

**Minutes of April 13, 2010**  
Warren Selectboard  
Warren Municipal Building  
7:00 PM

**Members Present:** Andy Cunningham, Chair, Ken Frey, Matt Groom, Kirstin Reilly & Anson Montgomery.

**Others Present:** Rudy Elliott, Peter Reynolds, Beth Nichols, Kara (VR), Giles & Sarah Wright, Alex Peff, Alex Maclay, (TV 44/45), Carl Lisman, (Attorney for Powder Hound Condo Association), John Goss, Susan Hemmeter, Cindi Jones (7:20PM), Verizon Representatives.

**7:00 PM** – Mr. Cunningham called the meeting to order.

**7:05 PM – Public Hearing** – Revisions to Warren Land Use & Development Regulations – Amendment to revise the provisions of Warren’s Land Use and Development Regulations related to telecommunication facilities and to approve a minor modification of the boundary of the Sugarbush Village Residential District – The object is to promote co-location of new telecommunications antennas on existing towers, or on/within existing structures by streamlining the review process for such applications -

Mr. Cunningham summed up as follows: Specifically Verizon wants to install a tower at the Sugarbush Village Road facility as a permanent installation, moving it from the temporary 22 acre site to the top of Sugarbush Village Drive. Verizon Representatives pointed out the current location of the tower on the town map and where the permanent installation would be. The amendment is a small change and very immaterial and would help cell phone reception. It does require a small boundary adjustment making the forest reserve district slightly bigger. A Representative from Verizon stated that boundary line adjustment is about a 100’ to be out of the bear habitat area. They also commented that by the urging of the Zoning Administrator, it would provide a piece of being able to put cell repeaters on current structures in the Warren Village area and would streamline the zoning process for telecommunications.

Mr. Cunningham commented that the Warren Selectboard was in favor of the telecommunication amendment and that the Warren Planning Commission was in favor and has had their required hearing on this issue. This amendment change for telecommunications would greatly extend better cell phone coverage in the Sugarbush Area and in the middle of Warren Village. Verizon representatives would be submitting an application shortly as they would like to start the installation process this summer. Mr. Elliott inquired about the cell tower range. Verizon Representatives indicated that it would cover Sugarbush Area and most of the Access Road down to Route 100. Mr. Cunningham inquired as Valley wide if it would help the blackout period from Mac’s to Waitsfield. Verizon commented that it would it would not help that specific area.

Motion by Mr. Groom to approve the revisions to the Warren Land Use and Development Regulations related to telecommunication facilities and approve a minor modification of the boundary of Sugarbush Village Residential district. With the objective to promote co-location of new telecommunication antennas on existing towers, or on/within existing structures by stream lining the review process for such applications, second by Ms. Reilly. All in Favor: VOTE: 5-0.

**7:19PM** – Approval of Minutes for March 30, 2010 – Motion by Ms. Reilly to approve the Minutes of March 30, 2010, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

**7:20 PM** – Chez Henri Inc, D/B/A – Chez Henri Liquor License Renewal – Motion by Ms. Reilly to approve the liquor license renewal for the Chez Henri, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

**7:21 PM** – Sugarbush Restaurants Inc. D/B/A – Valley House Liquor License Renewal – Motion by Mr. Groom to approve the liquor license renewal for Sugarbush Restaurants Inc, D/B/A – The Valley House, second by Ms. Reilly. All in Favor: VOTE: 5-0.

**7:22 PM** – Sugarbush Restaurants Inc, D/B/A – Allyn’s Lodge Liquor License Renewal – Motion by Mr. Frey to approve the liquor license renewal for Restaurants Inc, D/B/A – Allyn’s Lodge, second by Mr. Groom. All in Favor: VOTE: 5-0.

**7:23 PM** – Sugarbush Restaurants Inc, D/B/A – Gate House Liquor License Renewal – Motion by Mr. Groom to approve the liquor license renewal for Sugarbush Restaurants, D/B/A Gate House, second by Ms. Reilly. All in Favor: VOTE: 5-0.

**7:24 PM** – Sugarbush Restaurants Inc, D/B/A – Timbers at Clay Brook Liquor License Renewal – Motion by Ms. Reilly to approve the liquor license renewal for Sugarbush Restaurants Inc, D/B/A Timbers at Clay Brook, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

**7:25 PM** – Sugarbush Restaurants Inc, D/B/A – Hogan’s Pub Liquor License Renewal – Motion by Mr. Groom to approve the liquor license renewal for Sugarbush Restaurants Inc, D/B/A Hogan’s Pub, second by Ms. Reilly. All in Favor: Vote: 5-0.

**7:26 PM** – Sugarbush Restaurants Inc, D/B/A – Sugarbush Inn Liquor License Renewal – Motion by Mr. Montgomery to approve the liquor license renewal for Sugarbush Restaurants Inc, D/B/A Sugarbush Inn, Second by Ms. Reilly. All in Favor: Vote: 5-0.

**7: 30 PM – Mad River Path** – Initial Baseline Documentation Report – Mr. Cunningham received from the Conservation Commission the Initial Baseline Documentation Report for the proposed path across the Kingsbury Farm Parcel as what is requested by the path in the License Agreement dated March 30, 2009. It has been accepted and signed off by the Path Association and the VT Food Bank has signed off with an official letter. This does not include the section behind Mac’s Store as they are very concerned about liability issues. The Conservation Commission is working on a letter to send to Sherman V. Allen to meet and open up discussions with Sherman V. Allen concerning trying to get a trail easement behind Mac’s Store.

Motion by Mr. Frey to acknowledge the Baseline Documentation Report, second by Mr. Groom. All in Favor: VOTE: 5-0.

**7:31 PM – Peff Enterprises LLC – Slide Brook Lodge & Tavern** – Mr. Cunningham opened up the discussion with a little history of the past two years. In 2008, there were complaints from Drumley's Property Owners about noise after the hours of 12:00 midnight. In 2009, there was no input on the renewal process and the license was issued. He also stated that Mr. Peff has made some effort in the way of past liquor licenses renewal complaints. He has purchased a decibel noise meter, reinsulated inside to help with noise and works with the Common for over flow parking. Mr. Reynolds, property manager, reported that the level of noise starts up in the summer months. He spoke to the DLC which stated that Slide Brook had been cited for underage drinking and that there was a lot of traffic congestion. He stated that the DLC stated that the Town has the first line of authority and can impose restrictions on the license or deny the license. Mr. Peff responded that he is licensed for two floors for food and liquor. He also stated that he had permission from the Common Man Owners that over flow parking could park across the street in their parking lot. The biggest complaint that the Drumley's owners have is the noise levels at from 11:00-2:00 in the morning. Mr. Peff stated that the area is zoned commercial for his type of business.

Mr. Cunningham commented that Mr. Peff needed to stop his music at 12:00 and that Mr. Peff needs to police his patrons to have some courtesy and respect for the neighbors. Mr. Groom stated that he has played music at the establishment and that he was told that the music was to stop at 12:00. Mr. Groom also recused himself from any voting on this issue. Mr. Frey commented that the Selectboard had to decide what was best for the Town. The area is zoned as commercial and it is a recreational area that promotes people to come to the Valley for vacations, which helps the surrounding businesses. Mr. Frey stated if there are no laws being broken, there is not much the Town can do.

Mr. Cunningham summed of the meeting as follows: The bands need to stop at 12:00, the license states you can serve until 2:00am. Mr. Peff needs to let his patrons know to be courteous and quiet for the surrounding neighbors. The Selectboard can adjust or deny the application. And have the sheriff patrol more in that area. Mr. Cunningham commented that they could move the closing time to 1:00 instead of 2:00 for a one year trial. If complaints continue, then next year the board would possibly deny the application. Mr. Groom commented that he did not like to see restrictions being imposed as it are very hard in the valley economically to keep a business going. Ms. Reilly commented that possibly the sheriff could patrol more and was in favor of switching the closing time to 1:00.

Motion by Mr. Cunningham to cut back the outside consumption liquor license hours to 1:00 am instead of 2:00, with the inside hours staying at 2:00AM, second by Mr. Montgomery. VOTE: 4-0 (Mr. Groom recused from voting).

**8:20 PM – Two Romans LLC Hostel Tevere Liquor License Renewal** – Mr. Cunningham and Mr. Groom recused from voting as there was some conflict of interest. Mr. Cunningham turned the meeting over to Mr. Frey for this item of the agenda. Mr. Frey started off the discussion off by asking if there were people in the room that opposed to the license. Mr. Lisman, an attorney for the Power hound Condo Association presented their issues to the Warren Selectboard as follows: There is too much noise in the summer months, Patron parking, and the association would like to limit the number of occupants in side. Ms. Wright stated that there is an overflow lot up behind the Inn; however, it is on Huckleberry Lane, which means patrons would have to drive by the condos. She also stated that the Inn is licensed for a total of 94 occupant's total: 24 guests and 74 guests in the restaurant, bar and outside area up to 2:00AM. Ms. Wright also commented that she has received one noise compliant and they stopped the music at 12:00 midnight. They also close off the back deck area after hours and people go out in front of the inn to smoke.

Mr. Groom commented that after reading through the emails and letters received that over ½ of the owners do not see any problem with the noise except for Mr. Stephen Sala, President, of the Powderhound Condo Association. Mr. Groom also commented that it is hard enough to make a living around here and to impose restrictions would make it very difficult in these economic times. It is also nice to see young people move into this area.

Motion by Ms. Reilly to approve the Two Romans LLC Hostel Tevere liquor license renewal, second y Mr. Montgomery. All in Favor: VOTE: 3-0 (Mr. Groom and Mr. Cunningham recused from voting).

**8:45PM – Financial Report** – Mr. Cunningham provided a quick overview of Sullivan and Powers, CPA audit management letter. Mr. Frey commented that the board should have Sullivan and Powers, come in and address the board on the items.

**8:50 PM** – Approval of Warrants for 3/31, 4/13, 4/9, and 4/9/2010 – Motion by Mr. Frey to approve the warrants, second by Mr. Groom. All in Favor: VOTE: 5-0.

**8:55 PM – Town Appointments** – as follows:

Road Commissioner – Barry Simpson

Road Foreman – Ray Weston

Shingle Inspector – Mac Rood

TAC Representative – Jim Sanford, Craig Klofach

Town Agent – Wayne Kathan, Town Agent #2 – Cindi Jones

Town Historian – Jean Proctor and Leon Bruno.

Tree Warden – Meg Moffroid

Weigher of Coal – Ken Friedman

Dog Warden – Arnold Livingston

Dog Pound Keeper – Roy Hadden

Energy Coordinator – Matt Sargent

Fence Viewers: Wayne Kathan, Randy Taplin and Ron Hunkins.

911 Coordinator – Miron Malboeuf

Grand Juror – Wayne Kathan

Health Officer – Martin Gubernick

ADA Representative - Louise Messner.

Central VT Revolving Loan Representative – John Norton.

Constable # 1 – Gene Bifano.

Municipal Court System Officer Custodial- Reta Goss

Municipal Court System Officer Issuing – Miron Malboeuf - Zoning

Municipal Court System Officer Issuing – Cindi Jones – Town Administrator

Municipal Court System Officer Issuing – Martin Gubernick – Health Officer

Municipal Court System Officer Issuing – Arnold Livingston – Dog Warden

Municipal Court System Officer Appearing – A Cunningham, M Gubernick, W. Kathan, M Malboeuf, A Livingston.

MRV solid Waste Mgt. Representative – Kenny Blair.

DRB Members: Chris Behn, and Virginia Roth to 3 year terms.

Planning Commission – Michael Ketchel to a 3 year term and Lisa Miserendino to a 4 year term.

Warren Service Officer – Helen Gow

Warren Recreation Committee Doug Bernstein to a 3 year term and Kirstin Reilly to a 2 year term.

Central VT State Police Advisory Board – Sandra Brodeur, Jeff Campbell and Gene Bifano.  
Public Safety Officer – Michael Brodeur.

The Conservation commission has two vacancies for 4 year terms: Kenny Blair resigned, Susan Hemmeter resigned and George Schenk's term is up. The Conservation Commission will be advertising for the vacant positions as the charter states a 9 member committee.

There was a short discussion concerning the 1<sup>st</sup> constable position. Mr. Cunningham stated that last year the town appointed Mr. Laskowski. At the law enforcement hearing Mr. Gene Bifano stated an interest in the position and was willing to go to the law enforcement training. Mr. Montgomery stated that response time was a big issue at the meeting. After much discussion, the selectboard appointed Mr. Gene Bifano to the position.

Motion by Mr. Groom to appoint all of the above town positions for the year of 2010, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

**9:15 PM – Ackland Road Cut Amendment** – Mr. Ackland presented to the board a 3<sup>rd</sup> revision to the road cut access permit number 2009-06. The amendment moves the previously approved curb access up the hill from the original location to help satisfy the neighbors across the property. Mr. Simpson and Mr. Weston reviewed the new location and the site distance is ok with a 225' site distance. Amended site plan attached with Daniel R. Mulligan State of Vermont Licensed Land Surveyor attached.

Motion by Mr. Groom to approve the amended curb cut access permit with new site plan, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

Mr. Simpson, DPW, also presented to the board a summary of a task list for the Road Crew and for the DPW along with a cut sheet on a trailer. Mr. Simpson commented that the current trailer belongs to Mr. Tony White and needs some repair. The crew and Mr. Simpson are in agreement that the Town should sell the 1995 Mack and the Zero Turn Mower that was bought with wastewater funds.

Mr. Cunningham and the board tasked Mr. Simpson in finding out how much these pieces of equipment are valued for to come up with an asking price to advertise to the public for sale. Mr. Simpson also stated that he felt that the trailer was a bit overboard for what the town needed and would like to see if there was one cheaper.

**9:50 PM – Kramer Waste Water Preliminary Approval** – Motion by Mr. Groom to approve the preliminary approval of the Kramer, Lot 2, Wastewater Application, second by Ms. Reilly. All in Favor: VOTE: 5-0.

Ms. Jones commented that all fees have been paid and that the Town Engineer, FA&A, has looked at the plans and that McCain Consulting has made the changes as recommended by FA&A. Applicant will have 1 year from date of preliminary approval. Final Approval cannot be approved until all state and local permits have been received and complied with.

**9:55 PM – Resignation from Mr. Ken Frey** – Mr. Cunningham and the board wanted to extend a special thank you to Mr. Frey for his service to the town and wished him well in his future endeavors. The board expressed their thanks for his pencil sharp financial analyst skills and bring a fresh prospective look to the board. Mr. Frey has accepted a job out of state.

**9:51 PM** – Motion by Mr. Cunningham to go into executive session to discuss real estate and personnel and invite Ms. Jones, second by Mr. Frey. All in Favor: VOTE: 5-0. (Ms. Jones Left at 10:10PM). Ms Hemmeter was invited in personnel regarding Town Employees after Ms. Jones left.

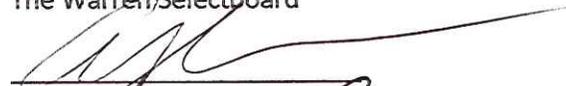
Motion by Mr. Groom to come out of executive session at 10:45 PM, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

Mr. Frey officially submitted his letter of resignation to the members of the Warren Selectboard.

**10:50 PM** – Motion by Mr. Cunningham to adjourn, second by Ms. Reilly. All in Favor: VOTE: 4-0.

Minutes Respectfully Submitted by,  
Cindi Jones, Warren Town Administrator

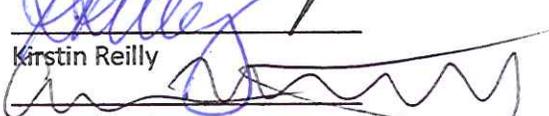
The Warren Selectboard



Andy Cunningham, Chair



Matt Groom, Vice Chair



Kirstin Reilly



Anson Montgomery

WARREN SELECT BOARD WARNING  
PUBLIC HEARING

Revisions to Warren Land Use and Development Regulations

The Warren Select Board will be holding a public hearing on a proposed amendment to the town's Land Use and Development Regulations on April 13<sup>th</sup>, 2010, at 7:00: pm at the Warren Municipal Building Conference Room (old library) located at 42 Cemetery Rd, at the municipal complex in Warren Village.

The purpose of this amendment is to revise the provisions of Warren's Land Use and Development Regulations related to telecommunication facilities and to approve a minor modification of the boundary of the Sugarbush Village Residential district. The objective is to promote co-location of new telecommunications antennas on existing towers, or on/within existing structures by streamlining the review process for such applications. The revisions also bring Warren's regulations into compliance with state requirements for de minimus review of minor changes to existing telecommunications facilities.

The proposed amendment affects the entire Town of Warren. Revisions are proposed to Article 2, (Tables 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.10, 2.11, & 2.13) and Section 4.18, 10.2 and the Official Zoning Map. The full text of the proposed amendments is available for review at the Town Office during normal business hours and is posted on the town website, <http://www.warrenvt.org>.

Dated this 11<sup>th</sup> day of March 2010.

By the Warren Select Board

Andrew Cunningham, Chair  
Ken Frey  
Mathew C. Groom  
Anson Montgomery  
Kirsten Reilly

**Warren Planning Commission Report:  
Proposed Telecommunication Facilities Bylaw Amendment**

This report is presented for public review in accordance with 24 V.S.A. §4441 (c).

Description & purpose of the proposed bylaw amendment.

The purpose of this amendment is to revise the provisions of Warren's Land Use and Development Regulations related to telecommunication facilities and to approve a minor modification of the boundary of the Sugarbush Village Residential district. The objective is to promote co-location of new telecommunications antennas on existing towers, or on/within existing structures by streamlining the review process for such applications. The revisions also bring Warren's regulations into compliance with state requirements for de minimus review of minor changes to existing telecommunications facilities.

The Warren Planning Commission has determined that the proposed amendment:

1. conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The proposed amendment furthers the goals and policies contained in the town plan including the following:

- o [Page 3-20] Carefully review the need for the placement of structures, including solar energy equipment, wind energy equipment and telecommunications towers, on ridgelines or prominent hilltops.
- o [Page 9-10] Promote the continued upgrade and expansion of the telecommunications infrastructure in Town to support the ability of local residents to work at home and telecommute to other locations.

2. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The proposed amendment has no effect on the availability of safe and affordable housing.

3. Is compatible with the proposed future land uses and densities of the municipal plan:

The proposed amendment does not substantially alter the allowed uses and densities of development as set forth in the currently adopted regulations, which are compatible with the proposed future land uses and densities of the town plan.

4. Carries out, as applicable, any specific proposals for any planned community facilities."

The proposed amendment does not carry out any specific proposal for planned community facilities.

## ARTICLE 2. ZONING DISTRICTS & DISTRICT STANDARDS

### Section 2.4 Establishment of Zoning Districts & Zoning Map

The following zoning districts tables will have the added permitted uses as described below:

#### 4.18 Telecommunications Facilities (C)(1), Co-Located, (C)(2) Temporary wireless telecommunications facilities & (D), de Minimis Review

District Tables	ZONING DISTRICT NAMES	Co- Located	De Minimis	Temporary Wireless
Table 2.1	Forest Reserve (FR)	✓	✓	
Table 2.2	Rural Residential (RR)	✓	✓	
Table 2.3	Warren Village Historic Residential (WVR)	✓	✓	
Table 2.4	Sugarbush Village Residential (SVR)	✓	✓	
Table 2.5	Vacation Residential (VR)	✓	✓	✓
Table 2.6	Alpine Village Residential (AVR)	✓	✓	
Table 2.7	Sugarbush Village Commercial (SVC)	✓	✓	
Table 2.8	German Flats Commercial (GFC)	✓	✓	
Table 2.9	Access Road Commercial (ARC)			
Table 2.10	Warren Village Commercial	✓	✓	
Table 2.11	Airport Commercial (AC)	✓	✓	
Table 2.13	Meadowland Overlay District		✓	

## ARTICLE 4. SPECIFIC USE STANDARDS

### Section 4.18 Telecommunications Facilities

- (A) New or expanded telecommunication facilities, including but not limited to towers, antennas, equipment and accessory structures, may be permitted in designated zoning districts subject to conditional use review under Article 5 and the following provisions:
- (1) A proposal for a new tower shall not be permitted unless it is determined by the Development Review Board that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building, or structure.
  - (2) New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers shall be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.
  - (3) All towers, including antennae, shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.
  - (4) No wireless telecommunication site shall be located within 500 feet of an existing residence.
  - (5) Towers shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Development Review Board:
    - i) if tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
    - ii) to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.
  - (6) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located in such a manner that it poses a potential threat to public health or safety.
  - (7) Towers shall be enclosed by security fencing at least 6 feet in height, and shall be equipped with appropriate anti-climbing devices.
  - (8) New towers shall be sited and designed to minimize their visibility. No tower shall be located on an exposed ridge line or hill top. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the

ARTICLE 4. SPECIFIC USE STANDARDS, 4.18 Telecommunications Facilities

- use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.
- (9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required for a particular tower by the Federal Aviation Administration or other federal or state authority.
  - (10) The use of any portion of a tower for signs other than warning or equipment information signs is strictly prohibited.
  - (11) Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate based on site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.
  - (12) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Select Board may be required to ensure tower removal and site reclamation.
  - (13) No tower may be located in the Forest Reserve District east of Route 100.
- (B) In addition to the application requirements set forth in Section 5.2, applications for new towers shall also include the following:
- (1) A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones.
  - (2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.
  - (3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
  - (4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration.

ARTICLE 4. SPECIFIC USE STANDARDS, 4.18 Telecommunications Facilities

- (5) Any additional information needed to determine compliance with the provisions of these regulations.
- (C) **Co-Located and Temporary Facilities:** Notwithstanding the requirements of Subsection (A), wireless telecommunications antennas to be mounted on existing towers, utility poles, ski lifts, or other structures, or temporary wireless facilities may be permitted by the Zoning Administrator without conditional use or site plan review in accordance with the following:
- (1) For antennas to be mounted on an existing structure:
    - i) No changes shall be made to the appearance of such structure except as required for mounting;
    - ii) The height of the antenna as mounted shall not extend the total height of the structure by more than 10 feet (except as allowed under conditions of approval for existing towers);
    - iii) No panel antenna shall exceed 72 inches in height or 24 inches in width;
    - iv) No dish antenna shall exceed 3 feet in diameter; and
    - v) Any accompanying equipment shall be screened from view.
  - (2) For temporary wireless telecommunications facilities:
    - i) The temporary facility shall only be permitted for the duration of the intended use or event, and shall not be permitted for a period in excess of 1 year, as specified in the zoning permit.
    - ii) The temporary facility shall be removed immediately upon the expiration of the permit.
    - iii) The height of the facility shall not exceed 50 feet from grade (temporary facilities greater than 50 feet in height shall require approval as a conditional use).
    - iv) The facility complies with all other applicable provisions of these regulations.
- (D) **de Minimis Review.** Upon request of the applicant, the Zoning Administrator may review an application for a telecommunications facility and upon determining that the application will impose no or de minimis impact upon any criteria established in these regulations shall approve the application. An application that includes any of the following shall not be determined to have a de minimis impact:
- (1) New road or tower construction;
  - (2) Increase in the height of a structure; or

ARTICLE 4. SPECIFIC USE STANDARDS, 4.18 Telecommunications Facilities

- (3) Increase in the visibility of telecommunications facilities as viewed from public vantage points.
- (E) The following are specifically exempted from the provisions of this Section:
- (1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.
  - (2) All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.
-

## **Revised Zoning Boundary Description**

### **Section 4. Sugarbush Village Residential (SVR) (Revised)**

All of the lands within Lots 66 and 67 as drawn in 1902 from the old Plan in the Field Book of the Second Division of the Town of Warren, except that portion thereof which lies within the Sugarbush Commercial District (SVC), and is not part of the Green Mountain National Forest and on its northern most boundary is comprised of: North-western most boundary is comprised of the northernmost boundaries of Lots: Parcel Id no's 210041-00, 210044-00, 210045-00,, and then extending from the northernmost corner of lot parcel Id No 2100045-000 in a direct line to the northwestern most corner of lot 210011-00 and then to the eastern most boundary of said lot which coincides with the eastern most boundaries of Blocks 67 & 66. .

Zoning Boundary Description: Section 4. doc (SVR)

### **Original Zoning Boundary Description Section 4.Sugarbush Village Residential SVR**

All of the lands within Lots 66 and 67 as drawn in 1902 from the old Plan in the Field Book of the Second Division of the Town of Warren, except that portion thereof which lies within the Sugarbush Commercial District (SVC), and is not part of the Green Mountain National Forest.

## ARTICLE 10. DEFINITIONS

*Draft: January 28, 2010*

### Section 10.2 Definitions

The following definitions will be revised in or added to Article 10:

**Telecommunications Facility:** A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and associated ancillary facilities that provide access and/or house equipment (see Section 4.18 (A) & (B)).

**Telecommunications Antenna.** Any structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services.

**Telecommunications Antenna, Wireless.** A structure that transmits and/or receives electromagnetic signals for the purpose of transmitting personal wireless services as defined in the federal Telecommunications Act of 1996 and as subsequently amended, along with related equipment and base structures. This definition specifically excludes towers or other structures built primarily to support antennas.

**Tower.** Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting a telecommunications antenna above ground.

## **ARTICLE 10. DEFINITIONS**

*Draft: January 28, 2010*

### **Section 10.2 Definitions**

The following definitions will be revised in or added to Article 10:

**Telecommunications Facility:** A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and associated ancillary facilities that provide access and/or house equipment (see Section 4.18 (A) & (B)).

**Telecommunications Antenna.** Any structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services.

**Telecommunications Antenna, Wireless.** A structure that transmits and/or receives electromagnetic signals for the purpose of transmitting personal wireless services as defined in the federal Telecommunications Act of 1996 and as subsequently amended, along with related equipment and base structures. This definition specifically excludes towers or other structures built primarily to support antennas.

**Tower.** Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting a telecommunications antenna above ground.

AGENDA  
WARREN SELECT BOARD  
TUESDAY, APRIL 13, 2010  
7:00 PM

7:00 PM – Public Hearing – Revisions to Warren Land Use & Development Regulations – Amendment to revise the provisions of Warren’s Land Use and Development Regulations related to telecommunication facilities and to approve a minor modification of the boundary of the Sugarbush Village Residential District – The objective is to promote co-location of new telecommunications antennas on existing towers, or on/within existing structures by streamlining the review process for such applications.

7:25 PM – Peff Enterprises, LLC – Slide Brook Lodge & Tavern, 3180 German Flats Road, Warren – Liquor License Renewal

7:40M – Two Romans LLC Hostel Tevere, 203 Powerhound Road, Warren – Liquor License Renewal

8:00 PM – Sugarbush Restaurants, Inc –D/B/A Sugarbush Inn, Sugarbush Access Road, Warren – Liquor License Renewal –

8:03 PM – Sugarbush Restaurants, Inc. – D/B/A – Hogans Pub, Golf Course Road, Warren – Liquor License Renewal

8:05 PM – Sugarbush Restaurants, Inc, - D/B/A – Timbers at Clay Brook, 3100 Sugarbush Access Road – Liquor License Renewal

8:08 PM – Sugarbush Restaurants, Inc., - D/B/A – Gate House, 3100 Sugarbush Access Road, Warren – Liquor License Renewal

8:10 PM – Sugarbush Restaurants, Inc., D/B/A – Allyns Lodge, End of Super Bravo Chair Lift, Warren – Liquor License Renewal

8:12 PM – Sugarbush Restaurants, Inc. D/B/A – Valley House, West End Sugarbush Village, Warren – Liquor License Renewal

8:13 PM – Chez Henri, Inc, D/B/A – Chez Henri, Inc, Sugarbush Village, Warren – Liquor License Renewal

8:15 PM – Approval of Minutes for March 30, 2010

8:16 PM – Approval of Warrant for Accounts Payable 4/6/2010

8:30 PM – Town Appointments

9:00 PM – Other Business

Kramer Wastewater Sewer Allocation Application Preliminary Approval Only

Ackland Curb Cut Amendment – Barry Simpson, DPW