

# **TOWN OF CHESTERFIELD**

## **Regulations for** **Excavations in and Management of** **Town Streets** **and** **Public Rights-of-Way**

September 9, 2020

**Town of Chesterfield**  
**Regulations for Excavations in and Management of Town Streets**  
**and Public Rights-of-Way**

**TABLE OF CONTENTS**

|      |   |   |
|------|---|---|
| 1.   | INTRODUCTION.....                                   | 6 |
| 2.   | PURPOSE.....  | 6 |
| 3.   | STATUTORY AUTHORITY.....                            | 7 |
| 4.   | DEFINITIONS.....                                    | 7 |
| 4.1  | “Antenna”.....                                      | 7 |
| 4.2  | “Applicant”.....                                    | 7 |
| 4.3  | “Application”.....                                  | 7 |
| 4.4  | “Batched Applications”.....                         | 7 |
| 4.5  | “Collocation”.....                                  | 7 |
| 4.6  | “Emergency”.....                                    | 7 |
| 4.7  | “FCC”.....  | 7 |
| 4.8  | “License”.....                                      | 8 |
| 4.9  | “Permit”.....                                       | 8 |
| 4.10 | “Person”.....                                       | 8 |
| 4.11 | “Personal Wireless Service Facility” or “PWSF”..... | 8 |
| 4.12 | “Project” or “Work”.....                            | 8 |
| 4.13 | “Public Rights-of-Way”.....                         | 8 |
| 4.14 | “Regulations”.....                                  | 8 |
| 4.15 | “Restoration”.....                                  | 8 |
| 4.16 | “Small Wireless Facility”.....                      | 8 |
| 4.17 | “Substantial Modification”.....                     | 8 |
| 4.18 | “Tower”.....  | 8 |
| 4.19 | “Town”.....   | 8 |
| 4.20 | “Underground District”.....                         | 8 |
| 5.   | PERMIT REQUIRED.....                                | 9 |
| 5.1  | Prior Permit Required.....                          | 9 |
| 5.2  | Work within Scope of Permit.....                    | 9 |
| 5.3  | Non-transferability / Assignability of Permit.....  | 9 |

|       |   |    |
|-------|---|----|
| 5.4   | Maintain Permit at Job Site.....  | 9  |
| 5.5   | Two Year Permits.....   | 9  |
| 5.6   | Batched Applications for Multiple Permits.....                            | 9  |
| 6.    | EXEMPTIONS.....   | 9  |
| 6.1   | Sign Placements.....  | 9  |
| 6.2   | Existing Deployments.....   | 9  |
| 6.3   | Emergencies.....  | 10 |
| 7.    | PERMIT APPLICATION.....   | 10 |
| 7.1   | Application Contents.....   | 10 |
| 7.2   | Application Fee.....  | 10 |
| 7.2.1 | Associated Costs.....   | 10 |
| 7.2.2 | Fee Amount.....   | 10 |
| 7.3   | Voluntary Pre-Submittal Conference.....                                   | 10 |
| 7.4   | Required Submittal Appointment.....                                       | 10 |
| 8.    | DESIGN STANDARDS.....   | 10 |
| 8.1   | Safety.....   | 10 |
| 8.2   | Clearances.....   | 10 |
| 8.3   | Excavation.....   | 11 |
| 8.4   | Restoration.....  | 11 |
| 8.5   | Non-Interference with Travel / Private Property.....                      | 11 |
| 8.6   | RSA 12-K Collocation.....   | 11 |
| 9.    | CONSTRUCTION AND RESTORATION OF PUBLIC RIGHTS-OF-WAY<br>REQUIREMENTS..... | 11 |
| 9.1   | Scheduling / Timing of Work.....  | 11 |
| 9.2   | Underground Utility Damage Prevention Program.....                        | 12 |
| 9.3   | Pavement / Curbing / Sidewalk Cuts.....                                   | 12 |
| 9.4   | Traffic Management.....   | 12 |
| 9.5   | Backfilling Trenches.....   | 12 |
| 9.6   | Temporary Backfilling / No Open Excavations.....                          | 12 |
| 9.7   | Restoration of Right-of-Way.....  | 12 |
| 9.8   | Restoration of Street Surface.....  | 12 |
| 9.9   | Restoration of Sidewalk.....  | 13 |
| 9.10  | Restoration of Vegetation.....  | 13 |
| 9.11  | As-Built Plans Required.....  | 13 |
| 9.12  | No Storage of Additional Facilities.....                                  | 13 |

|        |   |    |
|--------|---|----|
| 10.    | INSURANCE AND INDEMNIFICATION.....                  | 13 |
| 10.1   | Indemnification.....                                | 13 |
| 10.2   | Insurance.....                                      | 13 |
| 10.3   | Restoration Performance Guarantee.....              | 14 |
| 10.4   | Performance Guarantee for Removal.....              | 14 |
| 10.5   | Performance Warranty.....                           | 14 |
| 11.    | INSPECTIONS.....                                    | 14 |
| 12.    | ABANDONED OR UNAUTHORIZED PROPERTY.....             | 14 |
| 12.1   | Removal of Unauthorized Equipment / Facilities..... | 14 |
| 12.2   | Removal of Abandoned Permitted Property.....        | 15 |
| 12.3   | Removal of Obstructions and Encumbrances.....       | 15 |
| 13.    | PUBLIC SAFETY REQUIREMENTS.....                     | 15 |
| 13.1   | Safety Requirements.....                            | 15 |
| 13.2   | Traffic Management.....                             | 15 |
| 13.3   | Permitee Responsible for Safety Equipment.....      | 15 |
| 13.4   | Flaggers / Private Duty Officers.....               | 15 |
| 13.5   | Safety for Work on Sidewalks.....                   | 16 |
| 13.6   | Police Chief May Suspend Work.....                  | 16 |
| 14.    | PENALTIES AND VIOLATIONS.....                       | 16 |
| 15.    | MISCELLANEOUS PROVISIONS.....                       | 16 |
| 15.1   | No Easement Created.....                            | 16 |
| 15.2   | Removal of Non-Complying Work.....                  | 16 |
| 15.3   | Severability.....                                   | 16 |
| 16.    | APPLICATION REVIEW PROCEDURES.....                  | 16 |
| 16.1   | Determination of Completeness.....                  | 16 |
| 16.2   | Review of Application.....                          | 17 |
| 16.3   | Deadline for Review.....                            | 17 |
| 16.3.1 | Time to Request Additional Information.....         | 17 |
| 16.4   | Third Party Review.....                             | 17 |
| 16.5   | Decision on Application.....                        | 17 |
| 16.5.1 | Written Decision.....                               | 17 |
| 16.5.2 | Required Findings for Approval.....                 | 18 |
| 16.6   | Appeal.....   | 18 |
| 16.7   | Waiver.....   | 18 |

17. ISSUANCE OF LICENSE ..... 18

    17.1 Issuance. .... 18

    17.3 No Permanent Property Right..... 19

    17.4 Revoke Permit. .... 19

| <b>EXHIBITS</b> |                  |             |
|-----------------|------------------|-------------|
| <b>Exhibit</b>  | <b>Title</b>     | <b>Page</b> |
| A               | Fee Schedule     | 21          |
| B               | Application Form | 22          |
| C               | Form for License | 32          |

# **TOWN OF CHESTERFIELD**

## **Regulations for Excavations in and Management of Town Streets and Public Rights-of-Way**

### **1. INTRODUCTION.**

The Town recognizes that it holds the Public Rights-of-Way within the municipal boundaries as an asset in trust for its citizens. The Town and other public entities have invested public funds to build and maintain the Public Rights-of-Way. The Town is charged with conserving the limited physical capacity of the Public Rights-of-Way and assuring that the costs of granting and regulating private access to these public ways are fully paid by the entity seeking such access. Such costs must be fair, reasonable, and non-discriminatory reimbursement to the Town and its citizens for the private use of the Public Rights-of-Way. Furthermore, these Regulations are not intended to prohibit or have the effect of prohibiting the competitive development of telecommunication services, information services, or television services within the Town.

The Town recognizes that a primary cause for the early and excessive deterioration of its Public Rights-of-Way is their frequent excavation by entities whose facilities and equipment are located within the Public Rights-of-Way. Obstruction of Public Rights-of-Way interferes with the convenient use of the rights-of-way, increases safety risks, and may cause revenue loss for the Town's citizens and business owners.

The Town, accounting for these purposes and responsibilities, enacts the following Regulation relating to permits and administration for the Public Rights-of-Way. These Regulations fulfill the Town's legislatively granted authority to manage its Public Rights-of-Way in a non-discriminatory, competitively neutral manner, including fair and reasonable fees for the use and administration of the Public Rights-of-Way.

### **2. PURPOSE.**

This Regulation's purposes are to: (i) provide for the health, safety, and well-being of the Town's citizens and members of the public using the Public Rights-of-Way; (ii) permit and manage reasonable access to the Public Rights-of-Way; (iii) ensure the structural integrity of the Town's streets and Public Rights-of-Way; and (iv) encourage in a competitively neutral manner the provision of advanced and competitive telecommunication services, information services, and television services.

The standards set forth in these Regulations will minimize the burdens of local regulation of private use of the Public Rights-of-Way while keeping the Public Rights-of-Way safe, in a state of good repair, and free from unnecessary physical encumbrances.

These regulations shall not modify, alter, nullify, or otherwise impact any other permits or approvals that may be required from any of the Town's land use boards, pursuant to the Town's Zoning Ordinance, Site Plan Regulations, or other applicable codes, regulations, or ordinances.

### **3. STATUTORY AUTHORITY.**

The Town, through its Select Board, is authorized to regulate the use of all Public Rights-of-Way that are not regulated by the New Hampshire Department of Transportation. See RSA 41:11 (granting selectmen the authority to regulate Public Rights-of-Way and to exercise the powers conferred on city councils by RSA 47:17, VII). The Town is further specifically authorized to regulate telegraph, television, telephone, electric light, and electric power poles and structures, underground conduits and cables, and all respective attachments and appurtenances thereto that are within the Public Rights-of-Way. See RSA 231:159 et seq. The Town is given specific authority to regulate the location of poles, structures, underground conduits and cables, and attachments and appurtenances for such services so that they do not interfere with the safe, free, and convenient use of the Public Rights-of-Way. RSA 231:168.

### **4. DEFINITIONS.**

If any definition in this Section 4 conflicts with any federal or state mandated definition, then the federal or state mandated definition will control.

- 4.1 "Antenna" means equipment from which wireless radio signals are sent and received and includes all associated switches, wiring, cabling, power sources, shelters, or cabinets located at the same fixed location as the antenna and mounted or installed at the same time as the antenna.
- 4.2 "Applicant" means the person or entity applying for a Permit or License to use or occupy a portion of the Public Rights-of-Way in a Town.
- 4.3 "Application" means the request for a Permit submitted to the Town, in compliance with the terms of these Regulations and on the form provided in Exhibit B.
- 4.4 "Batched Applications" means more than one (1) Application for a Public Rights-of-Way Permit submitted at the same time by the same Applicant.
- 4.5 "Collocation" means mounting or installing a Personal Wireless Service Facility on existing Towers, mounts, or other structures capable of supporting the Personal Wireless Service Facility in compliance with applicable codes, including any necessary modifications to the structure for the purpose of mounting or installing the Personal Wireless Service Facility. However, Collocation under no circumstances includes a "Substantial Modification."
- 4.6 "Emergency" means a condition that poses a clear and immediate danger to life or health, or a significant loss of property.
- 4.7 "FCC" means the Federal Communications Commission.

- 4.8 “License” means authorization granted by the governing body to maintain facilities in the Public Rights-of-Way pursuant to the terms of the License.
- 4.9 “Permit” means authorization from the Town to perform certain work within the Public Rights-of-Way and to place certain property within the Public Rights-of-Way.
- 4.10 “Person” means any natural person or corporate entity, including but not limited to a corporation, company, partnership, sole proprietorship, political subdivision, public or private agency, or utility.
- 4.11 “Personal Wireless Service Facility” or “PWSF” means the set of equipment and network components that is used for the provision of personal wireless service, regardless of whether such service is provided on a stand-alone basis or commingled with other wireless communications services. PWSF includes the Antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide personal wireless services, but excludes the tower or mount upon which the PWSF is located.
- 4.12 “Project” or “Work” means all activity performed in or around the Public Rights-of-Way, including but not limited to construction, excavation, modification, removal, or alteration of the Public Rights-of-Way or any public or private structures, landscaping, or natural features.
- 4.13 “Public Rights-of-Way” means the surface, space below, and space above public highways as defined in RSA 229:1, and includes any street, road, sidewalk, green belt, tunnel, bridge, or other similar infrastructure constructed within the highway. For purposes of these Regulations, Public Rights-of-Way does not include public highways under the control and management of the New Hampshire Department of Transportation.
- 4.14 “Regulations” mean these Regulations for Excavations in and Management of Town Streets and Public Rights of Way, as they may be amended.
- 4.15 “Restoration” means the process by which the Public Rights-of-Way and any structures, natural features, and landscape features are returned to a condition that as closely as possible approximates their condition before the Permittee performed work in the Public Rights-of-Way.
- 4.16 “Small Wireless Facility” means a facility meeting the definition set by the FCC in 47.C.F.R. §1.6002(l), as it may be amended or superseded.
- 4.17 “Substantial Modification” means the mounting of a PWSF on a structure meeting the definition of a “substantial modification” under RSA 12-K:2, XXV, as it may be amended or superseded.
- 4.18 “Tower” means a freestanding or guyed structure, such as a monopole, monopine, or lattice tower, designed to support PWSFs or other telecommunications services or information services.
- 4.19 “Town” means the municipality of Chesterfield, New Hampshire.
- 4.20 “Underground District” means any area in the Town within which overhead wires, cables, cabinets and associated overhead equipment, appurtenances and other improvements are either (1) prohibited by ordinance, resolution or other applicable law; (2) scheduled to be relocated underground within eighteen (18)

months from the time an Application is submitted; or (3) primarily located underground at the time an Application is submitted.

## **5. PERMIT REQUIRED.**

- 5.1 Prior Permit Required. A Permit shall be obtained from the Town pursuant to these Regulations or the Towns driveway regulations by all persons and entities *prior to* undertaking any construction, excavation, or work within the Public Rights-of-Way, including disturbing or opening the ground or pavement and the placement of any pole, conduit or Small Wireless Facilities.
- 5.2 Work within Scope of Permit. No Permittee shall undertake construction, excavation, or work within the Public Rights-of-Way that exceeds the scope of a granted Permit or existing License.
- 5.3 Non-transferability / Assignability of Permit. Permits are not transferable or assignable without the written consent of the Town. However, the Permittee may subcontract work authorized by a Permit.
- 5.4 Maintain Permit at Job Site. Permits must be maintained on the job site, available for inspection upon request by any municipal officer or employee.
- 5.5 Two Year Permits. An Applicant that needs to regularly perform work or maintenance on structures within the Public Rights-of-Way way obtain a Permit for a duration of up to two (2) years for the purpose of performing that work or maintenance.
- 5.6 Batched Applications for Multiple Permits. For deployments of facilities and projects that open, disturb or affect multiple areas of Public Rights-of-Way, submitted by the same Applicant, separate permits shall be required for each opening, disturbance or placement of facilities, but such Permit Applications may be submitted as Batched Applications.

## **6. EXEMPTIONS.**

- 6.1 Sign Placements. This Regulation shall not apply to the placement of signs within the Public Rights-of-Way, which shall remain subject to the Town's zoning ordinance.
- 6.2 Existing Deployments. No Permit is required for existing deployments of facilities in the Public Rights-of-Way covered by:
  - (a) valid cable television franchise agreements;
  - (b) licenses existing prior to the effective date of these Regulations;
  - (c) attachment agreements between the owner(s) of such facilities and the owner(s) of the existing poles or conduits in the Public Rights-of-Way; or
  - (d) other agreements between the owner of such facilities and the Town. Any new deployments of facilities, or replacement of facilities, in the Public Rights-of-Way, by the same Persons or entities owning existing facilities in the Public Right, do require Permits.

- 6.3 Emergencies. Nothing in these Regulations shall be construed to prevent such work or the making of such excavations as may be necessary for the preservation of life and/or property, or for the locations of trouble in a conduit or pipe, or for making such emergency repairs as are necessary, provided that the Person performing such emergency work shall apply to the municipality for a Permit to perform such work on the first business day after such work is begun. All other sections of these Regulations apply to such emergency work.
- 6.4 Temporary erection of American flags is exempt per approval of the Board of Selectmen

## **7. PERMIT APPLICATION.**

- 7.1 Application Contents. Applicants shall fully complete and provide all information required by the Town's authorized Application Form, as provided in Exhibit B, as it may be amended. The Town will not accept incomplete Applications. Applications shall include Petitions required by RSA 231:159-189.
- 7.2 Application Fee. The Applicant must pay the applicable Application fee at the time a Permit Application is submitted. The Application fee is based on the Town's reasonable costs associated with processing the Application and managing the Public Rights-of-Way. Batched Applications shall include the Application fee for each facility placed, or location opened, excavated or disturbed, in the Public Rights-of-Way, for which a Permit is requested.
- 7.2.1 Associated Costs. The general Application fee does not include costs associated with obtaining third-party engineering or other review. Should engineering or other review be required, the Applicant will be responsible for reimbursing the Town's actual costs associated with that review.
- 7.2.2 Fee Amount. The Application fee is One Hundred Dollars (\$100.00).
- 7.3 Voluntary Pre-Submittal Conference. The municipality strongly urges, but does not require, that the Applicant meet with the Select Board or its designee *prior to* submission of an Application to resolve questions and accelerate the process.
- 7.4 Required Submittal Appointment. Applicant shall contact the Town Administrator per Application Form (Exhibit B) to schedule an appointment to submit the Application in person. Applications submitted via US mail or other delivery service or in an email will not be accepted and will be returned to the Applicant.

## **8. DESIGN STANDARDS.**

- 8.1 Safety. All Projects must include adequate safety measures to ensure the safety of workers and the public during the work and after its completion.
- 8.2 Clearances. For all Projects, the Applicant must demonstrate that there is sufficient space, whether underground, overhead, or on the surface, for the proposed Project in the Public Rights-of-Way.

- 8.3 Excavation. All Projects involving excavation within public Rights-of-Way shall be performed consistent with the Permit, and any on-site direction given by the Town's inspector.
- 8.4 Restoration. For proposed Project that will otherwise damage the Public Right-of-Way, the street surface, the sidewalks, or landscaping, or that will otherwise require the removal or relocation of public infrastructure or landscaping, the proposed Project must include a plan for restoring the affected property.  
 If the Permittee fails to satisfactorily and timely restore affected property in the manner and condition required by the Town, the Town may have such work done at the Permittee's expense. In that event, the Permittee shall pay to the Town, within thirty (30) days of the billing, the cost of restoring the Public Rights-of-Way. Notwithstanding the foregoing, and in addition to any remedies set forth in this Section 8.4, the Town may call upon any Restoration Bond or other financial surety related to Permittee's failure to restore.
- 8.5 Non-Interference with Travel / Private Property. For all Projects the location of facilities and attachments shall be set as far back as reasonably possible from the travelled way so as to not interfere with the safe, free, and convenient public travel of the Public Rights-of-Way.
- 8.6 RSA 12-K Collocation. For PWSF Collocations that are exempt from review by the Planning Board and Zoning Board of Adjustment, the proposed Project must comply with the following design standards:
- (a) The PWSF must comply with all applicable building codes and building permit requirements.
  - (b) The PWSF must comply with the FCC's requirements regarding radio frequency emissions, evidenced by the Applicant submitting an RF exposure compliance report certifying that the PWSF complies with applicable FCC RF exposure standards and exposure limits.
  - (c) The PWSF must comply with all applicable federal and state environmental requirements.
  - (d) The PWSF design and siting location would not create an unreasonable risk to the health, safety, and well-being of the Town's citizens, members of the public using the Public Rights-of-Way, or nearby property owners.
  - (e) PWSF Collocations and Small Cell Deployments, and their associated Antennas, other equipment and improvements, must comply with the Town's noise ordinance (if any).

**9. CONSTRUCTION AND RESTORATION OF PUBLIC RIGHTS-OF-WAY REQUIREMENTS.**

- 9.1 Scheduling / Timing of Work. All work authorized by an excavation permit shall be performed Monday through Friday, during the hours of 7:00 a.m. to 5:00 p.m., from April 15<sup>th</sup> through November 15<sup>th</sup>, unless the Applicant/Permittee obtains written permission from the Municipality to do work at another time. Such permission shall be granted only in the case of an emergency, in the event the work authorized by the Permit is to be performed in a high traffic and congested area, or if in the best interest of the Municipality.

- 9.2 Underground Utility Damage Prevention Program. The Permittee shall comply with the New Hampshire Public Utility Commission's rules regarding Underground Utility Damage Prevention Program. See N.H. Admin. R., Puc 800 et seq.
- 9.3 Pavement / Curbing / Sidewalk Cuts. Where it is necessary to cut and remove pavement, curb, sidewalk and/or other surface improvements, the material shall be cut and removed by means of equipment and tools suitable to the type of material to be removed, and in a manner that results in a minimum amount of damage to adjacent improvements. NOTE: The saw cuts shall be required for all roadway excavations, and shall be a minimum of two (2) feet from the edge of the excavation. The first cut shall be for construction and the second shall be for the permanent patch.
- 9.4 Traffic Management. A minimum of one lane of traffic shall be provided on streets at all times. No opening or excavation in any street shall extend beyond the centerline of the roadway before being backfilled and the surface of the roadway made passable to traffic.
- 9.5 Backfilling Trenches. All trenches shall be backfilled with suitable material or in a suitable thickness and material as specified by the Director of Public Works.
- 9.6 Temporary Backfilling / No Open Excavations. Any excavation authorized by the Permit shall be backfilled, compacted and temporarily patched at the completion of work. In no case shall an open excavation be left overnight. All temporary patches shall be of an acceptable hot patch material depending on the location of the opening. The Permittee shall maintain effective 24/7 dust control measures in accordance with best management practices.
- 9.7 Restoration of Right-of-Way. The Permittee shall, at its own expense, restore the Public Rights-of-Way, including the paving and its foundations and any landscaping, to the same condition that existed before the work was undertaken. All Restoration work must be approved by the Town. If weather or other conditions do not allow for complete Restoration, the Permittee shall temporarily restore the affected Public Rights-of-Way at the Permittee's expense. Such Permittee shall promptly undertake and complete the required permanent Restoration when the weather or other conditions no longer prevent permanent Restoration.
- 9.8 Restoration of Street Surface. The surface of the street shall be permanently restored as soon as possible after completion of the work for which the Permit has been given. No permanent street restoration will be allowed between November 15<sup>th</sup> and April 15<sup>th</sup>. The Permittee will be responsible for a permanent patch that meets the specifications of the Municipality for a period of two (2) years from the date of final inspection. Final restoration shall occur no sooner than one (1) year after permanent installation to the required standards. If at any time during this twenty-four (24) month period the excavation requires any additional work (repair of settlement, loaming, seeding, etc.), the Permittee will be responsible to complete this work in a timely manner which work shall be completed no less than fifteen (15) days following written notification by the Municipality. The Municipality reserves the right to repair any excavation at the expense of the Permittee if public safety dictates. Such work shall extend the bond or financial

guarantee for twelve to twenty-four (12-24) months as determined by the Municipality in its sole discretion.

- 9.9 Restoration of Sidewalk. Any sidewalk affected shall be restored with a minimum of six (6) inches of compacted crushed gravel placed beneath the pavement material. The pavement material shall be matched in kind, except that hot top shall be at least two (2) inches thick and three thousand (3000) psi concrete a minimum of four (4) inches thick.
- 9.10 Restoration of Vegetation. The Applicant shall re-vegetate any disturbed existing vegetation area using native vegetation as approved by the Town.
- 9.11 As-Built Plans Required. The Permittee will furnish the Municipality with an as-built plan certified by a registered land surveyor or licensed professional engineer in PDF and CAD format for all underground installations.
- 9.12 No Storage of Additional Facilities. No additional facilities, not required for use in the proposed work, shall be stored in the Public Rights-of-Way, or attached to facilities located in the Public Rights-of-Way (i.e. construction materials, coiled wire, cable or other materials).

## **10. INSURANCE AND INDEMNIFICATION.**

- 10.1 Indemnification. The Permittee shall construct, maintain, and operate its facilities in a manner that provides protection against injury or damage to persons or property. The Permittee, for itself, its agents, and its related entities, shall hold harmless, defend, and indemnify the Town and the Town's successors, assigns, officers, officials, employees, and other agents ("indemnified party") from and against all liability, damage, claims, or demands caused by the negligent or intentional acts of the Permittee.

In all contracts to perform the work authorized under the Permit, the Permittee shall include indemnity provisions requiring all contractors and subcontractors of the Permittee to indemnify the Town to the same extent described above.

- 10.2 Insurance. Unless otherwise specified in a cable television franchise agreement between the Permittee and the Town, the Permittee shall provide the Town with proof of insurance coverage as follows:
  - (a) The Permittee shall maintain a commercial general liability policy through the term of the Permit with an insurance company authorized to conduct business in New Hampshire. This policy shall name the Town as an additional insured against all claims for injury or damage to persons or property (both real or personal) caused by the proposed work. This insurance shall be for a minimum of: (i) One Million Dollars (\$1,000,000.00) per occurrence against liability for damage to property; (ii) One Million Dollars (\$1,000,000.00) per occurrence against liability for injury or death to any person; (iii) Two Million Dollars (\$2,000,000.00) per occurrence for excess liability in umbrella form; (iv) Fifty Thousand Dollars (\$50,000.00) for damage from fire (any one fire); and (v) Five Thousand Dollars (\$5,000.00) for medical expenses (any one person).

- (b) The Permittee shall maintain insurance against all claims arising out of the operation of motor vehicles in the amount of One Million Dollars (\$1,000,000.00) per occurrence for bodily injury and Five Hundred Thousand Dollars (\$500,000.00) per occurrence for property damage.
  - (c) The Permittee shall maintain all applicable Worker's Compensation insurance as required by State law.
  - (d) All applicable insurances policies and certificates of insurance shall provide that coverage shall not be canceled until at least thirty (30) days after notice has been provided to the Town.
- 10.3 Restoration Performance Guarantee. For proposed Projects that involve excavating the Public Rights-of-Way, or that otherwise may damage or require the removal or relocation of public infrastructure or landscaping, the Applicant must provide a performance guarantee, in the form of a letter of credit, cash or alternate surety as determined by the governing body issued by an authority authorized to issue such a performance guarantee in New Hampshire, in the amount of one hundred twenty-five percent (125%) of the estimated cost for restoring the affected property.
- 10.4 Performance Guarantee for Removal. The reviewing official may require posting of a performance guarantee (irrevocable letter of credit or alternate surety) for removal of facilities placed in the Public Rights-of-Way, in an amount and form determined by the Town of Chesterfield. Applications for Collocations are exempt from this requirement.
- 10.5 Performance Warranty. All work performed under the Permit shall be completed in a workmanlike manner. The Applicant shall, at all times during Applicant's use and occupancy of the Public Rights-of-Way, maintain all facilities in a safe and well-maintained condition, and the Town shall have no obligation to inspect, maintain, or repair any facilities installed in the Public Rights-of-Way.

## **11. INSPECTIONS.**

Inspection by Municipal Officer. Proper inspections by the Director of Public Works or the Building Inspector as applicable shall be required for all Projects. The Town may require an inspection of the Project site prior to granting a Permit, and/or during any work performed pursuant to the Permit, upon completion of the work, or any Restoration work, and/or prior to issuing a License. The Permittee shall contact the Director of Public Works or the Building Inspector as applicable for all inspections as required by the terms of the Permit. The expense of inspections shall be borne by the Permittee, who shall post an estimate in an inspection expense amount as a condition of receiving a Permit.

## **12. ABANDONED OR UNAUTHORIZED PROPERTY.**

- 12.1 Removal of Unauthorized Equipment / Facilities. If any pole, structure, underground conduit or cable, attachment, equipment cabinet, cable television pedestal, or appurtenance is willfully placed or maintained in the Public Rights-

of-Way without a valid Permit or License, the unauthorized property shall be removed upon the Town's demand. If such property is not removed within ten (10) days of the Town providing notice of its intention to remove the property, the Town may remove the property at the owner's expense.

12.2 Removal of Abandoned Permitted Property. All Permits will require the owner of any property that remains in the Public Rights-of-Way to agree not to abandon property within the Public Rights-of-Way. Should the owner nevertheless abandon property within the Public Rights-of-Way, the Town may provide notice and direct the owner to remove the property. Should the property owner not remove the abandoned property within the deadline specified in the notice, the Town may remove the abandoned property at the property owner's expense.

12.3 Removal of Obstructions and Encumbrances. The Town may provide notice and demand that the owner of property that obstructs or encumbers a Public Rights-of-Way remove that property. Should the property owner not remove the property within the deadline specified in the notice, the Town may obtain a court order authorizing the Town to remove the property, at the owner's expense, pursuant to RSA 236:29 and RSA 236:32.

If, however, the Town determines that such property poses an immediate safety risk, the Town may remove the property prior to providing notice to the owner of the property.

### **13. PUBLIC SAFETY REQUIREMENTS.**

13.1 Safety Requirements. As a condition to granting a Permit, the Town may impose reasonable requirements to minimize safety risks, obstruction of Public Rights-of-Way, interference with the convenient use of the Public Rights-of-Way, or revenue loss for the Town's citizens, or business owners. Public safety requirements may include but are not limited to:

- (a) measures required to be implemented before or during the performance of any work;
- (b) changes to the siting location of any proposed work; and
- (c) permanent features or devices required to remain in place upon completion of any work. Such requirements will be included in the Permit, if granted.

13.2 Traffic Management. The Permittee is required to take all appropriate measures to assure that during performance of the Project work, so far as practical, normal traffic conditions including vehicular, bicycle, and pedestrian traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining properties and to the general public.

13.3 Permittee Responsible for Safety Equipment. It shall be the responsibility of the Permittee to provide all necessary cones, barricades, flashing lights, signs, qualified uniform police officers and flaggers. Requests for uniform police officers shall be made at least twenty four (24) hours prior to the commencement time of a traffic control assignment.

13.4 Flaggers / Private Duty Officers. Maintenance of traffic shall be accomplished by the use of flaggers or qualified uniformed police officers wherever construction restricts the flow of traffic on frequently traveled roads, or as required to direct

traffic through or around the work or as ordered. The Chief of Police shall be responsible for determining whether work requires traffic control personnel and who shall provide such traffic control, i.e. flaggers or uniformed police officers.

- 13.5 Safety for Work on Sidewalks. When the work area encroaches upon a sidewalk, walkway or crosswalk area, protective barriers, together with warning and guidance devices and signs, must be utilized so that the passageway is safe and well defined.
- 13.6 Police Chief May Suspend Work. If acceptable traffic control is not maintained, as determined by the Police Chief or their designee, in their sole discretion, then the Permittee may be required to suspend work that interferes with traffic.

#### **14. PENALTIES AND VIOLATIONS.**

Any person who violates the provisions of these Regulations shall be guilty of a violation. In addition to any other enforcement procedure authorized by law, the Town may subject the person violating these Regulations to a fine of up to One Thousand Dollars (\$1,000.00) per day that the violation continues. This Section 14 is not intended to abrogate other enforcement actions or remedies that the Town may pursue in the Circuit Court, Superior Court, or other court of competent jurisdiction.

#### **15. MISCELLANEOUS PROVISIONS.**

- 15.1 No Easement Created. No easement or other permanent property right is created by the Town permitting the Permittee to construct or locate property within the Public Rights-of-Way.
- 15.2 Removal of Non-Complying Work. Upon order of the Town, all work that does not comply with a granted Permit or the requirements of these Regulations shall be removed.
- 15.3 Severability. If any part of these Regulations is for any reason declared invalid in whole or in part by any court or agency of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Regulations.

#### **16. APPLICATION REVIEW PROCEDURES.**

- 16.1 Determination of Completeness. Upon receiving an Application, the Town will review the Application within fifteen (15) days to determine whether the Application is complete. If the Application is missing any required information or documents, the Town will notify the Applicant that the Application is not complete and specify what information is needed for the Application to be deemed complete. If the Town determines that an Application is missing required information and/or documents and so notifies the Applicant within fifteen (15) days of receipt of the Application, the deadline for acting on the Application shall be tolled until such time that all requested information is received by the Town.

The Town reserves the right to refuse to accept any Applications that it deems incomplete.

16.2 Review of Application.

- (a) Any Applications that require approval from the Planning Board or Zoning Board of Adjustment shall be simultaneously sent to the applicable board for review prior to the Town granting a Permit.
- (b) Any Applications that do not require Planning Board or Zoning Board of Adjustment approval, and Applications for a PWSF Collocation that are exempt from municipal land use board review pursuant to RSA 12-K:11, shall instead be reviewed by the Board of Selectmen prior to the Town granting a Permit.

16.3 Deadline for Review. The Town will act on all Applications within the deadlines required by the Federal and State law.

16.3.1 Time to Request Additional Information.

- (i) For Applications to Collocate one or more PWSF on existing structures: If additional information is required, the Municipality shall request such additional information in writing within fifteen (15) days of receipt of the Application, and such request shall pause the deadline for review, until such additional information is provided to the Municipality.
- (ii) For all other Applications, if additional information is required, the Municipality shall request such additional information in writing, within thirty (30) days of receipt of the Application, and such request shall pause the deadline for review, until such additional information is provided to the Municipality.
- (iii) For all Applications, the Municipality may request additional information in writing at any time in the review process, but if the request is made after the times listed in sub-sections (i) and (ii) above, such requests shall not pause the deadline for review, unless otherwise agreed by the Applicant.

16.4 Third Party Review: The Town can request special investigative studies to review documents, construction plans, plats, RF reports and other matters which may be required for a particular Application to ensure that the proposed work is constructed safely and in compliance with all applicable federal, state, and local requirements. All third party review is performed at the Applicant's expense. The Town can impose reasonable fees to cover its administrative expenses and the costs of such third party review.

Prior to commencing any third party review, the Board of Selectmen or its designee shall approve the scope of services and obtain a cost estimate for the proposed services. Additionally, the Applicant shall deposit with the Town funding in the amount of one hundred twenty-five percent (125%) of the estimated cost of services. Any funds not expended for the third party review shall be returned to the Applicant.

16.5 Decision on Application.

16.5.1 Written Decision. After the completion of any third party review, but before the expiration of the applicable deadlines for review, the Board of

Selectmen or its designee will issue a written decision approving, conditionally approving, or denying the Application.

16.5.2 Required Findings for Approval.

- (a) The Applicant has obtained all required federal, state, and local approvals, authorizations, and permits.
- (b) The Project complies with all applicable codes and regulations, including applicable federal, state, and local regulations, building codes, and electrical safety codes.
- (c) The Project complies with all applicable design standards.
- (d) The Applicant has provided satisfactory proof of all insurance, indemnification, and bonding required under these Regulations.
- (e) The proposed Project is not located on any private structures or poles, unless the Applicant has submitted written authorization from the owners of those private structures or poles.
- (f) If the proposed Project involves a PWSF Collocation, the PWSF meets the definition of a Small Wireless Facility as defined in these Regulations.

16.6 Appeal. Any decision to grant or deny a Permit by the Board of Selectmen's designee may be appealed to the Board of Selectmen.

16.7 Waiver. The Town may waive any portion of these Regulations: (i) if the Town finds that strict conformity would pose an unnecessary hardship to the Applicant, and waiver would not be contrary to the spirit or intent of these Regulations; (ii) if the Town finds that specific circumstances relative to the Application indicate that waiver will properly carry out the spirit and intent of the Regulations; or (iii) to the extent necessary to comply with the Federal Telecommunications Act or other applicable Federal and State laws, as they may be amended or superseded.

## **17. ISSUANCE OF LICENSE.**

17.1 Issuance. Upon the successful completion of the proposed work, approved by the Town pursuant to the Permit issued pursuant to these Regulations and upon inspection of the work, if required, the Applicant or approved assignee of the Applicant who is then the holder of the Permit, shall be issued a License by the Town to maintain the facilities placed in the Public Rights-of-Way pursuant to a Permit granted pursuant to these Regulations. The License so issued shall incorporate all the terms of the Permit, and in addition, shall include the items listed below in Sections 17.2 – 17.4.

17.2 Taxes. In accordance with the requirements of RSA 72:23, I (b), the Licensee and any other entity now or hereafter using or occupying municipal property pursuant to a Public Rights-of-Way Permit or License shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the Licensee and any other entity using and/or occupying property of the Town pursuant to a Permit or License shall be obligated to pay real and personal property taxes on structures or improvements added by the Licensee or any other entity using or occupying the property of the Town pursuant to a Permit

or License. Failure to pay duly assessed personal and real property taxes when due shall be cause to provide a written notice to the Licensee to show cause by a date certain specified in the notice as to why the Licensee's License to occupy the Public Rights-of-Way should not be terminated for nonpayment of the sums due.

- 17.3 No Permanent Property Right. Neither the Permit to perform work nor the License to locate property within the Public Rights-of-Way subsequently granted to the Applicant, grants or creates a permanent property right.
- 17.4 Revoke Permit. The Town retains authority to revoke or modify a Permit or License in any manner, up to and including ordering the removal of property from the Public Rights-of-Way, unless specifically prohibited by law.

[Exhibits to follow]

## **SCHEDULE OF EXHIBITS**

|   |                  |
|---|------------------|
| A | Fee Schedule     |
| B | Application Form |
| C | Form for License |

**EXHIBIT A**

**Town of Chesterfield**

**FEE SCHEDULE**

**For Excavations in and Management of Streets and Public Rights-of-Way**

1. Permit Application Review Fee: One Hundred Dollars (\$100.00).
2. Third-party Review: If third-party review is necessary, the Applicant will be responsible for the reimbursing the Municipality's actual costs associated with obtaining that review.
3. Inspection Expense: As estimated by the Applicant and as determined by Board of Selectmen or it's designee
4. Restoration Bond: In the amount of one hundred twenty five percent (125%) of the cost of restoration of the Public Rights-of-Way, to its prior condition, including relocating and/or restoring public infrastructure, restoring the Public Rights-of-Way and any greenbelt or landscaping, as estimated by the Applicant, and determined by the Board of Selectmen or it's designee
5. License Fee: Ten Dollars (\$10.00), per facility located in the Streets and Public Rights-of-Ways pursuant to a License issued by the Municipality.

[End of Exhibit A- Fee Schedule]

**EXHIBIT B**

**Town of Chesterfield**

**COVER PAGE TO APPLICATION FORM**  
**For Excavations and Placement of Facilities in Streets and Public Rights-of-Way**

Name of Applicant: \_\_\_\_\_

| <b><u>TYPE OF APPLICATION</u></b>  | <b><u>DEADLINE FOR REVIEW</u></b>  | <b><u>MUNICIPAL OFFICIAL'S USE:</u></b> |
|--|--|---|
| Application for Collocation of one (1) or more PWSF on existing structure(s) or for Collocations of Small Wireless Facilities        | Forty-five (45) days / Fifteen (15) days to request additional information |   |
| Application for Collocation of one (1) or more PWSF for new structure(s) and/or is for construction of new Small Wireless Facilities | Ninety (90) days / Thirty (30) days to request additional information      |   |
| Application for placement of one (1) or more PWSF on existing structure; not a Collocation or Small Wireless Facility                | Ninety (90) days / Thirty (30) days to request additional information      |   |
| Application <i>not</i> involving PWSF  | Ninety (90) days / Thirty (30) days to request additional information      |   |
| <b><u>*** FOR MUNICIPAL OFFICIAL'S USE ONLY ***</u></b>  |  |   |
| Application received by Municipality:<br>DATE: _____   |  | Municipal Official's Initials:<br>_____ |
| Additional information is needed:<br>YES / NO<br><i>(Attach separate sheet outlining information needed)</i>                         |  | Municipal Official's Initials:<br>_____ |
| Request for additional information delivered to Applicant on:<br>DATE: _____   |  | Municipal Official's Initials:<br>_____ |
| Additional information delivered to Municipality on:<br>DATE: _____  |  | Municipal Official's Initials:<br>_____ |

**Town of Chesterfield**

**APPLICATION FORM**

**For Excavations and Placement of Facilities in Streets and Public Rights-of-Way**

1. Remit of Application: Applications for a Public Rights-of-Way Permit must be submitted, via US mail or other delivery service or via hand delivery, to:

Town of Chesterfield  
Attention: Town Administrator  
P.O. Box 175  
Chesterfield, New Hampshire 03443

2. Permit Holder: Provide the name, mailing address, and phone number for the person that will hold the permit (“Permitee”). If the Permitee will be an organization, identify the organization’s designated contact person.

---

---

---

Phone Number: \_\_\_\_\_

3. Applicant: If the person filling out this Application is not the Permitee, provide the name, mailing address, and phone number for the party completing this application on behalf of the Permitee.

---

---

---

Phone Number: \_\_\_\_\_

4. Additional Agents: Provide the name, address, and phone number for all developers, contractors, subcontractors, or other agents that will perform the work in the Public Rights-of-Way:

---

---

---

---

---

---

---

---

---

---

---

---

5. Proposed Work: Identify the type and purpose of the proposed construction, excavation, or other work:

---

---

---

---

---

---

---

---

6. Does the proposed work involve Personal Wireless Services Facilities (“PWSF”)?  
 Yes.  No.  
If “Yes”, is it a Small Wireless Facility, as defined by 47 C.F.R. §1.6002(1), as that Regulation may be amended?  
 Yes.  No.  
If “Yes”, explain in plain, factual detail why the proposed work qualifies as a “Small Wireless Facility:”

---

---

---

---

---

---

---

---

7. Is the proposed work covered by RSA Chapter 12-K, as that statute may be amended, as a PWSF Collocation?  
 Yes.  No.  
If “Yes”, explain in plain factual details why the proposed work qualifies for Chapter 12-K:

---

---

---

---

---

---

---

---

Provide the following additional information:

(A) Identify the name, address, and phone number of the owners of the structure or pole onto which the PWSF will be collocated or attached:

---

---

---

---

(B) Attach written authorization from the owners identified in Section 14(A).

(C) Attach engineering construction drawings signed by a licensed engineer that identify (i) the physical dimensions of the structure on which the PWSF will be mounted; (ii) any increases to the physical dimensions of the structure resulting from mounting of the PWSF; (iii) any increases to the square footage of the existing equipment compound; and (iv) the cubic volume of the Antenna, excluding associated Antenna equipment.

8. A site survey, including any necessary engineering construction drawings or site plans for the proposed work is required to be attached, unless waived by the Municipality, in writing.

Attachments:  Yes.  No.

|   |             |
|---|-------------|
| <b>*** FOR MUNICIPAL OFFICIAL'S USE ONLY ***</b>      |             |
| The site survey was waived for the following reasons: |             |
| <hr/> <hr/> <hr/>                                     |             |
| Signature of Municipal Official: _____                | Date: _____ |

If a site survey and associated engineering construction drawings or site plans are attached (because they were not waived in writing by the Municipality) it must include and identify the following:

- i. The exact location of the proposed work.
- ii. All existing boundaries and encroachments within seventy-five (75) feet of the proposed project site.
- iii. All existing public infrastructure within seventy-five (75) feet of the proposed work, including but not limited to conduits, street pavement, traffic lanes, curbs, sidewalks, hydrants, street lights, decorative poles, utility poles, traffic signals, permanent signage, gutters and storm drains, and benches.
- iv. Any private structures within seventy-five (75) feet of the proposed work, whether above or below grade, including but not limited to utility poles, pipes, or conduit, equipment cabinets, cable television pedestals, buildings, planters, and mailboxes.
- v. Any landscape features within seventy-five (75) feet of the proposed work that may be affected by the work, including but not limited to water sources, shrubs, bedding plants, wetlands, trees and rock walls.

9. Does the proposed work involve the placement, construction or modification of a facility that produces radio frequency (“RF”) radiation?  
 Yes.  No.  
 If “Yes”, identify the level of RF emissions and submit an RF exposure compliance report, signed by an RF licensed engineer, that shows the level, including any RF radiation from other sources that contribute more than five (5%) to the cumulative RF radiation in the vicinity, will not be in excess of applicable FCC standards.

---



---



---



---

10. Timing:

Beginning date for proposed work: \_\_\_\_\_  
 End date for proposed work: \_\_\_\_\_  
 Other information: \_\_\_\_\_  
 \_\_\_\_\_.

11. List all necessary federal, state, and local permits or approvals required for the proposed work. Identify whether the Permittee or its agents have applied for or obtained those authorizations. Provide copies of any obtained authorizations.

Attachments:  Yes.  No.

---

---

---

---

---

---

---

---

*In the discretion of the municipality, Applications without all required authorizations may be deemed incomplete and rejected.*

- 12.** If any of the facilities subject to this application will be placed on property outside the Public Rights-of-Way, owned by the state or municipality or by a private party, including any encroachments for guys, Antennas, accessory equipment or other improvements, or other facilities, provide permission from that property owner for that placement must be attached.

Attachments:  Yes.  No.

List of Encroachments: \_\_\_\_\_

---

---

---

- 13.** The Applicant, and if different from the Applicant, the Permittee, agrees for itself, its agents and related entities to indemnify and hold harmless, the municipality, its successors, assigns, officers, officials, employees and other agents from all liabilities, damage, claims, or demands caused by any act of the Applicant and/or Permittee, including any negligent or intentional acts. The municipality assumes no responsibility for such acts by granting this Permit.

Applicant's and/or Permittee's initial(s) for Acknowledgement: \_\_\_\_\_

- 14.** Attach copies of all required insurance certificates and bonds, including insurance certificates as follows:

- (a) One Million Dollars (\$1,000,000.00) per occurrence / damage to property;
- (b) One Million Dollars (\$1,000,000.00) per occurrence / injury or death for any person;
- (c) Two Million Dollars (\$2,000,000.00) per occurrence for excess liability in umbrella form;

- (d) Fifty Thousand Dollars (\$50,000.00) damage from fire (for any one fire);
- (e) Five Thousand Dollars (\$5,000.00) medical expenses for any one person;
- (f) One Million Dollars (\$1,000,000.00) per occurrence for bodily injury from operation of motor vehicles;
- (g) Five Hundred Thousand Dollars (\$500,000.00) per occurrence for property damage from operation of motor vehicles; and,
- (h) Applicable Worker's Compensation insurance as required by the law.

15. Provide an estimate of the total cost for restoration of the public and private property that will be impacted by the proposed work, and a basis for that estimate:

---



---



---



---



---

**\*\*\* FOR MUNICIPAL OFFICIAL'S USE ONLY \*\*\***

Amount of Restoration Bond (125% of Estimate) or other surety required: \$ \_\_\_\_\_.  
 125% of Applicant's estimate for cost of restoration \$ \_\_\_\_\_.  
 If Bond amount differs from 125% of Applicant's estimate, provide explanation here:

---



---

*Signature of Municipal Official:* \_\_\_\_\_ *Date:* \_\_\_\_\_

16. Is the proposed work to be conducted, in whole or in part, in an Underground District?

Yes.  No.

If "Yes", explain how the proposed work will (a) conform as closely as possible to existing zoning or other requirements that wires, cables, cabinets, associated equipment, appurtenances and improvements be located underground to the greatest extent technically feasible; and (b) specifically identify any equipment, including Antennas, that must in order to function, be located above ground; and (c) describe how any above-ground facilities will be minimized to the greatest extent technically feasible.

(a) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

17. An application fee in the amount of One Hundred Dollars (\$100.00) per Permit is enclosed.

Total Amount: \$ \_\_\_\_\_  
 Number of Permits: \_\_\_\_\_  
 Check No. \_\_\_\_\_

18. Estimated inspection cost posted in the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) is enclosed.

Check No. \_\_\_\_\_.

19. Removal Bond or Surety for Removal of Abandoned Facilities: A bond or irrevocable letter of credit in an amount determined by the municipal official may also be required.

|   |             |
|---|-------------|
| <b>*** FOR MUNICIPAL OFFICIAL'S USE ONLY ***</b>  |             |
| Amount of Removal Bond : \$ _____.                |             |
| OR  |             |
| Amount of Irrevocable Letter of Credit: \$ _____. |             |
| Explanation here:                                 |             |
| _____   |             |
| _____   |             |
| Signature of Municipal Official: _____            | Date: _____ |

[Application continues to following pages-  
 Applicant Signature & Municipal Decision]

**SIGNATURE OF APPLICANT:**

Name: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**\*\*\*\*\*FOR MUNICIPAL OFFICIAL USE ONLY\*\*\*\*\***

**DECISION ON APPLICATION**

I. If the Application is denied:  
The Application is denied and no Permit shall be issued at this time, based on the following (written evidence): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

II. If the Application is granted:  
The Municipal Official finds that the Application is complete:

\_\_\_\_\_ The Applicant has obtained all required federal, state and local approvals, authorizations and permits;

\_\_\_\_\_ The Project complies with all applicable code and regulations, including applicable federal, state and local regulations, building codes and electrical codes, and design standards;

\_\_\_\_\_ The Applicant has provided satisfactory proof of all insurance, indemnification, and bonding required;

\_\_\_\_\_ The proposed project is not located on any private structures or poles (unless the Applicant has submitted written authorization from the owners); and

\_\_\_\_\_ If the proposed Project involves a PWSF Collocation, the PWSF meets the definition of a Small Wireless Facility, as defined in the Regulation, or is covered by RSA 12-K.

\_\_\_\_\_ Inspection expense in the following amount shall be posted with the Municipality: \_\_\_\_\_.

\_\_\_\_\_ Restoration bond in the following amount shall be posted with the Municipality: \_\_\_\_\_.

\_\_\_\_\_ Removal bond in the following amount shall be posted with the Municipality: \_\_\_\_\_.

The Application is approved and a Permit is hereby issued for the Proposed Work, of the terms and duration described in the Application with the following public safety conditions and requirements being met and confirmed upon Inspection:

1. \_\_\_\_\_

- 2. \_\_\_\_\_
- 3. \_\_\_\_\_.
- 4. \_\_\_\_\_.

***SIGNATURE OF BOARD OF SELECTMEN OR IT'S DESIGNEE:***

\_\_\_\_\_ Date: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

Municipal Official's Contact Information:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Mailing Address: P.O. Box 175, Chesterfield, New Hampshire 03443  
Telephone Number: (603) - \_\_\_\_\_  
Email Address: \_\_\_\_\_

[End of Exhibit B- Application Form]

**EXHIBIT C**

**Town of Chesterfield**

**FORM FOR LICENSE**

**License to Erect and Maintain Structures in the Public Rights-of-Way**

Upon Application of \_\_\_\_\_,  
and dated \_\_\_\_\_, 20\_\_\_\_, it appearing that the public good so requires, it is hereby

ORDERED

1. That said Applicants be and hereby are granted a License to erect and maintain the following structures, together with sustaining, strengthening and protecting fixtures, in the Municipality's Public Rights-of-Way covered by said Application (check all that apply), and subject to all the terms and conditions of approval of said Application, which are hereby incorporated by reference in to this License:

\_\_\_ poles, conduits, cables, wires, or similar structures for the provision of electric, telecommunication services, telephone, television, or information services.

\_\_\_ towers, such as a monopole, monopine, or lattice tower for the provision of telecommunication services or information services.

\_\_\_ antenna and associated switches, wiring, cabling, power sources, shelters, cabinets, or similar structures for the provision of personal wireless services.

\_\_\_ pipes and similar structures for the provision of water or gas services.

\_\_\_ other (please describe type of structure and intended use):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- The poles are constructed of the following materials:

\_\_\_\_\_  
\_\_\_\_\_.

- The maximum and minimum length of poles shall be \_\_\_\_\_ feet and \_\_\_\_\_ feet respectively.
- The maximum and minimum height of structures shall be \_\_\_\_\_ feet and \_\_\_\_\_ feet respectively.
- Conduits shall be buried to a depth of at least \_\_\_\_\_ feet.

- All wires and cables except those leading down the poles and structures and those leading to fixtures attached thereto shall be placed at a height of not less than eighteen (18) feet above the surface of the highway.
- Other location and dimensional requirements:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

The approximate location of the structures and associated equipment on \_\_\_\_\_ Road/Street in the Municipality is designated or defined as shown on \_\_\_\_\_ Petitioner's plan titled \_\_\_\_\_

Plan No. \_\_\_\_\_, Dated \_\_\_\_\_, 20\_\_ attached to and made a part of this order.

2. In accordance with the requirements of RSA 72:23, I (b), the licensed entities and any other entity now or hereafter using or occupying municipal property pursuant to this License shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the licensed entities and any other entity using and/or occupying property of the municipality pursuant to this License shall be obligated to pay real and personal property taxes on structures or improvements added by the licensed entities or any other entity using or occupying the property of the municipality pursuant to this License. Failure to pay duly assessed personal and real property taxes when due shall be cause to provide a written notice to the licensed entities to show cause by a date certain specified in the notice as to why this License should not be terminated for nonpayment of the sums due.
3. In accordance with the requirements of RSA 72:23, I(b), this License is granted to the licensee(s) subject to that condition that the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this License shall be responsible for annually notifying the Municipality on or before May 1<sup>st</sup> of that year of the location of any additional attachers to the Licensee's structures or equipment in the public rights-of-way, including the location of the structures or equipment to which the attachers' facilities are attached, any attachers that have removed their attachments, and/or any attachers that have added new attachments.
4. This License is granted upon the condition that the petitioner(s), licensee(s), heirs, and assigns shall, to the fullest extent permitted by law in perpetuity, protect, indemnify, save, defend and hold harmless the Municipality, including its officials, agents, and employees, from and against any and all liabilities, obligations, claims, damages, penalties, causes of action, costs, interest and expenses, including but not limited to reasonable attorney fees, by reason of any

accident, bodily injury, personal injury, property damage, or death of any person arising from the use of the municipal right-of-way for utility purposes.

5. This License is further granted upon the condition that the petitioner(s), licensee(s), heirs, and assigns shall be required to relocate such structures or equipment, together with protecting fixtures as set forth in said Petition, upon written request of the Municipality, within a reasonable time frame at no charge to the Municipality.
6. This License is further granted upon the condition that the petitioner(s), licensee(s), or heir(s) and assigns shall comply with the Municipality's Regulations for Excavations in and Management of Town Streets and Public Rights-of-Way, as they may be annotated.
7. This License shall not grant or create a permanent property right in the Licensee.
8. The Municipality retains the right to revoke or modify this License, as authorized and in compliance with, applicable law and as the public good may so require.

***SIGNATURE OF MUNICIPAL OFFICIAL***  
Town of Chesterfield, New Hampshire

By: \_\_\_\_\_  
**Board of Selectmen or it's designee**

Received and entered in the records of the Municipality at  
Book \_\_\_\_\_, Page: \_\_\_\_\_, or file location \_\_\_\_\_.

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
**Town Clerk**

[End of Exhibit C- Form of License]

