

Interim Zoning Bylaws  
Town of Waterford

#\_\_\_\_\_ Require initial technical review of proposal by an independent consultant, to be paid for by applicant. (Emphasis on RF compliance to FCC regulations 97-303)

#\_\_\_\_\_ Require similar review upon addition of carriers. (Again paid for by applicant)

#\_\_\_\_\_ Require bond to assure paid removal of facilities if abandoned for any reason.

#\_\_\_\_\_ Authority

Pursuant to 24 VSA Section 4401 et seq. the Planning Board and Zoning Board of Adjustment of the Town of Waterford is authorized to review, approve, conditionally approve and deny applications for wireless communication facilities including sketch, preliminary and final plans and installation. Pursuant to 24 VSA Para. 4407 the Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof. The Town shall have the power to regulate the construction, alteration, development, decommissioning or dismantling of wireless telecommunications facilities and ancillary improvements. The Town may require that a bond be posted or that other acceptable security be provided in order to finance future decommissioning or dismantling activities.

#\_\_\_\_\_ Consistency with Federal Law

In addition to other findings required by this by-law, the Board shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. The by-law does not:

- a. Prohibit or have the effect of prohibiting the provision of personal wireless services;
- b. Unreasonably discriminate among providers of functionally equivalent services; or
- c. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

#\_\_\_\_\_ Permitting Priority

Wireless communication facilities are permitted according to the following priority:

- a. Co-located with an existing Wireless Communication Facility
- b. Concealed within existing structures
- c. Camouflaged and within an existing structure
- d. Camouflaged, or camouflaged on an existing structure such as, but not limited to an existing electric transmission tower, or an existing radio antenna, a water tower, or building and of compatible design
- e. On land owned by Waterford which complies with other requirements of this section, and where visual impact can be minimized and mitigated

# \_\_\_\_\_ Permitting Priority (cont)

- f. If demonstrated to the Zoning Board of Adjustment that each of the above 5 types of locations is not feasible, but complies with the other requirements of this section and where visual impact can be minimized.

# \_\_\_\_\_ Co-location Requirements

Towers must be designed to allow for future rearrangements of antennas on the tower and to accept antennas mounted at varying heights where overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas where overall permitted height allows.

An application for a new telecommunications tower shall not be approved unless the Zoning Board of Adjustment finds that the facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- a. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the state of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- b. the proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the state of Vermont and such interference cannot be prevented at a reasonable cost.
- c. The proposed antennas and equipment - either alone or together with existing facilities, equipment or antennas - would create radio frequency interference (RFI) in violation of federal standards or requirements.
- d. The proposed antennas and equipment either alone or together with existing facilities, equipment antennas would create radio frequency radiation (RFR) in violation of federal standards or requirements.
- e. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the state of Vermont.
- f. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment on an existing or approved tower or building.
- g. There is no existing or approved tower in the area in which coverage is sought.
- h. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment on an existing or approved tower or building.

# \_\_\_\_\_ Inspection

Adopted: April 8, 2002

Effective until April 8, 2004