

Hosted
12-6-05



CITY OF ST. ALBANS

P.O. Box 867, 100 North Main Street, St. Albans, Vermont 05478
Tel. (802) 524-1500 • Fax (802) 524-1505

Mayor
Peter Deslauriers
Ward 1
Jeff Laroe
Ward 2
Timothy Gaudette
Ward 3
David Peirce
Ward 4
Martin Manahan
Ward 5
Marcel Boulерice
Ward 6
Peter Chevalier
Clerk - Treasurer
Dianna Baraby
City Manager
Mary Garceau

November 30, 2005

The Old Mill Troy
P. O. Box 567
North Troy, VT 05859-0567

Attn: Gabriel Willey
RCC Atlantic d/b/a UNICEL
302 Mountain View Drive, Suite 200
Colchester, VT 05446

Re: 79 Walnut Street

Dear Sirs:

The Development Review Board of the City of St. Albans held a public hearing on November 7, 2005 at the City Hall of St. Albans regarding the request for a Conditional Use Permit for the installation of 9 (nine), 8 (eight) foot by 1 (one) foot antennas and a prefabricated equipment shelter located at 79 Walnut Street.

Listed below you will find the findings of facts, conclusion, and decision based on the testimony provided at the hearing mentioned above as well as documents submitted to the Development Review Board.

Findings of Facts:

1. The property is located in the S-IND- Service Industrial District.
2. Gabriel Willey appeared on behalf of the applicant, RCC Atlantic d/b/a UNICEL, and spoke to the board.
3. The antennas are to be placed on the roof of the grain silos. The height of the antennas will not exceed the height of the grain elevators.
4. The antennas will be painted to match the color of the silos.

Conclusion:

The proposed conditional use is in compliance with the criteria set forth in Section 502 of the current Land Development Regulations.

Re: 79 Walnut Street
Development Review Board
November 30, 2005
Page 2

Decision:

Based upon the findings and conclusions set forth above, the Development Review Board, by a vote of 5 in favor, 0 against, approved the request for a Conditional Use Permit to install 9-8' x 1' antennas and to construct a prefabricated equipment shelter with the following conditions:

1. A copy of letter from the property owner/landlord endorsing the applicant's intentions for conditional use and site plan shall be filed with the Zoning Administrator's Office.
2. The Giant Solutions LLC Electromagnetic Exposure Analysis for RRC site ID: VT5032 St. Albans VT 05478 dated November 2, 2005, shall be filed with the Zoning Administrator's Office.
3. This Conditional Use Permit is contingent upon the applicant obtaining site plan approval.

You are further advised that the decision may be appealed to the Vermont Environmental Court with in 30 (thirty) days of the date of this letter in accordance with 24 VSA Section 4471.

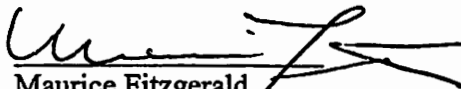
Should you have any questions regarding the contents of this letter please contact the zoning office.

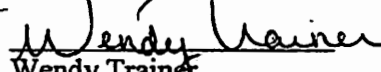
Respectfully,

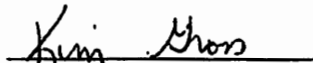
City of St. Albans Development Review Board


Carolyn Fouts


James Walsh


Maurice Fitzgerald


Wendy Trainer


Kim Gross

CERTIFIED MAIL



CITY OF ST. ALBANS

P.O. Box 867, 100 North Main Street, St. Albans, Vermont 05478
Tel. (802) 524-1500 • Fax (802) 524-1505

Posted
1-4-06

Mayor
Peter Deslauriers
Ward 1
Jeff Laroe
Ward 2
Timothy Gaudette
Ward 3
David Peirce
Ward 4
Martin Manahan
Ward 5
Marcel Boulerice
Ward 6
Peter Chevalier
Clerk - Treasurer
Dianna Baraby
City Manager
Mary Garceau

January 4, 2006

The Old Mill Troy
P. O. Box 567
North Troy, VT 05859-0567

Attn: Gabriel Willey
RCC Atlantic d/b/a UNICEL
302 Mountain View Drive, Suite 200
Colchester, VT 05446

RE: 79 Walnut Street - S-IND Service Industrial District

Dear Sirs:

The Development Review Board of the City of St. Albans held a public hearing on November 7, 2005, and a continuation of the recessed public hearing on December 5, 2005 at the City Hall of St. Albans regarding the request for site plan approval to erect 9 antennas to the existing mill building located at 79 Walnut Street.

Listed below you will find the findings of fact, conclusion, and decision based on the testimony provided at the hearing mentioned above as well as documents submitted to the Development Review Board.

Findings of Fact

- 1) This property is located in the Service Industrial District – S-IND as set forth in the City of St. Albans Land Development Regulations.
- 2) The property is owned by The Old Mill Troy.
- 3) There will be 9, 8ft. by 1 ft. antennas erected on the roof of the old mill building.
- 4) These antennas will be for cell phone transmission.
- 5) There will be a small building erected on the property for the equipment shelter. The equipment shelter will be fenced on all sides.
- 6) The site plan was accepted by the board and classified as a major site plan on 11/07/05.
- 7) No exterior lighting will be required.
- 8) The site plan accepted as complete.

Conclusion

The site plan request meets all the criteria set forth in Section 308.C and Section 702 of the current Land Development Regulations.

Re: 79 Walnut Street
Development Review Board
~~December 16, 2005~~ 1-4-06
Page 2

Decision

Based upon the findings and conclusions set forth above, the Development Review Board, by a vote of 6 in favor, 0 against, 1 recusal, approves the site plan for the property located at 79 Walnut Street with the following conditions:

- 1) All landscaping shown on the site plan shall be the minimum maintained as a permanent condition of the approval.
- 2) A performance bond or bank/financial guarantee, satisfactory to the Zoning Administrator, be given to the City of St. Albans prior to the issuance of a building permit or certificate of occupancy, to cover 100% of the fair market cost of any and all improvements shown on the site plan and any placed as a condition of the approval.
- 3) Any expansion to use, to include any other building or any addition to the structure will require a new site plan review.
- 4) That this property conform to all existing zoning regulations, including performance standards.
- 5) That there be no outside storage of refuse other than approved dumpsters.
- 6) A construction completion date needs to be added to the site plan.

You are further advised that this decision may be appealed to the Vermont Environmental Court within 30(thirty) days of the date of this letter in accordance with 24 VSA Section 4471.

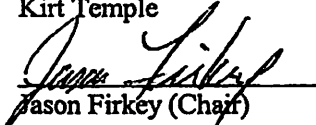
Should you have any questions regarding the contents of this letter please contact the zoning office.

Respectfully,

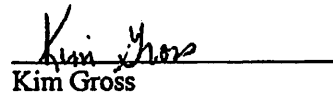
City of St. Albans Development Review Board


Beth Handy


Kirt Temple


Jason Firkey (Chair)


Susan Krupp (Recused)


Kim Gross


James Walsh


Maurice Fitzgerald

CERTIFIED MAIL

Re. 79 Walnut Street
Development Review Board
December 16, 2005
Page 2

Decision

Based upon the findings and conclusions set forth above, the Development Review Board, by a vote of 6 in favor, 0 against, 1 recusal, approves the site plan for the property located at 79 Walnut Street with the following conditions:

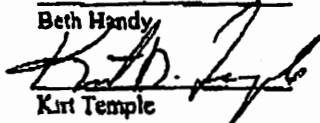
- 1) All landscaping shown on the site plan shall be the minimum maintained as a permanent condition of the approval.
- 2) A performance bond or bank/financial guarantee, satisfactory to the Zoning Administrator, be given to the City of St. Albans prior to the issuance of a building permit or certificate of occupancy, to cover 100% of the fair market cost of any and all improvements shown on the site plan and any placed as a condition of the approval.
- 3) Any expansion to use, to include any other building or any addition to the structure will require a new site plan review.
- 4) That this property conform to all existing zoning regulations, including performance standards.
- 5) That there be no outside storage of refuse other than approved dumpsters.
- 6) A construction completion date needs to be added to the site plan.

You are further advised that this decision may be appealed to the Vermont Environmental Court within 30(thirty) days of the date of this letter in accordance with 24 VSA Section 4471.

Should you have any questions regarding the contents of this letter please contact the zoning office.

Respectfully,

City of St. Albans Development Review Board

Beth Handy

Kurt Temple

Kim Gross

James Walsh

Jason Firkey (Chair)

Maurice Fitzgerald

Susan Krupp (Recused)

CERTIFIED MAIL

Re: 79 Walnut Street
Development Review Board
December 16, 2005
Page 2

Decision

Based upon the findings and conclusions set forth above, the Development Review Board, by a vote of 6 in favor, 0 against, 1 refusal, approves the site plan for the property located at 79 Walnut Street with the following conditions:

- 1) All landscaping shown on the site plan shall be the minimum maintained as a permanent condition of the approval.
- 2) A performance bond or bank/financial guarantee, satisfactory to the Zoning Administrator, be given to the City of St. Albans prior to the issuance of a building permit or certificate of occupancy, to cover 100% of the fair market cost of any and all improvements shown on the site plan and any placed as a condition of the approval.
- 3) Any expansion to use, to include any other building or any addition to the structure will require a new site plan review.
- 4) That this property conform to all existing zoning regulations, including performance standards.
- 5) That there be no outside storage of refuse other than approved dumpsters.
- 6) A construction completion date needs to be added to the site plan.

You are further advised that this decision may be appealed to the Vermont Environmental Court within 30(thirty) days of the date of this letter in accordance with 24 VSA Section 4471.

Should you have any questions regarding the contents of this letter please contact the zoning office.

Respectfully,

City of St. Albans Development Review Board

Beth Handy

Kim Gross

Kirt Temple

James Walsh

Jason Firkey (Chair)

Maurice Fitzgerald

Susan Krupp (Recused)

CERTIFIED MAIL

Re: 79 Walnut Street
Development Review Board
December 16, 2005
Page 2

Decision

Based upon the findings and conclusions set forth above, the Development Review Board, by a vote of 6 in favor, 0 against, 1 recusal, approves the site plan for the property located at 79 Walnut Street with the following conditions:

- 1) All landscaping shown on the site plan shall be the minimum maintained as a permanent condition of the approval.
- 2) A performance bond or bank/financial guarantee, satisfactory to the Zoning Administrator, be given to the City of St. Albans prior to the issuance of a building permit or certificate of occupancy, to cover 100% of the fair market cost of any and all improvements shown on the site plan and any placed as a condition of the approval.
- 3) Any expansion to use, to include any other building or any addition to the structure will require a new site plan review.
- 4) That this property conform to all existing zoning regulations, including performance standards.
- 5) That there be no outside storage of refuse other than approved dumpsters.
- 6) A construction completion date needs to be added to the site plan.

You are further advised that this decision may be appealed to the Vermont Environmental Court within 30(thirty) days of the date of this letter in accordance with 24 VSA Section 4471.

Should you have any questions regarding the contents of this letter please contact the zoning office.

Respectfully,

City of St. Albans Development Review Board

Beth Hardy

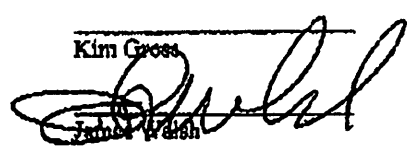
Kirt Temple

Jason Firkey (Chair)

Susan Krupp (Recused)

CERTIFIED MAIL

Kim Gross



James Walsh

Maurice Fitzgerald

CITY OF SAINT ALBANS
DEVELOPMENT REVIEW BOARD
MONTHLY MEETING
January 5, 2009

APPROVED

Present for a quorum: Wendy Trainer, Joseph Luneau, Michael Walsh, Susan Krupp, Timothy Hawkins, James Walsh, Kim Gross, Megan Manahan, and Marlys Lemnah

Others present: Michelle Boudreau, Interim Zoning Administrator; Charlotte Ryan, Minute Taker; Jeff Young, Crime and Public Safety Task Force, City of St. Albans; Linda Ryan, 229 North Main Street; Karen Heinlein-Grenier, 229 North Main Street; Peter Katz, Omni Point Communications/The Old Mill Troy Inc.; Matt and Lorraine Parsons, 229 North Main Street; Pam McCarthy, 229 North Main Street; Robert Emery, 229 North Main Street; Steven and Lorie Clark, 229 North Main Street; Carmen Menard, 229 North Main Street; Karlo Salminen, 229 North Main Street; Steven Towsley, 229 North Main Street; Gary Bergeron, 229 North Main Street; Ron Robtoy, 75-79 Walnut Street; Jack Dodd, 8-12 Deal Street; Betty Nuovo, 229 North Main Street; Sue Powers, 229 North Main Street; Gene Nuovo, 229 North Main Street; Jan Appel, 229 North Main Street; Kim Cadieux, 229 North Main Street; Everest L. Aikin, 229 North Main Street; Stephen Brown, 229 North Main Street; Frederick A. Little, Jr., 229 North Main Street; Jeff Laroc, 229 North Main Street; Loli Berard, 229 North Main Street; D. Cloud, City of St. Albans; Walter W. Gordon; Lorraine and Mark D'Amico, 229 North Main Street; Laurie Duprey, 229 North Main Street; Peter and Joanne Fiske, 2329 North Main Street; John Godin, 229 North Main Street; C. Warden & Peter Warden 229 North Main Street; Paula Kane 229 North Main Street; *The St. Albans Messenger* reporter Leon Thompson; Jan Appel; Anthony Gamache, 74 Nason Street; Michael L. Corbeil; 214-216 North Main Street and 210 North Main Street; and Peter Cross, Construction Engineering Consultant, 214-216 North Main Street and 210 North Main Street

Call to Order: Joseph Luneau called the meeting to order at 6:32 p.m.
Pledge of Allegiance

A. PUBLIC HEARINGS

1. 8-12 Deal Street--CV Properties--Applicant requests approval of an Administrative Subdivision. This property is located in the S-IND--Service Industrial District.

Joseph Luneau conducted the swearing in of participants. This request was previously approved, but the time frame for filing a plat has expired, as explained by Joseph Luneau. Michelle Boudreau confirms that the applicant has met all requirements, and the Mylar has been delivered.

Timothy Hawkins made the motion to grant approval to CV Properties for an administrative Subdivision, so long as conditions under Section 803, B., 1., 2., and 3. of the *Land Development Regulations* are met; James Walsh seconded the motion, with all in favor.

The Public Hearing closed at 6:35 p.m.

2. 229 North Main Street--Christine Senn--Applicant requests conditional-use approval for a Community House. This property is located in the B-2 Transitional Business Subdistrict.

Joseph Luneau took sworn testimony from all Interested Persons, and urged all participants to sign the Interested Persons Record and Service List. Michael Walsh disclosed that his sister is an abutting property owner, but declares he can serve on the DRB without prejudice. There was no objection from the applicant. Marlys Lemnah recused herself from the DRB, since she lives in the neighborhood of 229 North Main Street.

Stephen Clark, Director of the Covered Bridge Therapeutic Communities, Inc., distributed documents to the DRB. He reminded that DRB that he appeared before them in 2002, when their request was denied, and that a lot of the decision was based on a lack of a track record for their program. Since then, the organization set up a residential substance abuse aftercare facility for men in a mixed residential/commercial area of St. Johnsbury. They have developed the program and have established a

Tim Hawkins made the recommendation not to close the hearing, but to adjourn and continue it at the next meeting date on February 2nd at 6:30 p.m. The public hearing adjourned at 8:11 p.m.

3. 74 Nason Street--Anthony Gamache, LLC--Applicant requests preliminary and final plat approval for a 5-lot subdivision. This property is located in the HDR--High Density Residential District.

Marlys Lemnah returned to the DRB proceedings. Tim Hawkins asked if the subdivision were different in any way. He feels that since the reason for the approval is because of the failure to submit a plat, it should fall under Other Business. Re-approval may be granted if nothing has changed. Joseph Luneau pointed out that at the December 15 meeting; they found that nothing has changed. Mr. Gamache confirmed that there are no changes. He was asked to update the timelines, which has been done by Sam Ruggiano. He has nothing more to add. The hearing for 74 Nason Street was closed at 8:17 p.m., with no public comment.

4. 75-89 Walnut Street--The Old Mill Troy Inc./Omnipoint Communications, Inc.--Applicants request conditional use approval for a utility facility (wireless communications facility "T-Mobile") and/or any other approvals as needed. This property is located in the S-IND--Service Industrial District.

Peter Katz is the representative for this application request. He submitted an Owner Authorization Agreement indicating he has permission to install a cell tower; however, the agreement is not signed by Omni Communications, Inc. Mr. Katz says they are committed to a lease, which allows for any permits associated with it. He described the 15' X 15' T-Mobile and enclosed area, the 8-foot fencing around it, the nine-panel antenna, and the location in relation to the grain elevator. The antenna would be located at an elevation of 80 feet above the existing grade, and adjacent to existing antennas. The T-Mobile would be right next to the antenna and the constructed shed that was requested in the past two years. The enclosed area would be right next to the railroad tracks, and not visible from Pearl Street. James Walsh wondered if there were vandalism concerns. Mr. Katz says the unit would be locked, and the chain-linked fence would be 8 feet tall. There would be no additional lighting. Once or twice a month someone would go out there.

Tim Hawkins pointed out that there is a 40 to 60 foot height limit in the Service Industrial District, and the 80 feet would exceed that restriction, and that it is not allowed. Mr. Katz says they are utilizing an existing handrail to clamp on the antenna. It was pointed out that the existing building is 120 feet tall, exceeding the 80 feet restriction. The handrail is 3/4 of the way up. Mr. Hawkins says it would require a variance. The *Land Development Regulations* under Section 513 Height Regulations were reviewed and discussed by the DRB, in particular, with regard to determining whether or not they applied to new structures or adding to a structure.

Public Comment: The only public comment came from an individual who said his concern regarding visibility from Pearl Street was answered satisfactorily. Mr. Katz further claims there are no radiation issues or interference issues anticipated. The hearing was brought to a close at 8:33 p.m.

Timothy Hawkins made the motion to approve the conditional use request for a utility facility, as submitted; Kim Gross seconded the motion, with 7 in favor and 2 nays. There will be a written decision sent to the applicant.

5. 75-89 Walnut Street--The Old Mill Troy Inc./Omnipoint Communications Inc.--If conditional use approval is granted for a utility facility then applicant requests site plan approval. This property is located in the S-IND--Service Industrial District.

Timothy Hawkins made the motion to identify the project as a Minor Site Plan in accordance with Section 603.1. Site Plan Review, B. General Requirements, 1. b.) of the *Land Development Regulations*; Megan Manahan seconded the motion, with all in favor.

Mr. Katz presented the site plan to the DRB, and the DRB reviewed the requirements. Mr. Katz says they would start the project as soon as possible after the snow melts. He estimates that it would take a week. He recorded a time frame for completing the project from April 1, 2009 to June 1, 2009 on the site plan. The DRB pointed out a couple of things missing that would need to be completed.

Susan Krupp made the motion to approve the site plan for the utility facility for Omnipoint

Communications Inc., with the condition that missing information would be provided to the Zoning Administrator; James Walsh seconded the motion, with all in favor.

Since there was no public comment, the hearing closed at 8:42 p.m.

6. 214-216 North Main Street and 210 North Main Street--Michael I. Corbeil & Sylvia Corbeil-- Applicant requests conditional use approval for a Planned Unit Development (PUD) and/or any other approvals as needed. This property is located in the B-2--Traditional Business Subdistrict.

Timothy Hawkins noted that the PUD is all residential, and pointed out the table under *Land Development Regulations* Section 304, Permitted and Conditional Use, on page 20 which states that the Service Industrial District does not permit approval of conditional uses for residential uses only for PUD's, nor is it allowed in the B-2 Transitional Business Subdistrict. Peter Cross feels it is a matter of interpretation, and that Mr. Hawkins is saying there must be a business component. The density restrictions for a PUD do not allow strictly residential PUD's for B-1 or B-2 districts. Mr. Cross says you would be allowed a bonus if you met the setbacks. Mr. Hawkins says pre-existing buildings do not meet the setbacks. There was a lengthy discussion on the intention of the cited regulations. Conditional uses on page 19 were also reviewed and discussed. Mr. Cross says the reason the applicant is applying for a PUD is because he would like an additional unit. Mr. Corbeil is willing to have a commercial space in the building, to have an office, if that is what it takes. The application would then be changed to include six residences and one office. Mr. Hawkins strengthened his point by citing development standards from the *Land Development Regulations* Section 413 Planned Unit Development, E. Rules and Regulations on page 34. Mr. Cross says he is trying to get as many residences as he can for that building.

It was pointed out that the site plan may have to be changed to include additional parking. Two spaces for each unit is planned. Additional parking may be problematic to a neighbor. Mr. Cross explained the driveway configuration, and noted that it is a shared driveway; the Newton Street driveway is for convenience. The driveway will have to be paved according to development standards as cited under Section 515.3 Parking Design Standard, D. of the *Land Development Regulations*. The driveway would have to be paved all the way through. A garage will be demolished to open up additional parking spaces. If you add an office building it would put the project in a major site plan category. This would be OK with Mr. Cross. He would need to show the office space in the site plan. Mr. Hawkins says he had to meet the proper setback requirements, but that the DRB can waive that requirement. The board discussed with Mr. Cross the PUD qualifications regarding a density bonus. Mr. Cross will go back to the drawing board and come back next month. The hearing closed at 9:13 p.m.

B. OTHER BUSINESS:

1. The board members discussed the proposed template for deliberative decisions.

C. PUBLIC COMMENT: None present.

D. DECISIONS:

Timothy Hawkins made the motion to enter Deliberative Session at 9:12 p.m.; Megan Manahan seconded the motion, with all in favor.

Respectfully submitted,

Charlotte Ryan, Minute Taker

City of
Saint Albans

P.O. Box 867, 100 North Main Street, St. Albans, Vermont 05478
802-524-1500 fax 802-524-1505

Mayor
Martin Manahan

Ward 1
Jeff Laroe

Ward 2
Timothy Gaudette

Ward 3
David Pelrice

Ward 4
Brett Corrigan

Ward 5
Marcel Boulerice

Ward 6
Peter Chevalier

City Clerk / Treasurer
Anna Baraby

Manager
Minic Cloud

Mr. Peter Katz
Centerline Communications, LLC
265 Overview Drive
Jeffersonville, VT 05464

January 23, 2009

Re: Site Plan for 75-89 Walnut St.

Dear Mr. Katz:

The Development Review Board of the City of St. Albans held a public hearing on January 5, 2009 at the City Hall of St. Albans regarding the request for a site plan for a utility facility at 75-89 Walnut Street.

Findings of Fact

The property is located in the S-IND – Service Industrial District as defined in the City of St. Albans Land Development Regulations.

The applicant presented a sketch.

The northerly portion of the building will have an antenna that will not be visible from Pearl Street.

The height measured at the top of the installed antenna will be 80 feet and not exceed the existing height of the building.

There was no public comment raising additional facts and concerns.

Conclusion

The proposed site plan conforms to the criteria set forth in Section 603 of the current City of St. Albans Land Development Regulations.

Decision

Based upon the findings and conclusions set forth above, the Development Review Board, on a vote of 9 in favor, 0 against, approves the request for site plan for the property located at 75-89 Walnut Street with the following conditions:

1. Any expansion of use, to include any other building or any addition to the structure, will require a new site plan review.
2. The property conforms to all existing zoning regulations, including performance standards.
3. No outside storage of refuse other than approved dumpsters.
4. Applicant must have all signs approved by the City of St. Albans Design Advisory Board.

Applicant shall abide by all testimony, evidence and plan depictions as set forth at the Development Review Board Meeting dated January 5, 2009.

Applicant shall insure that the subdivision conforms to all other aspects of the Land Development Regulations of the City of St. Albans and those conditions consistent with this decision.

All prior decisions regarding this property remain in full force and effect except as amended herein.

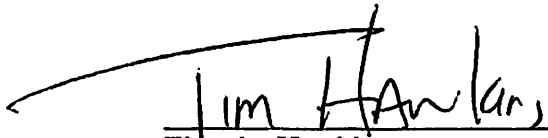
You are further advised that this decision may be appealed to the Vermont Environmental Court within 30 days of the date of this letter in accordance with 24 VSA Section 4471.

Should you have any questions regarding the contents of this letter, please contact the zoning office.

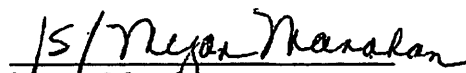
Respectfully,

City of St. Albans Development Review Board

To Affirm:


Timothy Hawkins


Wendy Trainer


Megan Manahan

75-98 Walnut St.
January 23, 2009
Page 3

15 / Michael Walsh
Michael Walsh

Kim Gross
Kim Gross

Susan Krupp
Susan Krupp

15 / James Walsh
James Walsh

Marlys Legman
Marlys Legman

15 / Joseph Luneau
Joseph Luneau

CERTIFIED MAIL

Cc: Old Mill Troy, Inc.

Ronald Robroy

Michelle Boudreau

From: Wendy Trainer [wendytrainer@yahoo.com]
Sent: Tuesday, January 27, 2009 9:01 AM
To: Michelle Boudreau
Subject: Re: signatures

Michelle,
Sorry I thought I sent you out an e-mail earlier!
I have read through and agree to the 3 decision letters. Please sign my name in approval.
Thank You, Wendy

--- On Tue, 1/27/09, Michelle Boudreau <M.Boudreau@stalbansvt.com> wrote:

From: Michelle Boudreau <M.Boudreau@stalbansvt.com>
Subject: signatures
To: wendytrainer@yahoo.com
Date: Tuesday, January 27, 2009, 7:55 AM

Wendy....I need your signature on 3 letters...what would you like me to do?

Michelle

75-98 Walnut St.
January 23, 2009
Page 3

Michael Walsh

Susan Krupp

Mariys Lefinah

Kim Gross

James Walsh

Joseph Luneau

CERTIFIED MAIL

Cc: Old Mill Troy, Inc.

01/17/2009 23:30 8025241505

75-98 Walnut St.
January 23, 2009
Page 2

1. Any expansion of use, to include any other building or any addition to the structure, will require a new site plan review.
2. The property conforms to all existing zoning regulations, including performance standards.
3. No outside storage of refuse other than approved dumpsters.
4. Applicant must have all signs approved by the City of St. Albans Design Advisory Board.

Applicant shall abide by all testimony, evidence and plan depictions as set forth at the Development Review Board Meeting dated January 5, 2009.

Applicant shall insure that the subdivision conforms to all other aspects of the Land Development Regulations of the City of St. Albans and those conditions consistent with this decision.

All prior decisions regarding this property remain in full force and effect except as amended herein.

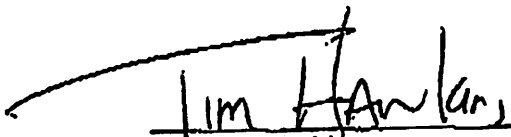
You are further advised that this decision may be appealed to the Vermont Environmental Court within 30 days of the date of this letter in accordance with 24 VSA Section 4471.

Should you have any questions regarding the contents of this letter, please contact the zoning office.

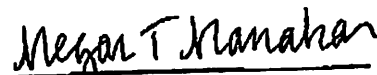
Respectfully,

City of St. Albans Development Review Board

To Affirm:


Timothy Hawkins

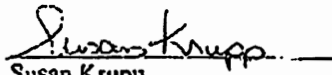
Wendy Trainer


Megan Manahan

75-98 Walnut St.
January 23, 2009
Page 3


Michael Walsh


Kim Gross


Susan Krupp

James Walsh


Mariys Lehnah

Joseph Luncau

CERTIFIED MAIL

Cc: Old Mill Troy, Inc.

75-98 Walnut St.
January 23, 2009
Page 3

Michael Walsh

Kim Gross
Kim Gross

Susan Krupp
Susan Krupp

James Walsh

Mariys Lehnah
Mariys Lehnah

Joseph Luneau
Joseph Luneau

CERTIFIED MAIL

Cc: Old Mill Troy, Inc.

City of
Saint Albans

P.O. Box 867, 100 North Main Street, St. Albans, Vermont 05478
802-524-1500 fax 802-524-1505

February 17, 2009

Mayor
Martin Manahan

Mr. Peter Katz
Centerline Communications, LLC
265 Overview Drive
Jeffersonville, VT 05464

Ward 1
Jeff Laroe

~~Re: Corrected Site Plan for~~ 75-89 Walnut St.

Ward 2
Timothy Gaudette

Dear Mr. Katz:

Ward 3
David Peirce

The Development Review Board of the City of St. Albans held a public hearing on January 5, 2009 at the City Hall of St. Albans regarding the request for a site plan for a utility facility at 75-89 Walnut Street.

Ward 4
Scott Corrigan

Findings of Fact

Ward 5
Marcel Boulerville

The property is located in the S-IND – Service Industrial District as defined in the City of St. Albans Land Development Regulations.

Ward 6
Peter Chevalier

The applicant presented a sketch.

Clerk / Treasurer
Dianna Baraby

The northerly portion of the building will have nine antennas that will not be visible from Pearl Street.

City Manager
Dominic Cloud

The height measured at the top of the installed antennas will be 80 feet and not exceed the existing height of the building.

There was no public comment raising additional facts and concerns.

Conclusion

The proposed site plan conforms to the criteria set forth in Section 603 of the current City of St. Albans Land Development Regulations.

Decision

Based upon the findings and conclusions set forth above, the Development Review Board, on a vote of 9 in favor, 0 against, approves the request for site plan for the property located at 75-89 Walnut Street with the following conditions:

1. Any expansion of use, to include any other building or any addition to the structure, will require a new site plan review.
2. The property conforms to all existing zoning regulations, including performance standards.
3. No outside storage of refuse other than approved dumpsters.
4. Applicant must have all signs approved by the City of St. Albans Design Advisory Board.

Applicant shall abide by all testimony, evidence and plan depictions as set forth at the Development Review Board Meeting dated January 5, 2009.

Applicant shall insure that the subdivision conforms to all other aspects of the Land Development Regulations of the City of St. Albans and those conditions consistent with this decision.

All prior decisions regarding this property remain in full force and effect except as amended herein.

You are further advised that this decision may be appealed to the Vermont Environmental Court within 30 days of the date of this letter in accordance with 24 VSA Section 4471.

Should you have any questions regarding the contents of this letter, please contact the zoning office.

Respectfully,

City of St. Albans Development Review Board


Joseph Luneau, Chair for the Development Review Board

Cc: Old Mill Troy, Inc.

City of
Saint Albans

P.O. Box 867, 100 North Main Street, St. Albans, Vermont 05478

802-524-1500 Fax 802-524-1505

February 17, 2009

Mayor
Martin Manahan

Mr. Peter Katz
Centerline Communications, LLC
265 Overview Drive
Jeffersonville, VT 05464

Ward 1
Jeff Laroe

Re: ~~Corrected~~ Conditional Use for 75-89 Walnut St.

Ward 2
Timothy Gaudette

Dear Mr. Katz:

Ward 3
David Peirce

The Development Review Board of the City of St. Albans held a public hearing on January 5, 2009 at the City Hall of St. Albans regarding the request for Conditional Use Approval for a utility facility at 75-89 Walnut Street

Ward 4
Scott Corrigan

Listed below you will find the findings of fact, conclusion, and decision based on the testimony provided at the hearing mentioned above as well as documents submitted to the Development Review Board.

Ward 5
Marcel Boulерice

Findings of Fact

Ward 6
Peter Chevalier

- The property is located in the S-IND – Service Industrial District as defined in the City of St. Albans Land Development Regulations.

Clerk / Treasurer
Dianna Baraby

- The applicant presented a sketch.

City Manager
Dominic Cloud

- The northerly portion of the building will have nine antennas that will not be visible from Pearl Street.

- The height measured at the top of the installed antennas will be 80 feet and not exceed the existing height of the building.

- There was no public comment raising additional facts and concerns.

The City of St. Albans Land Development Regulations Section 602.2 requires that the Development Review Board shall determine that the proposed use shall not have an undue adverse effect on the following: (each is highlighted with the findings of fact under the heading)

A. The capacity of existing or planned municipal facilities:

This project involves the installation of an antenna on an existing industrial facility. The property has been zoned S-Ind., which allows for a number of permitted and conditional uses. The installation will not increase water and wastewater allocation.

The project is not anticipated to have a significant impact on the capacity of the City's educational system. Any future conversion of this property will take into account comments from the Fire Chief and Police Chief. This project is not anticipated to negatively impact municipal facilities in any significant way.

B. The character of the area affected:

The parcel of land is zoned S-Ind. It is adjacent to a residential neighborhood on Walnut/Pearl Streets, which is zoned LDR. That neighborhood includes numerous industrial buildings with adjacent single family residential uses. The property was formerly an industrial facility. The antennas will not be clearly visible from the south nor will it exceed the height of the existing buildings. This use is consistent with the area affected, and typical for any industrial use occupying this site.

C. Traffic on roads and highways in the vicinity:

The installation of an antenna on an existing building is not anticipated to create any significant impacts for traffic on roads and highways in the vicinity.

D. By-laws then in affect:

This project will adhere to all by-laws in affect. Site Plan Approval will be required for the installation.

E. Utilization of Renewable Energy Resources:

There are no limitations on existing or utilization of renewable energy resources.

Conclusion

The proposed installation conforms to Article 6 Section 602 of the current Land Development Regulations.

Based on the findings of fact under Section 602.2 the Development Review Board finds as follows:

1. The project will have no adverse effect on the capacity of existing or planned community facilities, that the proposed use is not out of character with the immediately surrounding properties and that the permitted uses will not result in a material adverse impact or have a detrimental affect upon the neighborhood;
2. The project as proposed would not have significant adverse effects upon the existing road system serving it;

3. The project shall not adversely impact the Bylaws now in effect;
4. The project shall cause no significant adverse effects on renewable energy resources.
5. Site Plan approval is required.

The applicant shall insure that the subdivision conforms to all other aspects of the Land Development Regulations of the City of St. Albans.

Decision

Based upon the findings and conclusions set forth above, the Development Review Board, on a vote of 8 in favor, 1 against, approves the request for Conditional Use Approval for a utility facility at 75-89 Walnut Street

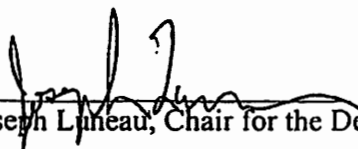
1. The facility is limited to the installation of 9 antennas on an existing building not to exceed 80 feet in height, and service boxes located at ground level.
2. The antennas shall be installed on the northerly section of the building.

You are further advised that this decision may be appealed to the Vermont Environmental Court within 30 days of the date of this letter in accordance with 24 VSA Section 4471.

Should you have any questions regarding the contents of this letter, please contact the zoning office.

Respectfully,

City of St. Albans Development Review Board


Joseph L. Leneau, Chair for the Development Review Board

Cc: Old Mill Troy, Inc.

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8121

Petition of New Cingular Wireless PCS, LLC,)
d/b/a AT&T Mobility, for a certificate of public)
good, pursuant to 30 V.S.A. § 248a, for the)
installation of telecommunications equipment in)
St. Albans, Vermont)

RECEIVED

OCT 11 2013

Downs Rachlin Martin PLLC

Order entered:

10/9/2013

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the petition filed on August 27, 2013, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (the "Petitioner"), pursuant to 30 V.S.A. § 248a, and the Board's Amended Standards and Procedures Order ("Procedures Order"),¹ and grants the Petitioner a certificate of public good ("CPG") authorizing modifications to a communications facility located in St. Albans, Vermont (the "Project").

II. BACKGROUND

This case involves a petition and prefiled testimony, filed by the Petitioner, requesting that the Board issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing modifications to an existing communications facility. The Petitioner is seeking approval for the Project as de minimus modifications to the existing facility, pursuant to § 248a(b)(2).

On September 17, 2013, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board issue an order approving the petition without additional hearings or investigation.

No other comments or requests for hearing regarding the petition have been filed with the Board.

1. Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a, Order issued August 10, 2011.

The Board has determined that the petition and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The Project involves modifications to an existing telecommunications facility located at a grain processing plant at 79 Walnut Street in St. Albans, Vermont. Petition at Section B.

2. The Project involves the installation of three panel antennas, each measuring 72" high by 12" wide by 6" deep, at a centerline height of 82' on the existing approximately 79' tall grain elevator. The Project also involves the installation of an equipment cabinet within the existing equipment shelter, and associated cabling and ancillary equipment. Petition at Sections B and B2.

3. The antennas will extend vertically above the existing structure approximately 7', and will extend approximately 1' horizontally from the existing structure. The aggregate surface area of the faces of the antennas to be attached to the tower is approximately 18 square feet. Petition at Section B.

4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will not increase the amount of impervious surface at the existing facility site. Findings No. 2 and 3, above, and Petition at Section B.

IV. DISCUSSION and CONCLUSION

Pursuant to 30 V.S.A. § 248a(b)(2), de minimus modification means:

the addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure . . . , or the reconstruction of such facility or support structure, provided:

(A) the height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;

(B) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;

(C) the addition, modification, or replacement of an antenna, or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;

(D) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Pursuant to the Procedures Order at Section II:

For purposes of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Procedures Order, regarding de minimus modifications:

If no objections to the classification of the project are timely filed with the Board, a CPG shall be issued without further proceedings.

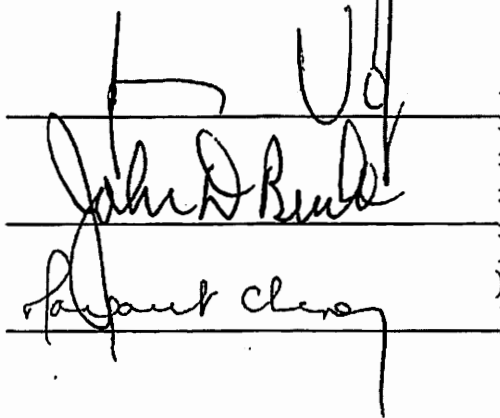
The proposed Project will consist of modifications to an existing telecommunications facility that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the facility, and will not create impervious surfaces surrounding the facility. The aggregate surface area of the faces of the antennas attached to the existing structure will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the structure by more than 10 feet. Therefore, the Project qualifies as "de minimus modifications" to an existing facility pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as de minimus modifications has been filed with the Board.

Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the modifications to the wireless communications facility at the location specified in the above findings, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 9th day of October, 2013.



PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: October 9, 2013

ATTEST: Susan M. Hyman
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8121

Petition of New Cingular Wireless PCS, LLC,)
d/b/a AT&T Mobility, for a certificate of public)
good, pursuant to 30 V.S.A. § 248a, for the)
installation of telecommunications equipment in)
St. Albans, Vermont)

Entered: 10/9/2013

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

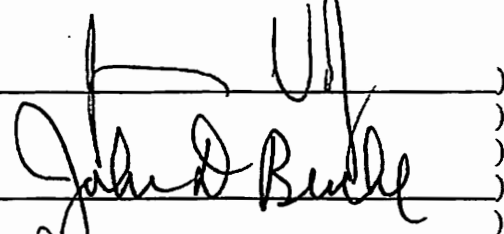
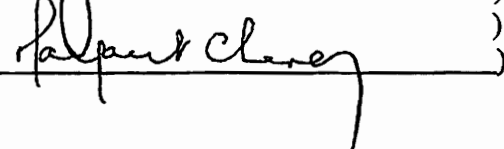
IT IS HEREBY CERTIFIED that the Public Service Board ("Board") of the State of Vermont this day found and adjudged that the installation and operation of the wireless telecommunications facilities proposed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, at 79 Walnut Street in St. Albans, Vermont (the "Project"), will promote the general good of the State, subject to the following conditions:

1. Operation, construction, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Board approval. Failure to obtain advance approval from the Board for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

2. The Project shall comply with applicable existing and future statutory requirements and Board Rules and Orders.

3. This Certificate of Public Good shall not be transferred without prior approval of the Board.

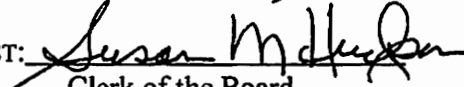
Dated at Montpelier, Vermont, this 9th day of October, 2013.

PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: October 9, 2013

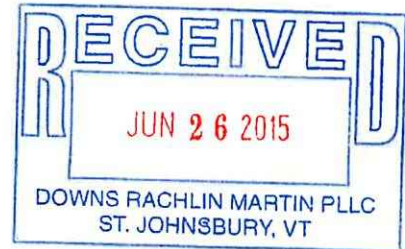
ATTEST: 
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8532

Petition of New Cingular Wireless PCS, LLC,)
d/b/a AT&T Mobility, for a certificate of public)
good, pursuant to 30 V.S.A. § 248a, for the)
installation of telecommunications equipment in)
St. Albans, Vermont)



Order entered: 6/24/2015

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the petition filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (the "Petitioner"), pursuant to 30 V.S.A. § 248a and the Board's Amended Standards and Procedures Order ("Procedures Order"),¹ and grants the Petitioner a certificate of public good ("CPG") authorizing modifications to a telecommunications facility located in St. Albans, Vermont (the proposed "Project").

II. BACKGROUND

On October 9, 2013, in Docket No. 8121, the Board issued a CPG for a *de minimis* modification to the existing facility resulting in an increase in aggregate surface area of the facility of approximately 18 square feet.

This case involves a petition and prefiled testimony filed on May 13, 2015, requesting that the Board issue a CPG approving additional *de minimis* modifications to the existing facility, pursuant to § 248a(b)(2).

On June 4, 2015, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board issue an order approving the petition without further investigation or hearing.

1. *Second amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Order issued September 5, 2014.

No other comments or requests for hearing regarding the petition have been filed with the Board.

The Board has determined that the petition and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The Project involves modifications to an existing telecommunications facility located at a grain processing plant at 79 Walnut Street in St. Albans, Vermont. Petition at Section B.

2. The Project involves the removal of three existing panel antennas and the installation of three new panel antennas each measuring approximately 72" by 15" on an existing grain elevator. The Project also involves the installation of a new equipment rack within an existing shelter and associated operating and ancillary equipment at the facility. Petition at Sections B and B2.

3. The antennas and equipment will extend vertically above the grain elevator a maximum distance of approximately 7' and will extend a maximum distance of approximately 1' horizontally from the elevator. The net increase in aggregate surface area of the faces of the antennas and equipment to be attached to the structure, including the surface area of the modifications previously approved, is approximately 29 square feet. Petition at Section B.

4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will not increase the amount of impervious surface at the existing facility site as all improvements will take place on and within the existing facility. Findings No. 2 and 3, above, and Petition at Section B.

IV. DISCUSSION and CONCLUSION

Pursuant to 30 V.S.A. § 248a(b)(2), *de minimis* modification means:

the addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure . . . , or the reconstruction of such facility or support structure, provided:

(A) the height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;

(B) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;

(C) the addition, modification, or replacement of an antenna, or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;

(D) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Pursuant to the Procedures Order at Section II:

For purposes of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Procedures Order, regarding *de minimis* modifications:

If no objections to the classification of the project are timely filed with the Board, a CPG shall be issued without further proceedings.

The proposed Project will consist of modifications to an existing telecommunications facility that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the facility and will not create impervious surfaces surrounding the facility. The net increase in aggregate surface area of the faces of the antennas attached to the existing tower will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the tower by more than 10 feet. Therefore, the Project qualifies as "*de minimis*

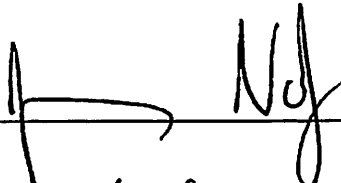
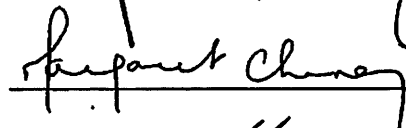
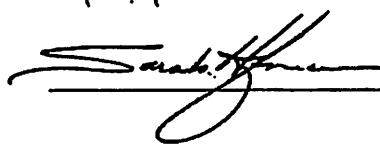
modifications" to an existing facility pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as *de minimis* modifications has been filed with the Board.

Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

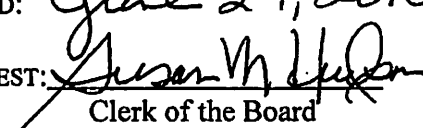
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that the modifications to the wireless telecommunications facility at the location specified in the above findings, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 24th day of June, 2015.

PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: June 24, 2015
ATTEST: 
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8532

Petition of New Cingular Wireless PCS, LLC,)
d/b/a AT&T Mobility, for a certificate of public)
good, pursuant to 30 V.S.A. § 248a, for the)
installation of telecommunications equipment in)
St. Albans, Vermont)

Entered: 6/24/2015

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

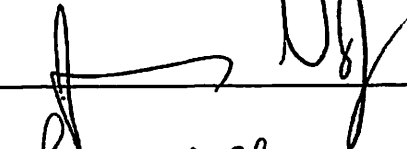
IT IS HEREBY CERTIFIED that the Public Service Board ("Board") of the State of Vermont this day found and adjudged that the modifications to the wireless telecommunications facility proposed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, at 79 Walnut Street in St. Albans, Vermont (the "Project"), will promote the general good of the State, subject to the following conditions:

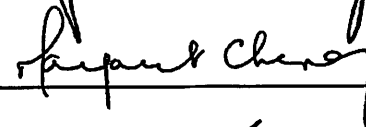
1. Operation, construction, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Board approval. Failure to obtain advance approval from the Board for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

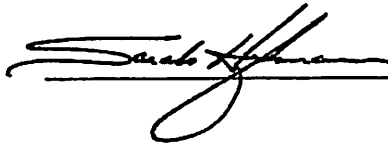
2. The Project shall comply with applicable existing and future statutory requirements and Board Rules and Orders.

3. This Certificate of Public Good shall not be transferred without prior approval of the Board.

Dated at Montpelier, Vermont, this 24th day of June, 2015.



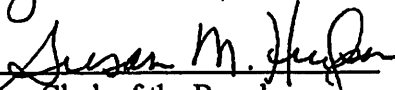




PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: June 24, 2015

ATTEST: 
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-4629-PET

Petition of New Cingular Wireless PCS, LLC, pursuant to 30 V.S.A. § 248a(k), requesting a Certificate of Public Good for the installation of telecommunications equipment in St. Albans, Vermont	
--	--

Order entered: 12/15/2017

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) approves the application filed on October 18, 2017, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (the “Petitioner”), pursuant to 30 V.S.A. § 248a and the Commission’s Amended Standards and Procedures Order (“Procedures Order”),¹ and grants the Petitioner a certificate of public good (“CPG”) authorizing modifications to a wireless telecommunications facility in St. Albans, Vermont (the proposed “Project”).

II. BACKGROUND

On October 9, 2013, and June 24, 2015, in Dockets 8121 and 8532, respectively, the Commission issued CPGs for *de minimis* modifications to the existing facility resulting in an increase in aggregate surface area of the facility of approximately 29 square feet.

This case involves a petition and prefiled testimony filed on October 18, 2017, requesting that the Commission issue a CPG approving additional *de minimis* modifications to the existing facility, pursuant to 30 V.S.A. § 248a(b)(2). Pursuant to § 248a(k), notice of the Project was provided to the host property owner, the Vermont Department of Public Service (“Department”), and the legislative body of the host municipality.

On October 25, 2017, the Department filed a motion *pro hac vice* on behalf of Jake Clark. No objection to the motion has been filed with the Commission; therefore we grant the motion.

¹ Fifth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a, Order issued September 14, 2017.

On November 16, 2017, the Department filed comments on the Project. The Department recommends that the Commission approve the petition without further hearings or investigation.

No other comments on the application were received by the Commission.

No party has requested an evidentiary hearing or objected to the project narrative and exhibits. The Commission has determined that the petition and supporting materials have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required. Accordingly, the following are admitted as if presented at a hearing: the affidavit of John Andrews (exh. 5) and exhs. 5A-F.

III. FINDINGS

1. The Project involves modifications to an existing telecommunications facility located on and around a grain elevator at 79 Walnut Street in St. Albans, Vermont. Petition at exh. 5.

2. The Project involves the replacement of three existing panel antennas with three new panel antennas, each measuring 72” by 12”, at a centerline height of 82’ on the existing grain elevator. The Project also involves the installation of associated ancillary equipment. Petition at exhs. 5, 5B and 5C.

3. The antennas and equipment will extend approximately 7’ above the grain elevator, and will extend a maximum of approximately 1’ horizontally from the grain elevator. The net increase in aggregate surface area of the faces of the antennas and equipment to be attached to the grain elevator, including the surface area of the modifications previously approved, is approximately 31 square feet. Petition at exh. 5; see also Dockets 8121 and 8532.

4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will not increase the amount of impervious service at the existing facility site. Findings No. 2 and 3, above, and Petition at exh. 5.

IV. DISCUSSION AND CONCLUSION

Pursuant to 30 V.S.A. § 248a(b)(2), *de minimis* modification means:

The addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure . . ., or the reconstruction of such facility or support structure, provided:

(A) the height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;

(B) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;

(C) the addition, modification, or replacement of an antenna, or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;

(D) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Pursuant to the Procedures Order at Section II:

For purposes of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Procedures Order, regarding *de minimis* modifications:

If no objections to the classification of the project are timely filed with the Commission, a CPG shall be issued without further proceedings.

The proposed Project will consist of modifications to an existing telecommunications facility that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the facility, and will not create impervious surfaces surrounding the facility. The net increase in aggregate surface area of the faces of the antennas attached to the existing structure will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the structure by more than 10 feet. Therefore, the Project qualifies as “*de*

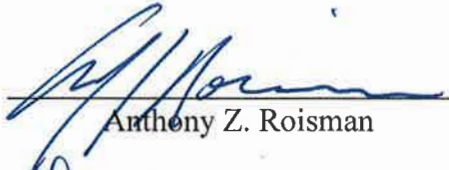
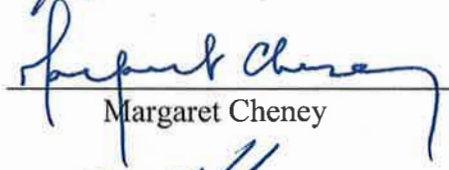
minimis modifications” to an existing facility pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as *de minimis* modifications has been filed with the Commission.

Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

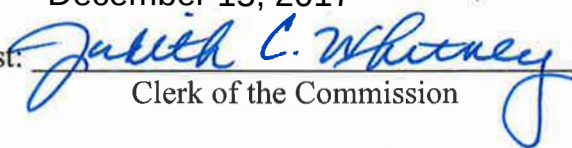
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission of the State of Vermont that the modifications to the wireless telecommunications facility at the location specified in the above findings, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 15th day of December, 2017.

	)	
Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
	)	
Margaret Cheney	)	COMMISSION
	)	
	)	
Sarah Hofmann	)	OF VERMONT

OFFICE OF THE CLERK

Filed: December 15, 2017

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within thirty days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within ten days of the date of this decision and Order.

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 19-2470-PET

Petition of New Cingular Wireless, PCS, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment in St. Albans, Vermont	
---	--

Order entered: 08/08/2019

ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) approves the application filed on June 27, 2019, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (the “Petitioner”), pursuant to 30 V.S.A. § 248a and the Commission’s Amended Standards and Procedures Order (“Procedures Order”),¹ and grants the Petitioner a certificate of public good (“CPG”) authorizing modifications to a wireless telecommunications facility in Saint Albans, Vermont (the proposed “Project”).

II. BACKGROUND

This case involves a petition and prefiled testimony filed on June 27, 2019, requesting that the Commission issue a CPG approving *de minimis* modifications to the existing facility, pursuant to 30 V.S.A. § 248a(b)(2). Pursuant to § 248a(k), notice of the Project was provided to the host property owner, the Vermont Department of Public Service (“Department”), and the legislative body of the host municipality.

On July 29, 2019, the Department filed comments on the Project. The Department recommends that the Commission approve the petition without further hearings or investigation.

No other comments on the application were received by the Commission.

¹ *Sixth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Order issued September 21, 2018.

No party has requested an evidentiary hearing or objected to the project narrative and exhibits. The Commission has determined that the petition and supporting materials have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required. Accordingly, the following are admitted as if presented at a hearing: the affidavit of Kellie Dunn (exh. 5) and exhs. 5A-F.

III. FINDINGS

Based upon the application and its accompanying documents, the Commission makes the following findings in this matter.

1. The Project involves modifications to an existing telecommunications facility located on and around a grain elevator at 79 Walnut Street in Saint Albans, Vermont. Petition at exh. 5.
2. The Project involves the installation of three new remote radio heads, each measuring approximately 18” by 13”, behind existing panel antennas at a centerline height of 82’ on the grain elevator. The Project also involves the installation of associated operating and ancillary equipment. Petition at exhs. 5 and 5B.
3. The equipment will not extend above the grain elevator, and will extend a maximum of approximately 1’ horizontally from the grain elevator. The net increase in aggregate surface area of the faces of the antennas and equipment to be attached to the grain elevator is approximately 10 square feet. Petition at exh. 5.
4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will not increase the amount of impervious surface at the existing facility site. Findings No. 2 and 3, above, and Petition at exh. 5.

IV. DISCUSSION AND CONCLUSION

Pursuant to 30 V.S.A. § 248a(b)(2), *de minimis* modification means:

The addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure . . . , or the reconstruction of such facility or support structure, provided:

- (A) the height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;
- (B) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;
- (C) the addition, modification, or replacement of an antenna, or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;
- (D) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Pursuant to the Procedures Order at Section II:

For purposes of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Procedures Order, regarding *de minimis* modifications:

If no objections to the classification of the project are timely filed with the Commission, a CPG shall be issued without further proceedings.

The proposed Project will consist of modifications to an existing telecommunications facility that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the facility, and will not create impervious surfaces surrounding the facility. The net increase in aggregate surface area of the faces of the antennas attached to the existing structure will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the structure by more than 10 feet. Therefore, the Project qualifies as “*de minimis* modifications” to an existing facility pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as *de minimis* modifications has been filed with the Commission.

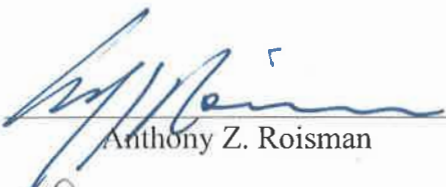
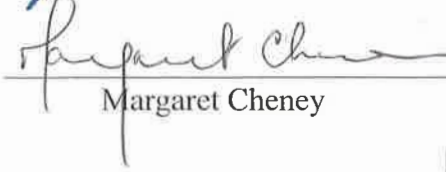
Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission of the State of Vermont that:

1. The modifications to the wireless telecommunications facility at the location specified in the above findings, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.
2. As a condition of this Order, the Petitioner shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 8th day of August, 2019.

	)	PUBLIC UTILITY
Anthony Z. Roisman	)	
	)	COMMISSION
	)	
Margaret Cheney	)	OF VERMONT

OFFICE OF THE CLERK

Filed: August 8, 2019

Attest. 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 19-2470-PET - SERVICE LIST

Parties:

William J. Dodge, Esq. (for New Cingular Wireless PCS, LLC)
Downs Rachlin Martin PLLC
199 Main Street
PO Box 190
Burlington, VT 05402
wdodge@drm.com

Elizabeth Kohler, Esq. (for New Cingular Wireless PCS, LLC)
Downs Rachlin Martin PLLC
199 Main Street
PO Box 190
Burlington, VT 05402
ekohler@drm.com

*James Porter, Director of Public Advocacy (for Vermont Department of Public Service)
Vermont Department of Public Service
DPS-PA@vermont.gov

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 19-2470-PET

Petition of New Cingular Wireless, PCS, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment in St. Albans, Vermont	
---	--

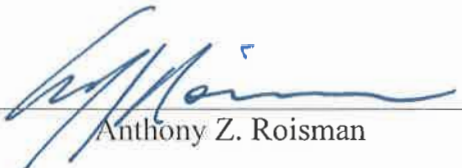
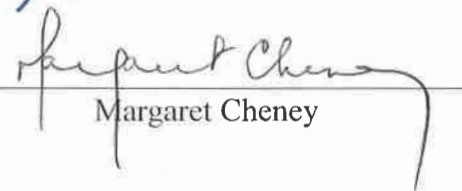
Order entered: 08/08/2019

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission (“Commission”) this day found and adjudged that the proposed installation of telecommunications equipment (the “Project”) by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility at 79 Walnut Street in Saint Albans, Vermont, will promote the general good of the State, subject to the following conditions:

1. Operation and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Commission approval. Failure to obtain advance approval from the Commission for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with applicable existing and future statutory requirements and Commission Rules and Orders.
3. This Certificate of Public Good shall not be transferred without prior approval of the Commission.

Dated at Montpelier, Vermont, this 8th day of August, 2019.

	)	PUBLIC UTILITY
Anthony Z. Roisman	)	
	)	COMMISSION
	)	OF VERMONT
Margaret Cheney	)	

OFFICE OF THE CLERK

Filed: August 8, 2019

Attest:


Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 19-2470-PET - SERVICE LIST

Parties:

William J. Dodge, Esq. (for New Cingular Wireless PCS, LLC)
Downs Rachlin Martin PLLC
199 Main Street
PO Box 190
Burlington, VT 05402
wdodge@drm.com

Elizabeth Kohler, Esq. (for New Cingular Wireless PCS, LLC)
Downs Rachlin Martin PLLC
199 Main Street
PO Box 190
Burlington, VT 05402
ekohler@drm.com

*James Porter, Director of Public Advocacy (for Vermont Department of Public Service)
Vermont Department of Public Service
DPS-PA@vermont.gov