

## ARTICLE 4. SPECIFIC USE STANDARDS

*Approved April 13<sup>th</sup>, 2010*

### 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

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- 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.

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- (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

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- (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.
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