

CITY OF CAMBRIDGE



POLE AND CONDUIT COMMISSION

831 Massachusetts Avenue, Cambridge, Massachusetts 02139

Nicole Murati Ferrer
Chairperson

Mark Melo
City Electrician

Terrence James Shea
Superintendent of Streets

POLE AND CONDUIT COMMISSION'S SUPPLEMENT TO MEETING AGENDA

For Meeting of February 3, 2023

By Remote Participation Via Zoom

Link: https://cambridgema.zoom.us/webinar/register/WN_fv8LBuzsRtKH3eylZ-xMVA

The following is being added as a supplement to the Pole and Conduit Commission ("Commission") meeting agenda of tomorrow, February 3, 2023. This document contains some of the preliminary proposed changes that will be presented and discussed by the entire Commission and its advisor(s) tomorrow. These proposed changes are not inclusive of: proposed changes of a quorum of the Commission; proposed changes of multiple members of the Commission; proposed changes, edits or comments of other relevant City Departments, including but not limited to Community Development Department, Historical Commission Department or City Solicitor's Department; or all possible proposed changes or edits to be considered by the Commission.

Dated: February 2, 2023

CITY OF CAMBRIDGE

POLE AND CONDUIT COMMISSION

831 Massachusetts Avenue, Cambridge, Massachusetts 02139



Elizabeth Y. Lint
Executive Director of
License Commission

City of Cambridge Pole and Conduit Commission's Policy Regarding Small Cell Wireless Installations on Public Ways ("Small Cell Policy")

Adopted: October 31, 2019

Amended: (insert date), 2023

The City of Cambridge ("City") Pole and Conduit Commission ("Commission") hereby adopts this policy ("Policy") regarding Applications ("Application") relating to installations and upgrades which substantially change or defeat the existing concealment elements of small wireless facilities ("Small Wireless Facilities"), including communications equipment and related infrastructure on or within public rights of way in the City ("Installations or Installation"). Small Wireless Facilities shall include any facilities as defined in footnote 9 of the Declaratory Ruling and Third Report and Order, dated September 26, 2018 by the Federal Communications Commission ("FCC").

I. Application Process

- A. Applicants ("Applicants") shall submit Applications to the Commission accompanied by an Application fee of \$500 per Application, payable to the "City of Cambridge." The \$500 fee will cover up to 5 Installations submitted with each Application. Each Application for more than 5 Installations is subject to a separate fee of \$100 per Installation after the first 5 Installations. Additionally, a \$270 fee (which shall be an "Annual Recurring Fee") for each Installation shall be required to be submitted within five business days of any grant of said Application. If the Application relates to a request for installation of a new non-City owned pole or other structure, a one-time \$1,000.00 fee shall be required for each such new pole or other structure in addition to said Annual Recurring Fee. The amounts due under this section may be revised by the Commission from time to time, consistent with applicable law. In the event the City's costs in reviewing any Application exceed the amounts prescribed in this section, Applicants shall be responsible for those costs.
- B. The Application process shall, in addition to the requirements described herein, follow the Siting Policy of the Commission ("Siting Policy").
- C. Applicants shall provide notice by first class mail or via electronic communication to all other wireless providers, within the Applicant's knowledge after reasonable inquiry to the Commission staff, who use or may request use of the public right of way for communications services within five hundred feet (500') of the proposed location(s) ("Other Providers"). Such notice shall inform recipients of the Applicant's application, including specifying the pole(s) or other structures to be utilized, and any excavation(s) of the public way contemplated by the work. Proof of mailing of such notice shall be provided within three (3) business days of application submission, and may be provided by submission of an affidavit. Notice to the Other Providers must be provided at least 30 days prior to the hearing date on the Applicant's petition.
- D. Commission staff shall notify the Applicant, in writing, within ten (10) days, if the Application is incomplete, specifying the information needed and the relevant policy or ordinance provision or requirement. If an Applicant supplements its Application, the date of such supplementation shall be considered the new application date for purposes of any required

- time requirements. With respect to the supplementation, the Commission staff shall notify the Applicant, in writing, within ten (10) days of the supplementation if the Application is still not complete, specifying the information needed and the relevant policy or ordinance provision or requirement. After such written notification, any required time periods shall be tolled until such time that the Applicant provides the required information. In the event an application remains incomplete forty-five (45) days after any notice that the application is incomplete and the Applicant has not responded, such application shall be deemed denied without prejudice, and will need to be resubmitted in full, including payment of fees accompanying a new application. Denial for incompleteness shall not entitle Applicant to refund of any fees paid. Commission staff's determination of the completeness of an Application is administrative and not substantive in nature; it does not imply or concede that the Commission will not find the Application defective and/or that it will ultimately be approved by the Commission.
- E. Once the Commission staff has determined that an Application is complete, the Commission staff will schedule the Application to be heard at a public hearing of the Commission to consider the Application. The Applicant shall notify all Other Providers, as applicable, of the hearing date, and of any continued or rescheduled hearing date, within three (3) days after such hearing date is scheduled. The Applicant shall, within three (3) days after such hearing date is scheduled, notify to all owners of properties that share a common boundary with the area proposed, extending all the way to the owners of properties on either side of the area proposed in both directions for a distance of one hundred fifty (150) feet, and to owners of property on the opposite side of the street of the area proposed, or, where the area proposed is adjacent to an intersection, all property owners in all directions of the public way for a distance of one hundred fifty (150) feet as described in the previous sentence (hereinafter "Abutters"), by first class mail, of the scheduled hearing date, and of any continued or rescheduled hearing date. Proof of mailing of such notice shall be provided within three (3) business days of mailing, and may be made by submission of an affidavit, which must specify the date the notifications were sent and to whom. Failure to notify all Abutters and Other Providers, or said affidavit of proof of mailing, as applicable, may result in denial of the Application. ~~Alternatively, Applicant may sign an extension agreement extending the time within which the Commission may respond to the Application by one week for every extra day that the Applicant needs to notify all Abutters and Other Providers, with a corresponding agreement to extend the hearing date accordingly.~~
- F. Recipients of notice provided under subsection C, above, are strongly encouraged to consider collocation with the Applicant, and Applicant shall in good faith entertain proposals to cooperate in order to minimize the impact of deployments in the City. In particular, Applicants and Other Providers are strongly encouraged to utilize shared conduit or trenching in order to both minimize their individual costs, and in pursuit of mutually beneficial common trench policies to speed deployment and minimize harmful excavation in the City's streets and sidewalks. Applicant is required, throughout the review of any Application, to promptly notify the City of any request for cooperation received from any Other Provider, and if Applicant elects not to cooperate, it shall supplement its Application with an explanation as to why it is so electing.
- G. For any reason, the Commission and the Applicant may enter into a tolling agreement for the consideration of the Application at a future hearing before the Commission for any reason at any time.

- H. The Commission may grant, grant with conditions, or deny an Application. Applications may be approved if they comply with all applicable requirements, or if their approval is otherwise required consistent with applicable law. A denial may be based on criteria including but not limited to any of the following:
- i. Inadequate capacity of the pole or mounting structure.
 - ii. Failure to meet applicable engineering standards.
 - iii. Failure to meet the Commission's design standards.
 - iv. Failure of the Applicant to comply with all applicable laws, rules, regulations or other requirements.
 - v. There are more convenient or favorable nearby locations such that the applicant may densify its network through such nearby locations which are more consistent with the City's preferred locations as otherwise described herein, or where there may be an opportunity for a collocation.
 - vi. False statements made in the Application or submitted therewith, or at the hearing before the Commission.
 - vii. Any other legally valid reason to deny such Application.
- I. Any approval granted to an Applicant shall be only for the specific Applicant and Application, including location of all proposed Installations.
- J. If the Commission denies the Application, such denial shall not be effective until the written decision is executed and issued to the Applicant by the Chair.
- K. Any tolling agreement reached by the Applicant and the Commission must be memorialized in writing on the Commission's form entitled *Tolling Agreement Relative to Small Cell Installation Petition* ("Tolling Agreement") attached hereto as Exhibit I(K), executed by the Applicant and submitted to the Commission within three (3) business days of the agreement being made. Failure of the Applicant to provide an executed Tolling Agreement within three (3) business days of an Applicant's agreement to do so shall constitute a binding agreement with the Commission that the Applicant's is withdrawing the subject Application without prejudice to re-filing, and such Application shall be considered withdrawn upon expiration of such third (3rd) business day without further action of the parties.

II. **Content of Applications**

Applications shall include the following information, in digital form, in addition to information related to notification and collocation required by the preceding Section:

- A. Applicant's name, address, telephone number and email address.
- B. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with respect to the Application.
- C. A copy of a License Agreement issued by the City, executed by the Applicant. Full execution by the City shall occur at the time of permit issuance, in the event of approval. For Installations proposed on non-City owned structures, Applicant shall provide a license agreement or other documentation showing approval and authority for attachment to such structure from the owner of such structure, as well as sign a License Agreement for utilizing the public way, executed by the Applicant. Full execution by the City shall occur at the time of permit issuance, in the event of approval. Further, any other required executed

- agreements, forms or licenses may be required as determined and provided by the Commission.
- D. Detailed drawings and descriptions of the equipment to be installed, signed by a Massachusetts licensed engineer, whether mounted on poles or on the ground, or otherwise, including:
- i. Type of equipment;
 - ii. Specifications of equipment (including but not limited to dimensions and weight);
 - iii. Equipment mount type and material;
 - iv. Power and/or communication source and/or sources for equipment, including the complete proposed route of any necessary fiber, wires, cables, and conduit, distance and direction from the power and/or communication or conduit sources, and maps of any proposed excavation, and extent of excavation needed;
 - v. Rendering and elevation of equipment; and
 - vi. Photo simulations, from four different angles, showing the pole and streetscape before the installation, as well as after installation.
- E. A detailed map in a digital format acceptable to the Commission with locations of the poles or other property on which equipment is to be located, including specific pole type, and pole identification number, if applicable.
- F. Insurance certificates with the following minimum coverages: General liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, worker's compensation insurance not less than the amount of \$100,000 per accident and \$500,000 per illness or the statutorily required amount, whichever is greater, and umbrella insurance in an amount not less than \$5,000,000. The City must be an additionally named insured, and such policies shall indicate that the insurance company shall provide thirty (30) business days' prior written notice to the City of lapse or cancellation. All insurance carriers shall carry an A.M. Best rating of "A-" or better. Such insurance shall provide for the waiver by the insurance carrier of any subrogation rights against City, its agents, servants and employees.
- G. Any and all permits and approvals, including but not limited to any permits from the City of Cambridge Department of Public Works, the Police Department, the Cambridge Historical Commission, the Cambridge Community Development Department, the Traffic, Parking and Transportation Department or any other City department or federal or state agency required for the proposed Installation, shall be applied for on the same day as the submission of the Application, or promptly thereafter, but not before the submission of the Application, and such that any such permits and approvals are valid at the time of any grant of location hereunder. Applicant shall reapply for any approvals or permits that have expired prior to any grant of location being approved under this policy.
- H. A description as to why the desired location is superior to other similar locations, including, but not limited to:
- i. Aspects showing that the Installation will not incommode the public way;
 - ii. Visual aspects; and
 - iii. Proximity to residential buildings and descriptions of efforts to prevent any blocking of views from windows.

- I. A description of efforts to collocate the Installation(s) on existing structures, poles, or towers which currently exist or are under construction pursuant to the Siting Policy. A good faith effort to collocate is required and written evidence of such efforts must be submitted with the Application, all pursuant to the Siting Policy. Further, this Policy encourages multiple wireless carriers to collocate their wireless communications equipment and related infrastructure on an existing pole or support structure. In the event an Application is submitted for an Installation which does not contemplate collocation at the time of the Application or in the future, that Application shall include a detailed technical explanation as to why collocation is technically impracticable.
- J. An affidavit(s) from Massachusetts-licensed licensed engineer(s) attesting:
 - i. The Applicant, or the carrier intending to use the Installation, is in good standing and currently licensed by the Federal Communications Commission;
 - ii. The proposed Installation complies with any regulations of the Federal Communications Commission;
 - iii. The proposed Installation(s) complies with the maximum safe distance from the antennae and equipment for prolonged and discrete human or animal exposure under the Federal Communications Commission regulations, including but not limited to, a description of the distances (in feet) considered safe and compliant with Federal Communications Regulations in terms of radiation emissions exposure limitations with respect to a human and/or animal from the proposed antennae for one year, one month, for one day, and for one hour, and a description of the circumstances, if any, under which a non-trespassing individual (i.e. an adjacent property owner) may come within those distances;
 - iv. That the pole or property will safely support the proposed equipment and proposed Installation(s);
 - v. That the Installation(s) shall comply with the City of Cambridge Noise Ordinance;
 - vi. That all other Installations by the Applicant or parent company which are no longer in use have been removed and the annual re-certification has been submitted for such Installations, and all fees and fines paid with regard to such Installations, and any City property, including the public way, has been restored to the condition existing prior to such Installation, in accordance with all City standards and at Applicant's expense;
 - vii. A detailed explanation of how the proposed Installations(s) will provide service in the City, including a description of services to be improved or newly provided, and which shall include evidence of the current level of coverage in the area, how the desired Installation(s) will change the current level of coverage, and an explanation as to why the Applicant believes denial of the proposed Installation would constitute an effective prohibition of an entity's ability to provide wireless services; and
 - viii. Any supporting documentation proving the foregoing, including but not limited to, a detailed map (in digital format acceptable to the Commission) showing the Applicant's existing and proposed Installation(s) within 500 feet of the Application site, and amount of cellular coverage in the area.

III. Annual Re-Certification and Affidavit

- A. Each year, no later than March 1, the Applicant shall submit an affidavit to the Commission which shall list, by location, all Installation(s) it owns within the City by location, including pole number, and shall certify the following: (1) each Installation that remains “in use;” (2) that such Installations remain covered by insurance; and/or (3) each such Installation that is no longer in use.
- B. The Applicant shall pay an annual re-certification fee of \$270 per Installation to the Commission. Any Installation which is no longer in use, abandoned or is no longer authorized to operate by law or other regulation, shall be considered in default and removed. Any of the City-owned equipment shall be returned to the City after all elements of the Installation have been removed at the discretion of the City, as provided in the License Agreement to be entered into with the City.

IV. Prohibitions

- A. No Installations will be permitted to be installed on double poles.
- B. No Installations will be permitted to be installed on poles which result in non-compliance with any applicable federal, state and/or local laws, rules and regulations.
- C. No Installations shall remain upon the City right of way or on City property which has not been certified as “in use” in the annual re-certification affidavit.
- D. No Installations will be permitted to be installed on any traffic signal pole or other related infrastructure or equipment.
- E. An Applicant may submit an Application inconsistent with the foregoing prohibitions, but only if accompanied by evidence sufficient to demonstrate that the otherwise prohibited Installation must be considered by the City in order to avoid a prohibition or effective prohibition on the provision of service, as defined by applicable federal law.

V. Design and Location Requirements for Installations

The purpose of the Design and Location Requirements for Installations is to preserve the character of Cambridge’s neighborhoods and commercial corridors.

- A. Intent of the Design and Location Requirements for Installations.
 - i. Minimizing visual as well as physical clutter to the maximum extent possible.
 - ii. Maintaining public open spaces and parks clear of visual clutter of communication and signage elements.
 - iii. Discouraging placement of Installations on decorative pedestrian municipal street lights.
 - iv. Standardizing components of Installations, e.g., size, scale, color, location to be consistent with character of existing public infrastructure in the public right of way.
 - v. Avoiding siting of Installations in front of designated historic structures, landmarks, parks or impacting view corridor to major natural, cultural, or historic resources.

- vi. Reducing visual clutter as much as possible by collocating Installations onto existing infrastructure.
- vii. Maintaining the consistency of character of the neighborhoods in Cambridge.

B. Types of Poles.

- i. Single Acorn Pole: A pole similar in design as depicted in Exhibit V(B)(i).
- ii. Double Acorn Pole: A pole similar in design as depicted in Exhibit V(B)(ii).
- iii. Cobra Head Pole: A pole similar in design as depicted in Exhibit V(B)(iii).
- iv. 1907 Tear Drop Roadway Pole: A pole similar in design as depicted in Exhibit V(B)(iv).
- v. Single Saturn Pedestrian Pole: A pole similar in design as depicted in Exhibit V(B)(v-vi).
- vi. Double Saturn Pedestrian Pole: A pole similar in design as depicted in Exhibit V(B)(v-vi).
- vii. Cree Edge Pole: A pole similar in design as depicted in Exhibit V(B)(vii).
- viii. Gas Lamp Pole: A pole similar in design as depicted in Exhibit V(B)(viii).
- ix. Large Square Light Pole: A pole similar in design as depicted in Exhibit V(B)(ix).
- x. Vassar Street Contemporary Pole: A pole similar in design as depicted in Exhibit V(B)(x).
- ~~x~~-xi. Utility Pole: A pole similar in design as depicted in Exhibit V(B)(xi).
- ~~xi~~-xii. The Single Acorn Pole, Double Acorn Pole, Single Saturn Pedestrian Pole, Double Saturn Pedestrian Pole, Cree Edge Pole, Vassar Street Contemporary Pole, and the Gas Lamp Poles shall be considered "Decorative Poles."

C. Siting Requirements.

All Installation(s) shall comply with the following requirements:

- i. Installations, and all equipment associated with them, must be no greater than twenty-four (24) cubic feet total in size. For any proposed Installation which measures more than fifteen (15) cubic feet total, the Applicant must provide an affidavit from a licensed engineer, along with documentary evidence, attesting to and proving the substantial evidence for its need for equipment larger than 15 cubic feet, and providing substantial evidence of how a denial would otherwise constitute an effective prohibition of wireless services.
- ~~i~~-ii. No Installations, other than a collocation at the same location, shall be located closer than 150 feet radially from another Installation, unless the Applicant proves with substantial evidence that locating further than 150 feet from another Installation would constitute an effective prohibition of wireless services, and that collocation with an existing Installation within that radius is impracticable.
- ~~ii~~-iii. In commercial districts and major city squares such as Harvard Square, Central Square, Inman Square, Porter Square and Kendall Square, an Installation shall not be located directly adjacent to a preexisting pole with a previously approved

- Installation, unless the Applicant proves with substantial evidence that this restriction would constitute an effective prohibition of wireless services.
- ~~iii-iv.~~ Installations shall be placed on existing non-decorative light poles, with preference for the Utility Poles first, then 'Cobra Head' poles ~~first~~, and then to '1907 Teardrop' poles, then to Large Square Light Poles. Any use of Decorative Poles shall be disfavored. The Application will be denied unless the Applicant proves with substantial evidence, together with an affidavit of a licensed engineer, proving that there are no other more suitable poles in the area, and that deviating from this order of preference would constitute an effective prohibition of wireless services.
- ~~iv-v.~~ All equipment associated with an Installation shall be consistent with ADA regulations. Installations shall not obstruct ADA access and circulation including maintaining clear landing at the top of crosswalk curb ramps and minimum distance between the base of the new Installation and any other obstruction such as building walls or other elements and shall not incommode the public way.
- ~~v-vi.~~ No Installation shall be located less than 6 feet from an existing building wall unless the Applicant proves with substantial evidence that this restriction would constitute an effective prohibition of wireless services.
- ~~vi-vii.~~ No equipment associated with the Installation, including backup power supply or base equipment cabinet or shroud shall be installed in the pedestrian walking area or amenity zone of the sidewalk, where site furniture including seating or bike racks are located, unless the Applicant proves with substantial evidence that this restriction would constitute an effective prohibition of wireless services.
- ~~vii-viii.~~ Where possible, Installations shall be in a straight line with existing utility poles, street lights and street trees in the right of way.
- ~~viii-ix.~~ No new Installation or any related structures shall be placed less than 6 feet away from the edge of a driveway of a residential or commercial property; and shall be placed at least 15 feet from the outer edge of the curb at any intersection of two or more public rights of way, unless the Applicant proves with substantial evidence that this restriction would constitute an effective prohibition of wireless services.
- ~~ix-x.~~ Installations shall not be placed within 6 feet of a residence's window, door openings, porches or balconies, unless the Applicant proves with substantial evidence that this restriction would constitute an effective prohibition of wireless services.
- ~~x-xi.~~ No Installation shall be placed where, in the determination of the City, it would limit the City's ability to plant future street trees based upon the existing City plans for planting of street trees.
- ~~xi-xii.~~ No Installation shall be placed where, in the determination of the City, it would limit the City's ability to install any city infrastructure, transportation elements or facilities including bike lanes, bike racks or other street furniture and the like based upon existing City plans for installation of such facilities.
- ~~xii-xiii.~~ Where the City has planned a redevelopment or change to a street, sidewalk, square, or other area of the City, Applicants shall remove their Installation at

their own cost upon reasonable notice by the City, and may apply to place their Installation in a different location upon the City's redevelopment or change to such area, but in an emergency such as a flood, hurricane, war, or other such emergency, Applicant shall remove their Installation immediately.

- ~~xiii~~-xiv. In residential zoning districts, Installations shall not be placed directly in front of a building. Where there is a side yard setback with open space or other space, preference shall be given to applications to locate an Installation on the public way in front of a side yard setback, unless the Applicant proves with substantial evidence that locating the Installation in front of a side yard setback would constitute an effective prohibition of wireless services.
- ~~xiv~~-xv. For properties under the jurisdiction of the Cambridge Historical Commission, Applicants for Installations shall obtain written authorization from the Cambridge Historical Commission Applicants shall submit all required materials to the Historical Commission and the Community Development Department contemporaneously with any Application made under this Policy, and shall comply with any regulations or policies promulgated by the Cambridge Historical Commission, which in a historic district or abutting a historic property, shall supersede any provisions herein, to the extent that any such Cambridge Historical Commission regulations or policies directly conflict with any provisions herein.
- ~~xv~~-xvi. Applicants of proposed Installations must consider other optional siting locations to avoid placing Installations in front of storefront windows, primary entrances, exits, in front of primary walkways or area in such a manner that would hinder service to the building or delivery.
- ~~xvi~~-xvii. In residential zoning districts, new poles for Installations must be located at the lot line between properties.
- ~~xvii~~-xviii. New Installations shall not be placed where they obstruct the sight line of any intersecting street or public alley. A minimum of fifteen feet (15') shall be maintained between the new Installation and the outside edge of the street curb or public alley.
- ~~xviii~~-xix. The design and location of Installations shall be consistent with the current Manual on Uniform Traffic Control Devices (MUTCD) and adopted Cambridge standards for intersections' sight lines triangles.
- ~~xix~~-xx. Siting for utilization of existing utility or City-owned poles or other City-owned property for Installations will be given priority, and any requests to install a new Installation or other structure in the public way shall denied unless the Applicant proves with substantial evidence that this restriction would constitute an effective prohibition of wireless services. Specifically, Applicants seeking installation of new poles are expected to document why neither collocation upon, or replacement of, an existing pole proximate to the proposed location is practicable, thus necessitating the addition of additional poles to the public way.
- ~~xx~~-xxi. All Installations shall comply with all local, state, and federal rules, laws and regulations.

VI. Pole Design and Overall Height

- A. If Installations are proposed to be mounted on any of the City's existing single Acorn or single Saturn poles, Cree Edge Poles and Gas Lamp Poles, the existing pole shall be replaced with a double luminaire fixture of the same design for purposes of aesthetics. The antenna ~~on these poles shall be of a "whip antenna" design, which antenna shall be no higher than 30 inches high by 2 inches in diameter and shall have an antenna mount no more than 45 inches high by 4.5 inches in diameter, and, and~~ shall be located directly in between the luminaire fixtures.
- B. If the Applicant proposes to replace an existing Decorative Pole with a new Installation, the Applicant shall replicate to the maximum extent possible the existing pole design and overall dimensions.
- C. ~~With respect to Cobra Head poles, all antennas, equipment, wiring and cabling shall be built within the pole itself, which allow for multiple carriers in one pole.~~
- D. Any Installations at the site of an existing pole shall not extend the overall height of the pole by more than 10% of the existing pole height, ~~except for "whip antennas" which shall be no higher than 30 inches high by 2 inches in diameter and shall have an antenna mount no more than 45 inches high by 4.5 inches in diameter, and~~ except for Installations upon Large Square Light Poles, which may be more than 30 feet high, but shall not extend the overall height of the pole to more than nearby Large Square Light Poles.
- E. In residential zoning districts, top mounted antennas on Installations shall not increase the height of the existing pole by more than 5 feet.
- F. No Installation shall be more than 10% higher than other adjacent poles, except for Installations upon Large Square Light Poles, which shall not extend the overall height to more than nearby Large Square Light Poles.
- ~~F. As stated in V(C)(i) the total size of the complete Installation, including, but not limited to, the cabinet, shroud and antenna(s), cannot be more than a total of twenty-four (24) cubic feet. It is the Commission's intent to approve the smallest possible Installations and for any Installation measuring more than fifteen (15) cubic feet, the Applicant must present substantial evidence as to why the preferred size cannot be complied with and how failure to approve the proposed Installation would constitute an effective prohibition of wireless services.~~
- ~~G. Multiple panel antennas are allowed so long as they comply with all other provisions of the Policy and their use keeps the Installation within the maximum allowed size.~~

VII. Equipment Cabinet, Equipment Shroud, Antenna and Antenna Shroud

- A. Where technically feasible, equipment, cables and wiring for Installations shall be located underground. The foregoing undergrounding requirement does not apply to elements of an Installation which must, by necessity, be located aboveground, such as antennae, radio units, and cable runs connecting such equipment to underground equipment vaults. For Decorative Poles, the applicant must submit an affidavit of a licensed engineer indicating that locating the equipment cabinet underground is impossible, and prove with substantial evidence that there is no other possibility of providing wireless service to the location in question. In that event, and only in that event, an exception to Section VII.C. may be considered for installation of an equipment cabinet at the base of a Decorative Pole.

- B. Any above ground or pole mounted equipment cabinet or shroud shall be measured and considered part of the total Installation size of a maximum as listed in V(C)(i).no more than 36 inches high, no more than 18 inches wide and no more than 12 inches deep. Any above ground or pole mounted equipment cabinet or shroud shall be installed with the 18 inches side parallel to the sidewalk. Hardware, anchors and straps to the pole shall match the pole color and finish.
- C. Equipment cabinets or shrouds shall be pole mounted at least 10 feet high on Installations which are less than 25 feet high, or at least 12 feet high on Installations which are greater than 25 feet high, unless located underground, or as provided in Section VII.A.
- D. Pole mounted equipment cabinets or shrouds shall not be mounted on the street side of the Installation.
- ~~E. Antennas of Installations greater than 25 feet high shall be no more than 24 inches high by 16 inches in diameter.~~
- ~~F.E.~~ Antennas, conduits, brackets and hardware shall be hidden from view. All associated wiring and cable shall be installed within the Installation, except for Installations upon a Utility Pole~~wooden pole~~, which in such case, wiring and cabling shall be shrouded and painted to match the wood on the pole.
- ~~G.F.~~ Antennas mounted on Installations~~which are greater than 25 feet high~~ shall include a tapered transition piece between the antenna and the pole ~~top~~ for a seamless extension of the existing pole. The tapered transition piece shall ~~be no more than 16 inches in diameter and 24 inches high~~be considered part of the Installation and must be within the maximum allowable twenty-four (24) cubic feet size of the Installation.
- ~~H.G.~~ Antenna and Antenna enclosures~~on Installations that are more than 25 feet high~~ shall be no wider than 150 percent of the diameter of the pole or support structure ~~and shall not be more than 16 inches in diameter or whichever is less, and shall be no more than 24 inches in length.~~
- ~~I.~~ Antenna mounted on top of Installations that are less than 25 feet high shall be a "whip antenna," ~~and be no greater than 30 inches high nor greater than 2 inches in diameter and shall have an antenna mount no greater than 45 inches high nor greater than 4.5 inches in diameter~~ shall be considered part of the Installation and must be within the maximum allowable twenty four (24) cubic feet size of the Installation.
- ~~J.H.~~ Installations, including but not limited to the ventilation equipment within the shroud or cabinet, must comply with the City of Cambridge Noise Control Ordinance. If an Installation is in violation of the City of Cambridge Noise Control Ordinance and cannot be brought into compliance, the Installation must be removed and any City property, including the public way, restored to the condition prior to the Installation, in accordance with all City standards, and at Applicant's expense.

VIII. Color, Finish, Signage, Logos and Decals

- A. All Installations shall match the existing and adjacent street light poles' colors to the greatest extent practicable.
- B. No exposed wires or conduit shall be permitted on any Installation except on existing wooden poles; and if Installations are installed on existing wooden poles, they must conform to the utilities' 'Construction Requirements for Distributed Antenna Systems (DAS) on Electric Distribution Poles.'

- C. No Signage/Decals or Logos of the Applicant, other than FCC required signage, shall be placed on any Installation.
- i. Signage: Unless required otherwise by state, federal or local laws, rules or regulations, signage shall not exceed 4 inches by 6 inches and must be attached or anchored with material to match the pole color and finish of the Installation. Applicant shall only post its or the manufacturer's name, location, pertinent and emergency contact information in an area on the equipment or shroud that is visible to the public and shall do so only as permitted or required by state, federal or local laws, rules or regulations. Where no equipment cabinet or shroud exists on an Installation, the signage shall be located at the base of the Installation.
 - ii. Applicants shall remove or paint over manufacturer decals without compromising the surface, color or finish of the Installation's base material. The color and finish of the Installation shall match or be as approved by Cambridge Historical Commission staff. No advertisement for the Applicant or manufacturer of the Installation shall be allowed except displaying information as permitted or required by federal, state or local laws, rules or regulation.
 - iii. Required equipment warning stickers: Applicants shall use only the smallest and lowest visibility warning stickers allowed by federal, state, local laws, rules or regulations.
 - iv. Equipment cooling fans: In residential zoning districts, if equipment cooling fans are required, the Applicant shall use equipment cooling fans with the lowest noise level and shall not exceed the levels allowed in the City's noise ordinance.

IX. Miscellaneous Provisions

- A. If an Application is granted or granted with conditions, the Applicant may be required to comply with certain conditions or be required to obtain additional permits from other City Departments prior to completing the Installation. Failure to comply with any conditions or the good faith application for required permits from other City Departments may be the basis for the revocation of a grant of location or may render a finding that in the Applicant is in non-compliance with the Small Cell Policy and the Installation(s) will not be allowed to be installed or that such Installation(s) will have to be removed and the Applicant will have to restore the public way to the condition prior to the Installation, in accordance with all City standards, and at Applicant's expense.
- B. If any provision of this Small Cell Policy is deemed null, void or unenforceable by a court of competent jurisdiction, the remainder of the Small Cell Policy shall remain in full force and effect.
- C. The Commission may grant any application inconsistent with the requirements of Sections IV, V, VI, VII, or VIII where necessary to avoid a violation of applicable law. Where an Applicant submits an Application it knows is inconsistent with one or more requirements of this Policy, such Application must specify those provisions for which it seeks waiver, and must include specific explanations as to the need for waiver of each, including explaining why compliance with the requirement(s) would prohibit or effectively prohibit the provision of services as protected by applicable law.