

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION  
CONDITIONAL USE REVIEW  
#2010-04-CU VERIZON/SUMMIT VENTURES

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The applicants, Vermont RSA Limited Partnership and Celco Partnership each d/b/a **Verizon Wireless, & Summit Ventures**, the land owner, 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).

A duly warned hearing was held on **Monday May 17, 2010** and attended by DRB members Virginia Roth, Lenord Robinson, Chris Behn, Peter Monte and Jeff Schoellkopf. Others in attendance were: 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.

Additional hearings were conducted on Monday June 7<sup>th</sup> and Wednesday July 7<sup>th</sup>. At the **June 7, 2010** hearing the DRB members present were: Peter Monte, Virginia Roth, Lenord Robinson and Jeff Schoellkopf. Others in attendance were: Mac Rood, Karen Hewitt, Douglas Condit, Arthur Dreher, Ellen Smith, William J. Pastuszek, Sandy Carter, Brian Sullivan, Jason Lisai, Jim Sanford, Richard Shapiro, Dick King, AJ Lanpher, Tim Jones and Ruth Robbins. DRB members at the **July 7, 2010** hearing were Lenord Robinson, Chris Behn, Peter Monte, Jeff Schoellkopf and Virginia Roth. Others at the hearing were: 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.

**Findings of Fact & Conclusions of Law:**

1. The applicant submitted a conditional use application including, but not limited to: site plan, elevation drawings, project description, photographic simulations, equipment building specifications, emergency generator specifications, antenna specifications, power density calculations, Lease provision re removal, air conditioning unit specifications, exterior light fixture specification, sound study, letter from John Austin of Vt Fish & Wildlife Dept., abutter notification and proof of mailing.
2. The proposed tower is one of close to forty towers that Verizon has installed in Vermont over the past six to seven years.
3. The originally proposed tower was to be 84 feet tall with the top seven feet consisting of "branches". Due to the concern expressed by residents located close to the original site, the tower was relocated approximately 300 feet further uphill, a location that then required the height of the tower to be 100 feet tall because of the topography. The tower was then presented as a monopole, with no artificial "branches". The revised location will require about 35 feet of additional road to access the new site.
4. 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.
5. 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.

6. Other sites were looked at by the applicant but found not satisfactory in meeting the objectives of maximizing the coverage of the ski basin, golf course and surrounding area. Respect for the bear habitat and zoning district standards also had to be considered.
7. Additional cellular companies will have the ability to rent space on the tower but will have to get approval from the DRB just as the applicant has. The tower will be limited to the number of additional antennae that can be added. Any future proposed height extensions will require DRB review and approval.
8. The applicant stated 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.
9. 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. These concerns were addressed by the applicant's team of professionals and with the relocation of the tower further away from residential habitation, opposition to the tower was withdrawn.
10. The reduction in RF's [radio frequencies] with the relocation of the tower was a .02 reduction in RF's, or 25%, with moving the tower further away.
11. The land owner, Summit Ventures dba Sugarbush Resort, noted that increased cell coverage would provide 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, speaking on behalf of the land owner also told the Board that the VT Tramway Board was typically not in favor of towers added to lift structures.
12. The ambient noise that would be emitted from the site is from the equipment building consisting of noise 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 a maximum of 44 to 56 decibels.
13. The equipment building will be of a stone like exterior in an earth tone color.
14. Due to state regulations, location of cell towers must be sensitive to wildlife habitat, and in this case had to be respectful of the nearby designated black bear habitat stated Mr. Nolan for the applicant. Mr. Nolan noted that the bear habitat adjacent to the proposed tower site was not considered "critical" bear habitat as to the survival of the species.
15. A representative of the Warren Planning Commission stated that that a tower without the fake vegetation would be preferable and less intrusive on the landscape. The Planning Commission representative noted that the proposed green "softwood-like" foliage would not blend into the background forest of the site (which was primarily hardwoods). He noted that a tube tower and platform with the color of tree bark would blend better into the site background during winter months when the forest leaves have dropped, and would be difficult to see from afar when the trees are in full leaves too.

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16. A security and safety concern was raised as there have been kids having parties, campfires, and bullet casings have been found at the end of the road. 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.

**Notice of Decision:**

The Development Review Board, having found that the requirements of Sec. 4.18 (A) and (B) as well as the standards of Conditional Use Sec. 5.3 (A) have been met by the applicant, including the findings as stated above, hereby approve the application subject to the conditions below:

- 1) The applicant must 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."
- 2) 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 and blends into the hardwood forest at the tower site..
- 3) The project to be constructed as per the revised plans submitted for the July 7, 2010 DRB hearing.

DEVELOPMENT REVIEW BOARD

*Peter Monte* 8/22/10  
Peter Monte date

*Jeff Schoellkopf* 8/20/10  
Jeff Schoellkopf date

*Virginia Roth* 8/20/2010  
Virginia Roth date

*Lenord Robinson* 8/20/2010  
Lenord Robinson date

Chris Behn date

TOWN OF WARREN, VT

Received for Record 8/20 2010  
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*Reddy*

TOWN CLERK

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