

**Town of Warren  
Planning Commission  
Minutes of Meeting  
Monday, November 28, 2022**

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Members Present: Camilla Behn, Mike Bridgewater, Jenny Faillace, Dan Raddock, Jim Sanford, Chair.

Staff Present: Ruth Robbins, Zoning Administrator, Carol Chamberlin (Recording Secretary, online)

Others Present: Alex, June Anderson, Tom Anderson, Robert Berg, Doug Bergstein, Betsy, Perry Bigelow, Dodge Bingham, Mary Jane Blouin, Molly Bagnato, Cindy Bond, Bonnie, Ryan Bowen, Gayle Brown, Jeff Bruckner, Mimi Buttenheim, Jeff Campbell, Alice Cheney, Connie Colman, Maura Connolly, Andrew Cunningham, David DeFreest, Kari Dolan, John Donaldson, Victoria Eardensohn, Jim Edgcomb, Edith, John Egan, Katherine Elkind, Eve, Ben Falk, Dennis Gray, Patrisha Hayes, Peter Hayes, Alex Hilton, Deb Johanneson, Gary Johanneson, John, John Kaeding, Toni Kaeding, Kristina, Lexi Leacock, Richard Levitan, Paul Lynch, KM, Bill Macan, Jane Macann, Alex Maclay, iPhoneMark, Peter McLaren, Kyle McLaughlin, Megan, Lisa Miserendino, Mona, John Mosley, Erika Nichols-Frazer (Valley Reporter), Gail O'Keefe, Peter, Macon Phillips, John Pitfield, Jim Porter (VT DPS), Eric Potter, Julia Purinton, Katherine Quinlan, Paul Quinlan, Liz Raddock, Dan Reicher, Quayl Rewinski, Britton Rogers, Virginia Roth, Christopher Rotsettis, Beth Schoellkopf, Tim Seniff, Cherri Sheeman, Julie Slinger, Win Smith, Michael Swain (VT DPS), Elizabeth Swarta, David Tanzer, Ted Tremper, Barbara Venezia, E Walker, Julie Westervelt, Patty Weston, Stacey Weston, Callie Willis, Nancy Wilson, Tom Wilson, Brandon Z, 642590, 18027934161, (9)924743645

Agenda:

1. Public Comment
2. Verizon Cell Tower Discussion – VT DPS representatives Jim Porter and Michael Swain
3. Procedure(s) for 12/12/22 meeting
4. New & Other Business

The meeting was called to order at 7:02 pm.

**Public Comment**

Nobody present provided public comment on a topic other than the proposed cell tower installation.

**Cell Tower Discussion**

Dan (PC) and Jim Porter (DPS) both provided some background information regarding the process that is followed when a notification of a pending application/petition is provided to a town and its residents.

Jim P. pointed out that the DPS does not represent any particular person, but rather works to ensure that all criteria that must be reviewed are thoroughly covered, hiring experts when necessary to provide relevant information. He indicated that one major focus of many application is aesthetics. He also emphasized that the FCC sets standards for radio frequencies; the Public Utilities Commission has no jurisdiction over these emissions, and so any related health or property-value concerns will not be part of the review.

Dan outlined some of the concerns the PC had heard regarding the project, including effects on wildlife, aesthetics, the 140' proposed height, the proximity to the airport, health concerns, and potential effects on property values.

Jim P. explained that both the Town and any abutters are allowed to participate as parties in the hearing and approval process, and also provided an explanation of the requirements of the aesthetics-related Quechee Test, which assesses whether proposed development creates an unduly adverse effect on the surrounding area. He indicated that he has seen it be effective to have an alternative site to offer that provides the same level of coverage with less impact on the neighborhood. He also explained that, because an aesthetics issue has already been raised for this proposal, the DPS will be hiring an expert to provide related reports and testimony. Jim P. noted that it would

be beneficial to compile a summary of the viewsheds which may be impacted by the tower. Michael Swain explained that viewsheds that are visible by large numbers of people passing, such as iconic views of a mountain from a state highway, are the type of thing that are considered during hearing. Jim P. emphasized that these public viewsheds are considered, rather than private views from locations not available to the public.

John Egan asked some questions regarding the process, saying that the notice appeared to be inadequate in areas such as the provision of propagation maps, aesthetics tests, and potential co-location information; he expressed concern that the timing of the notification/application date around the holidays did not allow enough time to ensure that all pertinent information can be made available. Jim P. indicated that the upcoming presentation from Verizon would provide further information, and that it would be reasonable to request more details to be provided following that presentation. Win Smith confirmed that Sugarbush had not been approached regarding co-location on their existing towers.

There was some discussion regarding whether this tower will serve the public good, and Jim P. explained that this is private investment, for which it is likely that provision of additional cell service is all that needs to be demonstrated.

Jim P. explained the logistics that will follow the filing of the petition, which include setting a schedule, including scheduling a conference and a discovery period, during which all participants are able to ask questions of the petitioner and any other group or person that provides testimony. An aesthetics expert will file a report/provide testimony at this point. The time frame encompassed will depend upon the schedule set, including consideration of the availability of experts providing testimony. Jim noted that ANR's involvement would be related to things such as wetlands, forest fragmentation, and bear habitat, and that the Agency will participate only if there appear to be impacts on any of these features. He confirmed that the Town as well as any impacted residents (including those who live in other towns) may participate in the hearing process. Once the petition is filed, there is a 30-day deadline for those interested in intervening to apply to do so.

The relevance of Town Plan language was discussed, with Jim P. pointing out that, while it is generally the case that town and regional plans are considered, particularly regarding aesthetics specific to certain landmarks and other town features, the ultimate standard is statutory criteria. Decisions are made based on whether the petitioner has met the burden of statutory requirements, although the PUC is mindful of the will of the community. He explained further that public good is analyzed mostly through details related to provision of additional coverage, and that the petitioner must show why colocation at an existing tower will not provide the same coverage as the proposal being evaluated.

Tom Anderson reported that he has been in contact with the FAA, and that a height of 199 feet is their trigger for requiring lighting of a tower. He also indicated that the FAA has determined there is no hazard created by the proposed installation, as it is not in line with the runway, and that painting will also not be required.

The issue of economic development, and impacts to WCVT as a local service provider, was raised. Jim P. indicated that the services provided through cell towers would not necessarily be competing, but offer a different service.

Discussion was held regarding Selectboard involvement and the potential of the Town providing for legal representation at upcoming meetings with Verizon and during the petition/hearing process. Jim P. confirmed that an attorney's presence is important through most of the process, but that the December meeting with Verizon could potentially be held without Town legal representation. He indicated that this meeting will provide an opportunity for Verizon to hear citizen and Town concerns; he indicated that they may be amenable to reasonable requests. Camilla confirmed that the Selectboard is fully aware of this proposal, and will be discussing it further in their upcoming

meeting. Jim P. suggested having the Selectboard speak for their constituents, and have available at December's meeting a list of questions that need to be answered, and some suggestions of what would work best for the majority if Verizon is willing to make some changes before filing their petition.

John and Toni Kaeding provided information regarding their experience with a cell tower proposal in Worcester, indicating that the hiring of legal representation was helpful, and pointing out the PC/Town Plan involvement was more significant than Selectboard intervention.

Jeff Campbell reminded those present that this tower may provide for better emergency services communications. It was also pointed out during the meeting that there are residents who cannot afford both cell phone and internet service, for whom increased coverage would be beneficial.

**Procedure(s) for 12/12**

PC members reviewed the next steps in the process related to the cell tower, including a discussion regarding at what point to request that the Selectboard engage an attorney to provide assistance. It was decided that this would not be necessary for the December 12 meeting. They also had a conversation with David Defreest regarding some aspects of the cell tower location.

**New & Other Business**

Minutes were signed.

The meeting adjourned at 10:17 pm.

Respectfully Submitted,  
Carol Chamberlin, Recording Secretary

**Planning Commission**

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Jim Sanford                      date

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Camilla Behn                      date

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Jenny Faillace                      date

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Dan Raddock                      date

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Michael Bridgewater                      date