

Chapter 21

Telecommunications Facilities

This chapter establishes standards for the installation of telecommunications facilities, including antennae, towers, and associated equipment. Remember that these facilities are also subject to all other applicable requirements of this bylaw.

21.1 Authority - Purpose

21.1.1 What is the legal authority for the adoption of these standards? 24 V.S.A. § 4417(12) specifically authorizes Vermont towns to regulate the construction, alteration, and development, decommissioning, and dismantling of wireless telecommunication facilities.

21.1.2 Doesn't the federal government regulate telecommunications The Telecommunications Act of 1996 (see 47 USC 332(c)(7)) specifically allows local governments to regulate telecommunications for aesthetic and safety purposes.

21.1.3 For what purposes is this bylaw regulating telecommunications facilities? The standards adopted here are designed to ensure that the placement, design, construction, removal, and modification of wireless communication facilities preserves the character and appearance of Williston and protects scenic, historic, cultural, and natural resources, while accommodating the telecommunication needs of the public and businesses. The goal is to minimize the number of towers while still allowing for adequate coverage. New facilities must co-locate with existing facilities whenever possible.

21.2 Permit Requirements

21.2.1 Do I need a permit to erect a telecommunication facility? Yes.

21.2.1.1 Discretionary Permits. Any new telecommunication facility that is not exempt from this bylaw (see WDB 21.2.2, below) must obtain a discretionary permit. Substantial changes in existing facilities, including any change in the height or location of an existing tower, must also obtain a discretionary permit.

21.2.1.2 Administrative Permits. Antennae that are co-locating on an existing telecommunication facility or that are accessory to an existing farm structure need not obtain a discretionary permit, but must obtain an administrative permit.

21.2.2 Are any telecommunication facilities exempt from the requirement for a permit? Yes. Telecommunications facilities used solely for amateur (ham) radio activities are exempt from this bylaw. Antennae for police, fire, ambulance, and other emergency dispatch, citizen's band radio, single-use local business radio dispatch, and television antennae for home use are also exempt, if:

21.2.2.1 On-Site. they are located on the site of the business or home being served, and

21.2.2.2 Height. they are no more than thirty-six (36) feet in height, measured from grade.

No other telecommunications facility is exempt, even if that facility would share a tower or other structure with exempt uses.

21.2.3 Do I need to submit anything besides what is required in the discretionary permit application checklist adopted in Chapter 6? Yes. There is a supplemental application checklist for telecommunications facilities. You must submit everything required by that checklist.

21.3 Location and Construction

21.3.1 Is co-location of telecommunication facilities required? Yes, this is the heart of Williston's regulation of telecommunications, the goal of which is to minimize the number and visual impacts of towers.

21.3.1.1 Design for Co-Location. Telecommunications facilities must be designed to allow for the future rearrangement of antennae and to accept antennae mounted at varying heights, within the overall permitted height. Telecommunications facilities shall also be designed with the structural and electrical capacity to accommodate both the applicant's antennae and any additional antennae that the overall permitted height will allow.

21.3.1.2 Commitment to Share Space. The owner of a telecommunications facility must permit shared use of that facility where it is technically feasible and the additional user/s agrees to meet reasonable terms and conditions for shared use. A binding letter of commitment to share space must accompany the application for a permit for the facility. See the *Telecommunications Application Checklist*.

21.3.2 Are there standards for the design and color of telecommunications structures? Yes. The goal of these standards is to minimize the visual impact of telecommunications facilities.

21.3.2.1 Monopole Construction. Telecommunications towers shall be unstayed monopoles. The DRB may permit an alternative design where it is clearly demonstrated that site conditions make this infeasible and the proposed alternative design complies with all standards of this bylaw.

21.3.2.2 Glare and Color. Exterior materials must be of a type, color, and style that minimizes glare and contrast with the surrounding environment. The DRB may permit an exception to this standard only where the Federal Aviation Administration or other state or federal authorities require a specific material or color scheme for safety purposes.

21.3.3 Is a fall zone for telecommunications towers required? Yes. Telecommunications facilities must be set back from any property line or any unrelated structure on the same property a distance that is at least equal to 110% of the facility's height above grade. This standard does not apply where an existing structure, such as a barn, silo, church steeple, or utility pole is proposed as a mounting for a telecommunications facility.

21.3.4 Must telecommunications facilities have security fences? Yes. The outdoor operating area around a telecommunications tower and its accessory structures and equipment shall have gated access only, with a security fence that is at least six (6) feet in height. The DRB may permit an exception to this standard where reasonable security for the facility is provided by another means.

21.3.4.1 Razor Wire. The use of razor wire on fences required by this standard is prohibited.

21.3.4.2 Fencing Material. Where a telecommunications facility is located in a developed area, the DRB may require the use of fencing that is an architectural extension of an adjoining or nearby building or that is identical or compatible with the exterior materials used on nearby buildings. The DRB may also require the use of vinyl-coated wire and slats where chain link fencing is appropriate.

21.3.5 *Are signs permitted at telecommunications facilities?* No advertising signs are permitted. An emergency contact sign is required.

21.3.5.1 Emergency Contact. One sign no greater than two (2) square feet stating the name of the facility's owner and a 24-hour emergency telephone number shall be posted adjacent to the gate. A separate administrative permit is not ordinarily required for such a sign: See WDB 25.4.4.3.

21.3.5.2 Permitted Signs. "No Trespassing" or other warning signs and the federal tower registration plate may be posted as required to comply with federal regulations. A separate administrative permit is not ordinarily required for such signs or for the sign required by WDB 21.3.5.1: See WDB 25.4.4.

21.3.5.3 Prohibited Signs. No other sign or lettering shall be placed on a tower or its accessory structures or fences.

21.3.6 *What standards apply to the construction of access roads or utility lines serving telecommunications facilities?* Telecommunications facilities may require construction or improvement of access roads and/or the construction or improvement of utility lines. All such work is subject to requirements of this bylaw that are intended to protect watershed health and the visual character of the town. See specifically the watershed health standards of Chapter 29.

21.3.7 *Do I need to prove that my telecommunication facility will not interfere with public safety telecommunications?* Yes. All applications for new telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference, and certification that the study has been provided to potentially affected public safety agencies, including the Williston Fire and Police departments. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the potentially-affected agencies at least 10 calendar days in advance of such changes and allow them to monitor interference levels during that testing process.

21.4 Minimizing Visual Impacts

21.4.1 *Can telecommunications facilities be illuminated?* The standards this bylaw adopts for outdoor lighting do not preclude beacons or lighting required by the FAA or another federal or state authority because of a tower's height.

21.4.2 *Must landscaping or screening be provided for telecommunications facilities?* Yes. Telecommunications facilities are subject to the landscaping standards of Chapter 23 of this bylaw and to the watershed protection standards of Chapter 29. Taken together those standards will ensure that clearing for the installation of a telecommunications facility is minimized and that landscaped buffers are provided where necessary. An exception to compliance with the buffering requirements of Chapter 23 will be automatically permitted where the telecommunications facility is installed on an existing structure, like a barn, silo, or church steeple.

21.4.3 Are there preferred locations for telecommunications facilities? Yes.

21.4.3.1 Watershed Protection Buffers. Telecommunications facilities must not be located within the watershed protection buffers or special flood hazard areas established by this bylaw.

21.4.3.2 Open Fields and Meadows. Telecommunications facilities must not be based in open fields, meadows, or clearings where there will be no visual absorption of the facility.

21.4.3.3 Habitat Conservation Areas. Telecommunications facilities may be permitted in habitat conservation areas where they can serve as an economically productive use that is preferable to developments that would disturb more land. A discretionary permit for a telecommunications facility in a habitat conservation area shall be approved only where the DRB, with the advice of the Conservation Commission, finds that, in addition to compliance with the other standards of this bylaw:

- land and habitat disturbance are minimized by the siting and design of the facility, and
- installation of the facility will result in conservation of the remainder of the habitat conservation area that is within the same ownership.

21.4.3.4 Woodland and Forest Areas. Telecommunications facilities may be based in wooded areas that do not fall into one of the other classifications listed here.

21.4.3.5 Developed Areas. Telecommunications facilities may be located in developed areas where their visual impact is mitigated by landscaped buffers and screening, as required by Chapter 23, and/or placement near or on existing buildings. The screening requirements of WDB 18.12 may also apply.

21.4.3.6 View from Public Spaces and Ways. Telecommunications facilities shall not intrude on the view from identified viewpoints from public parks or ways.

21.4.4 Is the height of telecommunication towers limited? Yes. The height limit for antennae, towers, and similar facilities shall not exceed:

21.4.4.1 ...twenty-five (25) feet above the average height of the trees within fifty (50) feet of the base of the tower in wooded or forested areas; or

21.4.4.2 ... twenty-five (25) feet above the average height of surrounding buildings within five hundred (500) feet of the base of the tower.

21.5 Temporary Wireless Communication Facilities. Telecommunications facilities that are set up for temporary use at a special event are exempt from the standards of this chapter, but may be erected only after the owner has obtained a special events permit as provided by Williston's *Special Events Ordinance*.

21.5.1 How long is "temporary?" Such a permit shall be valid for no more than five (5) consecutive days and for no more than five (5) days in a year.

21.5.2 Are there any other restrictions on temporary telecommunications facilities? Yes. The maximum height of any temporary facility is fifty (50) feet above grade.

21.6 Abandoned Telecommunications Facilities

21.6.1 When is a telecommunication facility considered abandoned? Like any other use, a telecommunications facility is abandoned if it has ceased operation for 12 or more consecutive months.

21.6.2 Is removal of an abandoned telecommunications facility required? Yes.

21.6.2.1 Removal. The owner shall remove an abandoned telecommunications facility within 180 days, and reclaim the site. Failure to do so is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

21.6.2.2 Reclamation. Applications for discretionary permits for telecommunications facilities shall be accompanied by a plan for the decommissioning and removal of the facility upon its abandonment, at the owner's expense. Such plans shall include both the removal of all structures and equipment and reclamation of the site, including re-vegetation consistent with the surrounding landscape.