

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**INDEPENDENT WIRELESS ONE LEASED REALTY CORPORATION, applicant
JOHN H. CRABBE, JR., property owner**

**Site Plan Review
For the installation of two PCS antennas and associated equipment
Application # PC-02-11**

Background

The applicant applied for both Site Plan Review and Conditional Use Approval simultaneously. Public hearings for both applications were both opened on June 20, 2002. The decisions are being rendered separately.

The Site Plan Review application was reviewed under Chapter VI Section 6.5 and Chapter IX of the Charlotte Zoning Bylaws.

Application

The application consists of:

1. A Site Plan Review application form and appropriate fee.
2. A written narrative addressing Chapter VI Section 6.5 and Chapter IX of the Charlotte Zoning Bylaws.
3. A letter from John H. Crabbe authorizing Independent Wireless One to apply for permits at 5692 Ethan Allen Highway.
4. A generic construction timeline.
5. A letter (and documentation) from Barbara Beall of Chazen Engineering and Land Surveying Co., PC to Chris Bramley dated March 18, 2002 addressing wetland issues.
6. A memo from Will Simonelli to the Town of Charlotte dated 2/12/02 regarding the Power Density Study for site NE43XC511.
7. A document entitled "Visual Analysis, Independent Wireless One, Site # NE43XC511C, Mt. Philo Silo Co-location, Route 7, Town of Charlotte, Chittenden County, Vermont" prepared by the Chazen Companies for Independent Wireless One, dated February 8, 2002.
8. Plans by Chazen Engineering & Land Surveying Co., PC, with the following sheet numbers and titles, all dated 12/14/01 with no revisions:
 - Sheet T1 Mount Philo Silo Site, Title Sheet
 - Sheet G1 Mount Philo Silo Site, General Notes
 - Sheet G2 Mount Philo Silo Site, General Notes
 - Sheet G3 Mount Philo Silo Site, Symbols and Legends
 - Sheet SP1 Mount Philo Silo Site, Existing Conditions Plan
 - Sheet SP2 Mount Philo Silo Site, Site Plan
 - Sheet SD1 Mount Philo Silo Site, Site Details
 - Sheet SD2 Mount Philo Silo Site, IWO Equipment Details

Sheet SD3 Mount Philo Silo Site, IWO Equipment Details
Sheet SD4 Mount Philo Silo Site, Silo and IWO Equipment Elevation
Sheet SD5 Mount Philo Silo Site, Antenna Details
Sheet SD6 Mount Philo Silo Site, Antenna Cable Details

9. A plan entitled "Limited Existing Conditions Plan, 5692 Ethan Allen Highway, Charlotte, VT 05445" by Ronald Coler (Licensed Land Surveyor) for the Chazen Companies dated December 34, 2001, no revisions, signed 12-4-01.
10. A NEPA Screen Report entitled "IWO/Sprint Proposed Wireless Telecommunications Facility" for site name "Mount Philo", site # NE43XC511 C dated November 27, 2001, revised January 2, 2002.
11. A letter from Emily Wadhams, State Historic Preservation Officer dated February 12, 2002 to John R. Ponsetto.

Public Hearing

A public hearing was opened for this application on June 20, 2002 and continued on July 18, 2002.

The following people were present on June 20th:

- X Representing the applicant: John Ponsetto, Chris Bramley, Eric Ulvila, Will Simonelli and Ben Campbell.
- X John Crabbe, property owner.

The following people were present on May 16th:

- X Representing the applicant: Will Simonelli, Ben Campbell, and T.J. Sauthoff.
- X John Crabbe, property owner.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. At the public hearing on June 20, 2002 the applicant submitted a power density study by Comp Comm (Id# 02-04-005) dated 4/8/02.
2. At the public hearing on June 20, 2002 the applicant submitted a Visual Impact Analysis by ATC Realty, Inc. entitled "Mt. Philo Road Silo, Charlotte, VT NE43XC511C."
3. At the public hearing on June 20, 2002 the applicant stated that the proposed antennas will not protrude above the vertical walls of the silo.
4. At the public hearing on June 20, 2002 the applicant stated that the proposed antennas will be painted to match the color of the silo.
5. At the public hearing on July 18, 2002 the applicant submitted a one-page document dated 7/18/02 indicating distances to specific sites from the proposed facility, in response to the Planning Commission's request with respect to Section 9.6.2.D.9.
6. At the public hearing on July 18, 2002 the applicant submitted a one-page document dated 7/3/02 regarding traffic impact and site distances on Route 7.

7. At the public hearing on July 18, 2002 the applicant submitted a packet of plans by Chazen Engineering & Land Surveying Co., PC, including sheets T1, G1, G2, G3, SP1, SP2, SD1, SD2, SD3, SD4, all dated 12/14/01, last revised 7/16/02.
8. The plans submitted on July 18, 2002 indicate that all ground equipment with the exception of the meter board will be located inside the existing farm silo. The plans indicate that the meter board will be located southwest of the silo, so that the silo will screen it from Route 7.
9. At the public hearing on July 18, 2002 the applicant stated that all new power and telephone lines will be located underground.
10. The barn and adjacent buildings on and in the vicinity of the subject property are listed as a historic site in the Charlotte Town Plan (see Map 12 entitled "Cultural and Recreational Resources," location H32). This listing is based on the "Historic Sites and Structures Survey" conducted by Vermont Division of Historic Preservation, which identifies the farm complex as site number 0403-32.
11. The proposed use, as shown on sheet SP2 (last revised 7/16/02), will not significantly change the appearance of the farm complex. Therefore the Planning Commission finds that the proposed use will not negatively impact the historic character of the site.
12. The proposed use will also need a Conditional Use Permit from the Town. The review of the request for this permit by the Town of Charlotte Zoning Board of Adjustment will include consideration of the compliance of this application with the requirements of Sections 9.6.1, 9.7 and 9.8. of Chapter IX of the Charlotte Zoning Bylaws.

Decision

Based on these Findings, the Planning Commission approves the Site Plan Review application to install two PCS antennas on the existing silo, and to install associated equipment within the existing silo at 5692 Ethan Allen Highway with the following conditions:

1. No fence will be installed surrounding the silo in association with this use.
2. No new telephone/utility poles will be installed in association with this use.
3. All power and telephone lines associated with this application will be installed underground.
4. The antennas will be painted to match the color of the silo.
5. At least one sign will be posted on the silo indicating a 24-hour emergency telephone number and an RFR warning statement.
6. An 18" by 24" mylar of sheet SP2 as revised 7/16/02 will be submitted to the Planning Commission for endorsement and recorded in the town land records prior to the commencement of any construction on the site related to this application.
7. Any changes to or additions of antennae, equipment, or other facilities on the premises related to this use will require approval by the Planning Commission.
8. The applicant will secure a Conditional Use Permit from the Town of Charlotte Zoning Board of Adjustment prior to undertaking any work associated with the installation of this antenna.
9. This permit is null and void if a Conditional Use Permit is not issued by the Town of Charlotte Zoning Board of Adjustment.

Additional Conditions: All plats, plans, drawings, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be

binding on the applicant, and his/her/its successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days of the signing of this Decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on June 20, 2002: Jeff McDonald, Gordon Troy, Josie Leavitt, and Martha Perkins

Members Present at the Public Hearing on July 18, 2002: Jeff McDonald, Gordon Troy, Josie Leavitt, Martha Perkins, Dave Brown and Al Moraska

Vote of Members Present after Deliberations:

AYES: Jeff McDonald, Dave Brown, Al Moraska, Jim Donovan

NAYS: Gordon Troy, Josie Leavitt

ABSTENTION:

Date approved: August 1, 2002

Signed: _____ (Chair/Vice Chair)

Date Signed: _____

Date mailed: