

CURRENT Land Use & Development Regulations
for
Telecommunications Facilities
Article 4, Section 4.17

impose conditions regarding the number of participants, hours of operation, and other limitations related to scale and intensity as deemed appropriate.

Section 4.17. Telecommunications Facilities

(A) New or expanded telecommunication facilities, including but not limited to towers 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 must 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:
 - (a) 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
 - (b) 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 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;
 - (5) Any additional information needed to determine compliance with the provisions of these regulations.
- (C) Notwithstanding the requirements of Subsection (A), wireless telecommunications equipment to be mounted on existing towers, utility poles, ski lifts, or other structures may be permitted by the Administrative Officer without conditional use or site plan review provided that:
- (1) no changes are made to the height or appearance of such structure except as required for mounting;

- (2) the height of the antenna as mounted does not exceed maximum height requirements under Section 3.6;
 - (3) no panel antenna shall exceed 72 inches in height or 24 inches in width;
 - (4) no dish antenna shall exceed 3 feet in diameter; and
 - (5) any accompanying equipment shall be screened from view.
- (D) 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.

PROPOSED Land Use & Development Regulations
for
Telecommunications Facilities
Chapter 3, Section 3223

- (4) Use dark, muted and/or neutral exterior colors that would help blend the buildings into the surrounding landscape and must not use bright, intense and/or vibrant exterior colors or patterns that would call attention to the buildings.

3221.C Temporary sales or auctions of goods stored on the premises will be allowed as an accessory use for not more than 3 contiguous days and a total of 12 days in any calendar year.

3222 TANK FARM OR FUEL STORAGE AND DISTRIBUTION SERVICES

3222.A Tank farm or fuel storage and distribution services must:

- (1) Be registered with the state and in compliance with all applicable state and federal regulations;
- (2) Meet the performance standards of Section 3105;
- (3) Locate all storage tanks (above or below ground) at least 100 feet from all property lines;
- (4) Locate all aboveground tanks on a hard, level surface;
- (5) Provide a containment system for any aboveground tank that is:
 - (a) Capable of holding at least 125% of the volume of the tank, and
 - (b) Designed to appropriately treat and release any rainwater that accumulates within the containment area;
- (6) Be designed to prevent contact between vehicles and any aboveground tank (i.e., provision of fencing or bollards); and
- (7) Not display any signs on an aboveground tank except for identification and warning signs required by state or federal regulations.

3222.B Pre-existing tank farm or fuel storage and distribution services must not be expanded or redeveloped to increase the total amount of storage capacity on the site or locate storage tanks closer to any property line unless all the standards of Subsection 3222.A will be met.

3222.C The provisions of this section do not apply to storage of fuels or other materials for on-site use.

3223 COMMUNICATIONS ANTENNAS AND TOWERS

3223.A Purpose. The purpose of this subsection is to:

- (1) Minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- (2) Accommodate the need and demand for communications facilities;
- (3) Encourage the location and collocation of communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional towers;

- (4) Provide for the replacement and/or removal of nonconforming or discontinued antennas and towers; and
- (5) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the Town of Warren.

3223.B **Applicability.** Except as specifically exempted in Subchapter 110, the standards of this subsection apply to the installation, construction or modification of the following communications facilities:

- (1) Existing and proposed antennas and towers;
- (2) Replacement antennas and towers;
- (3) Broadcast antennas and towers;
- (4) Collocated and combined antennas on existing towers;
- (5) Roof-mounted antennas and supporting structures;
- (6) Surface-mounted antennas;
- (7) Antennas mounted on utility poles, including utility poles located within public rights-of-way;
- (8) Stealth wireless communications facilities; and
- (9) Amateur radio antennas and towers with an overall height greater than 50 feet.

3223.C **De Minimis Impact.** The Administrative Officer may approve and issue a zoning permit for an application for a communication facility if it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Administrative Officer will only consider an application to have a de minimis impact if it meets the following:

- (1) The height and width of the facility or tower, excluding equipment, antennas or ancillary improvements, will not increase;
- (2) The total amount of impervious surface, including access roads, associated with the facility or tower will not increase by more than 300 square feet;
- (3) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet out from the facility or tower as currently configured; and
- (4) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more than 75 square feet, and will not exceed the loading capacity of the support structure.

3223.D **Temporary Communication Facilities.** The Administrative Officer may approve and issue a zoning permit for a temporary communication facility in accordance with Section 3024.

- 3223.E **Application Requirements.** In addition to all other requirements, applicants must submit the following to demonstrate compliance with the provisions of this section:
- (1) A signed statement from the facility's owner or owner's agent stating that the radio frequency emissions will comply with Federal Communications Commission (FCC) standards;
 - (2) Proof that the proposed facility has been designed to withstand sustained winds of 110 mph and a 15-second wind gust of 130 mph;
 - (3) Proof that any proposed tower will be designed so that, in the event of a structural failure, it will collapse within the boundaries of the lot on which it is located;
 - (4) An FCC license, and construction development approval if applicable, to transmit radio signals in Town of Warren;
 - (5) The name, address and telephone contact information for the owner of any proposed or existing tower, and a statement that such information will be updated if there is a change;
 - (6) A stamped structural analysis of the proposed facility prepared by a professional engineer, indicating the proposed and future loading capacity of any tower;
 - (7) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace;
 - (8) A map and description of the coverage area planned for the cell to be served by the proposed facility;
 - (9) A map and description of the search area used to locate the proposed facility;
 - (10) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility; and
 - (11) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.
- 3223.F **Siting Priorities.** The Development Review Board will only approve a new tower upon the applicant demonstrating that the proposed antenna cannot be accommodated on an existing tower, building or other structure or by construction of a stealth facility. In order to justify the construction of new tower, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:
- (1) Collocated or combined antennas;
 - (2) Surface-mounted antennas;
 - (3) Roof-mounted antennas; and
 - (4) Stealth wireless communications facility.
- 3223.G **Prohibited Locations.** A new tower must not be located:
- (1) Closer than 1.5 times its height from all other structures (not including structures accessory to the tower), property lines, road rights-of-way, surface waters and aboveground utility line rights-of-way;

- (2) Within 500 feet of an existing dwelling; and
- (3) Within 1,000 feet from any designated historic district, historic structure or scenic road.

3223.H **Antenna Types.** Antennas must be designed and configured in a manner that minimizes adverse visual impacts as follows:

- (1) Antennas must be one of the types below (listed in order of preference):
 - (a) Flush-mounted;
 - (b) Panel;
 - (c) Whip; or
 - (d) Dish.
- (2) In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.

3223.I **Surface-Mounted Antennas.** Surface-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

- (1) Maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color will be more contextually compatible;
- (2) Be placed at least 15 feet above the ground; and
- (3) Be placed so that no portion of the antenna is less than 3 feet below the roof line, where proposed to be mounted on a building.

3223.J **Roof-Mounted Antennas.** Roof-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

- (1) Be placed only on commercial, industrial or non-residential institutional buildings that are at least 30 feet in height;
- (2) Be placed as near to the center of the roof as possible;
- (3) Not extend above the roof line of the building to which they are attached by more than 20 feet;
- (4) Have a monopole-type construction;
- (5) Maintain a galvanized gray or brown finish unless the Development Review Board finds that another color will be more contextually compatible;
- (6) Be screened by a parapet or other structure in order to minimize their visual impact as viewed from the road; and
- (7) Not have signs.

3223.K **Stealth Wireless Communications Facilities.** A stealth facility must:

- (1) Not have antennas or ancillary equipment that are readily identifiable from a public vantage point as wireless communications equipment; and
- (2) Be designed so that they are reasonably consistent with the scale and character of nearby structures in the built or surrounding vegetation in the natural environment.

3223.L **Towers.** New communication towers must:

- (1) Not be built on speculation as evidenced by a letter of commitment from one or more FCC-licensed communication carriers;
- (2) Allow for co-location as documented in a letter of intent from the facility owner;
- (3) Have a monopole-type construction except that:
 - (a) Broadcast structures taller than 200 feet, amateur radio antennas and AM broadcast antennas may have a lattice-type construction;
- (4) Maintain a galvanized gray or brown finish or other contextually-compatible color as determined by the Development Review Board (this includes ancillary appurtenances), except if otherwise required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC);
- (5) Not have lights, signals or other illumination unless the applicant demonstrates that lighting is required by the FAA or FCC; and
- (6) Not have signs except for hazard notification signs as required by state or federal regulations.

3223.M **Security and Screening.** The facility must be secured by fencing or other appropriate means. All structures to be located at ground level must be screened in accordance with Section 3103.

3224 **CONTRACTOR'S YARD, PROPERTY SERVICE OR UNENCLOSED STORAGE**

3224.A Contractor's yard, property service or unenclosed storage must:

- (1) Be located, landscaped and screened in accordance with Section 3103;
- (2) Be fenced in accordance with Section 3013 unless otherwise approved by the Development Review Board;
- (3) Control erosion and sediment transport from any materials stored outdoors in accordance with Section 3012;
- (4) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil (such a use will be considered waste storage); and
- (5) Conduct equipment or vehicle maintenance or repair activities within an enclosed building in accordance with the provisions of Section 3216.