

TOWN OF MANCHESTER

40 Jeff Williams Way ● Manchester Center, Vermont 05255
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July 19, 2024

Via ePUC Filing

Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620

Re: Bell Atlantic Mobile Systems, LLC
d/b/a Verizon Wireless and Vertex Towers, LLC
Petition for a Certificate of Public Good, pursuant to
30 V.S.A. § 248a, authorizing the construction of
a telecommunications facility in Manchester, Vermont
No. 24-1439-AN

Dear Commissioners:

This letter, sent on behalf of the Selectboard of the Town of Manchester, Vermont (“Town”) as the legislative body of the Town, serves as notice to the Vermont Public Utility Commission (“PUC”) pursuant to 30 V.S.A. § 248a(c)(2), that the Selectboard and Planning Commission considered the proposed telecommunications facility described in the above-referenced docket at a special joint session on June 11, 2024, and reached the conclusion it does not comply with the Town’s municipal plan (“Town Plan”)¹ or with the Manchester Land Use & Development Ordinance (“Land Use Ordinance”).²

INTRODUCTION

On May 8, 2024, Vertex Towers LLC (“Vertex”) and Bell Atlantic Mobile Systems, LLC d/b/a/ Verizon Wireless (“Verizon”) submitted a 60-Day Advance Notice to the Town of Manchester pursuant to 30 V.S.A. § 248a, of its intent to submit to the PUC a petition for approval to construct and install a new telecommunications facility (“proposed Facility”) on a parcel of land located at 410 Hunter Park Road in Manchester, Vermont (“proposed Site”), for the initial use of Verizon Wireless and subsequent use by other communications providers.

¹ <https://manchester-vt.gov/vertical/Sites/%7BCE718C6D-0EC0-43CE-B71E-5A023B5D13EA%7D/uploads/Manchester-Town-Plan-2017-adopted-May-9-2017.pdf>

² https://drive.google.com/file/d/1UF_bNaBVD4SikKyUhY9gb14QS4nQTPDV/view

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The proposed Site is located in a mixed use zoning district, Mixed Use 2 (“MU2”), where telecommunications towers are prohibited under the Land Use Ordinance. Land Use Ordinance Section 4.17, p. 58.

The Advance Notice described the proposed Facility as follows:

- A. A 50' x 50' “Compound” enclosed by an 8' high chain link fence, with a locked gate, and topped with barbed wire. A 130' above-ground level (“AGL”) telecommunications Monopine tower disguised as an artificial pine tree (“Monopine”) constructed within the Compound.
- B. Six (6) centered panel antennas (“Antennas”), six (6) Remote Radio Heads (“RRHs”) and three (3) “clip-on” combined Antennas and RRHs known as “MMUs” at the 127' AGL level on the Monopine on a triangular mounting bracket with two (2) Antennas, two (2) RRHs, and one (1) MMU per side or “sector.” Each Antenna will measure approximately 72” long and 11.9” wide, and the topmost point will extend to a height of 130' AGL.
- C. 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, will also be mounted with a centerline elevation of 127' AGL.
- D. One (1) OVP distribution box (“OVP”), measuring approximately 25.8” long by 15.9” wide will be mounted on the Monopine at the same centerline as the Antennas and RRHs.
- E. The trunk of the Monopine will be painted brown or Corten steel will be used, and the OVP and Antennas will be painted brown or shrouded with brown “socks.”
- F. A 12' by 20' equipment shelter (“Shelter” on the ground inside the Compound, located to the northwest of the Monopine. The Shelter will contain the electronics equipment necessary for the operation of the Project.
- G. An emergency generator (“Generator”) will be placed on a 10' by 12' concrete pad adjacent to the east side of the Shelter, for use in the case of a power outage, with remote testing one time per week. 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 Monopine in the Compound.
- H. Co-axial and fiber optic cables from the tower-mounted equipment will descend inside the hollow Monopine. The cables will exit near the base of the Monopine and will connect with the Shelter via a proposed cable bridge.

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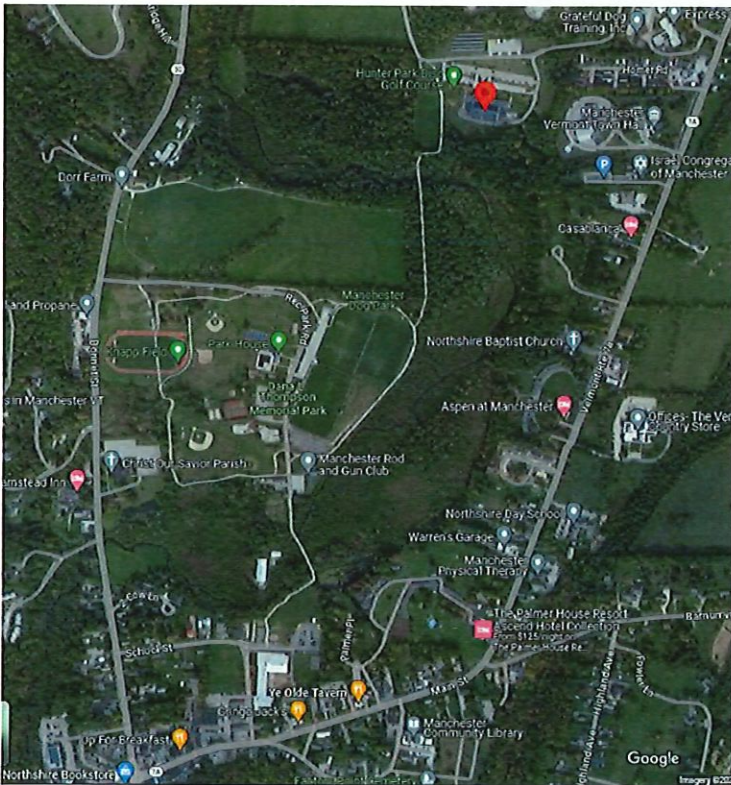
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- I. Access to the Compound will follow an existing paved drive connecting to Hunter Park Road, coupled with the construction of a new 12' wide gravel access drive ("Access"). 4,984 square feet of clearing will be required for the new gravel access drive. At the close of construction, Verizon proposes that it 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 plans submitted with the Advanced Notice. Underground utilities will follow the Access from the closest existing utility pole to the Compound, using a 20' wide easement.
- J. Permanent earth disturbance will total 4,691 square feet.



Proposed Site Location – 410 Hunter Park Road, Manchester Center, Vermont

I. Town Plan

The Town Plan was re-adopted on May 9, 2017, pursuant to 24 V.S.A. §§ 4381 *et seq.* The Town Plan begins with a section entitled "Vision, Policies & Actions," in which it provides:

Manchester is a quintessential New England Community with a historic core surrounded by rural pastures and forested mountain backdrops. Situated in the

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Batten Kill Valley between the Green and Taconic Mountains, Manchester cherishes its natural beauty as the basis of a high quality of life for residents and the foundation of a strong visitor economy.

Town Plan, Part 1, p. 1.

The Town Plan identifies Recreation Pathways as part of a “greenway network of pedestrian, cross country ski, and bicycle paths that would link the outskirts of town with the downtown,” which include the corridors through the Dana Thompson Memorial Park and on to Riley Rink through Hunter Park, as an important community asset. Town Plan, pp. 30–31. Section 4.1 also recognizes the Dana L. Thompson Memorial Park as a community asset for residents and visitors alike.

The Town also believes that the proposed Facility would be prominently visible from the heart of the Dana L. Thompson Memorial Park, from Hunter Park, and from sections of Bonnet Street and Main Street. The applicant has declined to provide the results of the balloon test that it conducted for site visibility to the Town following multiple requests.

Section 3.3 of the Town Plan addresses Power & telecommunications Facilities. Town Plan Section 3.3, pp. 37–38. The Town Plan requires that telecommunications facilities be sited “in a manner that protects the scenic, cultural, and natural resources of the Town.” *Id.* at p. 37. The Town Plan specifies that:

In order to enhance the aesthetics and visual character of the downtown area, public utilities (including . . . telecommunications facilities) should be relocated from public view along main streets wherever possible. This may include behind buildings, away from the street, along streets, or underground. Where this is not possible, these should be screened from adjacent properties with dense coniferous plantings.

Town Plan Section 3.3, pp. 38. Accordingly, where a proposed telecommunication facility is presented through the local zoning process, it is subject to conditional use review, with careful consideration by the Development Review Board of all “[v]isual impacts, lighting, noise generation, natural resource impacts, and site screening.” *Id.*

The Selectboard determined that the location of the proposed Facility, in particular the tower, would have an adverse visual impact on views from the scenic recreational areas surrounding and linking to the downtown area

Recommendation as to the Town Plan:

Accordingly, the Selectboard will recommend that the PUC deny the applicant’s petition for a CPG with regard to the proposed facility for failure to comply with the Town Plan.

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II. Land Use Ordinance

As set forth in 30 V.S.A. § 248a(c)(2), “[n]othing in this section or other provision of law shall prevent a municipal body from basing its recommendations to which substantial deference is required under this subdivision (2) on an ordinance adopted under 24 V.S.A. § 2291(19) or bylaw adopted under 24 V.S.A. chapter 117.” The Town’s Land Use Ordinance was adopted pursuant to 24 V.S.A. chapter 117, and regulates the construction, alteration, and developments of wireless telecommunications facilities. *See* Land Use Ordinance, Section 7, pp. 91–96. The Land Use Ordinance in effect at the time of the Advanced Notice came into effect on June 1, 2022.

As explained, *supra*, telecommunications towers are prohibited within the MU2 District. The Town Plan contains the following provisions applicable to locations where telecommunications towers are permitted.

Section 7.1.8 provides that “[a]pplicants are encouraged to locate within existing tall structures such as church steeples or barn silos.”

Section 7.1.9 provides that colocation is to be employed to the greatest extent possible. “The applicant shall demonstrate that there are no other existing tower sites that can accommodate the proposed facilities. If other sites do exist, then the applicant must demonstrate that they are technically inadequate, or that bona fide, good faith negotiations with that landowner have failed.”

The applicant’s submission does not satisfy the standard as set forth in Section 7.1.9.

Recommendation as to Land Use Ordinance

The Town’s Land Use Ordinance, to which the Town Plan refers, contains strict, detailed requirements to maintain the aesthetics and character of the Town, including its scenic recreational pathways. The proposed Facility fails to comply with these requirements.

The Selectboard will recommend that the PUC deny the petition for a CPG with regard to the proposed Facility because it would violate provisions of the Land Use Ordinance. The Selectboard wishes to emphasize that it is not opposed to telecommunications towers, and are very willing to work with the applicant to identify an appropriate site for a tower in Manchester. The Selectboard suggests that the applicant fund an Engineering firm to conduct a study to find a suitable location in Town, within a zoning district that permits the siting of telecommunications towers.

Respectfully,



Ivan Beattie
Selectboard Chair
Manchester, Vermont

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