



To: Town Council  
From: Madison Harris  
Date: April 26, 2024  
Agenda Item: 161 Main Street - Request for Exemption from Sec. 16-17-110 - Underground utilities

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**REQUEST:**

Review and make a decision to approve, approve with conditions, or deny the request by the property owners of 161 Main Street to be granted temporary exemption from Sec. 16-17-110 - Underground utilities.

**INTRODUCTION:**

The property owners of 161 Main Street recently received approval to construct a shed structure on their property to conduct a tasting room out of as they draft plans for a permanent structure. The plans show a temporary overhead electric utility line attaching off the pole at the back of the property. The property owner would like to request temporary exemption from Sec. 16-17-110 - Underground utilities.

**ANALYSIS:**

Sec. 16-17-110 - Underground utilities states the following: *“Except as otherwise approved by the Town Council, all wires, cables or other equipment for the distribution of electric energy and telecommunications signals, with the exception of transformers, meters, junction boxes and similar equipment, shall be placed underground. Where developments are approved along or with crossing existing overhead power and communication facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering or aesthetic reasons. Utility easements and right-of-way shall be provided as part of the development.”*

The Applicant received approval from the Planning Director for their Limited Use application for a shed structure that is valid for one year commencing on April 12, 2023 with the ability to be administratively extended one time for a period not to exceed an additional one year based upon demonstration of good cause by the Applicant. The Applicant is requesting the same time frame for the exemption from Sec. 16-17-110, as this use is temporary in nature. Per the Applicant’s representative’s email the following are the reasons that they have brought up to be granted this exemption:

1. Since the shed approval has a time limit, the overhead line is a temporary solution.
2. We don’t want to underground a power line that would complicate the excavation of foundations for the distillery building in the near future.
3. The current overhead use is similar to the typical temporary power pole with an overhead line which would be utilized on a construction site until the final power supply can be undergrounded into the permanent building.

4. The “mattress supply” building next to our lot also has an overhead line that currently crosses our lot.

**COMMUNITY INPUT:**

Ongoing.

**BUDGET / STAFF IMPACT:** TBD

**STRATEGIC PLAN ALIGNMENT:**

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

**ATTACHMENTS:**

- Email from Robert Creasy dated April 1, 2024
- Site plan for 161 Main showing temporary overhead utility line