

Town of Westmore
Westmore Planning Commission
54 Hinton Hill Road
Orleans VT 05860

Via ePUC Filing
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620

To: Vermont PUC
Regarding Case: 24-1755-PET
Industrial Tower and Wireless, LLC/248a-at
160 Frog Hollow Lane, Westmore Vermont

Dear Public Utility Commissioners

March 6, 2025

The Westmore Planning Commission convened a special meeting on March 5, 2025, and submits the following additional testimony that can be filed as additional public comments in this case. The following are references from the 1. Westmore Town Plan (dated 10/21/2020), 2. The Westmore Telecommunications Ordinance (06/29/20204), National Landmark Designation, 3. National Historic Registry, and 4. Vermont state designated scenic byways program.

1. Westmore Town Plan

<https://nvda.net/files/Westmore%20Plan.Amended.10.21.20.pdf>

Its initial overall vision includes the following at page 3:

The unique and special character of Westmore is derived from a combination of two principal factors: the historic, rural, seasonal character of the community and the infinite magnificence of Westmore's Willoughby Lake along with its other pond, mountain and farm settings. ... The diversity of scenery, geographic location, natural beauty, natural resources and people of the Town of Westmore create an essence of the town.

The Town Plan notes Willoughby as a National Natural Landmark, one of only 600 in the country and only 12 in Vermont. Critical to the protection of the NNL "is to ensure that the resource remains unimpaired or in a natural condition, and that the site's 'natural integrity has not been diminished.'" page 5

See also <https://www.nps.gov/subjects/nnlmarks/site.htm?Site=lawi-vt>

The Town Plan goes on to say that "It is impossible to evaluate the significance of the Willoughby Lake and Cliffs area without considering its dramatic backdrop of forested high elevation areas that rise from every point on the horizon surrounding it. The lake area and the village are at the bottom of a unique topographical bowl configuration that creates a

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spectacular 360-degree viewshed.” page 6. The Town Plan notes the visitors and artists the area draws.

The Town Plan specifically states at page 6:

While the NNL designation can and should be considered for all federal permitting process, it should be a critical factor in local land use decisions as well, including Act 250 and Section 248. Given the significance of this designation, the Westmore Town Plan asserts that **any development of 100 feet or higher that can be viewed from any point in the NNL designation area be considered a development of substantial regional impact.**

This is reiterated at Policy Statement #4, page 7:

Any development 100 feet or higher that can be viewed from any point in the National Natural Landmark designation area should be considered a development of substantial regional impact.

The proposed ITW tower is 140' above ground level to the top of the tower structure, and 153' above ground level to the top of the presently anticipated antennae. *Petitioner's Exhibit LH 1, C-9.* Petitioner's own visibility analysis indicates that the proposed tower would be visible at numerous places throughout the NNL, including from the shores of the lake and from the lake's surface, particularly from the eastern shore. *Petitioner's Exhibit LH 6.* **In accordance with the Westmore Town Plan, the proposed ITW tower is inherently a development of substantial regional impact.**

The Town Plan places further analysis and policies regarding the Town's higher-elevation areas within the “Forests” section of the Town Plan, beginning at page 23. At page 24, titled “Mountaintops/Ridgelines,” the Town plan states:

Due to their unique ecosystems and the potential for detrimental visual impacts by development, **the ridgelines and mountaintops are considered important areas of town and should be protected from development.**

The Willoughby Lake Area has been designated as a Registered Natural Landmark under provisions of the Historic Sites Act of 1935. According to the US Department of the Interior, this site possesses “exceptional value in illustrating the natural history of the United States.” **The area, which includes Willoughby Cliffs, is also surrounded by unique topography, which makes maintaining the integrity of Westmore's ridgelines especially important.** The core of the town—including the Willoughby Lake Area – are

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virtually enclosed on all sides by ridgelines, effectively placing the center of the community in a “bowl”. All of these ridgelines, which are depicted **on the appended Viewshed Map and accompanying photos**, are highly visible from the lower elevations, leaving the town particularly vulnerable to adverse impacts of ridgeline development. Westmore maintains a vast network of recreational and hiking trails that traverse these ridgelines and afford access to **a multitude of spectacular views**. This asset is at the core of the community’s identity as a tourism destination and is critical to the long-term economic health of the community. The community’s ridgelines therefore must be treated as a whole, rather than as a series of viewsheds.

On page 24, the Town Plan states:

5. Westmore has unique topography with many beautiful ridgelines contrasting with the valleys, lakes and ponds. These attributes are often not fully recognized until they are altered. **The ridgelines in town must be preserved and protected** when planning any new development. Any new development on the ridgelines should not

a. **create a visual intrusion into the viewshed as viewed from any public right of way, body of water, or from any vantage point in the National Natural Landmark designation area.**

Petitioner’s own visibility analysis indicates that the proposed tower would be visible at numerous places throughout the NNL, including from the shores of the lake and from the lake’s surface, particularly from the eastern shore. *Petitioner’s Exhibit LH 6.*

In addition, in ITW’s discovery response to Intervenors:

The Town Plan does not allow for marginal or incremental development in these areas but rather prohibits development that “creates a visual intrusion.” The proposed ITW tower creates a visual intrusion.

The Town Plan’s discussion of Scenic Feature reiterates the protection of the area’s ridgelines, recommending that “The importance of the ridgelines in Westmore must be considered in evaluating the appropriateness of any commercial...development.” page 30.

2. Westmore Telecommunications Ordinance

https://nvda.net/town_files/Westmore_Other%20Regs_Telecommunications%20Ordinance.pdf

Visibility and Co-location requirements are not met

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I. Location of Facilities

A. The following locations are encouraged:

- a) Where towers are not visible from public roads or from Willoughby Lake.**
- b) Where the visual impact of towers can be minimized by the use of camouflage, stealth design, or other innovative measures to reduce, eliminate or disguise the negative visual impact.
- c) Existing personal telecommunications facility (ies).
- d) Existing antenna/tower sites.**
- e) Municipally owned land.

The Tower is Speculative

page 6

II. An applicant for a telecommunications tower or facility permit shall be a licensed telecommunications provider or must have a letter of intent or an executed contract to provide land or facilities to such an entity. **A permit shall not be granted for a tower or facility built on speculation of a future letter of intent or contract with a licensed telecommunications provider.** A TTF permit shall be granted only for a telecommunications facility with a user that has a current FCC license.

From Transcript of Audio of Westmore's meeting with Brian Sullivan of ITW: "we leave space for multiple carriers below that, carriers like the major carriers that you're probably more familiar with than us, which is AT&T, Verizon, T-Mobile, US Cellular and [...] database networks."

Setbacks — the proposed tower would be located less than 1000 feet from Megan and Joshua Patton's primary residence

page 12

H. Setback Requirements: No telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:

1. Closer than 300 feet horizontally to any property boundary of the site on which the tower is located, or 1.5 times the height of the tower, whichever is greater.

2. Closer than 1,500 feet horizontally to any structure existing at the time of application, which is used as a primary or secondary residence, school property (both public and private), a hospital, senior center, childcare facility, building used for religious worship, or to any other building used regularly by the public. Primary or secondary residences are those dwelling units that include toilet facilities and facilities for food preparation and sleeping.

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3. Fox Hall on National Historic Register

<https://pgallery.nps.gov/NRHP/AssetDetail/4ce6864b-bcac-490b-876b-cad393aa1820>

See View 8 in Photo set in (1.) below.

[https://www.dropbox.com/scl/fo/3vt999ff1wfz84du6oxxg/AABVW3MOhcOO5A754WUjwgU/Responses to Request?dl=0&e=2&rlkey=qt05r5zgdjq0blrkz6d0gak5&subfolder_nav_tracking=1](https://www.dropbox.com/scl/fo/3vt999ff1wfz84du6oxxg/AABVW3MOhcOO5A754WUjwgU/Responses%20to%20Request?dl=0&e=2&rlkey=qt05r5zgdjq0blrkz6d0gak5&subfolder_nav_tracking=1)

4. State Designated Scenic Byway (Route 5A)

The Vermont Scenery Preservation Council manages the designation process.

The PUC is required by statute to make certain findings before it can issue a CPG:

(c) Findings. Before the Public Utility Commission issues a certificate of public good under this section, it shall find that:

(1) The proposed facility will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety, and the public's use and enjoyment of the I-89 and I-91 scenic corridors or of any highway that has been designated as a scenic road pursuant to 19 V.S.A. § 2501 or a scenic byway pursuant to 23 U.S.C. § 162,

Vermont Route 5A, which runs the shore of Lake Willoughby, is one of Vermont's ten designated scenic byways.

<https://vermontvacation.com/things-to-do/trip-ideas-itineraries/scenic-drives/vermont-byways/>

This additional information is intended to supplement prior filings from the WPC which is now being submitted as an outcome of a unanimous vote of the Westmore Planning Commission at a March 5th meeting of the Planning Commission.

Respectfully Submitted,

Westmore Planning Commission – Members: Robert Kennedy (chair), Alan Cole, Greg Gallagher, Randy Knaggs, Jeffrey Moore, Ethan Swift, Andrew Zebrowski

Cc: James Porter, Director for Public Advocacy, Vermont Department of Public Service

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David Snedeker, Executive Director, Northeastern Vermont Development Association

Westmore Selectboard and Town Clerk

Westmore residents that have party status in this case

WESTMORE VIEWS

PANEL A - VIEW FROM COOK ROAD NEAR THE BARTON LINE, LOOKING EAST TOWARDS WILLOUGHBY LAKE



PANEL B - VIEW FROM ROUTE 16 COMING FROM BARTON TOWARDS WESTMORE, TAKEN APPROXIMATELY $\frac{1}{4}$ MILE EAST OF COOK ROAD



PANEL C - VIEW FROM THE ROUTE 16 ENTRANCE TO WESTMORE TAKEN EAST OF HUNT LANE



PANEL D - VIEW FROM A LOCATION JUST OFF HINTON HILL ROAD BELOW PERKINS LANE LOOKING WEST TOWARDS WILLOUGHBY LAKE



PANEL E - VIEW FROM LAKEVIEW CEMETERY



PANEL F - VIEW FROM A LOCATION OFF OF BLUEBERRY POINT LANE
LOOKING EAST ACROSS WILLOUGHBY LAKE



PANEL G - VIEW FROM NORTH BEACH OF WILLOUGHBY LAKE LOOKING
EAST



PANEL H - VIEW OF WILLOUGHBY LAKE FROM THE CCC ROAD



PANEL I - VIEW OF WILLOUGHBY LAKE JUST OFF ROUTE 5A NEAR THE
WESTMORE-BROWNINGTON LINE



