STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-3345-PET

Limited Size and Scope Application	)
of Bell Atlantic Mobile Systems, LLC	)
d/b/a Verizon Wireless and Vertex Towers, LLC,	)
for a Certificate of Public Good,	)
pursuant to 30 V.S.A. § 248a, authorizing the construction	)
of a telecommunications facility in Manchester, Vermont	)

STATEMENT OF MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

NOW COME Petitioner Vertex Towers, LLC ("Vertex") and Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless ("Verizon"; collectively, "Petitioner"), by and through their counsel, MSK Attorneys and pursuant to Rule 2.219 of this Commission's Rules of Procedure, hereby file this Statement of Material Facts in Support of its Motion for Summary Judgment.

1. Petitioner proposes to construct a telecommunications facility on a ("Parcel") located at 410 Hunter Park Road in Manchester, Vermont for the initial use of Verizon and subsequent use by other communications providers. Prefiled Testimony of Daniel Hamm at Page 1.

2. The property owner has given permission to proceed with this Application. *Id.*

3. The coordinates for the Proposed tower are latitude 43°11'25.80" north and longitude 73°02'57.37" west. See Permit Plans (Exhibit DH-1) for a visual depiction of the Project's location. *Id.*

4. Petitioner will create a 50' x 50' "Compound" enclosed by an 8' high chain link fence, with a locked gate, and topped with barbed wire. *Id.* at Page 2.

5. A 130' above ground level ("AGL") telecommunications tower disguised as an artificial pine tree ("Monopine") will be constructed within the Compound. *Id.* (Collectively this is "the Project").

6. This is a Limited Size and Scope application under 30 V.S.A. § 248a.

7. Petitioner will center six (6) panel antennas ("Antennas"), six (6) Remote Radio Heads ("RRHs") and three (3) "clip-on" combined Antennas and RRHs known as "MMUs" at the 125' 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". *Id.*

8. Each Antenna will measure approximately 72" long and 11.9" wide. The topmost point of the antennas will extend to a height of 130' AGL. *Id.*

9. Each of the RRHs, measuring approximately 15.9" long and 15.5" wide, will be mounted directly behind each of the Antennas. *Id*.

10. The MMU, measuring approximately 35" long and 16" wide and will also be mounted with a centerline elevation of 125' AGL. *Id.*

11. 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 the RRHs. *Id.*

12. 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." *Id*.

13. The Monopine has been designed to support the proposed equipment. *Id.*

14. Petitioner will install a 12' by 20' equipment steel platform with ice canopy ("Platform") within the Compound, located to the northwest of the Monopine. *Id.*

15. The Platform will contain the electronics equipment necessary for the operation of the Project. Petitioner will also place an emergency generator ("Generator") on the Platform. The Generator will function if there is a power outage. Petitioner will remotely test the Generator once a week at a time to be determined. *Id.* at Page 3.

16. 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 in the Compound. *Id.*

17. 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 Platform via a proposed cable bridge. Electric and telephone services will be brought to the Platform from an equipment backboard adjacent the Monopine. *Id.*

18. To provide access to the Compound, Petitioner proposes to follow an existing paved drive connecting to Hunter Park Road and construct a new 12' wide gravel access drive ("Access") to reach the Compound. *Id.*

19. Underground utilities will follow the Access from the closest existing utility pole to the Compound, using a 20' wide easement. *Id.*

20. Approximate clearing limits are shown on Sheet C-4 of Exhibit DH-1.[1] The contractor will limit clearing to the minimum required to construct the Access and Compound, which is estimated to be approximately 4,984 square feet. *Id.*

21. At the close of construction, Petitioners will reseed and mulch all disturbed areas along the Access and around the Compound. *Id.*

22. An erosion control blanket and silt sock will be placed along the Access and at the Compound as indicated on the Permit Plans to control erosion both during and after construction. *Id.*

23. Proposed new permanent impervious surface will total approximately 4,691 square feet. *Id.*

[1] Clearing limits may need to be adjusted based on conditions encountered during construction.

24. Construction shall meet the requirements of the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control. *Id. at Page 4.*

25. Today, there is a significant gap in cellular coverage in an area generally located over the center of the Town of Manchester, as the existing facilities both within the Town of Manchester and within a radius of ten (10 Miles from the proposed site cannot provide adequate coverage. Prefiled Testimony of Martin Lavin at Page 3.

26. This gap is shown on Exhibit ML-2 at Attachment A, C, and E.

27. As a part of the due diligence process for this site, the Petitioner sought to identify any existing "tall" structure with the height and structural integrity that could provide coverage to the underserved area and meet petitioner's coverage objectives. Declaration of Tim Parks in Support of Motion for Summary Judgement at Page 2.

28. No existing "tall" structures were identified as possible sites. Id.

29. Petitioner also evaluated properties in the area surrounding the coverage gap under a general framework based on 1) whether the site could provide coverage to meet the coverage goals of Petitioner, 2) whether a tower could feasibly and reasonably be constructed on the site or where there environmental zoning and land use, and/or spatial limitations that made construction unworkable, and 3) whether the site and/or landowner was available to Petitioner. Declaration of Brendan M. Gill in Support of Motion for Summary Judgement at Page 1.

30. The Petitioner considered the following sites as shown on Exhibit BG-1 to Gill Declaration:

ID	Address	Parcel ID	Distance from Proposed Location	Comments
A	46 HUNTER PARK Rd	16-20-07.00	0.28	Landlord was not interested in leasing space for a tower.
B	C PIG PEN Rd	15-20-04.06	0.08	Subject Property Owner, Deed restricted.

C	A RECREATION PARK Rd	15-20-23.00	0.08	Large swath of Wetlands on the Parcel, unable to access to build site.
D	752 BONNET St	15-20-20.01	0.23	Large swath of Wetlands on the Parcel, any other part of the parcel would be extremely visible to the neighborhoods to the west and south..
E	5940 MAIN St	16-20-30.00	0.41	Landlord was not interested in leasing space for a tower. Any tower location on parcel would be extremely visible to the neighborhoods to the north and east.
F	D BONNET St	15-20-27.00	0.48	Property is lower in elevations and does not provide needed coverage to the east.
G	46 N ROAD	16-20-02.00	0.38	Landlord was not interested in leasing space for a tower, and parcel is listed as Hazardous Site.
H	98 OVERLOOK Rd	16-20-01.01	0.56	Landlord was not interested in leasing space for a tower. Parcel has large swath of ANR Habitat Blocks and Wetlands. Any buildable location would be extremely visible.
I	15 WINDHILL Rd	11-20-11.00	1.15	Landlord was unable to lease space on property for a tower due to title issues. Parcel has large swath of ANR Habitat Blocks. Any buildable location would be extremely visible.
J	1319 BONNET St	15-20-04.00	0.75	Parcel has large swath of ANR Habitat Blocks & Rare Threatened and Endangered Species Areas
K	2508 WEST Rd	15-20-02.00	0.93	Landlord was not interested in leasing space for a tower. Parcel has large swath of ANR Habitat Blocks and Wetlands. Any buildable location would be extremely visible.
L	2144 WEST Rd	15-20-13.00	0.66	Landlord was not interested in leasing space for a tower. Parcel has large swath of ANR Habitat Blocks and Wetlands. Unable to locate buildable area on parcel..
M	2873 WEST Rd	10-20-28.00	1.72	Conservation Easement
N	2808 MORSE HILL Rd	10-00-81	2.53	Landlord was not interested in leasing space for a tower. Parcel has large swath of ANR Habitat Blocks. Parcel is to close to existing tower location, would cause redundant coverage..
Blue Area				Conservation Easement
Green Area				Large swath of parcels containing ANR Habitat Blocks, Deer Wintering Area, & Rare Threatened and Endangered Species
Teal Area				Large swath of Wetlands Area
Purple Area				Large swath of parcels containing ANR Habitat Blocks, Significant Natural Communities, & Rare Threatened and Endangered Species

None of those worked to provide coverage to fill the existing gap in coverage. *Id*.

31. Petitioner looked at dozens of properties and all were deemed unworkable because they either didn't meet the coverage objective; or there were substantive title issues, wetlands or other conservation easements and/or environmental limitations that would prevent or prohibit development of a tower on the property. Some properties were also rejected because a tower on

the property would be simply too visible given existing clearing on or around the property. *Id*. at Page 3.

32. Lastly a number of potentially attractive properties were rejected because the landowner was not responsive or not interested in leasing the property for a tower. *Id*.

33. In addition, Petitioner extensively evaluated whether the coverage goals could be met with co-location. To do that it hired C-Squared System, an RF engineering firm retained by the Petitioners, evaluated existing telecommunications facilities for possible co-location opportunities. Lavin Prefiled at Page 3.

34. The Petitioner considered all other existing facilities within 10 miles of the proposed site. This included 14 other towers within 10 miles of the proposed project. *Id*. *See* also Exhibit ML-3 Existing Tower Analysis.

35. This includes a tower or towers on Skyline Drive on Equinox Mountain. *See* Exhibit ML-3.

36. These facilities are 3.7 and 4.0 miles away from the proposed facility and 3-6 miles away from the center of the gap in coverage. Id. *See* also exhibit ML-1.

37. The Department of Public Service concurs that co-location is not feasible to provide coverage to the existing gap in coverage. See Department of Public Service Comments dated January 17, 2025.

38. The Town previously proffered a witness, Daniel Weinheimer, whose testimony would argue that there were alternative facilities and/or sites that could be used to provide coverage and that co-location was feasible.

39. The Town withdrew Mr. Weinheimer and his testimony stating that it was intending to rely solely on the language of the Town Plan and Manchester Land Use and Development Ordinance.

See Stipulated Proposed Amended Scheduling Order filed December 2, 2025.

40. It is now therefore undisputed that there is no opportunity for co-location on either an existing tall structure or existing telecommunications tower to provide coverage to the existing unserved area.

41. Further it is undisputed that there is no other property available to Petitioner that could host a telecommunications tower serving the coverage objectives.

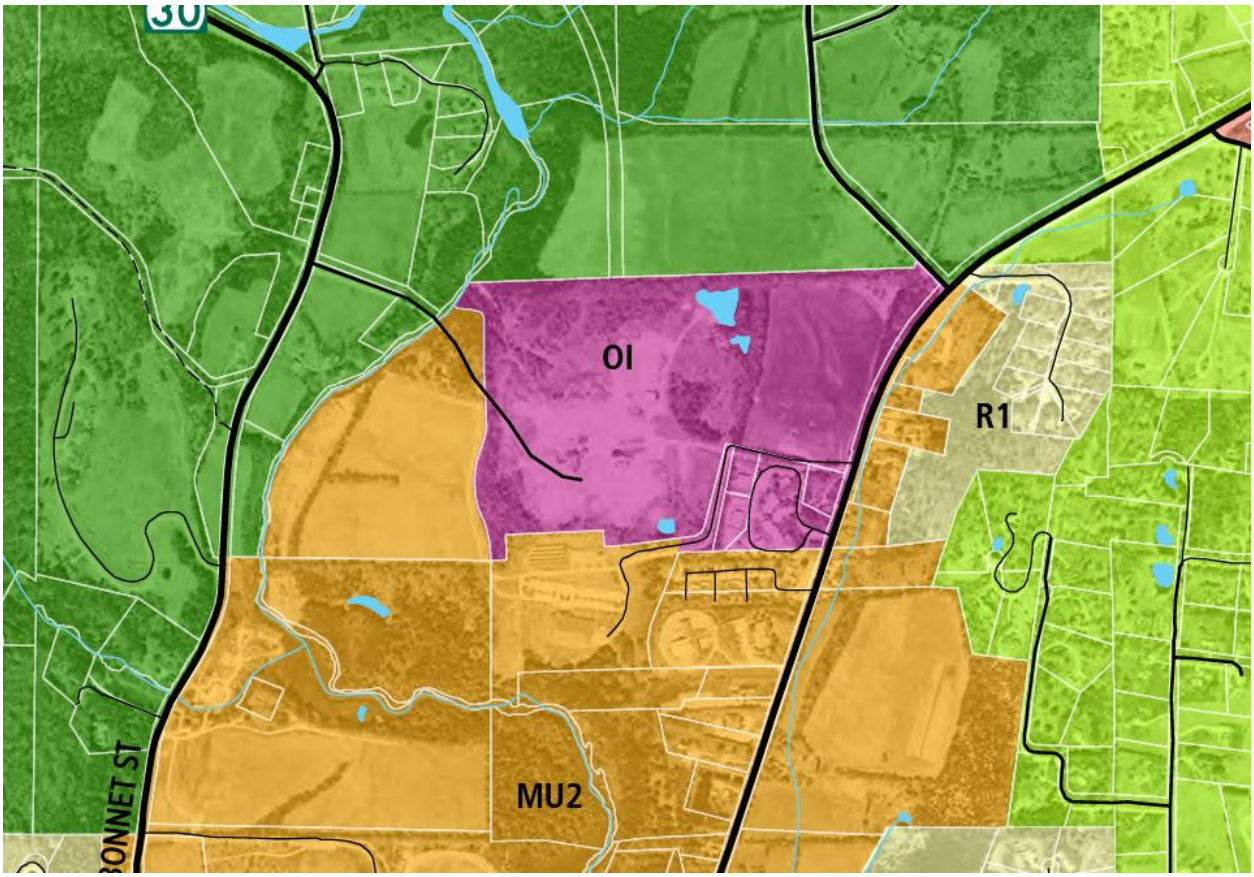
Town Recommendation, Town Plan and Zoning Regulations

42. Pursuant to The Manchester Land Use and Development Ordinance (the "zoning ordinance" or "zoning bylaws") the Project is located in the Mixed Use 2 ("MU2") District. A copy of the applicable Manchester Land Use and Development Ordinance is attached as Exhibit AL-1 to the Declaration of Alexander LaRosa, Esq.

43. Communications towers are not permitted or conditionally permitted in the MU2 District. See Zoning Ordinance Section 4.17, Use Table (p. 54).

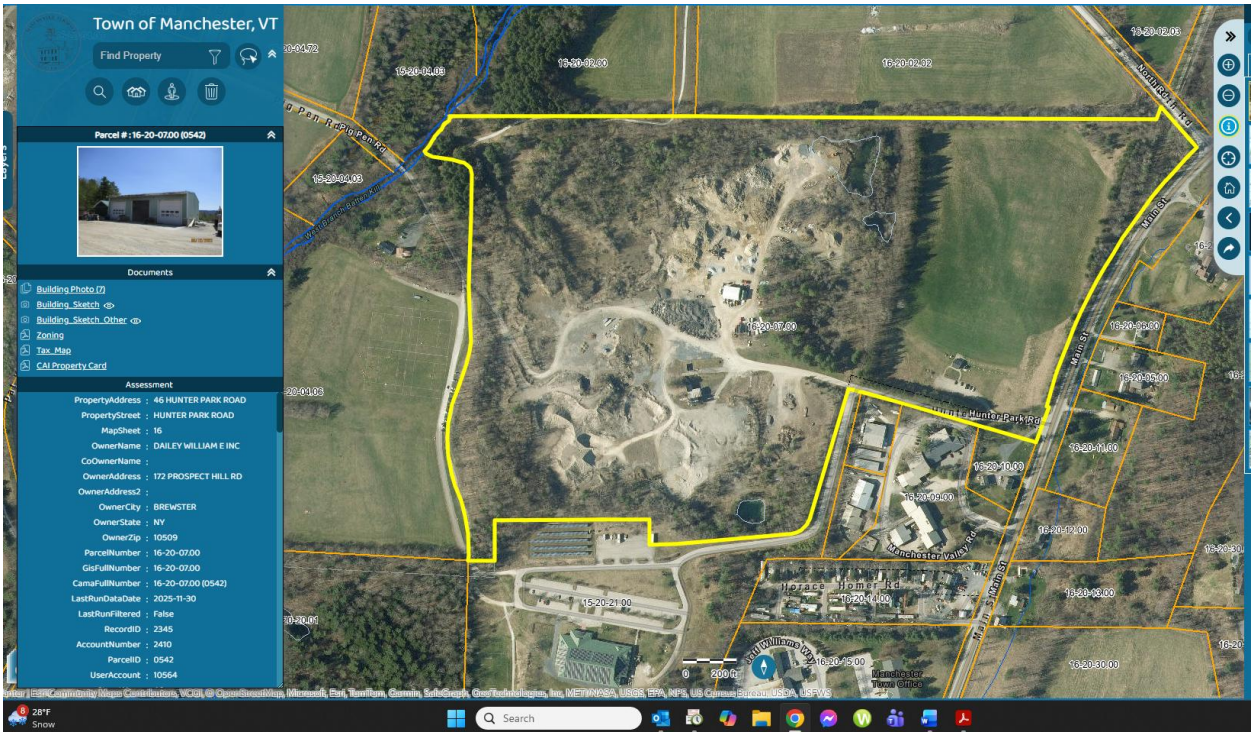
44. The Zoning Ordnance does allow for Towers to be constructed in the Office Industrial ("OI") district which abuts the project site. *Id*.

45. The OI district is a small area of land generally encompassing an active quarry and an area of small businesses and strip-style development with commercial space therein. It is shown in purple below.



Town of Manchester Zoning Map, LaRosa Declaration at Exhibit AL-3.

46. The sole property in the OI district large enough to host a telecommunications tower and compound is the active quarry parcel. Below is an image from the Town of Manchester's ARC GIS file identifying the site (available at https://www.axisgis.com/manchestervt/)



47. Petitioner investigated locating a tower on this property but was unable to secure any lease for the property on commercially reasonable terms and which addressed Petitioner's serious concerns about locating sensitive telecommunications equipment in area of active quarrying and heavy machinery. Gill Declaration at Page 2.

48. As such, there is no property located outside of the MU2 district that can host a telecommunications tower that would provide coverage to the unserved area.

49. The proposed tower is located as close as possible to the boundary of the OI district. It is located in a small, wooded area next to an existing solar array and immediately abuts the OI district. Its location is functionally indistinguishable from the OI district. See Exhibit DH-1; See also LaRosa Declaration at Exhibit AL-5.

50. The Town of Manchester objected to the Tower based on Sections 7.1.8, 7.1.9, and 7.1.12 of the Manchester zoning ordinance. *See* Town of Manchester comments dated July 19, 2024 filed on November 14, 2024 in this docket.

51. Section 7 of the Manchester zoning ordinance provides the standards for the issuance of permits by the Town for telecommunications towers. *Zoning Ordinance* at Pages 91-94.

52. Section 7.1.8 states that the "applicants are encouraged to locate antenna within existing tall structures such as church steeples or barn silos." *Id.* at Page 92.

53. There are no such structures available to Petitioner to meet the coverage objectives of the project. Parks Declaration at Page 2.

54. Section 7.1.9 states that co-location is to be employed to the greatest extent possible and that the applicant must demonstrate that no other existing tower site accommodates the proposed facility. Zoning Ordinance at Page 92.

55. Co-location is not possible to achieve the coverage objectives. See Department of Public Service Comments dated January 17, 2025.

56. Section 7.1.12 states that towers taller than 130 feet, or which are 10 feet above the average tree canopy are prohibited.[2] Zoning Ordinance at Page 93.

57. Petitioner cannot provide coverage to fill the existing gap in coverage with a tower that is 10' feet above the property's tree line (i.e. 47' AGL). The project has been designed to meet the 130' height standard (to the extent it applies) set forth in the ordinance. See Exhibit DH-1.

58. The Town also states that the Project does not comply with the Town Plan.

59. The applicable plan is the 2017 Manchester Town Plan, a copy of which is attached as Exhibit AL-2 to the Declaration of Alexander LaRosa, Esq.

60. The Town takes the position that the proposed tower would run contrary to Part 1.1, Vision, Policies & Actions of the Town Plan.

61. This section, as quoted by the Town states:

[2] Since the tallest of Vermont's trees rarely exceed 100' this provision effectively would limit towers to under 100'

> Manchester is a quintessential New England Community with a historic core surrounded by rural pastures and forested mountain backdrops. Situated in the 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 at p. 1.

62. The Town Plan contains a Policy section devoted to "infrastructure," which states in pertinent part:

> Appropriate infrastructure must be in place to serve the needs of the community and employers. More than just water, sewer, and power, this includes fiber optics, access to high-speed, wide-bandwidth telecommunications facilities, and other types of technological capacity. Broadband access throughout Manchester is as essential as electricity in allowing citizens, employers, and home businesses to thrive and participate in community and commerce.

Id. at 4.

63. The Town Plan also provides that it is the goal of the Town Plan to "[c]reate a vibrant economic environment that encourages people to both live and work in Manchester." *Id.* at Page 1.

64. The Project will enhance the quality of Verizon's infrastructure serving Manchester in a manner that will maintain and improve the reliability of the Verizon network and Internet connectivity and speed on that network. Hamm Prefiled at Page 7.

65. The Town also argues that the Project would contradict the Town Plan as concerns "Recreation Pathways" and in particular any provision of said section which discusses "Riley Rink" and "Hunter Park." The Town explained its concern as follows in its responses to written discovery:

Response: The Town has determined that the proposed facility does not meet all of the standards set forth in 30 V.S.A. § 248a. The Town Plan and the recommendation of the Town's municipal legislative body are entitled to substantial deference pursuant to 30 V.S.A. § 248a(c)(2), which expressly allows the municipality to base its recommendation to which substantial deference is required on a bylaw adopted under 24 V.S.A., such as Manchester's Land Use & Development Ordinance.

Town Plan

The Town Plan, to which substantial deference is owed, 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 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.*

Under the Town Plan, the proposed Facility would have an undue adverse visual impact on views from the scenic recreational areas surrounding and linking to the downtown area, and therefore does not comply with § 248a(c)(1).

Land Use & Development Ordinance

The Town has also pointed out that the property upon which the proposed Facility is proposed to be located is within the Mixed-Use 2 District, in which zoning district Communications Towers are expressly prohibited under the Town's Land Use & Development Ordinance.

Please also refer to the Town of Manchester's Letter to the Public Utility Commission dated July 22, 2024, the Town's Reply to Consolidated Response to Bell Atlantic Mobile Systems, LLC and Vertex Towers, LLC to PUC Request for a Response to Comments dated January 17, 2025, and to the Pre-Filed Testimony and Report of Daniel Weinheimer (Town-DW-1), all of which have been filed with the PUC and which are reproduced in response to these discovery requests.

Town of Manchester Responses to Petitioner's Discovery Request, attached as Exhibit AL-4 to LaRosa Declaration.

66. The Town Plan section cited by the Town does not identify either of these locations (Riley Rink and/or Hunter Park) as a scenic resource, or subject to some scenic protection. *See* Town Plan at pp. 30-31.

67. Petitioner also notes that contrary to the suggestion in the response, it believes it provided all the relevant photographs related to this project which were filed with the application. See Exhibit DA-2 Photo Simulations.

68. The Town states that the Tower would be visible from Hunter Park and Dana Thompson Memorial Park and as such, the application should be denied should be denied. Neither of these two areas are marked as scenic resources or Scenic Roads and Byways in the Town Plan. *See* Town Plan at 30.

69. Dana Thompson Memorial Park is a developed community park with large parking lot, parking lot lighting, a swimming pool, pool building, football field, soccer fields, and several tall light towers as shown below:

(available at on Google Maps – https://www.google.com/maps - see 340 Rec Park Road, Manchester).

70. To anybody in the park, the proposed tower would be dwarfed by the light towers. *Id.*

71. Hunter Park is a less developed park with several sport fields. It regularly hosts large concerts with constructed lighting and staging. In July it typically hosts the "Dead of Summer Music Festival" with "3 Days of Live Music on 2 stages, RV Camping and Tent Camping. Over 20 Vendors, including 21 + Cash Bar, Food Trucks, Clothing, Art, Jewelry and Crafts. This Family/Kid Friendly festival also offers Yoga, Kids Activities including, Tie Dying and Puppet Making, and an 18 Hole Disc Golf course on-site." (See Town of Manchester Tourism Website: https://www.manchestervermont.com/event/dead-of-summer-music-festival-3/2025-07-11/)

72. It also hosts the Green Mountain Bluegrass and Roots Festival. This another multi-day music festival with vendors, RV camping, staging, lighting, and days of concerts. *Id.*

73. Both events are prominently promoted by the Town of Manchester and would be greatly served by enhanced cellular coverage provided by the Project. *Id.*

74. The Town also argues that the project violates Section 3.3 of the Town Plan which addresses power and telecommunication facilities.

75. As to telecommunications facilities, the Town Plan states:

> Except where improvements can be made, existing power line corridors should be used whenever possible. In order to enhance the aesthetics and visual character of the downtown area, public utilities (including but not limited to power lines, substations, and 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. Accordingly, with regard to wireless telecommunications facilities, the *Manchester Land Use & Development Ordinance* requires conditional use review of all proposed development and siting of towers and related infrastructure. Visual impacts, lighting, noise generation, natural resource impacts, and site screening are all required to be carefully considered by the Development Review Board prior to approval of any new facilities.

Town Plan at p. 38.

76. Within this section, there are no statements of mandatory language, no clear guidelines, not any specific provisions regarding towers in this section. It is generalized guidance about what the DRB should do.

77. The project complies with the land conservation recommendations in the plan. The proposed project is located away from any main streets, is set behind a building, is set far back from any public street, and is screened by existing plantings around the compound area. See Exhibit DH-1.

78. The proposed Facility will be approximately .33 miles from the nearest portions Routes 7A (Main Street) and Route 30 (Bonnet Street) and will be minimally visible from these roads generally. It is proposed to be behind a very large building (ice rink) and screened from adjacent

properties with dense coniferous plantings and is more than 1 mile (and not visible from) the intersection of Routes 7A and 30. See Exhibit DA-2, Page 2.

79. Visual impacts have been carefully considered as well.

80. After an earlier version of the tower was objected to, petitioners have agreed to mitigate the minimal visual impact by reducing the height to 130' and camouflaging the tower as a "monopine" style tower with tree branches hiding the mounting platforms, brown antenna "socks" and a brown Corten steel "trunk." See PUC Docket No. 24-0097-PET, also see Exhibit AL-5 for a depiction of the monopole before the design change.

81. There are no flashing lights or projecting lights on the proposed tower. See Exhibit DH-1.

82. Petitioners created a Photo Simulation Package for this Project to illustrate the visual impacts. See Prefiled Testimony of David Archambault and Exhibit DA-2.

83. Using several software programs, real world photos and photo metadata, Mr. Archambault is able to accurately represent a tower with photo simulations to show how much of the proposed tower would be seen. Archambault Prefiled at Page 2.

84. To aid in the visual analysis, Petitioner caused a 3-foot diameter ballon to be floated to 130' AGL. *Id*.

85. From available mapping and with the balloon in the air, VSS drove public roads within a one-mile radius of the tower site, trying to determine from how many viewpoints the tower would be seen and, if visible, how much of the tower would be seen. *Id*.

86. VSS identified 28 representative viewpoints. The balloon was visible (marking the highest point of the tower) from six (6) of those viewpoints. It was not visible from the other 22 viewpoints. Other than a location .12 miles away from the tower site (next to the existing solar farm), the six (6) simulations that VSS prepared using the results of the balloon float showed that only the

topmost part of the tower would be visible. In many of those cases, it would be backdropped by higher terrain. *Id*.

87. Those photos are shown in Exhibit DA-2.

88. The most visible location of the proposed Facility (photo location 1) is taken at the driveway on the landowner's property (who has entered into a lease agreement with for the tower). Photo location 2 is also on the same landowner's property, but visibility is even more muted by the proposed monopine design which will blend in with the existing vegetation. See Exhibit DA-2.

89. There is only minimal and distant visibility from photo locations 6, 12 and 26, each showing the proposed Facility against a vegetated backdrop and not above the distant ridgeline. The remainder of the photos clearly show that the location of the proposed Facility and the substantial existing vegetative buffer and area topography effectively screens the proposed Facility from nearby main roads as well as downtown Manchester. Id.

90. The Project, designed as a 130' Monopine is not shocking or offensive. Id.

91. Further, Petitioner has designed the Tower as a monopine to mitigate visual impacts. Id.

92. The monopine design has no lights and no brightly colored reflective surfaces. Id.; also see Exhibit DH-1

93. While monopine designs are not always better for visual impact, in this case, the brown monopine design allows the facility to blend into the nearby trees and backstopped hillsides in the distance. *Id*.

94. Disguised as a monopine, it is not offensive. From up close, where it is most visible, it stands out as an oddly tall tree. From afar, the green pine-like top and brown trunk blends into the prevailing tree-scape such that it is hardly distinguishable. *Id*.

95. Lowering the height of the tower and converting to a monopine design are the only real and reasonable mitigating steps any petitioner could take, and Petitioner has done both here. 130' is the lowest heigh Petitioner can build and still meet its coverage objectives. Parks Declaration at Page 3.

96. The Town was concerned about the look of the Tower from several locations around the Town.

97. Those included Main Street, Thompson Park, and Bonnett Street.

98. The view from Main Street, before the Tower was modified to be a monopine showed that the Tower would be barely visible to the traveling public. It would blend into the backdrop and mix with existing municipal communication antennas in the foreground.

99. From Exhibit AL-5 to LaRosa Declaration (tower circled in red):

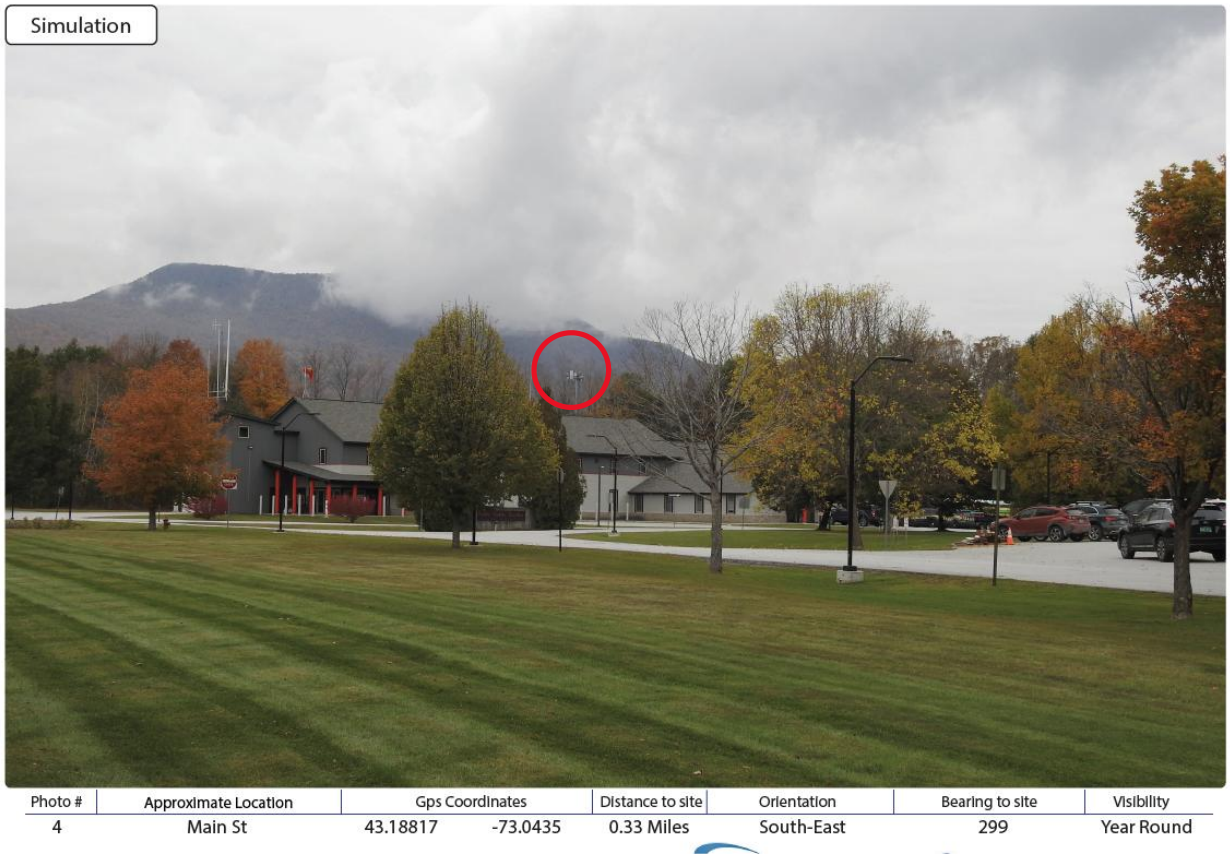


Photo #	Approximate Location	Gps Coordinates		Distance to site	Orientation	Bearing to site	Visibility
4	Main St	43.18817	-73.0435	0.33 Miles	South-East	299	Year Round

100. As a monopine, the Tower is not visible. See Exhibit DA-2.

Photo #	Approximate Location	Gps Coordinates		Distance to site	Orientation	Bearing to site	Visibility
4	Main St	43.18816	-73.04353	0.33 Miles	South-East	299	Not Visible

Site: VT-VT-0056C Manchester Center

Photo Simulations are for demonstration purposes only. It should not be used in any other fashion or with any other intent. The accuracy of the resulting data is not guaranteed and is not for redistribution.

VSS

Vertex Towers LLC

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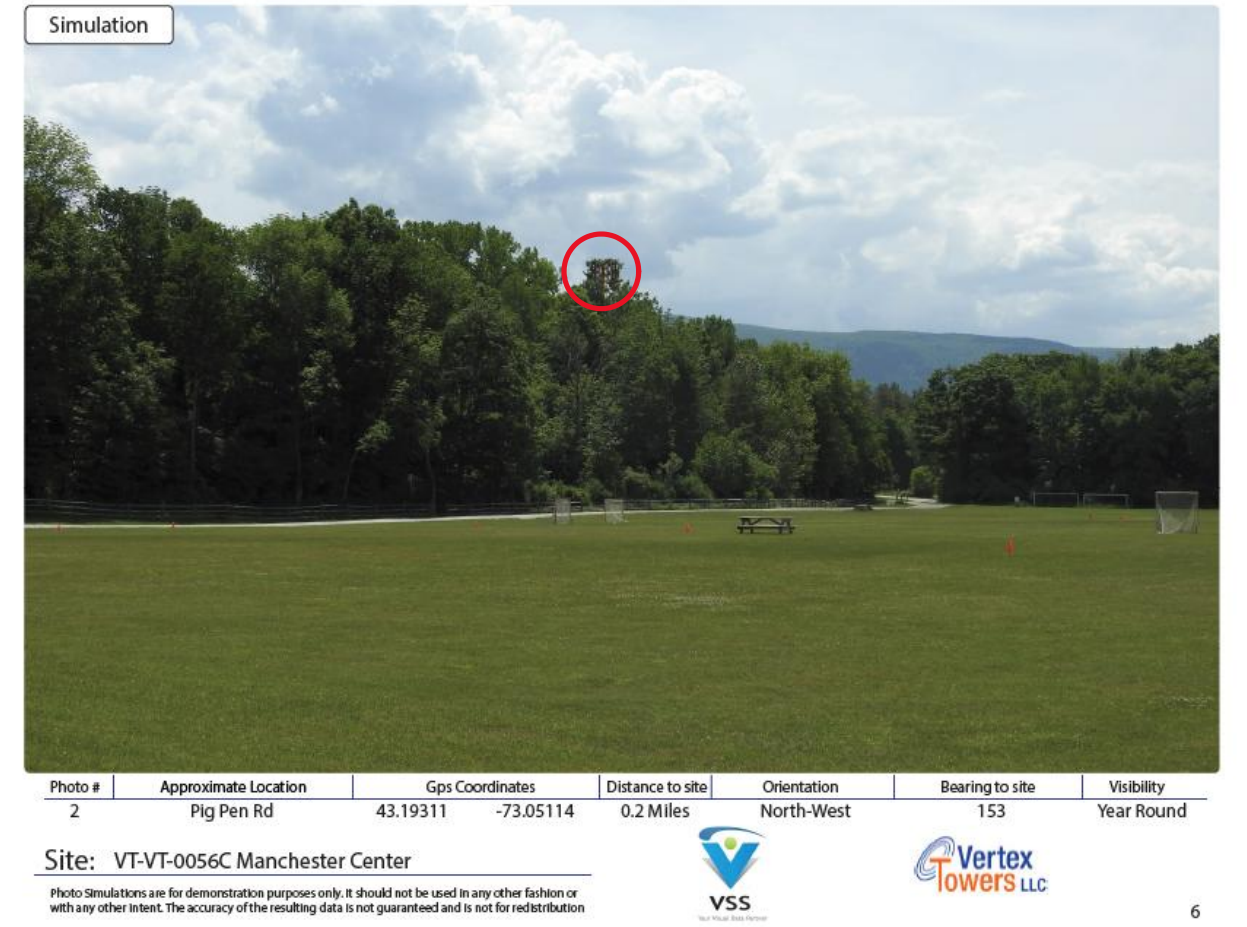
101. From Hunter Park, as a monopine, the Tower is not noticeable. See Exhibit DA-2.



102. From Thompson Park, the Tower's visual impact is muted.

103. Thompson Park is a highly developed park.

104. The Tower is visible in the background but appears smaller than and with less visual impact than the tall light towers used to light the park's football field. See Exhibit AL-5 (Tower circled in red):

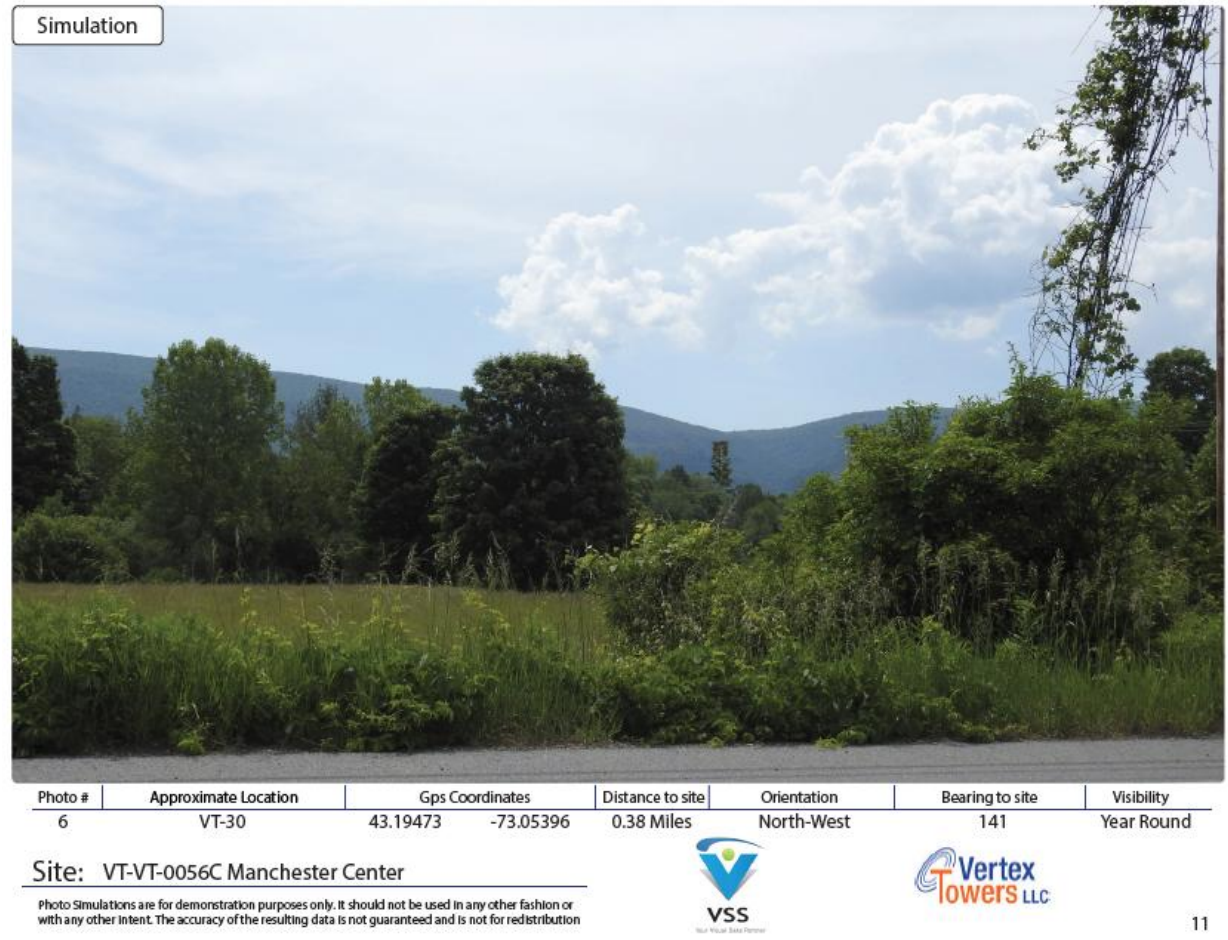
Photo #	Approximate Location	Gps Coordinates		Distance to site	Orientation	Bearing to site	Visibility
9	L. Thompson Memorial Park	43.18372	-73.05313	0.51 Miles	South-West	23	Year Round

105. As a monopine, the Tower isn't readily distinguishable even when viewed without the tall football field lights in the foreground. See Exhibit DA-2.

106. From Bonnett Street, the Tower was visible as a Monopole. *See* Exhibit AL-5.

Photo #	Approximate Location	Gps Coordinates		Distance to site	Orientation	Bearing to site	Visibility
6	Bonnet St	43.19522	-73.05356	0.39 Miles	North-West	146	Year Round

With the change to a monopine, it blends in with the existing treeline and does not extend above the scenic ridgelines in the background. The tower is barely noticeable at all. See Exhibit DA-2.



107. The most visible location of the Tower is along the access road to the facility and immediately behind the ice rink. *Id*.

108. From this view, the Tower does look like an oddly tall tree. However, the development in the foreground – parking lot, parking lot lights, and a large solar field, make the Tower's visible impact neither shocking, nor offensive. *Id*.

109. Petitioner has taken every available mitigating step to minimize the impacts of the Tower.

110. The Bennington County Regional Plan amended as of March 23, 2017 also applies.

111. The Regional Plan contains the following general observation:

> Vermont has invested and worked aggressively to bring broadband services to all parts of the state. High speed telecommunications currently is available throughout most of the region, with complete coverage still being pursued in some rural areas. **Improvements in wireless/cell service for all carriers are still needed and all of the major providers currently are working to expand coverage.**

Regional Plan at 55 (emphasis added).

112. This Project does exactly as requested by the Bennington plan.

113. The Regional Plan contains a more specific discussion in its section entitled, "Information

and Telecommunications Services:

> Cellular telephone service providers have been steadily expanding their coverage area within the region with the installation of new towers and antennas at strategic locations. The widespread availability and use of tablet computers and handheld wireless phones, including "smart phones," that offer portable access to the internet has led to an even greater demand for these wireless facilities.
>
> The infrastructure required for wireless communication services include towers, antennas, equipment buildings, access roads, and electrical service. Bennington County is a challenging area for the development of wireless communication infrastructure. The narrowness of the inhabited valleys and highly visible slopes and ridges of the surrounding mountains require careful siting to ensure that adequate coverage is efficiently provided while not having undue adverse impacts on natural or scenic resources. Those concerns can be minimized by careful planning that includes siting antennas on existing buildings or structures, co-location of antennas on towers to limit the number of towers, and careful site design to avoid sensitive areas and avoid disruption of viewsheds identified as particularly important to local communities.
>
> The Vermont Public Service Board has regulatory jurisdiction over the siting of telecommunication facilities, weighing the public good of a proposal together with its environmental and social impacts. Municipal and regional plans are given consideration by the Public Service Board, so it is important that those plans include clear policy guidelines regarding sensitive areas, tower height, co-location requirements, and other factors. In some cases it may be preferable to develop one tall (140 feet or more) tower that provides coverage over a relatively wide area in a location where identified local and regional impacts can be avoided. In other cases, two or more smaller and lower towers (90 feet in height and possibly using a "monopole" design) might be needed to provide the same coverage while avoiding impacts to natural and scenic resources or residential neighborhoods.

Id. at 165-66.

114. The Project will enhance the quality of the Verizon's infrastructure serving Manchester in a manner that will maintain and improve the reliability of the Verizon network and Internet connectivity and speed on that network. Hamm Prefiled at Page 7.

115. Petitioner shares the goals of both the Town and Regional Plans which are to use existing infrastructure rather than building new towers. However, in this case, there is no existing

infrastructure than will allow Petitioner to accomplish its objectives of enhancing coverage and capacity in this area. *Id*.

116. The location that Petitioner has chosen is well developed and is not in an ecologically sensitive area. *Id*.

117. There will be little disruption of viewsheds. *Id*.

118. It is not in the historic Downtown and Main Street, and will not be generally visible to the average person in downtown Manchester. See Exhibit DH-1.

119. The Project is not in a floodway or located such that it will impact a floodway. Hamm Prefiled at Page 4.

120. The Project meets the requirements for the Low Risk Handbook for Erosion Prevention. *Id*. at Pages 3-4.

121. The Project location is well developed and is not an ecologically sensitive area. *Id*. at Page 8,

122. The Project is located in both summer roosting habitat and winter hibernacula for federally endangered Northern Long Eared and Indiana bats. To aid in preservation Petitioner consents to a condition of approval stating that any clearing needed for the Project will be carried out only from November 1 to March 31 or with prior written approval from the Vermont Department of Fish and Wildlife. With such a condition, the Project would have no undue adverse effect on this endangered species. See Exhibit MLS-2 at Page 6.

123. Because this Project involves the construction of a new telecommunications tower, the Petitioners analyzed its conformance with Section 106 of the National Historic Preservation Act. The proposed project will have "No Adverse Effect" on historic resources. See Prefiled Testimony of Britta Tonn; see also Exhibit BT-1 and BT-2.

124. Neither Vertex nor Verizon has applied for, obtained, nor been denied a permit or permit amendments under applicable provisions of Title 24 or chapter 151 of Title 10 for the proposed improvements covered by the current application or substantially similar improvements.

125. There are no known permit conditions that would impact the proposed improvements. Hamm Prefiled at Page 8.

126. The Project will promote the general good of the State by improving wireless telecommunication infrastructure to increase capacity and support state-of-the-art wireless services in the community; improving high speed data services; providing competitive choices for consumers; and providing the opportunity to improve economic development within the State – all in conformance with the substantive criteria under 30 V.S.A. § 248a.

Dated in Burlington, Vermont this 15th day of December, 2025

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