

EXISTING PERMITS

In accordance with the State of Vermont Public Utility Commission's (the "Commission") rules and regulations, the local or state permits that relate to the facility at 54 Woods Hill Road, Swanton, VT are as follows:

Certificate of Public Good was issued pursuant to Act 248a in case #21-1825-PET dated July 1, 2021.

Certificate of Public Good was issued pursuant to Act 248a in case #17-2673-PET dated April 24, 2017.

Land Use Permit was issued pursuant to Act 250 in case #6F0620 dated October 21, 2009.

Copies of the approvals are attached.

After a review of the above, there does not appear to be any conditions that, in the Applicant's opinion, could affect the proposed development. This filing will also act as a certification that the Applicant has not obtained or been denied a permit or permit amendment under the provisions of Title 24 Chapter 151 of Title 10 for the same or substantially the same Project.

Springer Law Office, PLLC

By: 

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STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-1825-PET

Petition of T-Mobile Northeast, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a(k), authorizing the installation of wireless telecommunications equipment at 54 Woods Hill Road in Swanton, Vermont	
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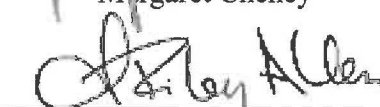
Order entered: 07/01/2021

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission ("Commission") this day found and adjudged that the proposed site preparation, construction, operation, and maintenance of telecommunications equipment (the "Project") by T-Mobile Northeast, LLC ("CPG Holder") at 54 Woods Hill Road in Swanton, Vermont, will promote the general good of the State, subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Commission approval. Failure to obtain advance approval from the Commission for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with applicable existing and future statutory requirements and Commission Rules and Orders.
3. The CPG Holder shall pay all invoices (if any) from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.
4. This Certificate of Public Good shall not be transferred without prior approval of the Commission.

Dated at Montpelier, Vermont, this 1st day of July, 2021.

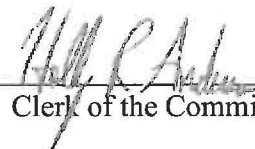
	)	
Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
	)	COMMISSION
Margaret Cheney	)	
	)	
	)	OF VERMONT
J. Riley Allen	)	

OFFICE OF THE CLERK

July 1, 2021

Filed:

Attest:


Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 21-1825-PET - SERVICE LIST

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STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-1825-PET

Petition of T-Mobile Northeast, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a(k), authorizing the installation of wireless telecommunications equipment at 54 Woods Hill Road in Swanton, Vermont	
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Order entered: 07/01/2021

ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) approves the application filed on May 18, 2021, by T-Mobile Northeast, LLC (the “Petitioner”), pursuant to 30 V.S.A. § 248a and the Commission’s Amended Standards and Procedures Order (“Procedures Order”),¹ and grants the Petitioner a certificate of public good (“CPG”) authorizing modifications to a wireless telecommunications facility in Swanton, Vermont (the proposed “Project”).

II. BACKGROUND

This case involves a petition and prefiled testimony filed on May 18, 2021, requesting that the Commission issue a CPG approving *de minimis* modifications to the existing facility, pursuant to 30 V.S.A. § 248a(b)(2). Pursuant to § 248a(k), notice of the Project was provided to the host property owner, the Vermont Department of Public Service (“Department”), and the legislative body of the host municipality.

On June 17, 2021, the Department filed comments on the Project. The Department recommends that the Commission approve the petition without further hearings or investigation.

No other comments on the application were received by the Commission.

No party has requested an evidentiary hearing or objected to the project narrative and exhibits. The Commission has determined that the petition and supporting materials have

¹ Sixth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a, Order issued September 21, 2018.

effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required. Accordingly, the following are admitted as if presented at a hearing: the affidavit of Brian Sullivan (exh. A) and exhs. 1-4.

III. FINDINGS

Based upon the application and its accompanying documents, the Commission makes the following findings in this matter.

1. The Project involves modifications to an existing telecommunications facility located on a farm silo at 54 Woods Hill Road in Swanton, Vermont. Petition at exh. A.

2. The Project involves the replacement of three existing panel antennas with three new panel antennas, each measuring approximately 96" by 24", at a centerline height of 51' on the existing 65' silo. The Project also involves the installation of associated operating and ancillary equipment. Petition at exhs. A and 1.

3. The antennas and equipment will not extend above the silo and will extend a maximum of approximately 2' horizontally from the silo. The net increase in aggregate surface area of the faces of the antennas and equipment to be attached to the silo is approximately 42 square feet. Petition at exh. A.

4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will not increase the amount of impervious surface at the existing facility site. Findings No. 2 and 3, above, and Petition at exh. A.

IV. DISCUSSION AND CONCLUSION

Pursuant to 30 V.S.A. § 248a(b)(2), *de minimis* modification means:

The addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure . . . , or the reconstruction of such facility or support structure, provided:

(A) the height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;

- (B) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;
- (C) the addition, modification, or replacement of an antenna, or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;
- (D) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Pursuant to the Procedures Order at Section II:

For purposes of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Procedures Order, regarding *de minimis* modifications:

If no objections to the classification of the project are timely filed with the Commission, a CPG shall be issued without further proceedings.

The proposed Project will consist of modifications to an existing telecommunications facility that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the facility, and will not create impervious surfaces surrounding the facility. The net increase in aggregate surface area of the faces of the antennas attached to the existing structure will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the structure by more than 10 feet. Therefore, the Project qualifies as “*de minimis* modifications” to an existing facility pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as *de minimis* modifications has been filed with the Commission.

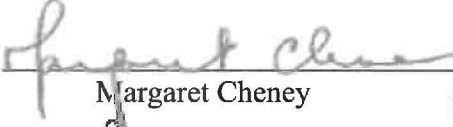
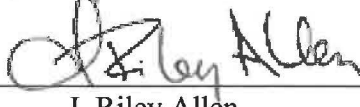
Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission of the State of Vermont that:

1. The modifications to the wireless telecommunications facility at the location specified in the above findings, by T-Mobile Northeast, LLC, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.
2. As a condition of this Order, the Petitioner shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 1st day of July, 2021.

	)	
Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
	)	
Margaret Cheney	)	COMMISSION
	)	
	)	
J. Riley Allen	)	OF VERMONT

OFFICE OF THE CLERK

July 1, 2021

Filed:

Attest:


Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 21-1825-PET - SERVICE LIST

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STATE OF VERMONT
PUBLIC SERVICE BOARD

Case No. 17-2673-PET

Application of Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a, authorizing the construction of wireless telecommunications facilities in Sheldon and Swanton, Vermont	
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Order entered: 4/24/2017

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the application filed by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless (the "Petitioners"), pursuant to 30 V.S.A. § 248a and the Board's Procedures Order ("Procedures Order"),¹ and grants the Petitioners a certificate of public good ("CPG") authorizing the installation of wireless telecommunications facilities in Sheldon and Swanton, Vermont (the proposed "Project").

II. BACKGROUND

On March 10, 2017, the Petitioners filed a petition and prefiled testimony requesting that the Board issue a CPG.

On March 31, 2017, the Vermont Department of Public Service ("Department") filed comments on the Project. The Department recommends that the Project be approved without further hearing or investigation.

No other comments on the application were received by the Board.

The Board has determined that the petition and prefiled testimony have effectively addressed the substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

¹ Fourth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a, Order issued August 12, 2016.

III. FINDINGS

1. The Project involves the construction of telecommunications facilities on two existing farm silos located at 445 Machia Road in Sheldon, Vermont and 54 Woods Hill Road in Swanton, Vermont, respectively. The objective of the Project is to expand and improve wireless broadband coverage in the surrounding area. AJ Lanpher ("Lanpher") pf. at 2-3.

2. The Machia Road portion of the Project includes the installation of 12 panel antennas, each measuring approximately 73" by 12", mounted at a centerline height of 64' on the 71' silo. The Project also includes the installation of a 9' by 15' raised equipment platform which will hold two equipment cabinets and an emergency generator. A 500-gallon propane tank will be mounted on a new concrete pad adjacent to the silo. The Project also involves the installation of ancillary operating equipment, cabling and conduit. Louis Hodgetts ("Hodgetts") pf. at 2-3.

3. The Woods Hill Road portion of the Project includes a ten-foot extension of the silo to approximately 70'. Three panel antennas each measuring approximately 73" by 12", mounted at a centerline height of 62' on the 70' silo. The Project also includes the installation of a 9' by 15' raised equipment platform which will hold two equipment cabinets and an emergency generator. A 500-gallon propane tank will be mounted on a new concrete pad adjacent to the silo. The Project also involves the installation of ancillary operating equipment, cabling and conduit. Hodgetts pf. at 3-4.

4. The Project will involve approximately 60 square feet of permanent earth disturbance at each site. All Project construction will conform to the *Low Risk Site Handbook for Erosion and Sediment Control*. Hodgetts pf. at 4; exh LH-1B.

5. The Project will not have an undue adverse impact on floodways, the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 6-9, below.

6. The Project involves the installation of equipment on two existing silos. The Machia Road silo is one of three existing silos on the property and will be screened on three sides by existing vegetation. The Woods Hill Road site involves an existing silo that already hosts telecommunications equipment from a different provider. The silo is located on a working farm that hosts several farm buildings and farm equipment which will minimize the visibility of the silo modifications. The Project will not appear shocking or offensive to the average viewer. The

Project will not violate any written community standards contained in the relevant town and regional plans. Accordingly, the Project will not have an undue adverse effect on aesthetics.

Hodgetts pf. at 5; exhs. LH-4 and 5.

7. The Project will have no adverse impact on rare or irreplaceable natural areas, wildlife habitat, or endangered species because the Project is not located in a rare or irreplaceable natural area. Hodgetts pf. at 5; exhs. LH-6 and 7.

8. The Project will not have an adverse effect on historic sites. Hodgetts pf. at 5; exhs. LH-8 and 9.

9. The Project will have no adverse effect on floodplains. Hodgetts pf. at 4.

10. The Project is not subject to existing land use and zoning permits. Hodgetts pf. at 7.

11. The Project is consistent with the land conservation measures in the Sheldon Town Plan, the Swanton Town and Village Municipal Plan, and the Northwest Regional Plan. Hodgetts pf. at 6-7.

IV. DISCUSSION

The procedures governing Board approval of telecommunications facilities are set forth in 30 V.S.A. § 248a. Section 248a(l) provides that the Board:

may issue rules or orders implementing and interpreting this section. In developing such rules or orders, the board shall seek to simplify the application and review process as appropriate

In order to implement the statute the Board adopted the Procedures Order. In accordance with § 248a(b)(3), the Procedures Order, at Section II, defines a project of “limited size and scope” as:

a new telecommunications facility, including ancillary improvements, that does not exceed 140 feet in height; or an addition, modification, replacement, or removal of equipment at an existing telecommunications facility or support structure, and ancillary improvements, that would result in a total facility height of less than 200 feet and does not increase the width of the existing support structure by more than 20 feet. In order to qualify as a project of limited size and scope, construction of the project shall not result in earth disturbance of more than 10,000 square feet of earth, excluding temporary earth disturbance associated with construction activities.

As required by § 248a(c)(1) and set forth in Section IV(H) of the Procedures Order, in reviewing projects of limited size and scope the Board conditionally waives:

all criteria under 30 V.S.A. § 248a(c)(1), with the exception of 10 V.S.A. §§ 6086(a)(1)(D) (floodways) and 6086(a)(8) (aesthetics, historic sites, rare and irreplaceable natural areas, endangered species, necessary wildlife).

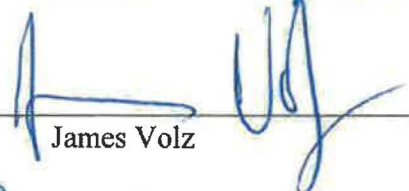
The Project will not exceed 140' in height and will result in less than 10,000 square feet of additional permanent earth disturbance. Therefore, the Project qualifies as a project of limited size and scope.

Accordingly, based upon all of the above evidence, we conclude that the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of wireless telecommunications facilities at the locations specified in the above findings, by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 24th day of April, 2017.


James Volz)

PUBLIC SERVICE


Margaret Cheney)

BOARD


Sarah Hofmann)

OF VERMONT

OFFICE OF THE CLERK

Filed: April 24, 2017

Attest: 
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.

PSB Case No. 17-2673-PET - SERVICE LIST

Parties:

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(for Bell Atlantic Mobile Systems of
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d/b/a Verizon Wireless)

STATE OF VERMONT
PUBLIC SERVICE BOARD

Case No. 17-2673-PET

Application of Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless, for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a, authorizing the construction of wireless telecommunications facilities in Sheldon and Swanton, Vermont	
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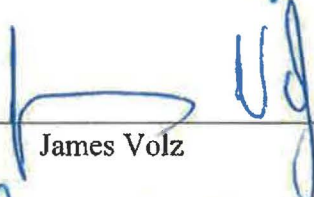
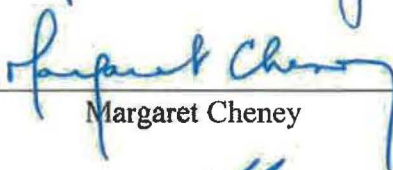
Order entered: 4/24/2017

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

IT IS HEREBY CERTIFIED that the Vermont Public Service Board ("Board") this day found and adjudged that the proposed installation of telecommunications equipment (the "Project") by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless at 445 Machia Road in Sheldon, Vermont and 54 Woods Hill Road in Swanton, Vermont, will promote the general good of the State, subject to the following conditions:

1. Operation and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Board approval. Failure to obtain advance approval from the Board for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with applicable existing and future statutory requirements and Board Rules and Orders.
3. This Certificate of Public Good shall not be transferred without prior approval of the Board.

Dated at Montpelier, Vermont, this 24th day of April, 2017.

	)	
James Volz	)	PUBLIC SERVICE
	)	
	)	BOARD
Margaret Cheney	)	
	)	
	)	OF VERMONT
Sarah Hofmann	)	

OFFICE OF THE CLERK

Filed: April 24, 2017

Attest: 
Clerk of the Board

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PSB Case No. 17-2673-PET - SERVICE LIST

Parties:

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(for Bell Atlantic Mobile Systems of
Allentown, Inc. and Cellco Partnership, each
d/b/a Verizon Wireless)



LAND USE PERMIT

LUP #: 6F0620
Name: T-Mobile Northeast, LLC (dba "T-Mobile")
Address c/o Mark Hall, One Church Street, POB 1307
Burlington, Vermont 05402-1307

Laws/Regulations:
10 V.S.A., Chapter 151
Act 250.

District #6 Environmental Commission ("Commission") hereby issues a Land Use Permit #6F0620, pursuant to the authority vested in it by 10 V.S.A., Chapter 151. This permit applies to the land identified in Book 159, Page 325-327, of the land records of Swanton, Vermont, as the subject of a deed to the Permittees, as Grantee. This permit specifically authorizes the Permittee to install (6) 72" x 13.5" x 6" panel antennas centered at 52' AGL on an existing 65' silo to include three cabinets inside a fenced compound and a small E911, GPS and GMS antennas within the fenced area (Project). The Project is located off of 54 Woods Hill Road in Swanton, Vermont.

The Permittees and any assigns and successors in interest are obligated to complete, operate and maintain the Project as approved by the Commission in accordance with the following conditions:

1. The Project shall be completed, operated and maintained as set forth in accordance with the plans and exhibits on file with the Commission, and in accordance with the conditions of this permit.
2. Pursuant to Act 250 Rule 51(G), the permit application and material representations relied upon during the review and issuance of this permit by the Commission shall provide the basis for determining future substantial and material changes to the approved project and for initiating enforcement actions.
3. No material changes shall be made in the design or use of this Project without the written approval of the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules
4. The Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the Project is being completed, operated and maintained in accordance with the terms of permit.
5. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. Pursuant to 21 V.S.A. §268, energy design and construction shall comply with The 2005 Vermont Guidelines for Energy Efficient Commercial Construction and shall further include any custom

energy measures referenced in comments by the Department of Public Service if found by the applicant to be cost-effective on a life-cycle-cost basis.

8. The building approved herein is not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittees shall apply and receive amended approval from the District Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
9. If and when the antennas are removed, the Permittees shall remove all related above and below ground materials that were added as part of the construction, including but not limited to the antennas, concrete pad and associated equipment and utilities, and shall restore the Project site to pre-project conditions.
10. The Permittees shall comply with all exhibits for erosion control. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All soils shall be stabilized within fourteen days of initial disturbance. From October 15 to April 15 of any calendar year, all disturbed areas of the construction site shall be mulched until final grading and vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control, as they deem necessary.
11. No construction material shall be buried or burned on-site. Construction material shall be disposed of in a State approved landfill or recycled in accordance with the approved Construction Waste Reduction Plan.
12. Each prospective purchaser or lessee of the building shall be given a copy of the Land Use Permit before any written contract of sale is entered into.
13. All construction on this Project must be completed by October 15, 2012.
14. Pursuant to 10 V.S.A. § 6091(b), nonuse of this permit for a period of three years following the date of issuance shall constitute an abandonment of the Project and the permit shall be considered expired. "Nonuse" is defined in 10 V.S.A. § 6091(b).
15. **The Permittees shall file a certificate of actual construction costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental**

fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, National Life Records Center Building, National Life Drive, Montpelier, VT 05620-3201; Attention: Certification.

16. Pursuant to 10 V.S.A. § 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.

Dated at Essex Junction, Vermont on this 21st day of October, 2009.

By /s/ Geoffrey W. Green
Geoffrey W. Green, District Coordinator as
authorized by Daniel Luneau, Chair, District
#6 Environmental Commission

Commissioners participating in decision:

Daniel Luneau, Chair
Ohmer Corbin, Commissioner
Joseph Flynn, Commissioner

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A). Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k). Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220.

The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Ctr. Bldg., Drawer 20, Montpelier, VT, 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. # 802-828-1660)