 2007. It will continue to grow as mobile video streaming becomes even more prominent. This increase in data use requires an increase in wireless network density; otherwise, service quality could be disrupted or decline.

So, to keep up with these surging demands, providers like AT&T must continually evolve their network architectures to efficiently use spectrum, the lifeblood of wireless networks. The best path forward is network densification, which means strategically located small cells.

Small cells help bolster network density, which better meets surging consumer and business demand for more data and faster connectivity. It also helps prepare our network for next generation technologies and services like 5G, the Internet of Things and Smart Cities.

Below are AT&T's comments:

ORDINANCE

Section C. (2)(a)- “Conditional Use Permit Review” –

(a) Building Mounted Facility in any zoning district, not listed in the above section C.1 under Administrative Review;”

Response: Since sub-section C.1.(d) “above” lists “Building / Structure Mounted Facilities in all zoning districts” shall be Administrative Review. This subsection (a) is unnecessary and can be removed.

Section C. (2) (c)- “Co-Locations and modification resulting in a substantial change to an existing facility”

Response: The term “substantial change” does not appear to be defined in the draft ordinance, but should be, and should reference the FCC technical definition of “substantial change.”

Section C. (8) Definitions –

Add definitions of: “Substantial Change,” citing the FCC technical definition; and “Distributed Antenna System”, is defined in the draft, but not referred to elsewhere in the text of the draft. The definition should be removed.

Modify the definition of “Utility Pole” which in the ordinance is defined as “shall mean a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service, but not including structures owned by a Municipal Electric Utility.”

Response: This should include Municipal Electric Utility. Small cells may be located on those structures.

Likewise, modify definition of “Wireless Support Structure”

Response: It should also include “a Municipal Electric Utility Pole, or other structure owned or operated by a Municipal Electric Utility.”

DESIGN STANDARDS

Under the General Requirements for Small Cell Wireless Facilities heading near the top of page 1, add “To the extent practicable.”

Response: Strict compliance may be difficult or impossible in some situations and some requirements are somewhat subjective (as to visual appearance, etc.).

Cabinets and Equipment

Subsection “b.” states that “If equipment needs to be located on the tower / structure other than the antenna the equipment shall not protrude more than 12” from any tower / structure. Also, subsection “h.” under Cabinets and Equipment provides that “The cabinet shall not exceed 28 cubic feet in volume and shall not exceed 3 ft. in height.”

Response: Some of AT&T's small cell cabinets – which AT&T does not manufacture – measure 12 inches deep x 40 inches in height. Therefore, we ask that this be modified to 15 inches x 4-feet in height.

Subsection “i,” states that “Any equipment placed on the tower / structure shall have a clear height of 10 ft.”

Response: As you are aware, some utilities will not allow the electric meter and / or disconnect switch to be located 10-feet above the ground and some require placement much lower, at or about 5 or 6 ft, for example. Since the term “equipment” does not appear to be defined in the ordinance or the design standards, we request that the term “Equipment” be defined in such a way that ancillary equipment (such as electric meter housing and / or disconnect) are specifically excluded from the 10 ft clear height requirement.

Placement and Siting of Small Wireless Facilities

Subsection “a.” See above comment regarding 10 ft clear height.”

Subsection “b.” states “All new wireless equipment shall be a minimum of 300 ft. from another small cell antenna / wireless equipment.

Response: A 300-foot separation requirement is arbitrary and excessive and could result in a prohibition of service given the limited service areas associated with small cell facilities. AT&T's network and customer needs are not the same as others. Network design is not arbitrary, so such a prohibition could be discriminatory.

New Structures

Subsection “a.” under New Structures includes a provision that “All small cell wireless antennas and equipment shall have a minimum of 10 ft. clear height.”

Response: See response above.

Siting Prohibitions

Subsection “a.” states that “All new wireless equipment shall be a minimum of 300 ft. from another small cell antenna / wireless equipment.”

Response: See above response

Setbacks

Subsection “a.” provides that “A tower located in nonresidential zoning districts shall be set back a minimum of the height of the tower from any other zoning district boundaries. A tower located within a residential zoning district shall be set back a minimum of twice the height of the tower from any existing dwelling unit.”

Response: These setback standards are considered arbitrary and prohibit service even for macro-sites, depending on the situation. Half the height of the tower in nonresidential zones and the height of the tower in residential zones are common in other municipalities and may be more reasonable and practical.

View Protection

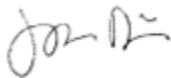
Subsection "a." provides that "A tower shall not be located in such a fashion as to negatively impact views from public parks and recreation areas."

Response: This proposed standard is subjective and should be better defined if it is to be enforceable.

If the pandemic has taught us anything, among those lessons is that connectivity is critical. This is across all sectors and in all communities – working from home, distance learning, telemedicine, e-commerce and public safety. In fact, we're also seeing first responders consume more than twice as much data as general consumers, reinforcing the need and importance of a robust wireless network.

Thank you for your consideration of these comments and suggestion. We welcome the opportunity to discuss them prior to the public hearing.

Wish best regards,

A handwritten signature in black ink, appearing to be "JD" or similar initials.

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