

EXHIBIT D

PROOF OF COMPLIANCE WITH THE REQUIREMENTS FOR TELECOMMUNICATIONS TOWERS OUTLINED IN ARTICLE VI OF THE TOWN OF WILMINGTON ZONING ORDINANCE

As discussed in Exhibit C, the legal standard applicable to Verizon is the standard afforded to public utilities, rather than the standard generally applied. As demonstrated below, Verizon also complies with the requirements outlined in Article VI of the Code. Each standard is outlined below in bold italicized type, followed by Verizon's response in regular type.

Telecommunications Towers

A. Siting

Where technically feasible, new telecommunications facilities should be sited on existing telecommunications towers or utility distribution lines or properties of the Town of Wilmington designated for such use in order to preserve the aesthetic and scenic value of the Town.

See Exhibit G and Exhibit H; co-location was not a viable option.

B. Additional Special Use Permit Requirements

Applicants for a special permit to place, construct or modify telecommunications facilities within the Town of Wilmington shall submit the following additional information to the Planning Board for its referral to a professional engineer or consultant for review and recommendation:

- (1) Visual Environmental Assessment Form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines and proposed elevations.***

See Exhibit K and Exhibit O.

- (2) Preliminary report prepared by a licensed professional engineer describing:***

- (a) Feasibility of co-location on existing structures and telecommunications towers.***

See Exhibit G and Exhibit H; co-location was not a viable option.

- (b) Applicant's full map and grid coverage in the Town of Wilmington and adjoining towns.***

See Exhibit G.

- (c) *Surrounding topography and relation to line of sight transmission.*

See Exhibit G.

- (d) *Available road access, electric power and land-based telephone lines and/or microwave link capability.*

See Exhibit M (Sheet C-1A).

- (e) *Required improvements or construction activities, including those within the public right-of-way or lands owned or controlled by the Town of Wilmington.*

See Exhibit M (Sheet C-1A).

- (f) *Identity of location, ownership and usage of currently existing telecommunications facilities within the Town of Wilmington and adjoining towns.*

See Exhibit G.

- (g) *Plans for construction of telecommunications accessory equipment building or structure and landscaping plan.*

See Exhibit M; no accessory structure is planned; nor, given the surrounding trees, is additional landscaping.

- (h) *Proposed mitigation measures for visual impacts.*

See Exhibit K.

- (i) *Proposed safety measures.*

See Exhibit M.

- (j) *Compatibility with existing telecommunications networks, and public safety.*

See Exhibit L.

- (k) *Emergency networks, such as fire, ambulance, police and 911.*

See Exhibit G.

- (3) *In the case of an application for a telecommunications tower, additional information shall be provided describing the telecommunications tower height and design, foundation, including a cross section of the structure; the telecommunications tower's compliance with applicable structural standards; the telecommunications tower's capacity, including the number and type of*

telecommunications antennas it can accommodate and the basis of calculation of capacity.

See Exhibit M (Sheet C-3) and Exhibit P.

- (4) *Demonstration of need for proposed telecommunications facility showing the impracticality of upgrading or expanding an existing site within the Town of Wilmington and adjoining towns.*

See Exhibit G and Exhibit H.

- (5) *Demonstration that the proposed site is the most appropriate available site, based on technological feasibility, for the location of the telecommunications facility.*

See Exhibit G and Exhibit H.

- (6) *Inventory of existing telecommunications facilities within the Town of Wilmington and adjoining towns outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed telecommunications tower or telecommunications antenna cannot be accommodated on an existing approved telecommunications tower or facility within the Town of Wilmington and adjoining towns.*

See Exhibit G and Exhibit H.

- (7) *Proof of certified mail announcements to all other telecommunications providers in the area declaring the applicant's sharing capabilities and/or siting needs.*

Verizon does not have access to data regarding other wireless providers in the Town. See Verizon's co-location policy at Exhibit N.

- (8) *A map showing the location of the premises for which the permit is sought and a sketch plan showing all features of the facility necessary for providing road access, electrical service, land-based telephone line connection and/or microwave*

See Exhibit M (Sheet C-1A).

- (9) *In the case of an application for a telecommunications antenna or tower to be located on lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be provided to the Planning Board.*

See Exhibit J.

- (10) *Such other information as may be required by the Planning Board or its engineer.*

No response necessary.

C. General Requirements.

- (1) *Separation distance*

Telecommunications towers shall be separated from all residential dwellings and building sites by a distance of 500 feet or 1 1/2 times the height of the tower, whichever is greater.

See Exhibit M; the Project is located 408' to the closest residence. As such, Verizon is seeking an area variance to permit the proposed tower to be located less than 500' from the existing residential structure and another structure under construction.

- (2) *All telecommunications accessory structures shall comply with zoning setback regulations in the affected zone. In any event, a telecommunications tower shall be set back a distance at least equal to its height. Additional setbacks may be required by the Planning Board in order to provide for the public safety.*

See Exhibit M (Sheet SB-2); the Project so complies.

- (3) *Minimal visual impacts*

All telecommunications towers and telecommunications antennas shall be sited and surrounded by wooded areas so as to have the least possible practical visual effect on the environment.

See Exhibit K and Exhibit M (Sheet AD-1); the Project so complies.

- (4) *Lighting*

Telecommunications towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.

See Exhibit M (Sheet C-3); the Project so complies.

- (5) *Material and paint*

Telecommunications towers and telecommunications antennas shall be of a galvanized finish, or painted gray above the surrounding tree line and gray or green below the tree line; the mountings of telecommunications antennas shall be non-reflective and of the appropriate color to blend with their background.

See Exhibit M (Sheet C-3); the Project so complies.

(6) **Screening**

(a) **Vegetative screening**

The following vegetative screening shall be provided: one row of native evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting shall be provided to effectively screen the telecommunications tower base and accessory facilities. Additional screening may be required by the Planning Board to screen portions of the telecommunications tower from nearby residential property of important views.

See Exhibit M (Sheets L-1 and L-2); the Project is surrounded by large trees. As such, additional landscaping seems redundant. Verizon will comply with this request should the Planning Board deem it appropriate.

(b) **Architectural screening**

Creative design measures, to camouflage facilities by integrating them with existing buildings and among other existing uses, are preferred.

See Exhibit K and Exhibit M (Sheet AD-1); the Project has been sited to minimize its overall visibility to the extent practicable.

(7) **Height**

The size of telecommunications sites shall be limited to the minimum required to provide the proposed area telecommunications services.

See Exhibit G; the Project so complies.

(8) **Access road**

Existing roadways shall be used for access to the site whenever possible.

See Exhibit M; the Project so complies.

(9) **Telecommunications accessory structures**

Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.

See Exhibit M (Sheet AD-1); the Project so complies.

(10) Telecommunications antennas

Due to their high visibility, dish and parabolic telecommunications antennas shall not be used when overland connections are possible. If dish and parabolic antennas are required, they should be located at as low an elevation as possible without compromising the function of the device, preferably on the sides of buildings or ground mounted on slopes below the ridgeline wherever possible, rather than elevated on telecommunications towers. Microwave and satellite dishes shall be of mesh construction wherever possible.

Not applicable.

(11) Utility service

Electrical and land-based telephone utilities extended to service telecommunications sites shall be underground.

See Exhibit M (Sheet C-1A); the Project so complies.

(12) Security provisions

Each site shall have a security program, including physical features such as fencing, anti-climbing devices or elevating ladders on the telecommunications towers.

See Exhibit M (Sheet C-1A); the Project so complies.

(13) Safe zone

Telecommunications towers shall be designed so that in the event of failure they will fall within the setback area of the site and/or away from adjacent property.

See Exhibit M (Sheet C-1A) and Exhibit O; the Project so complies.

(14) Noise

Noise producing equipment and towers shall be sited, constructed and/or insulated to minimize noise impacts on adjacent properties.

See Exhibit M (Sheet SB-1); the Project so complies.

(15) Annual inspection and report

Telecommunications towers over 100 feet in height, including towers existing on the effective date hereof, shall be inspected annually by a licensed professional engineer, or at any other time upon a determination by the Codes Enforcement Officer that the telecommunications tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Codes Enforcement Officer.

Verizon will so comply to the extent required by applicable law.

(16) Removal

If the use of the tower for the authorized cellular telephone, voice, data or other forms telecommunications is discontinued for more than one year, its successors and assigns, shall remove the tower from the site within the following year. If the use of the herein authorized antennas for cellular telephone, voice, data or other forms of wireless communications is discontinued for more than six months, their successors and assigns, shall remove the antenna array from the tower within the following six months. Once the time frames for removal have expired according to this condition, placement of a new tower on the project site or replacement of the antennas on the tower for cellular telephone, voice, data or other forms of wireless communications shall be subject to review and approval by the Agency in the form of a new or amended permit. The landowners, their successors and assigns shall allow timely removal of the tower or antenna array pursuant to this condition.

Applicants shall post a bond or other suitable undertaking as a condition of the use permit in order to guarantee removal of abandoned structures.

See Exhibit Q.

(17) Post-installation field report

A post-installation field report identifying the facility's coverage area, the telecommunications tower's maximum capacity, committed capacity and unused capacity, if any, and co-located users of the telecommunications tower shall be submitted to the Town.

Verizon will so comply.

D. Proof of insurance

The applicant and the owner of the property where the telecommunications tower and/or antenna are to be located shall provide the Town Clerk with proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.

Verizon will provide same with the Building Permit application.

E. Special permit term

Special permits granted pursuant to this section shall be issued for a term of 10 years or the period of time requested by the applicant, whichever is less.

No response necessary.