

October 31, 2022

To: Parties on attached Service List

Re: Application for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a  
Applicant: Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless ("Verizon")  
Project: Construction of a Wireless Telecommunications Facility  
Location: Airport Road, Warren, VT  
Landowners: David and Marlene Defreest, 908 Airport Road, Warren, VT 05674

Dear Statutory Party:

Our firm represents Verizon. You are receiving this notification because Verizon intends to file an application with the Public Utility Commission ("Commission"), under the provisions of 30 V.S.A. § 248a ("Section 248a"), for a Certificate of Public Good to allow the construction of a wireless telecommunications facility in the Town of Warren, Vermont. The "Notice" provision of the Section 248a process, as amended, requires that:

The applicant must provide written notice, at least 60 days in advance of filing a Section 248a application, to the following entities:

- (a) the legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
- (b) the Secretary of the Agency of Natural Resources;
- (c) the Agency of Transportation;
- (d) the Division for Historic Preservation;
- (e) the Commissioner of the Department of Public Service and its Director for Public Advocacy;
- (f) the Natural Resources Board...;
- (g) the landowners of record of property adjoining the project sites; and
- (h) the Public Utility Commission...

The application will be filed in accordance with the Amended Order Implementing Standards and Procedures for Issuance of a Certificate of Public Good for Communications Facilities Pursuant to 30 V.S.A. § 248a, issued by the Commission on September 21, 2018, ("Amended Order"), and the Standards and Procedures Applicable to Electronic Filing Using ePUC, eff. January 17, 2017 ("ePUC Procedures").

Copies of the Amended Order and ePUC Procedures are available on the web at <http://puc.vermont.gov> and at the Commission's offices, on the 4th Floor of the M&T Bank (formerly Peoples United Bank) Building, 112 State Street, Montpelier, Vermont 05620.

Documents filed with the PUC are available electronically through the PUC's website at <http://epuc.vermont.gov/>.

### **Project Location**

Verizon intends to construct a telecommunications facility on a ("Parcel") located on Airport Road in Warren, Vermont. The Parcel is an approximately 505-acre lot, and its owners have a mailing address of 908 Airport Road, in Warren, Vermont 05674. Verizon refers to the project as "Warren." The property owners have given Verizon permission to proceed with this Application. The coordinates for the Project are latitude 44°08'05.99" North and longitude 72°49'52.91" West. See attached Permit Plans for visual depiction of the Project's location.

### **Project Description**

Verizon will create an 50' x 50' "Compound" enclosed by an 8' high chain link fence, with a locked gate, and topped with barbed wire. A 140' above ground level ("AGL") telecommunications monopole tower ("Monopole") will be constructed within the Compound.

Six (6) panel antennas ("Antennas") and six (6) Remote Radio Heads ("RRHs") will be centered at 137' AGL on the Monopole on a triangular mounting bracket with two (2) Antennas, two (2) RRHs, and one (1) MMU antenna ("MMU") per side or "sector". Each Antenna will measure approximately 72" long and 19.6" wide. The topmost point of the antennas will extend to a height of 140' AGL. Each of the RRHs, measuring approximately 15.9" long and 15.5" wide, will be mounted directly behind each of the Antennas. The MMU, measuring approximately 35" long and 16" wide and will be mounted with a centerline elevation of 137' AGL. One (1) OVP distribution box ("OVP"), measuring approximately 25.8" long by 15.9" wide will be mounted on the Monopole at the same centerline as the Antennas and the RRHs.<sup>1</sup> The Tower, OVP and Antennas will be painted brown.

Verizon will place a 12' by 20' equipment shelter ("Shelter") on the ground inside the Compound, to the southeast of the Monopole. The Shelter will contain the electronics equipment necessary for the operation of the Project. Verizon will also place an emergency generator ("Generator") on a 10' by 12' concrete pad adjacent to the east side of the Shelter. The Generator will function if there is a power outage. Verizon will remotely test the Generator once a week at a time to be determined. If diesel is used to power the Generator, its tank will be placed underneath the Generator. If propane is used to power the Generator, Verizon will install a 500-gallon propane tank on an 11' by 4' concrete pad to the east of the Monopole in the Compound.

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<sup>1</sup> From time to time, equipment manufacturers may alter their products or Verizon Wireless may purchase from different suppliers. Therefore, there is a possibility that the actual antennas, remote radio heads and/or distribution boxes may be slightly different from but of similar dimensions as those described in this notice.



Co-axial and fiber optic cables from the mounted antennas will descend inside the hollow Monopole. The cables will exit near the base of the Monopole and will connect with the Shelter via a proposed cable bridge.

To provide access to the Compound, Verizon proposes to follow an existing farm road off Airport Road and construct a new access drive ("Access") to reach the Compound. Approximate clearing limits are shown on the enclosed plans.<sup>2</sup> The contractor will limit clearing to the minimum required to construct the Access and Compound, which is estimated to be approximately 17,836 square feet. At the close of construction, Verizon will reseed and mulch all disturbed areas along the Access and around the Compound. Culverts, check dams, water bars and silt fencing will be placed along the Access and at the Compound as indicated on the enclosed plans to control erosion both during and after construction.

Construction shall meet the requirements of the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control. After the completion of construction, the amount of new impervious surface area will be approximately 6,758 square feet. Total permanent earth disturbance will be approximately 6,758 square feet.

Underground utilities will follow the Access from the closest existing utility connection point on Airport Road to the Compound. To minimize clearing, the utilities will run under the Access.

As part of the design for this Project, Verizon RF engineers evaluated existing telecommunications facilities and existing structures for possible co-location opportunities. No such facilities or structures that would fulfill the objectives for this site exist.

Demand for bandwidth on wireless telecommunications networks has been increasing rapidly. Verizon's existing sites in the Warren area are nearing their full capacity, and service will degrade if more capacity is not added in that area. The Project will provide the needed capacity and coverage to allow Verizon subscribers living in, working in or passing through the Warren area to maintain and, in some cases, experience improvement in the level of service to which they have become accustomed.

### **Conformance to Local and Regional Plans**

According to 30 V.S.A. § 248a(c)(2), during the Commission's review, "substantial deference [will be] given to the land conservation measures" in the local and regional plans of the "affected municipality." We are, therefore, addressing the relevant provisions of the Warren, Vermont 2019 Town Plan (adopted on April 23, 2019) ("Town Plan") and the Central Vermont Regional Planning

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<sup>2</sup> Clearing limits may need to be adjusted based on conditions encountered during construction.

Commission's 2016 Regional Plan (amended effective July 17, 2018, October 13, 2020 and November 17, 2020) ("Regional Plan") to illustrate that the proposed Project will comply.

The Town Plan contains a Section on "Communications." Town Plan at 60-61. That Section contains the following observations:

**Phone Service.** Waitsfield and Champlain Valley Telecom provides land-line phone service, as well as high-speed internet, in Warren. Various national companies provide cellular telephone service in Warren. Verizon Wireless, AT&T Wireless, SPRINT and Nextel maintain wireless facilities in the Sugarbush Village area. Warren's Land Use and Development Regulations include standards for construction of wireless telecommunication facilities. As of 2017, however, applicants for wireless telecommunications facilities could choose to have their projects approved under the state Section 248 process rather than under municipal zoning.

**Internet Service.** Internet services are available through a variety of local and national providers, including Green Mountain Access (the Internet subsidiary of Waitsfield and Champlain Valley Telecom). Green Mountain Access offers high-speed Internet services throughout Warren with fiber-optic service available in some areas of town.

*Id.*

The "Improving Infrastructure, Facilities, and Services" section contains the following statement:

Promote the continued upgrade and expansion of the telecommunications infrastructure in town to support the ability of local residents to work at home and telecommute to other locations.

*Id.* at 99.

The Regional Plan contains an observation about the importance of telecommunications services in opening "fairly insular" rural Vermont to the world:

Over the past several decades, Vermont has witnessed dramatic cultural change. Technological advances in the areas of transportation and telecommunications have been the primary agents of this transformation, opening up what was a fairly insular, self-sufficient rural society to the "outside world." With this exposure came new people, new development, and new social, economic, and land use patterns. Some of the changes the State has experienced have been beneficial; some have not. While people may always argue about the pros and cons of technology and land development, they are part of our current reality. The



challenge before us now is to guide these forces of change so as to bring about a marriage between our culture and our place that is sustainable, harmonious, and mutually beneficial. In the years to come, nothing will say more about the success of our efforts than the way in which people use the land and its resources.

*Id.* at Land Use 2-1.

The Regional Plan also discusses the expanding role of wireless in serving the region's communications needs:

Mobile wireless voice service is becoming more available. Vermonters' use and reliance on mobile voice technology has increased since the publication of the last telecommunications plan. Twenty nine percent of Vermont households are wireless-only households. As of 2013, thirteen of Central Vermont's twenty-three communities have between 90-100% of addresses served by a wireless voice provider according to voice tests that were conducted throughout the state (displayed in Figure 1). Mobile data for smartphones or mobile hotspots is also typically available from these carriers in the same service areas that voice is available.

*Id.* at Utilities, Facilities & Services 5-26.

Regarding the build out of wireless networks and the balance between increasing service and promoting aesthetic values, the Regional Plan states:

While Central Vermonters want and expect good cellular service, they also expect the placement and design of new facilities to be guided by a respect for the integrity of the Region's landscape and compliance with microwave emissions standards. As such, it is important to balance aesthetics, signal quality, health, business and personal needs when deciding whether and where to build new towers and other facilities.

*Id.* at 5-27. To achieve this balance, the Regional Plan looks to the constituent municipalities to incorporate language in their local plans:

Communities planning for the appropriate siting of wireless facilities have to ask themselves many questions as they proceed. Would they rather have several small-scale, less visible, facilities closer to the population or a few large, highly visible sites in less populated spots? Are there certain locations that are so environmentally or visually sensitive that they should be "off-limits"? What areas are providers most interested in serving? Through careful planning and clear language in the duly adopted municipal plan, cities and towns can ensure good service without compromising their character or the welfare of their residents.



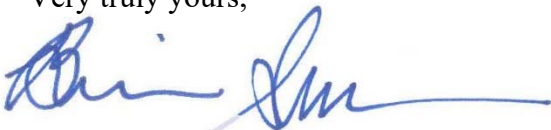
*Id.* at 5-28.

As stated above, the Project will enhance the quality of the Verizon's infrastructure serving Warren in a manner that will maintain and improve the reliability of the Verizon network and Internet connectivity and speed on that network. Verizon shares the goals of the Town Regional Plans of using existing infrastructure rather than building new towers where feasible. However, in this case, there is no existing infrastructure that will allow Verizon to accomplish its objectives of enhancing coverage and capacity in this area. The location that Verizon has chosen is well developed and is not in an ecologically sensitive area.

Please feel free to contact me, either by email or at the address or telephone number below, if you have any questions or comments regarding the proposed Project. We would like to receive comments no later than 30 days from your receipt of this Notice so that they can be considered prior to the application filing.

As a recipient of this notice, you will also be notified when the application is filed, which will be at least 60 days from the date of this letter. You will then have 30 days from receipt of that notification to file comments, a motion to intervene or request for hearing with the Commission. Please review the Amended Order for additional information and procedures.

Very truly yours,



Brian J. Sullivan  
*bsullivan@mskvt.com*

Enclosure

- c: Statutory Parties on attached Service List (w/enclosure)
- Adjoining Landowners on attached Service List (w/enclosure)
- Town of Town of Warren w/ additional enclosures pursuant to 30 V.S.A. § 248a(e)

**MSK**  
ATTORNEYS