

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**INDEPENDENT WIRELESS ONE LEASED REALTY CORPORATION, applicant  
FRANCIS (deceased) AND THERESA KNOWLES, property owner**

### Site Plan Review

**For the installation of two PCS antennas and associated equipment  
Application # PC-02-06**

### Background

The applicant applied for both Site Plan Review and Conditional Use Approval simultaneously. Public hearings for both applications were both opened on May 2, 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 Theresa Knowles authorizing Independent Wireless One the right to apply for permits at 1324 Ferry Road.
4. A generic construction timeline.
5. A letter from Barbara Beall of Chazen Engineering and Land Surveying Co., PC to Chris Bramley dated March 18, 2002 (and documentation) which addresses wetland issues.
6. A memo from Kwasi Addo-Donkoh to the Town of Charlotte dated 11/21/01 regarding Power Density Study NE53XC675A
7. A document entitled "Visual Analysis, Independent Wireless One, Site # NE53XC675A, Ferry Road Silo Co-location, Ferry Road, 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, and last revised 1/4/02:  
Sheet T1 Ferry Road Silo Site, Title Sheet  
Sheet G1 Ferry Road Silo Site, General Notes  
Sheet G2 Ferry Road Silo Site, General Notes  
Sheet G3 Ferry Road Silo Site, Symbols and Legends  
Sheet SP1 Ferry Road Silo Site, Existing Conditions Plan  
Sheet SP2 Ferry Road Silo Site, Site Plan  
Sheet SD1 Ferry Road Silo Site, Site Details  
Sheet SD2 Ferry Road Silo Site, IWO Equipment Details

Sheet SD3 Ferry Road Silo Site, IWO Equipment Details  
Sheet SD4 Ferry Road Silo Site, Silo and IWO Equipment Elevation  
Sheet SD5 Ferry Road Silo Site, Antenna Details  
Sheet SD6 Ferry Road Silo Site, Antenna Cable Details  
Sheet SD4 Ferry Road Silo Site, Silo and IWO Equipment Elevation

9. A plan entitled "Limited Existing Conditions Plan, 1324 Ferry Road, Charlotte, VT 05445" by Ronald Coler (Licensed Land Surveyor) for the Chazen Companies dated December 4, 2001, no revisions.
10. A NEPA Screen Report entitled "IWO/Spring Proposed Wireless Telecommunications Facility" dated November 27, 2001, revised December 31, 2001.

## **Public Hearing**

A public hearing was opened for this application on May 2, 2002 and continued on May 16, 2002. The Planning Commission deliberated and rendered this Decision on June 6, 2002.

The following people were present on May 2<sup>nd</sup>:

- X Representing the applicant: John Ponsetto, Chris Bramley, T.J. Sauthoff, Barbara Beall, William Mullin, Mark Shelp, and Will Simonelli.
- X Dale Knowles, representing the property owner.
- X Tom Clark, an adjoining property owner.
- X Gordon Troy and Robin Simpson, adjoining property owners, were not present but submitted a written statement.

The following people were present on May 16<sup>th</sup>:

- X Representing the applicant: Chris Bramley, Mark Shelp, Will Simonelli, and T.J. Sauthoff.
- X Gordon Troy, an adjoining 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 May 2, 2002 the applicant submitted a plan by Chazen Engineering & Land Surveying Co., PC, entitled Ferry Road Silo Site, Landscape Plan and Details, labeled LS1, dated 12/14/01, last revised 4/29/02.
2. At the public hearing on May 2, 2002 the applicant submitted a power density study by Comp Comm (Id# 02-04-003) dated 4/8/02.
3. At the public hearing on May 2, 2002 it was noted that there is a discrepancy in the application regarding the height of the silo. The application form indicates the silo is 65 feet high; sheet SD4 of the application indicates the silo is 54.6 feet high. At the hearing the applicant stated that the silo is 54.6 feet high.
4. At the public hearing on May 2, 2002 the applicant stated that the proposed antennas will not protrude above the vertical walls of the silo.
5. At the public hearing on May 2, 2002 the applicant stated that the proposed antennas will

be painted to match the color of the silo.

6. At the public hearing on May 16, 2002 the applicant submitted a letter from Theresa Knowles authorizing Independent Wireless One Leased Realty Corporation and its legal counsel, Gravel and Shea, to represent her with regard to the application.
7. At the public hearing on May 16, 2002 the applicant submitted revised sheets T1, G1, G2, G3, SP1, SP2, SD1, SD2, SD3, SD4, SD5 with a revision date of 5/8/02.
8. At the public hearing on May 16, 2002 the applicant stated that new power lines and new telephone lines will be located underground.
9. At the public hearing on May 16, 2002 the applicant submitted a photograph (reproduction) of a shed to be used to house the ground equipment.
10. The property owner's residence is listed as a historic structure in the Town Plan (see Map 12 entitled "Cultural and Recreational Resources," location H55). This listing is based on the "Historic Sites and Structures Survey" conducted by Vermont Division of Historic Preservation, which identifies the residence as site number 0403-55.
11. The proposed use will not change the exterior of the residence, and will not be located in the immediate vicinity of the residence. Therefore the Planning Commission finds that the proposed use will not negatively impact the historic character of the residence.
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 to 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 in the vicinity of the existing silo at 1324 Ferry Road with the following conditions:

1. All equipment located on the ground will be located within a shed similar to what is depicted on sheet SD3 (last revised 5/28/02) and the photograph submitted on 5/16/02, except as provided below:
  - A. The shed will be parallel to the cow barn, with the gable end facing Ferry Road.
  - B. The shape and pitches of the gambrel roof will match those of the cow barn.
  - C. The shed will have barn-board siding, with a color similar to that of the cow barn.
  - D. The utility meter, telephone panel and GPS antenna will be located on the north side of the shed.
2. At least one sign will be posted on the equipment shed indicating a 24-hour emergency telephone number and an RFR warning statement.
3. No fence will be installed surrounding the shed and ground equipment.
4. No new telephone/utility poles will be installed in association with this use.
5. All power and telephone lines associated with this application will be installed underground.
6. All cables connecting equipment in the shed and equipment on the silo will be installed underground. No ice bridge will be installed for this project.
7. The antennas will be painted to match the color of the silo.
8. Site Plan sheet SP2 will be amended as described in Conditions 1 and 6 above. A mylar of the revised sheet SP2 (18" by 24") 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.

9. Any change of layout or the addition of equipment on the premises will require approval by the Planning Commission.
10. 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.
11. 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 May 2, 2002:** Jeff McDonald, Al Moraska, Jim Donovan, and Martha Perkins

**Members Present at the Public Hearing on May 16, 2002:** Jeff McDonald, Al Moraska, Jim Donovan, and Martha Perkins

**Members voting on Decision:** Jeff McDonald, Al Moraska, Jim Donovan, and Martha Perkins

Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_

Date Mailed: