

Adoption of final wireless grant of location regulations of the Town Manager

The Town Manager hereby adopts final regulations, effective September 18, 2023, to provide grant of location application procedures and standards for wireless communications facilities located in the public rights of way. The final regulations are appended to this memo. The authority for the adoption of these regulations is Chapter 121, Licensing, Article II of the Code of the Town of Barnstable.

The final regulations are intended to provide a uniform and comprehensive set of procedures and standards to regulate the location, placement, installation, height and appearance of personal wireless service facilities in the public rights of way, consistent with the Town code, applicable state and federal laws and changing technology. These regulations are intended to enable the development of personal wireless service facilities in the public rights of way in order to meet the needs of residents, business owners and visitors while protecting public health and safety, use of the public rights of way by other parties and the community's aesthetic and historic character.

Procedural History

The Town Attorney's Office and the Planning and Development Department worked together with outside counsel to develop a working draft of Town Manager wireless grant of location regulations. An initial draft of the regulations was posted on the Town website and made available for public comment on June 30, 2022. Comments were received from the public and revisions to the initial draft were made to take into account these public comments in a March 1, 2023 draft. A public hearing was held on March 23, 2023. Further revisions were made to the draft regulations following written public comments and the public hearing. A second public hearing was held on July 12, 2023, and the public comment period was held open until July 28, 2023, to allow for the submission of post-hearing comments. After the first public hearing, the Town Manager prepared a memo in which he addressed comments submitted by the public, provided reasons why specific comments were accepted or not accepted in subsequent draft regulations, and explained his other revisions based upon further review of the drafts. No additional changes were made to the regulations after the second public hearing.

The Town Manager appreciates the detailed comments submitted by residents and the CTIA, a number of which are reflected in these final regulations.

The Town Attorney's Office and the Planning and Development Department are developing companion application procedures and requirements needed to implement these regulations.

Like any other regulations, these regulations are subject to ongoing review based upon experience with their implementation, changes in law and the development of technology.