

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY JULY 7, 2010

000803

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

Others Present: Brian Sullivan, Arthur Dreher, Eric Potter, Peggy Rodriguez, Michelle Kababik, AJ Lanpher, Steve Weatherber, Sandy Carter, Joe Carter, Dick King, Charles Snow, 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: (continued from June 7th, 2010) 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(continued from June 21st, 2010): 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 17th, 2010.

Mr. Monte called the meeting to order at 7:04 pm.

1. **2010-04-CU**, Construction of a 84' high telecommunications tower: (continued from June 7th, 2010) 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).

Attorney Sullivan began by giving the Board an overview of the changes from their original proposal. The tower was initially going to be 84 feet high, but with the relocation of the tower it would now have to be 100 feet tall. They are proposing to have it be a monopole versus one with "branches" to look like a pine tree. The new location, which is 300 feet northwest of the original location, will require a little more earthwork and possibly a retaining wall [worse case possibility] to create a level area for the tower and equipment building.

Mr. Behn asked if at some point it was requested that the monopole become a "tree" could it be retrofitted. The reply was that it could not as it had to be engineered one way or the other at the

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start. In a discussion about the best color for keeping the tower as blended as possible, the applicant said that in their experience brown seemed to work very well in a lot of the scenarios. It was also asked what the reduction in RF's was with the relocation of the tower. The answer was that there was a .02 reduction in RF's, or 25%, with moving the tower further away.

MOTION by Mr. Monte that the applicant will meet the requirements of Section 4.18 (A) (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." **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

Mr. Monte asked what the "anti-climbing" devices were that were noted on the plan. He was told that barbed wire would be installed at the top of the fence surrounding the tower and equipment building, and that there would be no lower rungs at the base of the tower that were within reach without a ladder. Attorney King also stated that his clients were aware of the changes and approved of them. The new location will require about 35 feet of additional road to access the new site.

MOTION by Mr. Behn that the final color for the tower to be approved as part of the Building (Zoning) Permit process that is consistent with allowed colors under the Forest Reserve District standards. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that Sec. 4.18 (A) and (B) are found to be satisfied. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Robinson that the standards of Sec. 5.3 (A) Conditional Use Review, General Standards, are satisfied by the applicant. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application subject to the conditions already voted on and the plans as revised and submitted for this hearing (July 7, 2010). **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

2. **2010-04-CU**, Expansion of a Non Conforming Use, the Warren Cemetery (continued from June 21st, 2010): 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.

At the hearing on June 21st, the DRB decided to continue the hearing of this application so that an abutter, Ms. Rodrigues, could bring an arborist to give testimony regarding the impact of the proposed road on a stand of spruce trees at the edge of her property line with the cemetery. Mr. Potter pointed out that with the proposed road being only 10-11 feet from the trunks of the spruce trees that extensive pruning would be needed that would ruin their current beauty. He also stated that the feeder roots of these trees only go six to ten inches down and depending on the depth of the road the tree's health would also be potentially damaged. He suggested that the road be moved beyond the drip line of the furthest branch. The Board looked at the impact moving the road would have on the number of new cemetery plots planned. Ms. Rodrigues made the argument that in looking at other cemeteries that access can be provided without the impact the road proposed will have. She felt it was important to maintain the character of the existing cemetery and that the road proposed was excessive. Mr. Robinson agreed that in his experience the roots of spruce do extent quite away out. Mr. Potter's recommendation was to place the road

a minimum of six feet from the tip of the branches. Mr. Snow said he thought that would work and Mr. Potter said that the limbs could be pruned so that they did not grow longer, but that to cut them back too much would kill the branch.

MOTION by Mr. Monte that a revised plan be submitted showing that the western side of the proposed 12 foot road, parallel to Ms. Rodrigues property line, be moved six (6) feet to the east resulting in a minimum distance of 16 feet from the Rodrigues property line. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

Ms. Rodrigues also expressed concern about the size of the proposed parking lot as it seemed significantly larger than most other cemeteries. Mr. Snow said that was how Land Works designed it so that it would meet specifications. The only State requirement is the dimensions of the actual parking space and room for safe movement. The next question was regarding whether or not a stormwater permit would be required due to the added parking area and roadways. Discussion also took place debating gravel versus blacktop for the parking and road. Mrs. Roth said that she was opposed to any blacktop as it was not in keeping with the character of the neighborhood.

MOTION by Mr. Robinson that the Board approve the site plan with the road modification as previously voted on. **SECOND** by Mr. Behn. **VOTE:** four (4) in favor, one (1) opposed, the motion passed with a majority of the Board members voting in the affirmative.

It was noted that erosion control measures were listed on the site plan. They included some planting to help stabilize the bank and that the composition of sand and gravel allows for good drainage. When the question was raised about the requirement of an Act 250 review, Mr. Snow said that Land Works said it was not required. It was also asked about disturbance of more than an acre requiring a CGP and Stormwater review. Mr. Malboeuf said he would double check on this. Mr. Behn asked if the erosion control items on the site plan were sufficient. Mr. Monte noted that an erosion control plan was required whenever there were steep slopes which was certainly the case with this application.

MOTION by Mr. Monte that the applicant must adhere strictly to the grading, seeding and erosion control measures as stated on the submitted site plan and that all construction activity must conform to all required state permits. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the requirements under Sec. 5.3 (A) items (1) through (5) have been satisfied by the application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application subject to the conditions already voted on and with the submittal of a revised site plan. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

3. Other Business

The members signed minutes and adjourned the meeting at 8:37 pm. The next scheduled meeting of the DRB is Monday July 19th at 7:00 pm.

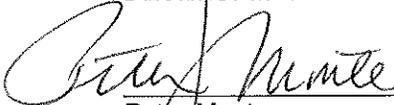
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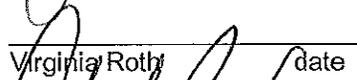
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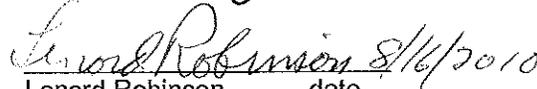
Ruth V. Robbins
DRB/PC Assistant

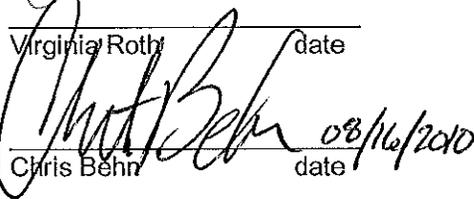
DEVELOPMENT REVIEW BOARD

 8/16/2010
Peter Monte date

 8/16/2010
Jeff Schoellkopf date


Virginia Roth date

 8/16/2010
Lenord Robinson date

 08/16/2010
Chris Behr date

TOWN OF WARREN, VT

Received for Record 8/17 2010

at 10:30 o'clock A M and Received in

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TOWN CLERK