Scenic

TWO RIVERS – OTTAUQUECHEE REGIONAL PLAN

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Many thanks to Sabra Field for allowing us to once again use her art on our cover.
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(3) An integral scenic element of the rural countryside is the extensive network of roads which comprise town and state highway systems. These roads are often characterized by relatively narrow roadways of diverse and contrasting features in close proximity. These characteristics combined provide an unique visual experience and awareness of the landscape. With some exception for principal arterials, it is in the public interest to retain these special features. Given their unique visual experience, roads exhibiting exceptionally high scenic and cultural values, and determined to be of local or state significance should be constructed or improved with due concern for the special scenic qualities inherent to the roadway and roadway fringe. Substantial modifications or off-alignment options which unnecessarily destroy the special characteristics of such roadways are not consistent with this Plan. Use of appropriate design standards is encouraged and should be related to highway functional classification.

D. Scenic Values and Telecommunications Facilities

Background

The Regional Commission recognizes that transmission towers are necessary telecommunications facilities, but as land uses, these towers have emerged as planning concerns. To ensure adequate transmission of signals in mountainous areas such as this region, towers and related facilities need to be confined to hilltops or high elevation points. Thus, due to their higher visibility from multiple vantage points, conflict with scenic landscapes has become an issue.

Over the years, the District Environmental Commission III, in its administration of Act 250, and some municipalities as part of their zoning review, have had to evaluate these uses. Some cases have been contentious, resulting in delays and expensive appeals. Most local plans and bylaws lack definitive policies, standards of review, or key information necessary to enable a fair and comprehensive evaluation of the impacts posed by these issues.

The Regional Commission is aware of the potential problems and opportunities associated with these uses and have devised land use policies and standards to assist in mitigating conflicts and to give constructive guidance to the industry and affected municipalities. As a result, municipalities have begun adopting telecommunications tower language in Town Plans and have adopted zoning provisions.

The Federal Communications Commission (FCC) retains jurisdiction over public airwaves and the telecommunications industry in general. Additionally, the Federal Aviation Administration (FAA) exercises control over the location and height of towers and similar structures to prevent interference with airport operations. Under Vermont law (24 VSA Chapter 117), municipalities may require that certain standards be met prior to the erection of telecommunication facilities. Local bylaws may regulate the use, dimension, location, and density of towers, however, FCC rules are preemptive of local and state law where conflicts exist. Current practice within the FCC is not to specifically regulate the location, height, or design of individual owners. However, FCC uses the "central point doctrine" that provides for the location of transmission antenna to be at the "most central point at the highest elevation available". Given, this rule and

others promulgated by the FCC, municipalities and the State may not be overly restrictive of or prohibit these types of facilities. In sum, the extent of local and state regulation is limited, must be reasonable, and serve the public interest.

In late 1994, the Cellular Telecommunications Industry Association requested the FCC to push state and local governments out of the siting process entirely. Additionally, bills were introduced in Congress to limit local and state authority over telecommunications. Most of these actions have been opposed by state and municipal organizations, and are viewed as unnecessary invasions of state and local control. The Regional Commission does not favor preemption and supports cooperative efforts between the industry, the State, and municipalities to plan and regulate the future build-out of the telecommunications system affecting the region. The 1996 Telecommunications Act ensures a local voice in siting decisions.

Goal

(1) To improve telecommunication coverage in the region.

(2) To support the enhancement of telecommunications network when such facilities do not have significant adverse environmental, health, or aesthetic impacts.

Policies

(1) In order to minimize tower proliferation, it is the policy of the Regional Commission to encourage applicants to exhaust all reasonable options for sharing space on existing towers or tower sites prior to proposing new towers sites and related facilities. The principle of co-location is the favored alternative. In making such a determination on the feasibility of co-location, proposers should evaluate space available on existing towers, the tower owners ability to lease space, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and regulatory limitations.

(2) One of the region's principal scenic qualities are its ridgelines and mountainsides. These areas are significant contributors to the rural character of the region. The ridges are predominately undeveloped and provide an unbroken skyline viewed from the valley floor. The use of the region's ridges for telecommunication towers and related facilities needs to be undertaken in a manner that will not unduly detract nor adversely affect these scenic values. Protection of these areas from insensitive developments are matters of public good. To minimize conflict with scenic values, co-location is the first choice, followed by an analysis that provides the least impact for the desired coverage. Facility design and construction should employ the following principles:

(a) use the minimal height necessary, and where feasible, be sited in areas not highly visible to the traveling public, or from residential areas, historic districts, and public use areas or outdoor recreation areas such as hiking trails and beaches;

(b) be located in forested areas or be sufficiently landscaped to screen the lower sections of towers and related ground fixtures from public vantage points, such as trails, roads, or water bodies;

(c) utilize materials, architectural styles, color schemes, lighting fixtures, mass and other design elements to promote aesthetic compatibility with surrounding uses and to avoid adverse visual impacts;

(d) where prominent views of a site exist, be located downgrade of the ridge so as not to exceed the elevation of the immediate ridge;

(e) where construction of access roads, power or phone lines are involved, minimize their visibility by constructing them along the contour of the land and avoiding any open fields or meadows. This is also intended to reduce their ability to encourage secondary development;

(f) avoid peaks and ridges which function as regional focal points.

(3) In planning for telecommunication facilities, consideration should be given to the environmental limitations of any given site. Impacts of the use on wildlife habitats, soil erosion, forestry and agricultural lands, and similar resources should be carefully addressed. Projects which materially impact these resources are discouraged.

(4) For telecommunication projects situated on lands owned by the State, design plans should be compatible with current Management Plans for Public Lands adopted by the Agency of Natural Resources.

(5) Towers, antennae, and related fixtures that fall into disuse, or are discontinued should be removed to retain the values set forth above. Local and state land use permits should incorporate such as an approval condition.

(6) When facilities and tower configurations are dependent upon others being constructed along a corridor, then the entire string of facilities should be considered as a whole so that piece-meal permits to not preclude more amenable options.

(7) The clearing of land associated with site development for tower and facility construction should not negatively impact the scenic views present.

(8) Towers or facilities that are designed to resemble trees or natural features should not be placed conspicuously higher than the tree line.

E. Outdoor Lighting Design and Management

Issues and Opportunities

Increased development in the region in recent decades has brought about a corresponding increase in the use of outdoor lighting. These include new parking lots, brighter street lighting in our towns and villages, floodlights on commercial and industrial complexes, and lighted gas station canopies at our interchanges and along our major roads. While increased lighting can be