

## TELECOMMUNICATIONS ROUNDTABLE DRAWS DRAMATIC RESPONSE

More than 50 local officials from around the state joined in a lively round table discussion of appropriate telecommunications regulation at a meeting hosted by VLCT on February 19 at Montpelier City Hall.

While agreeing that cell phone technology is here to stay and is a necessary part of our lives in the 21st century, participants gave voice to the reality that local regulation of telecommunication towers has been a hot button issue ever since the "Telecommunications Act of 1996" was passed by Congress.

As a result, the number of towns adopting zoning bylaws that address location of telecommunication (cell) towers is slowly increasing throughout the state. However, an individual town's adoption of a telecommunications bylaw or ordinance does not and, in fact, cannot address all the issues presented by the location of a tower in a community. These include:

- How is adequacy of coverage assessed?
- What have zoning and development review board members' experiences been with telecommunications companies in the permit process?
- What are the regional impacts of a facility location?
- What are the potential tools available to locate towers so they provide coverage not only to the host town, but also to neighboring towns?
- Are health officers responsible for informing residents of the health effects of a tower?

One commissioner from the Town of Berlin crystallized a local official's responsibility with this question: *Is this tower in this location with these dimensions the only way to achieve coverage, given this board's responsibility to the community in all areas (recreation, tourism, aesthetics, public safety, conservation, economic development, etc)?* Clearly, in order to answer this question, local officials need to know information such as what other coverage is proposed in an area; who is the target population; the proposed and potential dimensions of the subject tower; what other technologies might provide the same level of service; the costs to the town; plans for dismantling the tower should its usefulness cease; whether proposed service would provide adequate coverage for the area in question; and importantly, what is going on in other towns. Many zoning bylaws incorporate language that would enable a local board to hire a consultant to conduct an independent analysis of an application, but it was apparent that no town represented in the room that day had actually used that section of their bylaw.

Solutions? Frustration among local officials regarding a lack of reliable information about activities in neighboring communities is significant. Suggestions were made several times to have the regional commissions coordinate the gathering of information in their regions and develop a map that could be kept current and would monitor existing towers (and their type and tenants or owners) as well as build-out plans for the several companies seeking to provide coverage in an area and pending or potential applications. The Environmental Board has a map of existing and some proposed towers, but it is very unspecific and includes "towers" that are nothing more than antennas for ham radios or police dispatches, with no method for differentiating among them when looking at the map.

Lamoille County Regional Commission has just completed a map and assessment very like the one suggested by participants. Jim Matteau, Director of Windham Regional Commission, suggested that the Vermont Association of Regional Commissions might undertake to produce and keep current such a map on a statewide basis.

Participants also discussed development of a mechanism for batching notices of intents to file so that they would be easy to review by local officials and that consistency among specifications for construction might be achieved or evaluated. VLCT staff were urged to dedicate a part of their web-site to telecommunications information and to develop a list serve. Both would serve local officials interested in keeping up with evolving telecommunications technology, regulatory innovations and relevant case law.

Many more issues were raised during the course of the three-hour roundtable and discussion was lively. Clearly, there was a significant need for an airing of cell tower regulatory issues on a state-wide basis. Equally clearly, we need to continue the discussion over time and across the state. List serves, regional mapping and permit tracking efforts are only the beginning of addressing those needs.

- Karen Horn, VLCT Director, Legislative and Membership Services