

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**American Tower, Inc.,
Newmont Broadcasting Corporation, and
RCC Atlantic, Inc. d/b/a Unicel**

**Site Plan Review
For the Installation of Telecommunications Equipment
on and in the Vicinity of an Existing Telecommunications Tower**

Applications PC-06-20, PC-06-21 and PC-06-22

Background

The applicants applied for both Site Plan Review and Conditional Use Approval simultaneously. Portions of the hearings have been held jointly by the Planning Commission and the Zoning Board of Adjustment, however decisions are being rendered separately. Site Plan Review applications for telecommunication facilities are reviewed under Section 4.16(G) and Section 5.5 of the Charlotte Land Use Regulations.

The United States Coast Guard also submitted information regarding its planned installation on and in the vicinity of the existing telecommunications tower at the same time as the applications were submitted. The U.S. Coast Guard is exempt from local permitting under 40 U.S.C. Section 3312 (federal statute).

At the time the applications were submitted, Newmont Broadcasting, Inc. had installed without appropriate permits an antenna and ground equipment on the existing tower and parcel, respectively, owned by American Tower, Inc. A Notice of Violation was issued to American Tower, Inc. on January 5, 2006. The current application, if approved, would cure the violation. Although Newmont Broadcasting, Inc.'s equipment has already been installed, this Finding of Fact and Decision describes the equipment as "proposed," since it has not yet been approved.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A preliminary meeting was held with the applicant, the Planning Commission and the Zoning Board of Adjustment on June 1, 2006. A public hearing was held for the Site Plan Review application on July 20, 2006, September 7 (at which no testimony was taken), November 2, November 16, December 21 and January 18, 2007. The parties that were present and participated in the hearing are listed in Appendix B.

A site visit was conducted prior to the hearing on August 8, 2006 at 7:00 PM.

Regulations in Effect

Town Plan as amended March 2002

Land Use Regulations adopted March, 2006.

Sewage Ordinance as amended December, 2004.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. Application PC-06-20 by American Tower, Inc. (“American Tower”) proposes minor structural modifications to the existing tower at 3245 Spear Street to allow for the installation of up to ten telecommunication antennas and improvements associated with applications PC-06-21 by Newmont Broadcasting Corporation (“Newmont”) and PC-06-22 by RCC Atlantic, Inc. (“RCC”), as well as the planned installation of antennas and ground equipment by the United States Coast Guard (“The Coast Guard”).
2. Application PC-06-21 by Newmont proposes the installation of one flush mounted antenna (19”x 175”) and associated equipment on the ground.
3. Application PC-06-22 by RCC proposes the installation of nine panel antennas (each 8 feet in height) and twelve lines of coaxial cable on the tower and associated equipment on the ground.
4. The Coast Guard plans on installing three antennas at the top of the tower and a 1,225 square foot fenced compound on the ground including a generator, a fuel tank, and a 8’x 12’ shelter (all on raised concrete slabs); the Coast Guard also plans on re-routing a portion of the gravel driveway from Spear Street to the compound.
5. Independent Wireless One (“IWO”) has a lease with American Tower to install certain telecommunications facilities on the tower and to place certain associated equipment on the ground.
6. The Charlotte Zoning Board of Adjustment’s decision *In re: 3245 Spear Street* (February 14, 2006) determined that the existing tower is a pre-existing, non-complying structure under the Charlotte Land Use Regulations. The result of this determination is that the tower may continue to be operated for the purpose of providing telecommunication services.
7. The applicants submitted additional materials (listed in Appendix C) that updated or replaced portions of the original application.
8. The “compound” (where the tower is located and the ground equipment is proposed) is approximately 405 feet from the westerly property line (and thus approximately 420 feet from Spear Street), 450 feet from the northerly property line, 810 feet from the easterly property line and 718 feet from the southerly property line.
9. The neighborhood in the vicinity of the subject property is a mixture of residential (dwellings are located relatively close to Spear Street) and rural, with scenic vistas both east and west from Spear Street. There are occasional “street trees” and woody vegetation along Spear Street; most of the trees and vegetation are deciduous.
10. The frontage of the subject property has trees and woody vegetation typical of the area that serve to partially screen the proposed equipment at ground level, although there is a break in the vegetation on either side of the driveway. (It is noted that the tower is pre-existing, and therefore is not subject to review within the current application).

11. The compound is approximately 290 feet to a large wetland complex as indicated on Map 6 in the Town Plan.
12. Sheet Z-2 indicates one fenced guy wire currently within the wetland complex.
13. The application indicates (in Revised Project Narrative dated October 24, 2006) that three new guy anchors are proposed to be installed 160 feet from the base of the tower, which is 20 feet closer to the tower than the existing inner anchors. The existing innermost guys are proposed to be moved from the existing anchors to the new anchors.
14. Other than the one existing fenced guy wire, the applications will not impact the wetland complex to the east of the tower.
15. In addition to the existing tower and the proposed telecommunication equipment, the subject property is used as pasture for a neighboring farm.
16. The applicants have indicated that the agricultural use will be allowed to continue.
17. The Planning Commission finds that the proposed telecommunication facilities will not negatively impact wildlife habitat or agricultural resources and uses on the property.
18. Adjacent to the existing tower there is an existing equipment building, an existing ice bridge, two existing inactive microwave dishes, and an existing six foot high chain link fence partially surrounding the compound.
19. The applicant proposes to use the existing equipment building and a portion of the existing ice bridge for the proposed ground equipment.
20. Power currently comes to the compound from a pole along Spear Street to two additional utility poles located on the property, then underground to the compound
21. The applicant proposes to upgrade the electric service for the proposed use, and install a new "T-1" line to the compound from Spear Street.
22. The applicant has proposed to place the new electric and telephone lines overhead from Spear Street to the existing utility poles on the property, and then underground from the easterly utility pole to the compound.
23. Newmont proposes to place a new microwave dish antenna westerly of the existing building. The dish antenna is depicted on Sheet A-1 dated 4/26/06, last revised 1/10/07. At the hearing the applicant representing Newmont stated that the proposed dish is approximately 12.5 foot wide and 8 foot tall. The specifications of the dish antenna are indicated in the Patriot specification sheet as listed in Appendix C.
24. The applicant stated at the hearing that the two existing microwave dishes to the south of the tower and to the northwest of the tower are not needed for the proposed uses.
25. The applicant stated at the hearing that the existing six foot high chain link fence partially surrounding the compound is not needed for safety or other reasons; however the applicant intends to replace the fence around the tower.
26. There are two existing culverts under the driveway, one near the intersection with Spear Street, and one near the entrance to the compound.
27. The applicant stated at the hearing, and the Planning Commission noted at the site visit, that pooling of surface water occurs near the tower. The applicant stated at the hearing that replacement of the two existing culverts as well as regrading of the site will improve the drainage and resolve the pooling problem.
28. The applicant stated at the hearing that no outdoor lighting is proposed except as required by the Federal Aviation Administration (FAA). The applicant stated at the hearing that the proposed uses will not necessitate any significant change to the lighting currently on the tower, other than minor height modifications to side markers.

29. The applicant stated at the hearing that the applicant will maintain lighting in accordance with FCC and FAA requirements, as they may be amended.
30. The applicant stated at the hearing that the uses proposed by the applications considered herein will not preclude or prevent other cellular operators from using the tower.
31. The proposed uses will also need a Conditional Use Permit from the Charlotte Zoning Board of Adjustment, which will include consideration of the compliance of the proposed uses with requirements of portions of the Charlotte Zoning Bylaws not considered herein.

Decision

Based on these Findings, the Planning Commission approves applications PC-06-20, PC-06-21, and PC-06-22, all as most recently revised, with the following conditions:

1. Prior to the submission of Zoning Permit applications for the installation of antennas, ground equipment, and modifications to the tower, the following will be completed:
 - A. The proposed upgraded electric line and new T-1 line will be installed underground from Spear Street to the compound.
 - B. The two existing easterly utility poles will be removed.
 - C. The existing microwave dish to the south of the tower will be removed; any foundation will also be removed, and the area in the vicinity of the microwave will be regraded.
 - D. The existing six foot high chain link fence partially surrounding the “compound” will be removed. The fencing around the tower will be replaced (as proposed), and fencing will be installed around the shelter as required by the Charlotte Land Use Regulations.
 - E. The portions of the ice bridge that will not be used for the current application will be removed.
 - F. Sheet A-1 (last revised 1/10/07) will be amended as follows:
 1. Fencing will be depicted around the shelter, as required by the Charlotte Land Use Regulations.
 2. One (rather than three) deciduous tree will be depicted on the south side of the driveway, and three trees (rather than one) will be depicted on the north side of the driveway, 20 feet on center
 3. Any requirements of the Zoning Board of Adjustment will be depicted.
 - G. Two paper copies (one full size and one 11”x 17”) and a mylar (18” x 24”) of Sheet A-1, as amended in accordance with Condition 1.E. above, will be submitted to the Planning Commission for review and endorsement within 160 days. The applicant will record the mylar of Sheet A-1, as amended in accordance with Condition 1.E. above, in the Charlotte Land Records within 180 days.
 - H. A Highway Access Permit will be obtained from the Selectboard for improvements to the driveway within the Spear Street right-of-way.
 - I. The applicants will obtain a Conditional Use Permit from the Town of Charlotte Zoning Board of Adjustment.
2. The proposed antennas and co-axial cables will be painted to match the color of the portion of the tower at which the antennas and cables are located.
3. No new utility poles or overhead utility lines will be installed with the exception of the

co-axial cable to be installed along the existing ice bridge and tower, and guy wires for the tower as described in the application.

4. Four sugar maple trees (*Acer saccharum*) will be planted in accordance with Sheet A-1 as revised by Condition 1.E. within six months. The trees will be replaced if they become diseased or die until such time as, as determined by the Charlotte Tree Warden, they need to be thinned, at which time one or two trees may be removed under the direction of the Charlotte Tree Warden.
5. The existing culvert just west of the compound may be replaced upon issuance of this permit. The existing culvert at Spear Street may be replaced after obtaining a Highway Access Permit from the Selectboard.
6. The site may be regraded, however no berming of soil will occur without a Site Plan Amendment being approved; an application for such an amendment will include a grading plan.
7. Existing vegetation will be maintained along the frontage of the parcel. If existing vegetation is damaged or dies, it will be replaced on a 2 (new) to 1 (existing) basis. This can occur with administrative review by the Charlotte Tree Warden and Planning and Zoning staff, and does not need Planning Commission review.
8. No additional fencing will be installed except as follows: 1) as indicated in the application; 2) as required in Condition 1.E.; 3) as required by the Zoning Board of Adjustment; and 4) livestock fencing if needed.
9. The driveway will be surfaced with non-white crushed stone.
10. At least one sign will be posted in the vicinity of the facilities compound indicating a 24-hour emergency telephone number and an RFR warning statement.
11. Any addition of antennas, shelters, equipment to be placed outside of shelters, or other facilities on the premises will require prior approval by the Planning Commission in the form of a Site Plan Amendment.
12. Equipment that has been abandoned or is no longer to be used will be removed within 180 days of the discontinuation of use.

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.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearing on July 20th: Jeff McDonald, Jim Donovan, Linda Radimer, Andrew Thurber and Peters Joslin.

Members Present at the Public Hearing on September 7: Jeff McDonald, Linda Radimer, John Owen, and Peters Joslin.

Members Present at the Public Hearing on November 2: Jeff McDonald, Jim Donovan, John Owen, Robin Pierce, Andrew Thurber and Peters Joslin.

Members Present at the Public Hearing on November 16: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen, Robin Pierce, Andrew Thurber and Peters Joslin.

Members Present at the Public Hearing on December 21: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen, Andrew Thurber and Peters Joslin.

Members Present at the Public Hearing on January 18: Jeff McDonald, John Owen, Linda Radimer and Andrew Thurber.

Vote of Members after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

1. Signed:_____ For / Against Date Signed:_____
2. Signed:_____ For / Against Date Signed:_____
3. Signed:_____ For / Against Date Signed:_____
4. Signed:_____ For / Against Date Signed:_____
5. Signed:_____ For / Against Date Signed:_____
6. Signed:_____ For / Against Date Signed:_____
7. Signed:_____ For / Against Date Signed:_____

Appendix A

The application consists of:

1. Three Site Plan Review application forms and appropriate fees.
2. A cover letter dated May 1, 2006 to Jeffrey McDonald from David R. Cooper re: "Telecommunications Tower, 3245 Spear Street, Charlotte, Vt., Applications for Site Plan Approval."
3. A memorandum dated May 1, 2006 to Thomas Mansfield, Brady Toensing, and Jeffrey McDonald from David R. Cooper re: "Project Narrative//Applications for Conditional Use and Site Plan Approval."
4. A copy of a letter dated January 11, 2006 to Thomas Mansfield from David R. Cooper re: "American Tower Corp.//Telecommunications Tower, 3245 Spear Street, Charlotte, Vt. KS&F File No: 5569-301."
5. A copy of a letter dated January 20, 2006 to David R. Cooper from Joseph S. McLean and countersigned by David R. Cooper re: "American Tower Corp.-Telecommunications Tower, 3245 Spear Street, Charlotte, Vermont-Notice of Violation."

6. A copy of a letter dated February 2, 2006 to Thomas Mansfield from David R. Cooper re: "American Tower Corp./Telecommunications Tower, 3245 Spear Street, Charlotte, Vt. KS&F File No: 5569-301."
7. A copy of an e-mail dated February 2, 2006 to David Cooper from Tom Mansfield.
8. A letter dated April 27, 2006 to David R. Cooper from William J. Dodge re: "Permit Application Authorization."
9. A letter dated April 20, 2006 to David R. Cooper from John R. Ponsetto re: "Permit Application Authorization."
10. A copy of *In Re: 3245 Spear Street* issued by the Charlotte Zoning Board of Adjustment on February 14, 2006.
11. A Quit Claim Deed dated January 14, 2000 between AT&T (Grantor) and American Towers, Inc. (Grantee) recorded in volume 109 pages 390-395 of the Charlotte Land Records.
12. A letter dated April 27, 2006 to Thomas Mansfield, Brady Toensing, and Jeffrey McDonald from John R. Ponsetto re: "Newmont Broadcasting Corporation Applications for Conditional Use and Site Plan Approvals, Sections 4.16, 5.4 and 5.5."
13. A document entitled "Engineering Statement" by Jeffrey S. Fisher of Smith and Fisher dated March 30, 2004 (pages 3-10) and an amended "Engineering Statement" dated October 22, 2004.
14. A sheet entitled "MCI-Very Narrow Pattern with Reduced Rear."
15. A document entitled "RCC Atlantic, Inc., Project Narrative: Charlotte Wireless Communications Facility, Submitted May 1, 2006" from William J. Dodge and Chris Bramley.
16. A specification sheet for Vertical EMS wireless, model RV65-15-XXXA2, Vertical Polarization 806 MHz-896 MHz.
17. A letter dated February 10, 2006 to Town of Charlotte Planning Commission and Town of Charlotte Zoning Board of Adjustment from Jacob Warner of Giant Solutions, LLC.
18. A c.v. for Jacob Warner, P.E.
19. Eleven maps (indicated as "Exhibit B") all titled "RCC, Rural Cellular Corporation" depicting existing, proposed, desired and alternative GSM coverage from locations within Charlotte and Shelburne.
20. A sheet labeled "Exhibit C, Coordinates/Locations of Adjacent RCC Sites."
21. A letter dated April 26, 2006 to Town of Charlotte Planning Commission and Town of Charlotte Zoning Board of Adjustment from David Putman, for Jacob Warner Senior RF Engineer, Giant Solutions, LLC.
22. A three-page form from General Dynamics, C4 Systems entitled "Frequency Authorization Request Form (J-08 Form)."
23. A sheet labeled "Page 2 of 3" dated 4/11/2006 with a diagram entitled "DF Antenna ADD090, 2-Meter, Top Mount."
24. A sheet from Sinclair entitled "Antennas-VHF Base Station, SC281-L Series."
25. A five-page data sheet from Rohde & Schwarz entitled "Digital Direction Finder R&S DDF 100M, 118 MHz to 250 MHz.
26. A six page series of diagrams from General Dynamics entitled "Assembly, RFF Shelter, dwg. no. 01-P54795H001" most recently revised 03-10-23.
27. A six page series of diagrams from General Dynamics entitled "Assembly, RFF Shelter, dwg. no. 01-P54795H002" most recently revised 03-10-23.

28. A memorandum dated February 15, 2006 to D. Savatgy, LCDR, USCG, R21 COTR, COMDT (G-AND) from T. Hayes, COMDT (G-LEL) re: "Applicability of Zoning and Local Ordinances to Coast Guard Projects."
29. A letter dated November 17, 2005 to Brady Toensing and Jonathan Fisher, Zoning Board of Adjustment from D.B. Abel, U.S. Coast Guard.
30. A letter dated February 7, 2006 to Brady Toensing and Jonathan Fisher, Zoning Board of Adjustment from S. Brady, U.S. Coast Guard.
31. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Title Sheet, Vicinity Map & General Information," Sheet Number T-1, dated 4/26/06, no revisions.
32. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Existing Conditions Plan," Sheet Number Z-1, dated 4/26/06, no revisions.
33. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Vicinity Map," Sheet Number Z-1A, dated 4/26/06, no revisions.
34. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Site Plan," Sheet Number Z-2, dated 4/26/06, no revisions.
35. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Enlarged Site Plan & Staking Plan," Sheet Number Z-2A, dated 4/26/06, no revisions.
36. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Fence Compound & Waveguide Bridge Details," Sheet Number Z-3, dated 4/26/06, no revisions.
37. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Abbreviations & Civil Details," Sheet Number Z-4, dated 4/26/06, no revisions.
38. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Grading Plan & Details," Sheet Number Z-5, dated 4/26/06, no revisions.
39. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled "American Tower Corporation, Utility Service Pedestal Details," Sheet Number Z-6, dated 4/26/06, no revisions.
40. A report by American Tower Engineering Services entitled "Structural Analysis Report" for 400 ft Lehigh Guyed Tower, East Charlotte, VT, dated August 28, 2006.
41. A packet by American Tower Corporation (stamped and signed by Jason Seaverson) entitled "88340-East Charlotte, VT, 400 FT Lehigh Guyed Tower Modifications" dated 10/18/06, no revisions.
42. A vicinity map depicting tower labeled "East Charlotte-88340, 3245 Spear St, Charlotte, VT 05445"
43. Photosimulation by Gould Digital Imaging entitled "East Charlotte Site #88340, Spear Road (sic), Charlotte, VT, Antenna Co-Location Simulation, American Tower" for Locations 1-8.
44. Four untitled and undated photos.
45. Three photosimulations by Gould Digital Imaging entitled "East Charlotte Site #88340, Spear Road (sic), Charlotte, VT, Antenna Co-Location Simulation, American Tower."
46. A report by Jacob Warner of Giant Solutions, LLC entitled "Electromagnetic Exposure

- Analysis, Rural Cellular Corporation (RCC)” dated May 16, 2006 including Exhibit A (Engineering Statement by Jeffrey Fisher dated March 30, 2004), Exhibit C (Proposed Operating Parameters from Smith and Fisher) and Exhibit E (Power Density Calculation from Smith and Fisher), another Exhibit A (Engineering Statement by Jeffrey Fisher dated October 22, 2004) and additional Exhibits C and E with the same titles.
47. A form entitled “Antenna Structure Registration” from the FCC for American Towers, Inc., Spear Rd (088340, East Charlotte, VT, dated 02-04-2005.
 48. A FCC Class A Broadcast Station License for Newmont Broadcasting Corporation, call sign WGMU-CA dated September 02, 2005.
 49. A FCC Class A Broadcast Station License for Newmont Broadcasting Corporation, call sign W19BR dated September 02, 2005.
 50. A FCC License (from internet page) for call sign KNKN749, RCC Atlantic Licenses, LLC effective 08/20/2004.
 51. A FCC License (from internet page) for call sign WPOK271, TLS Spectrum, LLC effective 08/09/1999.
 52. A letter to David Cooper signed and stamped by Jason Seaverson, PE, dated 4/26/06.
 53. A letter dated December 29, 2005 to Brady Toensing and Jonathan Fisher from Elizabeth A. Hill, American Tower Corporation, re: “American Tower Corporation’s Telecommunications Tower Located at 3245 Spear Street, Charlotte, Vt.”
 54. A letter dated December 30, 2005 to Brady Toensing and Jonathan Fisher from James Hearnberger, Newmont Broadcasting Corporation.
 55. An undated map entitled “National Wetlands Inventory Map.”
 56. A report entitled “Wetland Identification and Delineation Report, American Tower Corporation, East Charlotte, VT Site—No. 88340, 3245 Spears Street, Charlotte, Chittenden County, Vermont” by BL Companies dated June 2, 2006, including c.v.’s of Scott Mowery and James Kodlick, Figures 1-4, and Appendices A-D.
 57. A letter dated April 27, 2006 “To whom it may concern” from Elizabeth A. Hill of American Tower Corporation.
 58. A License Agreement between American Towers, Inc. (signed by Yannis Macheras on 12/8/04) and Newmont Broadcasting Corporation (signed by James Hearnberger on 12/4/04) with Exhibits A & E (Exhibits B, C & D are blank).
 59. A Memorandum of Agreement between American Towers, Inc. (signed by Yannis Macheras on April 27, 2006) and RCC Atlantic, Inc. (signed by William Dodge on April 27, 2006) with Exhibits A and B.
 60. A Lease dated November 1, 2005 between American Towers, Inc. (signed by Yannis Macheras) and United States of America (signed by Robert T. Renner) with Exhibit A.
 61. A list of abutting property owners.
 62. A document entitled “American Tower Corporation Collocation Policy.”
 63. A document entitled “American Tower Corporation Emergency Preparedness Document” dated 6/1/01, last revised 2/25/02.
 64. A document entitled “Tower/Structure Removal Bond”—Bond Number 1634798 for American Tower Corporation by Hanover Insurance Company dated March 24, 2006.
 65. An undated, unsigned map entitled “Radius Map-ATC Tower, Charlotte VT.”
 66. Sheet Z-1 by Infinigy as described above with hand-drawn distances to the nearest property lines and structures.

Appendix B

The following interested parties were present at the hearing:

On 7/20/06

Representing the applicants (or U.S. Coast Guard): David Cooper, Elizabeth Hill, John Ponsetto, Greg Stewart, Roger Perkins, Matthew Getty, John Bancroft, Shane Chamlers, and Will Dodge

Others: Laura St. George, Diane Nichols

On 11/2/06

Representing the applicants (or U.S. Coast Guard): David Cooper, Elizabeth Hill, John Ponsetto, Russell Kingsley, Will Dodge, Abdoulie Kebbeh, Brian Frazier, M. Lane, Chris Bramley, Shane Chalmers, and Jeff Waters.

On 11/16/06

Representing the applicants: David Cooper, Elizabeth Hill, Jason Seaverson, Kristian Zoeller, John Ponsetto, Will Dodge, Chris Bramley, and Brian Frazier,

Others: Warren Severance, Phyllis Lary

On 12/21/06

Representing the applicants: David Cooper, Elizabeth Hill, Kristian Zoeller, John Ponsetto, and Will Dodge.

On 1/18/07

Representing the applicants: David Cooper, Kristian Zoeller, Elizabeth Hill, John Ponsetto, Will Dodge and Chris Bramley.

Appendix C

The following materials were submitted by the applicants to augment, update or replace portions of the original application, as indicated:

1. A letter dated May 24, 2006 to Town of Charlotte Zoning Board of Adjustment, c/o Gloria Warden from William Dodge re: "3245 Spear Street Conditional Use/Site Plan Applications: Supplements."
2. Sheets T-1, Z-1, Z-1A and Z-2 by Infinigy Engineering, all last revised 5/23/06.
3. A document dated May 23, 2006 from Jacob Warner, Supervising Engineer, GIANT Solutions, LLC entitled "Electromagnetic Exposure Analysis, Rural Cellular Corporation (RCC), Site Name: Charlotte ATC, Site ID: VT5086, Charlotte, VT."
4. Two documents dated May 19, 2006 from Jeffrey Fisher entitled "Newmont Broadcasting Corporation, Engineering Statement;" one document pertains to Low Power Television Station W19BR, Channel 19 of Monkton, and the other document pertains to Class-A Low Power Television Station WGMU-CA, Channel 39 of Burlington.
5. A letter dated June 1, 2006 to Gloria Warden from David Cooper re: "Telecommunication

- Tower, 3245 Spear Street, Charlotte, Vt.-Applications for Conditional Use and Site Plan Approval.”
6. A letter dated August 22, 2006 to David R. Cooper from John R. Ponsetto re: “Newmont Dish.”
 7. A specification and assembly manual for Patriot 3.8 m Commercial Antenna Az-El Mount (16 pages).
 8. A memorandum dated October 24, 2006 to Thomas Mansfield, Brady Toensing, and Jeffrey McDonald from David Cooper re: “Revised Project Narrative//Applications for Conditional Use and Site Plan Approval.”
 9. A specification sheet from riRod Inc. for a 12’ Lightweight T-Frame mount for antennas.
 10. A photosimulation entitled “RCC, RCC Atlantic, Inc., East Charlotte, Site #88340, Spear Road (sic), Charlotte VT, Antenna Co-Location Simulation.”
 11. A letter dated October 5, 2006 to Town of Charlotte Planning Commission and Town of Charlotte Zoning Board of Adjustment from Jacob Warner, Giant Solutions, LLC.
 12. A map titled “RCC, Rural Cellular Corporation, Map 4-a” depicting existing, proposed, and alternative GSM coverage in Charlotte and Shelburne from the subject tower at an alternate co-location height of 200’.
 13. A report by American Tower entitled “Interference Analysis for ATC-088340” date 10/16/2006.
 14. A revised letter dated October 16, 2006 by to Steve Blevins, Infinigy Engineering, PLLC from Nicole Dentamaro of Vanasse Hangen Brustlin, Inc. re: “NEPA Compliance Documentation, 3245 Spear Street, Charlotte, Vermont, RCC ID #VT5013 reference” and NEPA Land Use Screening Checklist.
 15. A letter dated March 6, 2006 to Ben Campbell, Rural Cellular Corporation, from Carissa Cunningham of American Tower Corporation re (in part): “Proposed Collocation of telecommunications equipment by Rural Cellular Corporation of its agents or designees (‘Customer’) on that certain tower, known as East Charlotte ATC #088340....”
 16. A form from General Dynamics labeled “5.13.3, Environmental Engineering” pages 5-565 to 5-592.
 17. A sheet by Infinigy Engineering (stamped and signed by John S. Stevens) entitled “American Tower Corporation, Site Plan (Full Size)” Sheet Number A-1, dated 4/26/06, last revised 1/10/07.
 18. Sheets T-1, Z-1, Z-1A, Z-2, Z-2A, Z-3, Z-4, Z-5, and Z-6 by Infinigy Engineering, all last revised 1/10/07.