Telecommunication Towers & Public Utilities: Engineered Breakaway Point, Periodic Structural Inspection, and Fee Schedule Amendments

Redline Legend

~~Strikethrough red text~~ = proposed deletion

Underlined blue text = proposed insertion

SECTION 1: AMENDMENT TO § 129-4 (DEFINITIONS)

Section 129-4 of the Code of the Town of Wilton is hereby amended to add the following definition, to be inserted in appropriate alphabetical order:

ENGINEERED BREAKAWAY POINT - A structural design feature incorporated into a telecommunication tower or other public utility structure at a predetermined height, designed and certified by a licensed professional engineer, that causes the structure to fold, hinge, or separate at a specific point upon structural failure, thereby limiting the fall radius of the structure to a distance less than the full height of the structure.

SECTION 2: AMENDMENT TO § 129-176(L)(7)

Current Location: Chapter 129, Article XXV, § 129-176(L)(7)
Subject: Lot Size and Setbacks for New Telecommunication Towers

Section 129-176(L)(7) of the Code of the Town of Wilton is hereby amended to read as follows:

L. Telecommunication towers. Telecommunication towers are public utilities for purposes of this chapter. Where the provisions of this subsection conflict with the general public utility provisions of Subsection K, the provisions of this subsection shall control as the more specific regulation.

(7) Lot size and setbacks for new towers. All proposed telecommunication towers and accessory structures shall be located on a single parcel and set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all icefall or debris from tower failure and preserve the privacy of the adjoining residential properties.

> **(a)** Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements; if the land is to be leased the entire lot required shall be leased from a single parcel.
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> **(b)** All tower bases shall be located at a minimum setback from any property line at a minimum distance equal to 1 1/2 times the height of the tower~~.~~, except as provided in Subsection (L)(7)(d) below.
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> **(c)** Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

(d) Engineered breakaway point; reduced setback. The minimum setback required by Subsection (L)(7)(b) may be reduced where the applicant demonstrates that the telecommunication tower has been designed and engineered to incorporate a breakaway point or similar structural mechanism that limits the collapse radius of the tower upon failure. The following conditions shall apply:

[i] The applicant shall submit a report, stamped and sealed by a professional engineer licensed in the State of New York, certifying that the tower is designed and engineered to collapse, fold, or fail at a predetermined breakaway point. The certified collapse radius shall be the length of the longest section of the tower above or below the breakaway point.

[ii] Where such certification is provided, the minimum setback from any property line may be reduced to a distance equal to 1.5 times the certified collapse radius.

[iii] The engineer's report shall include, at a minimum: a description of the breakaway mechanism and its design specifications; the calculated collapse radius under maximum wind load and ice load conditions; a failure mode analysis; and certification that the breakaway design conforms to current TIA/EIA-222 standards (Structural Standard for Antenna Supporting Structures and Antennas) or successor standards as adopted.

[iv] The Board may, at the applicant's expense, retain an independent qualified engineer to review and verify the applicant's breakaway certification and collapse radius calculations.

[v] As a condition of any special use permit granted under this subsection, the owner shall, at intervals not to exceed five years from the date of initial approval, submit to the Code Enforcement Officer a maintenance and condition assessment report, as described in Section 14 of the ANSI/TIA-222 standard (or successor standard), confirming that the breakaway mechanism remains in proper working condition and that the certified collapse radius remains valid. The maintenance and condition assessment shall be performed by a professional engineer licensed in the State of New York, and the report shall be stamped and sealed by said engineer. Failure to provide a maintenance and condition assessment report within 60 days of the date on which it is due shall constitute a violation of the special use permit, and the Code Enforcement Officer may initiate enforcement proceedings, including revocation of the reduced setback. The Board may, at the owner's expense, retain an independent qualified engineer to review any maintenance and condition assessment report.

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SECTION 3: AMENDMENT TO CHAPTER 63 (FEES)

Chapter 63 of the Code of the Town of Wilton is hereby amended to add a new section to read as follows:

§ 63-[__]. Independent engineer review costs for telecommunication tower applications.

Where the Board retains an independent qualified engineer to review an applicant's certification or maintenance and condition assessment report pursuant to § 129-176(L)(7)(d)(iv) or § 129-176(L)(7)(d)(v), the applicant or owner shall deposit with the Town, in advance, an amount estimated by the Town to cover the cost of such review. Any unused portion of the deposit shall be returned to the applicant or owner within 60 days of completion of the review. If the actual cost exceeds the deposit, the applicant or owner shall pay the balance within 30 days of notice.