

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-____-PET

Application of	)
Industrial Tower and Wireless, LLC	)
for a Certificate of Public Good,	)
pursuant to 30 V.S.A. § 248a, authorizing	)
the construction of a wireless telecommunications	)
facility in Tinmouth, Vermont.	)

PREFILED DIRECT TESTIMONY OF LOUIS HODGETTS, P.E.

ON BEHALF OF INDUSTRIAL TOWER AND WIRELESS, LLC

August 7, 2025

Summary:

Mr. Hodgetts' testimony will address the Project's impact on the applicable Criteria of 10 V.S.A. § 6086(a) and 1424a(d) that have not otherwise been addressed and will demonstrate the Project's conformance with the land conservation measures in the applicable local and regional plans.

Q1. Please state your name, employer and current position.

A1. My Name is Louis Hodgetts. I am a Professional Engineer and Project Manager employed by DuBois & King, Inc., in South Burlington, Vermont, which has provided engineering and consulting services to telecommunications providers in Vermont since the late 1990's.

Q2. Please state briefly your professional background.

A2. I graduated from University of Vermont, College of Engineering with a Bachelor's Degree in Civil Engineering. I have worked at Dubois & King, Inc. since May 2005. I obtained my Professional Engineering License in June, 2009. I have worked in the area of design and permitting of wireless telecommunications facilities since 2008. During that time, I have provided expert testimony and reports before numerous bodies administering local zoning bylaws and Act 250 regarding tower siting and site design. I have experience in many facets of permitting and design of wireless telecommunications facilities, including evaluation of aesthetic and land use impacts.

Q3. Have you ever testified before the Public Utility Commission?

A3. Yes. I participated in the design of and/or provided prefiled testimony in Docket No. 8103 (Town of Norwich), Docket No. 8221 (Berlin North), Docket No. 8169 (Duxbury), Docket No. 8219 (West Rutland), Docket No. 8220 (Bradford), among others, all involving the issuance of a CPG authorizing the installation or upgrade of a telecommunications facility.

Q4. Please identify the location of the Project that is the subject to this § 248a filing.

A4. Industrial Tower and Wireless, LLC ("ITW") intends to construct a telecommunications facility on a portion of the approximately 32.35-acre parcel of land owned by George

Herrick and Paul Herrick on 402 VT Rt 140, Tinmouth, Vermont. ITW refers to the project as “Tinmouth.” The property owners have given ITW permission to proceed with this Application. The coordinates for the Project are latitude 43° 27’00.05” North and longitude 73° 02’24.05” West. *See* Permit Plans, Exhibit LH-1, for a visual depiction of the Project’s location.

Q5. Please describe, in detail, the design of the proposed Project.

A5. ITW will create a 80' x 80' “Compound” enclosed by an 8' high chain link fence, with a locked gate. Within the Compound, ITW will construct a 160’ above ground level (“AGL”) telecommunications self-supporting lattice tower (“Tower”). Six (6) thin “whip” antennas (“Antennas”) will be mounted at 160’ AGL of the Tower. The five (5) transmit Antennas will extend upward to a maximum height of 173.0’ AGL. The one (1) receive Antenna will reach downward from the 160’ AGL mounting level. Each Antenna will measure approximately 13’ long and 2.75” in diameter.¹ *See* Exhibit KD-2 for full and accurate specifications for the Antennas. ITW will place an equipment cabinet (“Cabinet”) on a 10’ by 10’ concrete pad inside the Compound, to the northwest of the Tower. The Cabinet will contain the electronics equipment necessary for the operation of the Project. *See* Cabinet Specifications (Exhibit LH-2). Co-axial cables from the mounted antennas will descend on the inside of the Tower. The cables will exit near the base of the Tower and will connect with the Cabinets via a proposed cable bridge.

Environmental and Related Criteria

Q6. Based on your evaluation, and in response to the requirements of the applicable

¹ From time to time, equipment manufacturers may alter their products or ITW may purchase from different suppliers. Therefore, there is a possibility that the actual antennas and other equipment may be slightly different from but similar in dimensions as those described in this testimony.

1 criteria of 10 V.S.A. § 6086(a) and 10 V.S.A. § 1424a(d), will the proposed Project
2 result in: undue water or air pollution; reduction of quality of ground or surface
3 waters; unreasonably burden to existing water supplies; unreasonable soil erosion;
4 highway congestion or unsafe conditions; a burden on educational and municipal
5 services; adverse effect on scenic or natural beauty, aesthetics or historic sites,
6 necessary wildlife habitat or endangered species; public investments; and is in
7 conformance with the land conservation measures in the applicable local and
8 regional plans?

9 A6. The proposed Project will not have an adverse impact affecting any of the applicable
10 criteria under 10 V.S.A. § 6086(a) and 10 V.S.A. § 1424a (d) and will conform to the land
11 conservation measures in the applicable local and regional plans. Below are my detailed
12 responses.

13 **Criterion 1 - Water or Air Pollution:**

14 **HVAC System:** The proposed equipment installation will utilize equipment
15 cabinets installed outdoors within a fenced compound (“Compound”) on a 10’ by 10’
16 concrete pad. The outdoor equipment cabinets are equipped with an air-to-air heat
17 exchange system. The outer loop of the system includes air intake and exhaust
18 perforations on the door and a fan to maintain the allowable operating temperatures
19 within the cabinet.

20 **Dust Control:** If conditions arise during construction that would require
21 treatment to minimize dust, water and/or calcium chloride will be applied to the surface.
22 There will be no noxious gases, smoke or odors emitted from the facility.

23 **Noise:** No significant noise will be generated by this Project. Typical hours of

1 construction will be 7:00 AM to 5:00 PM, Monday through Friday, although occasional
2 evening or weekend work may be required.

3 ***Outstanding Water Resources (10 V.S.A. § 1424a (d)); Headwaters, Waste Disposal,***
4 ***Water Conservation, Floodways, Streams, Shorelines and Wetlands (10 V.S.A §***
5 ***6086(a)(1) (A)-(G), (2) and (3)):***
6

7 **Criterion 1A - Headwaters:** The Project is not located in a headwater area. Further,
8 there is no water supply or wastewater discharge from the site, and stormwater discharges
9 will be effectively unchanged. Therefore, there would be no impact to the ability of a
10 Headwaters area (if it exists at this location) to contribute to the down gradient potential
11 for water supply.

12 **Criterion 1(B) – Waste Disposal:** Following construction, the proposed Project will not
13 generate any waste. Construction waste generated during construction of the project will
14 be removed from the site and recycled or disposed of at approved waste processing
15 facilities.

16 **Criterion 1(C) - Water Conservation:** The proposed Project will be unmanned and will
17 not require water or sewer facilities.

18 **Criterion 1(D) - Floodways:** According to the FEMA Flood Insurance Rate Map
19 (Firmette) for the Town of Tinmouth, VT (Exhibit LH-3), the Compound is not located in
20 any flood hazard area.

21 **Criteria 1(E) and 1(F) - Streams and Shorelines:** There are no stream crossings or
22 shoreline improvements proposed on this project. The Clarendon River is located
23 approximately 270 feet west of the proposed project site. The project's disturbance is
24 outside the 50' riparian buffer and there are no proposed impacts to the river or the
25 buffer.

One (1) wetland area was identified on the Project parcel and are further discussed in Criterion 1(G), below.

The contractor shall install the facility using sound construction methods in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.

Criterion 1(G) - Wetlands: Aaron Marcus and Lee Toomey from DuBois and King, Inc

conducted a site visit on August 21, 2024 with amended data by Aaron Marcus on December 18, 2024, and prepared a report based on his findings. (Exhibit LH-4). A Class II wetland was identified approximately 150 feet north- northwest of the Project Site and the Project is located outside of any applicable buffer. The Class I Tinmouth Channel is located several hundred feet away and not impacted by this Project. The Project was intentionally sited to avoid impacts to any wetland or sensitive wetland buffer area. The State has confirmed that no Wetland Permit is required for the Project.

Since the Project is located outside of any buffer, there are no adverse effects to the wetland are anticipated. To ensure that, best management practices (BMP's) (i.e. Silt fencing, wattles, erosion controls, etc.) will be employed during construction to ensure stormwater runoff does not carry construction related debris into nearby wetland features.

Criteria 2 and 3 - Water Supply: The proposed Project will be unmanned and will not require water or sewer facilities.

Criterion 4 - Soil Erosion: The erosion prevention sediment control measures outlined below shall meet all applicable Department of Environmental Conservation regulations. This project has less than one (1) acre of proposed disturbance, and therefore does not require a State of Vermont Stormwater Discharge Permit for Construction Activities,

1 however construction will follow the best management practices as outlined in the State
2 of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.

3 Stormwater runoff during construction of the Project will be diverted or collected
4 and treated as outlined in the State of Vermont Low Risk Handbook for Erosion
5 Prevention and Sediment Control. Silt fence will be installed parallel to grade and down
6 gradient from construction to prevent eroded sediment from leaving the site. The
7 effective increase in impervious area is approximately 6,724 square feet. The resulting
8 total jurisdictional impervious area will remain below the one half (1/2) acre threshold for
9 a stormwater operational permit. The proposed improvements will utilize the existing
10 terrain and natural treatment systems to ensure water quality and that runoff rates do not
11 adversely impact the existing drainage ways or wetlands.

12 Additionally, the impact of the new impervious area to the groundwater supply is
13 negligible considering the existing conditions and proposed improvements. The proposed
14 improvements consist of installation of an Access and Compound, within a wooded area.
15 The Access and Compound will be resurfaced with a crushed stone material. As
16 proposed, this Access will see very limited use consisting of infrequent maintenance
17 inspections and equipment deliveries following construction. The proposed Project will
18 not require a water supply, will have no draw on the groundwater aquifer, nor will the
19 Project have an in-ground waste treatment system that could potentially contaminate the
20 groundwater.

21 Within the proposed compound, a crushed stone surface with a gentle slope will
22 be provided to capture rainfall and enhance infiltration. The runoff collected by the
23 proposed equipment cabinets will discharge across this surface and disperse in the

1 surrounding field. Should winter earthwork take place, additional winter erosion control
2 measures will be applied. These measures include minimizing the soil disturbance,
3 installation of silt fencing prior to the ground freezing, and protecting the disturbed area
4 with hay mulch, at twice the normal rate, as soon as feasible. To limit the effect of the
5 spring snowmelt, all snow removed from the site shall be kept down gradient of the site
6 work and all erosion control measures shall be inspected regularly. Permanent vegetative
7 controls will be installed as early as practical to further protect the site.

8 **Criterion 5 - Highways and Other Means of Transportation:** The Project will not
9 cause unreasonable congestion or unsafe conditions with respect to the use of highways.
10 The site is accessed from Route 140, an existing public road. After construction, the
11 Project will generally be visited once or twice a month by a service technician for routine
12 inspections.

13 **Criterion 6 - Educational Services and Criterion 7 - Municipal Services:** The
14 proposed Project will have no effect on the ability of the Town of Tinmouth to provide
15 educational services.

16 Except for the remote possibility of the need for emergency services (which the
17 Project shares with all properties), the Project will not require municipal services. The
18 Project will not place an unreasonable burden on the ability of the local governments to
19 provide municipal or governmental services. In fact, increased wireless service will
20 enhance the Town's ability to provide those services.

21 **Criterion 8 – Scenic Beauty, Historic Sites and Natural Areas:** The Project will not
22 have an undue adverse impact on known historic sites. With regard to Historic Sites,
23 please see the Historic Resources Review completed by EBI on April 29, 2025

1 (concluding that there are “No Historic Properties in the Area of Potential Effects-Direct
2 Effects” and “No Historic Properties in the Area of Potential Effect-Visual Effects.”),
3 with which the Vermont Division for Historic Preservation concurred on June 5, 2025
4 (Exhibit LH-5). Accordingly, the Project will not have an undue adverse effect on
5 historic sites.

6 A visibility analysis was conducted to review the potential visibility of the
7 proposed installation and balloon float was conducted on December 31, 2024, to confirm
8 the visual impact of the proposed Tower on the surrounding community. A 3’ diameter
9 red balloon was inflated, connected to a 160’ long string, and tethered at the proposed site
10 location. While the balloon was in the air at the proposed height, our staff drove the
11 primary public roads within a two-mile radius of the project location to determine the
12 visibility of the proposed installation. Views of the proposed installation were limited to
13 Route 140 and East Road and from more limited spots of short duration due to the terrain
14 and foreground vegetation. Photographs were taken from six (6) different viewpoints,
15 identified in Exhibit LH-6. The balloon was visible from the four (4) viewpoints and
16 simulations were developed of the proposed installation. The photosimulations are
17 submitted as Exhibit LH-6.

18 As can be seen in the photosimulations, the grey lattice tower will allow light to
19 pass through so that the tower’s visual mass is decreased. This lattice design and color
20 allows the tower to blend into the backdrop hillside and sky from most viewpoints such
21 that it does not dominate any view or viewshed.

22 **Criterion 8(A) - Wildlife and Endangered Species:** As documented in the Natural
23 Resources Report (Exhibit LH-4) and confirmed by field investigations and the ANR

1 Natural Resources Atlas, rare plant and wildlife species were observed within the Project
2 Study Area (PSA). While no federally listed species were identified during field surveys,
3 potential summer roosting habitat for the federally endangered northern long-eared bat
4 (*Myotis septentrionalis*) was identified in the northwestern portion of the PSA. Eight
5 mature sugar maples with suitable roosting characteristics were documented, though no
6 known roosts were recorded within 2.5 miles of the project area.

7 Additionally, there is proposed critical habitat for the monarch butterfly (*Danaus*
8 *plexippus*), which is listed as a Proposed Threatened species under the Endangered
9 Species Act. Although the habitat in the proposed disturbance area is largely young forest
10 with limited milkweed present, the project may create forest edges favorable to
11 monarchs. Common milkweed (*Asclepias syriaca*) was observed occasionally in the old
12 quarry area, which is not anticipated to be impacted.

13 No known rare, threatened, or endangered natural communities occur within the
14 immediate PSA, though the broader Tinmouth Channel wetland complex supports
15 multiple rare plant species. Within the PSA, the rare long-headed thimbleweed (*Anemone*
16 *cylindrica*, S1S2) was observed in ten subpopulations, totaling over 200 genets and
17 representing what may be the largest known extant population in Vermont. Black-seeded
18 clearweed (*Pilea fontana*, S2S3) was also likely observed, pending fall confirmation.
19 These findings have been documented in the Rare Plant Form and Photo Exhibit.

20 At the request of ANR, the western and southern edges of subpopulation 1 of the
21 *Anemone Cylindrica* will be flagged by a qualified botanist with high visibility flagging
22 and signage indicating no heavy machinery shall enter the RTE polygon for this
23 subpopulation.

1 Despite the presence of these rare species, the area of proposed disturbance generally
2 lacks high-quality or irreplaceable natural communities. The only potential natural
3 community identified, a small patch of Calcareous Red Maple (Tamarack Swamp (S2))
4 within Wetland A, is too marginal and isolated to be considered state significant. It is not
5 impacted regardless. Most of the remaining habitat is composed of young, disturbed
6 forest with limited ecological value.

7 The unoccupied nature of the proposed telecommunications facility, combined with its
8 limited footprint and use of an existing sugar bush access road, is expected to have a
9 negligible impact on wildlife movement or use of the area. No bear scarring was
10 observed on mast trees surveyed, and no additional state- or federally listed species are
11 expected to be impacted by the project.

12 **Criterion 9(K) – Development Affecting Public Investments:** The Project does not
13 impact any known areas of public investment.

14 **Conformance with Local and Regional Plans** - Pursuant to 30 V.S.A. § 248a(c)(2),
15 during the Commission's review, "substantial deference [will be] given to the land
16 conservation measures" in the local and regional plans of the "affected municipality." I
17 have reviewed provisions of the Town of Tinmouth Town Plan (adopted January 9,
18 2020) ("Town Plan"), the Tinmouth Zoning Regulations as they may be applicable
19 despite their preemption, and the Rutland Regional Plan (adopted June 19, 2018) to
20 demonstrate that the proposed Project is in alignment with applicable planning goals and
21 policies.

22 The Town Plan does not specifically discuss telecommunications facilities. It has few if
23 any specific goals or objectives. Most of the Town's statements in the Town Plan are

1 generalized statements of policy. Of those general objectives is a statement that utilities
2 should be located in a way such that they will not have undue adverse effects on the
3 scenic values of the Town.

4 The Project meets this objective in that it is located off of a ridgeline, designed as a an
5 open lattice tower that is not shocking or offensive to the reasonable viewer. The Tower
6 compound and lower sections are screened by existing vegetation and as the balloon
7 float and simulations show, is only briefly visible from portions of the Town.

8 Of note, the Town Plan states that the Town's land use bylaws shall implement the
9 intent of the Town Plan. As applied to this Project, those regulations identify that this
10 parcel of land may have telecommunications towers as conditional uses. The Project
11 therefore complies with the intent of the plan as reflected in the land use bylaws.

12 The Town Plan has a section dedicated to Economic Development, including the
13 following with respect to the changing nature of the local economy:

14 "...since 1960 employment has been dominated by residents commuting to out-
15 of-town jobs. However, computers and our fiber-optic cable connections have
16 offered increased opportunities for work at home. The changing nature of
17 employment has a significant effect on land use. The Tinmouth Town Plan
18 intends to accommodate these changes, especially the growth of home
19 occupations by local residents."

20 Town Plan at 24.

21 The Town continues stating it Business Policy is as follows:

1 The town of Tinmouth supports the development and expansion of agriculture
2 (including forestry), B & B enterprises, independent artisans and home-based
3 businesses.

4 Id.

5 The Project supports the economic development in Tinmouth. It aides business owners
6 who seek reliable means of communications within Tinmouth.

7 The Town Plan further discusses the resources it seeks to protect within the Town. The
8 Town Plan identifies that the Town seeks to preserve open fields available for
9 agriculture, locate development outside of the core of uninterrupted forest tracks, and
10 preserve sensitive wetland or river resources. The Project meets these generalized
11 objectives in that it is not in an open field or on agriculturally valuable soils, is not
12 located in any core forest habitat, and is not within any wetland or river buffer. .

13 The Project is located in the Conservation Zoning District of the Town of Tinmouth.
14 The Town Plan identifies that the Conservation Zoning District as an area developed
15 with the desire to preserve agricultural and forestry lands along with wildlife habitats.
16 Town Plan at p. 46. The Project aligns with this objective as noted above. The Town
17 Plan states that development in this district should be limited and low-intensity. The
18 Project is a limited development and low intensity. The overall impact in the district is
19 less than 1 acre, and the site is rarely visited. There are no lights, no substantive noise,
20 no waste, nor water usage.

21 The Town Plan states that

22 Maintaining Tinmouth's active farms, open fields, wildlife corridors, and
23 unbroken productive forests are all top priorities of this plan. It is also

1 important, however, for residents and landowners to have room for future
2 development. Building along the border between these open and forested
3 areas will have the least impact on the community's economic potential
4 and natural habitat and will give all residents and visitors the opportunity
5 to share the scenic beauty of the town.

6 ITW tried to follow this guidance and has located the Tower in a developed area
7 (gravel quarry) and away from any open or deeply forested areas.

8 The Town Plan (p. 50) discusses areas that are sensitive to development. These
9 includes steep slopes, ridgelines, shores and stream banks, wetlands, wildlife
10 corridors and crossings, wetlands, productive woodlands, floodways and
11 floodplains. The Town Plan generally expresses a desire for development to be
12 located away from these sensitive areas whenever possible. The Project meets the
13 desires of the Town Plan in that it is not in any of these sensitive areas nor will
14 present any reasonable risk to any of these areas. ITW notes that in the Town
15 Plan's section of the siting of solar facilities, the Town Plan identifies that one of
16 the desired areas for solar development is in disturbed areas like gravel and sand
17 pits. Plan at p. 73. While not controlling, ITW tracked this desire and located the
18 Project in a gravel quarry.

19 To the extent that the Town Plan discusses scenic resources the Project meets
20 those objectives. The sole scenic area that is impacted by the Tower is the stretch
21 of Route 140 where it intersects East Road. As noted above, the Tower's view
22 from this area is limited. The Tower does not detract in any unreasonable degree
23 from the views of the open fields as the Tower blends into the background.

1 Tinmouth also has adopted Zoning Bylaws. Within those bylaws – called the Tinmouth
2 Zoning Regulations, Telecommunications Facilities are a Conditionally Permitted and
3 allowed use in the Conservation district. Thus, the Tower is consistent with the overall
4 purposes of the District. The Bylaws state that the purposes of the district are to
5 “promote low-intensity development on the edge of open fields or forested land to avoid
6 loss of either resource.” The Project is low intensity. It is unmanned, rarely visited, has
7 no lights and makes no substantive noise. It is located on the edge of forested and
8 protected habitat so as not to impact it and away from an open field.

9 Within the Zoning Regulations, Tinmouth adopted a specific section addressing
10 telecommunications services. Section 409 of the Zoning Regulations addresses Wireless
11 Telecommunications Facilities. As the Town has based much of its comments on an
12 application of these regulations, I address them below. I start with Section 409(C) as it
13 is within the scope of my review.

14 **C. Location**

15 **1. Prohibited locations.**

16 **Telecommunications towers and associated equipment, buildings, and**
17 **infrastructure shall not be located in:**

18 **a. Land not ordinarily suitable for subdivision under Section 301.1 of the** 19 **Subdivision Regulations**

20 The Project meets § 409(C)(1)(a) because it will be constructed on a portion of
21 the lot located at 402 VT Rt 140, Tinmouth, Vermont (latitude 43°27'00.05" North and
22 longitude 73°02'24.05" West); ITW has received permission from the property owners.
23 The specific proposed location is not on land “not ordinarily suitable for subdivision.”

1 **b. Historic Districts as defined in the Town Plan, or designated as such by**
2 **the State of Vermont or the United States Department of the Interior; unless**
3 **located within an existing structure, e.g. a church steeple or attic.**

4 The Project meets § 409(C)(1)(b) because it is not located within a Historic
5 District.

6 **c. Protection District or the Flood Hazard Overlay Zone;**

7 The Project meets § 409(C)(1)(c) because it is not located within the Flood
8 Hazard Overlay Zone.

9 **d. any required setback from rivers, streams, or wetlands.**

10 The Project meets § 409(C)(1)(d) because it is not located within any required
11 setback (buffer) zones.

12 **2. Telecommunications towers, and associated equipment, buildings, and**
13 **infrastructure, including access roads, shall comply with Section 412, Conditional**
14 **Use in the Ridgeline Protection Overlay District.**

15 The Project meets § 409(C)(2) because it is not located within the Ridgeline
16 Protection Overlay District.

17 **1. Applicants are encouraged to locate antennas within existing tall**
18 **structures such as church steeples or barn silos; in these instances, the above**
19 **standards may be modified by the Board of Adjustment.**

20 Section 409(C)(3) is not applicable to the Project as there are no suitable
21 facilities within the area that ITW's Tinmouth site is intended to serve.

22 **5. Setbacks. The minimum setback requirement for any telecommunications tower**
23 **or associated structure shall be as required in the applicable zoning district, plus**

1 **an additional setback equal to the height of the tower (the 'fall zone'). The**
2 **minimum setback for any tower taller than 100' shall be 300' from a dwelling and**
3 **residential zoning district boundary. Where a tower is mounted on an existing**
4 **structure such as a barn, silo, church steeple, or utility pole, and the tower does not**
5 **increase the height of the structure more than ten feet, then the additional 'fall**
6 **zone' setback is not required.**

7 As the Tower is greater than 100 feet in height, under a strict application of the
8 zoning regulations, the minimum setback is 300 feet from the boundary of the
9 residential districts to the south and west. The Tower is more than 300 feet from the
10 western boundary but not 300 feet from the southern residential district boundary. This
11 standard cannot be strictly met as to the southern boundary while otherwise meeting the
12 Town's desired objectives of locating towers outside of open fields, on the edges of
13 forest tracks, outside of stream channels and wetland buffers, and with limited
14 disturbance.

15 The Tower itself is approximately 150 feet back from the closest residential
16 zoning district boundary (across Route 140). Locating the Tower any further back
17 impacts wetland buffers, natural plant communities, and brings the Tower into the
18 Protection Zoning District where no structures are allowed. This runs contrary to the
19 desires of the Town which are to protect these lands. Locating the Tower where it
20 currently is proposed allows ITW to limit road clearing and disturbances as ITW can
21 utilize the existing road to the site.

1 Notably, the Tower is located over 500 feet from the nearest residence and more
2 than 300' from the nearest property line of a property that is used for residential
3 purposes.

4 **6. Lighting. Towers requiring lighting shall not be permitted, unless the Board of**
5 **Adjustment finds it the only viable alternative to meet reasonable facility**
6 **requirements of a communications service provider. If a tower tall enough to**
7 **require lighting is permitted by the Board of Adjustment, the only tower lighting**
8 **allowed is that required by FAA regulation. All lighting shall be shielded to**
9 **minimize or prevent glare onto adjoining properties.**

10 The Project meets § 409(C)(6) because the Tower is unlit.

11 **7. Bulk, Height, and Glare. All towers and related infrastructure shall be designed**
12 **to minimize the visual impact of height and mass. Materials shall be of a type, style,**
13 **color, and location so as to blend into the site, minimize glare, and not result in**
14 **undue adverse visual impacts to the natural landscape or the built environment.**

15 The Tower is designed to meet this provision. The Tower is a slate grey metallic
16 lattice tower. This was chosen because it allows light to pass through the Tower
17 minimizing its visual bulk and appearance. The color allows the Tower to blend in with
18 the sky and background. There is nothing reflective on the Tower that would produce
19 glare. The Tower's antenna are thin whip antennas, which are barely visible from the
20 ground.

21 **8. Noise. The Board of Adjustment may require the applicant to provide a study**
22 **from a qualified engineer as to the maximum projected noise from the proposed**
23 **facility, measured in dB Ldn (decibels, logarithmic scale, accounting for greater**

1 sensitivity at night). This study shall include existing or ambient measurements,
2 plus noise that may be created or caused by the proposed facility. Noise
3 measurements and projections shall be provided for the location of the tower
4 facility itself and at the property line. Noise emissions shall not exceed 70 db at the
5 property line.

6 The Project meets § 409(C)(8) because it will not produce any noise perceivable
7 at the property line during its operations that is greater than existing noise along Route
8 140.

9 **9. Screening/Camouflage/Fencing.**

10 **a. Screening shall be required at the perimeter of the site, unless it is**
11 **demonstrated that existing natural foliage is sufficient. Required screening shall be**
12 **at least ten feet in depth, and at least ten feet tall, with the potential to grow to**
13 **significant size at maturity.**

14 The Project meets § 409(C)(9)(a) because the area immediately surrounding the
15 Tower's contains numerous mature sugar maple and other trees, thereby screening the
16 Compound and base of the Tower.

17 **b. Disturbance to existing topography or vegetation shall be**
18 **minimized, unless found necessary to mitigate visual or aesthetic impacts. The**
19 **location and type of security fencing shall be shown and described on the site plan.**

20 The Project meets § 409(C)(9)(b) because it is designed to be located away from
21 the road in an area of previous disturbance. The site utilizes the existing road and clears
22 the minimum amount of tree cover necessary to build the project. The area of

1 disturbance leaves substantial screening vegetation in place, avoids any important plant
2 communities and the security fencing is shown as within the limits of screening.

3 **c. Towers are not required to be camouflaged as trees. If the**
4 **applicant chooses to disguise the tower as a tree, it shall closely imitate a native**
5 **species such as white pine, hemlock, or spruce.**

6 Section 409(C)(9)(c) is not applicable to the Project because the Tower is not
7 designed to be camouflaged as a tree. Further the Project meets this because it does not
8 mandate that the Tower look like a tree.

9 **11. Access Roads and Above Ground Utilities. Any roads or above ground utilities**
10 **shall follow the contour of the land, and be sited and constructed to minimize**
11 **visual impacts to the greatest extent possible.**

12 The Project meets § 409(C)(11) because an existing sugar bush access road will
13 primarily be used, with any additional extension being less than one hundred feet. The
14 extension will follow the contours of the land, will be negligibly visible to passersby,
15 and is generally designed to avoid, to the greatest extent possible, undue adverse visual
16 impacts.

17 **12. Environmentally Sensitive Areas. The Town Plan and Zoning Regulations**
18 **describe environmentally sensitive areas including steep slopes, wetlands,**
19 **floodways, unique natural features, wildlife habitat, historic sites, high elevations,**
20 **ridgelines, and scenic resources. Telecommunications facilities and associated**
21 **infrastructure shall avoid undue adverse impacts on these areas to the greatest**
22 **extent possible. Where there may be adverse impacts, then the project shall be**

1 **designed to mitigate these impacts to the greatest extent possible. The Board of**
2 **Adjustment shall approve these mitigations in the permit.**

3 The Project meets § 409(C)(11) because it is not located within any wetlands,
4 flood zones, or other environmentally sensitive areas and is designed to avoid, said
5 areas. There are no adverse impacts to any of these environmentally sensitive areas.
6 Either. Further, the area of proposed disturbance lacks high-quality or irreplaceable
7 natural communities.

8 I have also reviewed the Regional Plan. The Regional Plan states the following general
9 goals relevant to the Project:

- 10 • Improve infrastructure
- 11 • Improve business climate

12 Regional Plan at 51-52.

13 More specifically, the Regional Plan has a chapter dedicated to Telecommunications
14 (Chapter 19) in which the following Rutland RPC goals are listed:

- 15 • **Determine if and where telecommunications and public safety**
16 **intersect, and if necessary, advocate for protecting public safety.**
- 17 • Help communities to assess demand for broadband internet services to
18 attract providers.
- 19 • Assist communities in identifying desirable telecommunication
20 infrastructure sites.
- 21 • Advocate infrastructure sharing by telecommunications facilities in lieu
22 of new towers and other structures and for the removal of unused towers if not
23 activated or in use for a certain period of time

- 1 • Provide model regulations and information on federal and state laws to
2 interested communities.
- 3 • **Initiate an inventory of wireless telephone and emergency radio**
4 **service areas.**
- 5 • Promote a common strategy for deployment of service in the Region with
6 the business and telecommunications industries.
- 7 • Encourage developers to work with towns early in the process of adding
8 or altering telecommunications infrastructure.

9 Id. at 198 (emphasis added).

10 ITW shares the goals of the Town and Regional Plans with respect to improving access to
11 wireless communications. The telecommunications services that ITW will provide
12 through the Project will primarily be targeted to business customers seeking a reliable,
13 reasonably-price means of communicating between their offices and remote users. As
14 such, the Project will promote a balanced, diverse economic base, with a focus on locally
15 owned businesses, including home-based ones. The deployment of ITW's service in
16 Tinmouth will also attract commercial development, especially for business that require
17 reliable two-way mobile communications. Further, the provision for the co-location of
18 multiple cellular carriers on the Tower and in the Compound will improve the
19 accessibility of high-speed services in the areas served by the Project. These services will
20 also enhance public safety by expanding the areas in which 911 calls can be completed
21 using wireless technology.

22 I also note that the statements provided by the Regional Planning Commission have been
23 addressed. In March, the Regional Planning Commission expressed a desire for a balloon

1 float which was completed. In addition, the Regional Planning Commission noted that the
2 Tower was in a zoning district that did not appear to allow structures – the Protection
3 Zoning District. ITW’s first draft of the Tower location was in fact in this district. After
4 the Town expressed concerns about that, ITW relocated the Tower and all structures out
5 of the Protection District and into the Conservation District where they are expressly
6 allowed.

7 **Q7. Please identify any existing permits that relate to the facility and conditions that**
8 **could impact the proposed improvements.**

9 A7. This Application is for a new wireless telecommunication facility; there are no known
10 permits with conditions that would affect this project.

11 **Q8. Can you certify that Industrial Tower and Wireless, LLC or any of its affiliates has**
12 **not obtained or been denied a permit or permit amendment for the improvements**
13 **covered by the current application or substantially similar improvements, under**
14 **applicable provisions of Title 24 or chapter 151 of Title 10?**

15 A8. Yes, I can certify that Industrial Tower and Wireless, LLC or any of its affiliates has
16 neither applied for, obtained, nor been denied a permit or permit amendments under
17 applicable provisions of Title 24 or chapter 151 of Title 10 for the improvements covered
18 by the current application or substantially similar improvements.

19 **Q9. Does this conclude your Prefiled Direct Testimony?**

20 A9. Yes.

Exhibits to Prefiled Testimony of Louis Hodgetts

Exhibit LH-1	Permit Drawings
Exhibit LH-2	Cabinet Specifications
Exhibit LH-3	FEMA Flood Insurance Rate Map
Exhibit LH-4	Natural Resources Report
Exhibit LH-5	Historic Resources Review
Exhibit LH-6	Photosimulations
Exhibit LH-7	Tinmouth Town Plan and Zoning Regulations
Exhibit LH-8	Rutland Regional Plan