

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact and Conclusions of Law**

**IN RE: Verizon New England, Inc. (Applicant)**  
**P.O. Box 449**  
**Burlington, Vermont 05402**

**BA 6-074-3**

**Thistle Investments, Limited. (Owner)**  
**P.O. Box 9**  
**Stowe, Vermont 05672**

**PROCEDURAL HISTORY:**

The Zoning Administrator received an application for a new conditional use on July 7, 2003. The application was ruled complete and warned in the Stowe Reporter and posted on July 24, 2003. A public hearing was held on August 19, 2003. This decision was rendered by the Board on September 16, 2003.

**OVERVIEW OF APPLICATION:**

1. Thistle Investments, Ltd., is the owner of the Baggy Knees shopping center located at 1880 Mountain Road.
2. Verizon of New England, Inc. (Verizon) is a phone company providing local service in the Stowe area and is undertaking improvements to its infrastructure in order to increase its capacity. This project involves a new telecommunications site consisting of a 5' x 7' concrete pad, and a 10' x 17' concrete pad to house two metal equipment cabinets. The first cabinet will be 53" high by 44" wide by 20" deep and the second cabinet will be 72" high by 132" wide by 46" deep.
3. The telecommunications site will be located in a new 12' x 40' easement area on lands of Thistle Investments. The easement is near the northerly end of the property adjacent to the property line with Gladys Knapp and Route 108.
4. The applicant has proposed to screen the new equipment with landscaping plantings.
5. As required by Zoning Regulations of the Town of Stowe (last revised June 13, 2002), the Board reviewed this application pursuant to Section 4.7 (Conditional Use Standards), and Section 4.9 (Site Plan Review), and Section 4.5(5) – Municipal Exemptions & Section 9.3(3) – Telephone Exchanges.
6. The project is exempt from zoning setbacks under Section 4.5(5) – Public Utilities.

**STANDARDS OF REVIEW:**

**4.7(2)(A) – Standards of review (Conditional Use Applications):** Pursuant to the requirements of the Stowe Zoning Ordinance, all Conditional Use Applications are reviewed under the requirements of Section 4.7(2)(A):

7. **Section 4.7(2)(A)(1) – Capacity of existing or planned community facilities & services:** The project is being constructed as part of an on-going plan to improve telephone service and capacity in

the Town of Stowe. The project, once completed will require no additional or unusual municipal services.

**Conclusion:** The Board concludes that there will be no adverse impact on the capacity of existing or planned community facilities and services as a result of this application.

8. **Section 4.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The telecommunications station will be constructed with an access from an existing parking lot serving the Baggy Knees Center. Once construction is completed, the facility requires only occasional inspection and/or maintenance (once every few days), with Verizon employees visiting for an hour or so at a time to make new connections, repairs, or the like. As such, the project should not result in any appreciable increase in traffic, nor should there be any adverse impact on traffic circulation or congestion.

**Conclusion:** The Board concludes that the traffic impact of this project will be minimal and that there will be no undue impact on traffic congestion or safety on area roads and highways in the vicinity.

9. **Section 4.7(2)(A)(3) – The character of the area affected:** The facility is to be located approximately 20' off of the edge of the traveled portion of the highway. The site is clearly visible from Route 108. The applicant has proposed to plant evergreen shrubs to screen the equipment. The Board finds that the proposed landscaping plan is insufficient to adequately screen the site from view and will require that the applicant return with a landscaping plan showing additional plantings to better screen the site.

**Conclusion:** The Board concludes that if the applicant properly addresses the landscaping at this site, then the project will not have an undue adverse impact on the character of the area affected.

10. **Section 4.7(2)(A)(4) – Bylaws then in effect:** This Zoning Regulations permit the proposed use (Reference Section 4.5(5) – Municipal Exemptions & Section 9.3(3) – Telephone Exchanges).

**Conclusion:** The Board concludes that overall, the project as proposed, complies with the purposes of the Zoning Ordinance, and is in conformance with Bylaws then in effect.

**Section 4.7(2)(B) – Other Standards of Review:**

11. **Section 4.7(2)(B)(1) – Will Not Cause Unreasonable Soil Erosion or Reduction in the Capacity of the Land to Hold Water:** There are no formal plans for stormwater management or treatment. Given that the modest size of the proposed construction, it is unlikely that the equipment pad will appreciably increase the rate of stormwater discharge on this site.

**Conclusion:** The Board concludes that the project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water.

12. **Section 4.7(2)(B)(2) – Undue Adverse Effect on the Scenic or Natural Beauty of the Area:** Utility structures, such as this one, are commonly found throughout the community. Verizon has proposed to screen the site to reduce the aesthetic impact on this area of the community.

**Conclusion:** The Board concludes that the construction of the facility is unlikely have an adverse impact on the scenic and natural beauty of this area of the community, provided that the additional screening requested is installed.

13. **Section 4.7(2)(B)(3) – Undue Water, Noise or Air Pollution:** Following the completion of construction, there will be no activities on this site having the potential to cause pollution.

**Conclusion:** The Board concludes that there will be no undue water, noise or air pollution.

14. **Section 4.7(2)(B)(4) – Adequacy of Driveway Access:** There will be no driveway to this site. After construction, service vehicles will park in the adjacent parking lot and the service person will walk to the equipment.

**Conclusion:** The Board concludes that the project does have adequate driveway access.

15. **Section 4.7(2)(B)(5) – Shared Access:** Verizon has proposed to use an existing driveway as part of its project.

**Conclusion:** The Board concludes that the applicant has made provisions for the use of shared access.

16. **Section 4.7(2)(B)(6) – Circulation and Parking:** The project does not require a parking lot. Parking for service vehicles is to be accomplished in the existing parking lot adjacent to this site. Access is over an existing driveway and parking area.

**Conclusion:** The applicant has made adequate provisions for proper circulation and parking.

17. **Section 4.7(2)(B)(7) – Pedestrian Circulation and Access:** The proposed facility does not require pedestrian circulation or access.

**Conclusion:** Verizon has made adequate provisions for the preservation of pedestrian circulation and access.

18. **Section 4.7(2)(B)(8) – Landscaping and Screening:** The applicant has provided rudimentary landscaping plans as part of the project application. The facility is to be screened from off-site visibility by proposed evergreen shrubs.

**Conclusion:** The Board concludes that additional landscaping and screening is required to prevent adverse impact on Vermont Route 108. See Item 9.

19. **Section 4.7(2)(B)(9) - Stormwater Management:** There are no stormwater management plans proposed for this insignificant project.

**Conclusion:** The Board concludes that no storm water management plans are required with the application..

20. **Section 4.9(1) – Site Development Plan Review Procedure**

As a result of the December 6, 1999 amendments to the Zoning Regulations, the Board finds that it is now also charged with conducting a site plan review under Section 4.9 of the Zoning Ordinance. The following findings were made under the Site Plan Review criteria:

**Conclusion:** The Board concludes that given the minor nature of this project, and the plans submitted, the applicant has met the requirements of Section 4.9(1).

## **DECISION**

Based upon the foregoing Findings of Fact, IN RE: #BA 6-033-1 (Verizon New England, Inc./Thistle Investments), the Board took the following action:

A motion was made by Mr. Izzo and seconded by Mr. Aumand to approve the application with the following conditions:

1. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required.
2. This application approved pursuant to the plans, specifications, and site plans admitted into evidence. The project approved shall be completed in a manner which is consistent with the Board's findings and conclusions and the approved plans and specifications.
3. The cabinets shall be beige in color as offered by the applicant.
4. The applicant shall return to the Board with a revised landscaping plan to supplement the screening at the site.
5. The applicant shall maintain the landscaping as approved as long as their equipment is there.

Voting in favor: Mr. Aumand, Mr. Beddow, Mr. Brink, Mr. Coppock, Mr. Izzo & Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: None. (Note: There is one vacancy on the Board at the time of this decision)

The motion carries, the application is approved.

Dated at Stowe, Vermont this the 16<sup>th</sup> day of September, 2003.

By: \_\_\_\_\_  
Allan J. Coppock, Chairman  
Stowe Development Review Board

Any interested person may appeal this decision to the Vt Environmental Court within thirty days in accordance with 24 V.S.A. S 4471.

The foregoing represents the decision of the Development Review Board, and is NOT a permit. A zoning permit will not be issued by the Administrative Officer until all necessary approvals have been obtained and a survey has been filed with the Stowe Town Clerk. Commencement of the activities described within this decision without a valid permit constitute a violation of the Stowe Zoning Regulations as provided in Section 23.4.

THE USE OR OCCUPANCY OF ANY BUILDING OR ACTIVITY APPROVED IN THIS DECISION REQUIRES THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL SUCH TIME AS ALL OF THE CONDITIONS OF THIS DECISION HAVE BEEN FULFILLED.