

2. Application Process

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a. Applications or petitions ("applications") for placement of Small Cell Wireless in the Town's public ways shall be submitted to the Select Board through the Office of the Town Administrator accompanied by the application fee of \$500 per application, payable to the Town of Canton. The \$500 fee will cover up to 5 locations. Each application for more than 5 installations is subject to a separate application fee of \$100 per application. If and to the extent any part of the application process or particular terms and conditions herein are deemed by the applicant to effectively prohibit or materially inhibit the applicant's ability to reasonably deploy its proposed system(s) the applicant shall include a separate

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statement in its application explaining the basis for its assertion of effective prohibition or material inhibition to enable Select Board review of such assertion.

b. The applicant shall pay for legal notice of the public hearing to local newspapers and abutters, as applicable. The applicant is responsible for obtaining the abutters list from the Town for each pole or other public way installation location within the application and is responsible for notice-giving to abutters in compliance with M.G.L. c. 166 §§ 21-22 and such other lawful notice rules, if any, as may be in effect or as may be adopted by the Select Board or their designee(s).

c. Ten (10) hard copies of the application and 1 (one) electronic copy of the application shall be submitted to the Office of the Town Administrator. No application will be accepted for review until all items listed in 3, below, have been submitted, and all fees and the costs of the abutters list are paid. d. Upon receipt, the Office of the Town Administrator shall: (1) date and time stamp the Application as received; and (2) make a determination as to completeness of the application and shall notify the Applicant, in writing, within 10 business days, if the application is incomplete. If the Applicant is notified that the application is incomplete, the time periods set forth in this By-Law shall be tolled, if and as consistent with the FCC Small Cell Wireless Order until such time as a complete application has been submitted.

e. The Office of the Town Administrator shall also circulate a copy of the application to the following departments for comment and review: Department of Public Works; Building; Engineering; Planning; Health; and, any other department the Town

Administrator, in the Administrator's sole discretion, determines. f. Written comments from the departments shall be submitted to the Office of the Town Administrator within 20 days of circulation of the application and shall be a part of the record of a hearing if and as may be required pursuant to M.G.L. c. 166, §§21- 22.

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 in a public way within 60 days of receipt of the application, and on a new structure in a public way, within 90 days of receipt of the application, subject to any such extensions of time being consistent with the FCC Small Cell Wireless Order.

h. To the extent consistent with the FCC Small Cell Wireless Order and applicable law, material changes to an application, as determined by the Select Board in its sole discretion, shall constitute basis for deeming the application a new application for the purposes of the time standards. Where a materially changed or new application is submitted, the prior application shall be deemed withdrawn.

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i. 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 and safety concerns, reliability concerns or failure to meet applicable engineering standards with the foregoing being consistent with 47 U.S.C. §§ 253 and 332, the FCC Small Cell Wireless Order and other applicable law, and in furtherance of applicable electrical, building, construction and/or such other such codes as in effect in the Commonwealth of Massachusetts. Implementation of the siting process shall not materially inhibit the applicant's small cell wireless deployments or be unlawfully discriminatory to the applicant relative to similarly situated small cell wireless systems.

j. To address lawful aesthetic and location interests of the Town and its residents, applicants shall in their applications disclose whether they make available:

i) multiple hardware, design and aesthetic options for reducing the size and visibility of the small cell hardware and/or

ii) multiple color and other aesthetic features and options that may facilitate the municipality and the Small Cell Wireless provider finding options responsive to local needs.

k. Applicant shall state in its application if, when and how it is available to voluntarily meet with the Town Engineer, the Superintendent of Public Works and/or a designee of the Select Board to discuss size, color, concealment and other design options, if any,

and to discuss other Town information needs, if any.

l. 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.

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

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