

000510

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY MAY 17, 2010

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Members Present: Virginia Roth, Lenord Robinson, Chris Behn, Peter Monte and Jeff Schoellkopf.

Others Present: William Pasturzek, Brian Sullivan, Arthur Dreher, Tony Wells, Sandy Carter, AJ Lanpher, Jeff Wallin, Andrew Davis, Allan Spector, Paul Ruetzler, Hardy Merrill, Richard Shapiro, Sarah Shapiro, Gina Shapiro, Dick King, Mari McClure, Barbara Tanck, Peter Brooks, Andrew Cunningham, James Sanford, Mike Skroski, Miron Malboeuf and Ruth Robbins.

Agenda: Call the meeting to order, 7:00 pm.

1. **2010-04-CU**, Construction of a 84' high telecommunications tower: The applicants, Vermont RSA Limited Partnership and Cellco Partnership each d/b/a **Verizon Wireless, & Summit Ventures** request conditional use approval for the construction of an 84' high telecommunications tower, stealthed to resemble a pine tree; the mounting of up to 15 panel antennas behind artificial tree branches; and the installation of a 12' x 24' equipment shelter adjacent to the stealth tree. This project is located at the end of Upper Village Rd. in the Forest Reserve District (Parcel Id# (250020). This application requires review under Article 4, § 4.18 (Telecommunications Facilities) of the Warren Land Use and Development Regulations.
2. **2010-04-CU**, Expansion of a Non Conforming Use, the **Warren Cemetery**: The applicants, the Warren Cemetery Commission & the Town of Warren request Conditional use approval to expand the development of cemetery plots and accessory roads on approximately 2 acres of a 22.35 acre parcel off Cemetery Rd; This parcel is owned by the Town of Warren(parcel Id #001001-100) and is located in the Warren Village Historic Residential District The applicants also proposes excavation on slopes exceeding 15% . This application requires review under Article 2 .Table 2.3(WVR), conditional uses, (6) cemetery and Article 3, §'s 3.4 (Erosion Control & Development on Steep Slopes) & §3.8(Non-Complying Structures & Non-Conforming Uses), (B) of the Warren Land Use and Development Regulations.
3. **Other Business:**
  - a. Sign Minutes from Development Review Board meeting of May 3rd, 2010.
  - b. Establish meeting night and dates for the Summer.

Mr. Monte called the meeting to order at 7:20 pm.

- 1) **2010-04-CU**, Construction of a 84' high telecommunications tower: The applicants, Vermont RSA Limited Partnership and Cellco Partnership each d/b/a **Verizon Wireless, & Summit Ventures** request conditional use approval for the construction of an 84' high telecommunications tower, stealthed to resemble a pine tree; the mounting of up to 15 panel antennas behind artificial tree branches; and the installation of a 12' x 24' equipment shelter adjacent to the stealth tree. This project is located at the end of Upper Village Rd. in the Forest Reserve District (Parcel Id# (250020).

Mr. Sullivan, attorney for Verizon Wireless, began the hearing with an overview of the project to install a cell tower at the end of Upper Village Road. He first made introductions of the team of professionals who could answer specific questions should they arise. Mr. Sullivan also pointed out that he did not believe that the DRB had any regulatory authority over property values and that Federal law limits the Town's ability to regulate a proposed wireless communications site

based on the RF energy that is utilized. Despite those limitations, there were experts who could address those issues should people have questions. This proposed tower is one of close to forty towers that Verizon has installed in Vermont over the past six to seven years noted Mt. Sullivan. He continued to say that if one is surprised at the number, it is because that Verizon has made every effort to have their towers blend into the surroundings unlike other towers in neighboring states. The proposed tower will be 84 feet tall with the top seven feet consisting of "branches". The attached antennae will be centered at the 75 foot mark and placed 3 feet up or down from that point and partially enclosed by the "branches". The equipment that will actually run the tower will be housed in a 12x24 equipment building near the base of the tower. This structure will be fenced in by a 50x50 foot fence. As per the Land Use Regulations, Sec. 4.17 requires the ability for co-locating of other carriers – thus the fenced area is larger than what is need just for Verizon's building but to also accommodate other carrier's buildings as well. Mr. Sullivan also explained that Verizon carefully sites each of their towers and has done photo simulations and balloon tests to illustrate how the tower would look once erected. He also noted that the site was determined by access with minimal disturbance to the landscape, honoring the boundaries of bear habitat and the maximum service coverage to meet the objectives for this project.

DRB Chairman, Mr. Monte, started off the questioning asking what other sites were considered and why this site was ultimately chosen. Mr. Sullivan replied that it was chosen to give radio frequency coverage to Sugarbush Ski area and some of the surrounding area. The particular location was determined by both constraints levied by designated bear habitat and local zoning district limitations. Mr. Monte also asked about the use of the existing ski towers and was told that Verizon's study showed the proposed location as the optimal location for coverage of the ski basin and golf course. Mr. King interjected that he had obtained a list of existing towers in the local area that might be alternatives. Mr. Lanpher commented that using the ski towers was not as effective due to terrain blocks and that the radio tower at the top of Lincoln peak also did not prove to be as good in providing coverage as the location selected. Mr. Behn asked if other carriers could use this tower and was told that co-locating by other carriers was customary and that one carrier (AT&T) has already approached them about doing just that. Mr. Behn asked if there was the potential for the tower to need to be increased in height to accommodate other antennae and was told that if that should happen that they would have to come back before the Board. Mr. Behn also asked if the surrounding forest grew up would the tower need to be extended. The reply was that has yet to happen but could in that the tower needs a clear path over terrain and existing foliage to transmit its signal. The current design does allow for a twenty foot extension should one ever be needed in the future and if approved by the DRB.

Concern was expressed by residents at 849 Upper Village Road (the Shapiro family) about the ambient sound and noise emitted from the equipment building and tower, negative health consequences from the radio frequencies, decrease in land value due to proximity of the tower and the impact on the neighboring wildlife habitat. Mr. Wells replied that the amount of radiation from the tower was well below the standards established by the FCC. He continued to say that typically, the amount emitted from the average handheld cell phone was higher than what would be measured at the base of the tower. There was some debate where it was noted that towers have been located near senior housing developments yet it was countered that all the research was not in yet and that we should err on the side of caution.

Mr. Monte told the applicant that one of the findings the Board needed to make was to find that the proposed location has some "virtue" that no other location has. He continued to say that he did not see anything in the applicant's materials that showed that comparison. Mr. Robinson commented that putting this new tower on top of an existing tower would be more "obnoxious" than it would be sitting against the mountain. The applicant stated that they make every effort to balance both the visibility and the maximum coverage in the ultimate placement of a tower. There have been instances where a site has met the RF requirements but a balloon test has

indicated too much visibility. Mr. Monte wanted to make sure the Board saw the information on all the sites Verizon had considered in making their decision.

Mr. Merrill introduced himself as representing the land owner, Sugarbush Resort. He pointed out several objectives that the resort was looking for in the installation of this tower and its provision of additional cell coverage. He noted increased emergency response, increased communication between parents and children on the mountain and overall increase in satisfying general customer demand for better cell service. Mr. Merrill also told the Board that the VT Tramway Board was typically not in favor of towers added to lift structures.

Mr. Behn said he wanted to hear more about the ambient noise that would be emitted from the site. The applicant stated that there were two sources of noise: one coming from an air conditioning unit to keep the electronic equipment operating correctly and a second source is from the emergency generator which is for power outages and does have a muffler. Verizon has done studies for a worse case scenario and found that the noise ran up to 44 to 56 decibels. Mrs. Roth asked if there were any locations they considered that were further away from residential housing. Mr. Davis replied that they "scoured" the area and with taking into consideration bear habitat, property line restrictions, the coverage objectives and access to an adequate power supply, they felt they had come up with the best location. Mr. Monte asked for more information about the equipment building and was told it would be of a stone like exterior in an earth tone color. Mr. Behn also asked about the impact on wildlife. The reply was that due to state regulations, location of cell towers was sensitive to wildlife habitat, and in this case had to be respectful of the nearby designated black bear habitat stated Mr. Nolan. Mr. Nolan clarified for Mr. Monte that the bear habitat adjacent to the proposed tower site was not considered "critical" bear habitat as to the survival of the species. Mr. Nolan then described for the Board his review of the site with Mr. Austin from the State. Though Mr. Austin did not visit the site, he is very familiar with the site stated Mr. Nolan.

Mr. Shapiro who lives closest to the proposed site, made a plea to the Board to try to do what was best for the public and not just a business decision – that maybe it would be better to have 80% coverage versus 98% coverage if it meant that the public would not end up having a cell tower in their backyard. Mr. Spector stated that no one has said they did not want good cell service but that there has to be a better, more appropriate location that was not so close to residential density. Mr. Monte asked what the feeling was about the appearance of the tower – tree-like with branches or just a monopole. Mr. Sanford asked about a drawing that would show the height of the surrounding trees in relationship to the proposed tower. Once seeing the difference in height, he commented that the "stealth" tree was almost entirely above all the other natural trees. Mr. Sanford continued to state that it was the general consensus of the Warren PC that that a tower without the fake vegetation would be preferable and less intrusive on the landscape. He also noted that a tower on top of Lincoln Peak would be much more visible and at least this location would not stand out as much. Mr. Sanford did comment that any potential health risks had to also be addressed. Mr. Schoellkopf noted that most of the trees at the proposed location were deciduous with only two or three conifers.

Mr. Monte asked how much latitude the Feds allowed local zoning boards in dealing with the health issues. Mr. Sullivan said that as the applicant they had one function which was to prove that the RF emissions were below the FCC required standards. Beyond that, neither towns nor states could regulate any further. Mr. Schoellkopf did say that he would certainly be interested in more detailed information should any of the concerned citizens wanted to provide such – that what had been mentioned was general and vague at best and he would want to see more specific documentation. Mr. Monte agreed but still noted that the Board was limited in what they could do in that vein.

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Mrs. Shapiro wanted to bring to the attention of both the Board and the applicant that there may be a security and safety concern as being at the end of the road there have been kids having parties, campfires, and she has found bullet casings. The applicant said that the utility building would be surrounded by a fence with barbed wire, locked and alarmed. The alarm is a silent alarm that alerts remotely. The site will also have limited vehicle access.

The Board gave the applicant a brief laundry list: a map that shows a larger area including the ski area trails; a list of the sites they considered and the potential coverage from those sites and a rendering of what a painted monopole would look like. Mr. Schoellkopf also commented that it would be helpful if Mr. Austin from the State could find time to visit the site to see if there was any latitude in shifting the site a couple hundred yards further away from the nearest resident.

**MOTION** by Mr. Monte to continue this hearing until Monday June 7, 2010 at 7 pm. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

2) **2010-04-CU**, Expansion of a Non Conforming Use, the **Warren Cemetery**: The applicants, the Warren Cemetery Commission & the Town of Warren request Conditional use approval to expand the development of cemetery plots and accessory roads on approximately 2 acres of a 22.35 acre parcel off Cemetery Rd; This parcel is owned by the Town of Warren (parcel Id #001001-100) and is located in the Warren Village Historic Residential District. The applicants also proposes excavation on slopes exceeding 15%.

**MOTION** by Mr. Monte to continue the hearing of the application from the Town of Warren Cemetery Committee until Monday June 7, 2010 at 7pm. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

3) Other Business

**MOTION** by Mr. Monte to re-open the proceedings on application #2009-06-SD, applicant FCC LLC d/b/a FCC Property Holdings LLC, to consider the Warren Fire Dept. recommendations. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

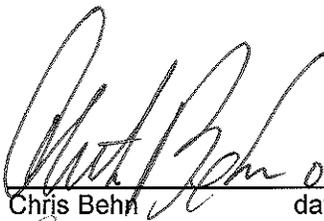
Mr. Monte adjourned the meeting at 9:53 pm.

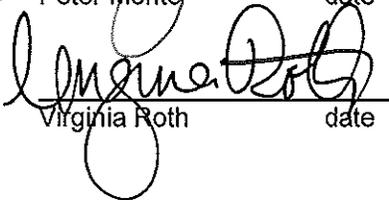
Respectfully submitted,

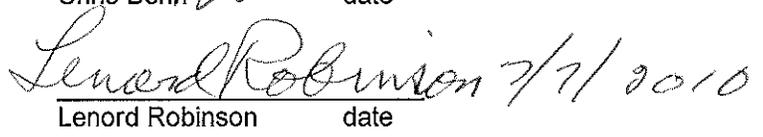
Ruth V. Robbins  
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

  
Peter Monte 7/7/10  
Peter Monte date

  
Chris Behn 07-07-2010  
Chris Behn date

  
Virginia Roth 7/7/10  
Virginia Roth date

  
Lenord Robinson 7/7/2010  
Lenord Robinson date



