

By Mr. Cohen of Newton, petition of David B. Cohen for legislation to include the construction, placement or operation of microwave towers under local zoning bylaws. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT REGULATING THE SITING OF COMMUNICATION TOWERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 40A of the General Laws, as
2 appearing in the 1992 Official Edition, is hereby amended by
3 inserting after the word "by-law", in line 33, the words:—
4 , except the provisions of section 9D,.

1 SECTION 2. Said chapter 40A is hereby further amended by
2 inserting after section 9C the following section:—

3 Section 9D. No communication tower or transmitter shall be
4 erected or operated unless it has received a special permit from
5 the special permit granting authority of the city or town in which
6 it is to be located.

7 The following criteria shall govern the issuance of such a
8 permit:

9 (1) No new cell may be established if there is a technically suit-
10 able space available on an existing communications tower within
11 the geographic area that the new cell site is to serve;

12 (2) All structures must meet minimum setback requirements in
13 their district as specified by the zoning code;

14 (3) Fencing must be provided to secure the site. No barbed wire
15 or razor wire fencing is to be permitted in residential areas;

16 (4) The facility's owner must file an annual report with the
17 building inspector's office detailing how the facility is continuing
18 to conform to the above standards;

19 (5) All obsolete or unused facilities must be removed within
20 twelve months of cessation of operations at the site;

21 (6) No facility will exceed current American National Standard
22 Institute (ANSI) standards;

23 (7) Additional height to existing towers would require permis-
24 sion from the special permitting granting authorities of that com-
25 munity, and

26 (8) All regulations will be transferred to any new owner of a
27 tower or communications structure.

28 No construction of a tower shall be authorized under the provi-
29 sions of section three of Chapter one hundred and thirty-two A on
30 state land without a special permit as provided above.