

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

**TOWN OF MANCHESTER'S STATEMENT OF MATERIAL FACTS IN SUPPORT
OF OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT
AND CROSS MOTION FOR SUMMARY JUDGMENT**

NOW COMES the Town of Manchester ("Town") and, pursuant to Rule 2.219 of the Vermont Utility Commission's Rules of Practice (Commission Rule 2.200 – Procedures Generally Applicable), hereby files its statement of undisputed material facts in support of its Opposition to Petitioner's Motion for Summary Judgment and the Town's Cross Motion for Summary Judgment.

1. Petition proposes to construct a telecommunications facility on a parcel of land located at 410 Hunter Park Road in Manchester, Vermont, for the initial use by Verizon and subsequent use by other telecommunications providers. Prefiled Testimony of Daniel Hamm, at p. 1.
2. The coordinates for the proposed tower are latitude 43°11'25.80 north and longitude 73°02'57.37" west ("Site"); the Site is in the Mixed Use 2 zoning district ("MU2"). *Id.* Petitioner's Response to Town of Manchester's First

- Set of Discovery Requests, Q. Town : Petitioner 1-9, at p. 13; Declaration of Merrill E. Bent, at ¶ 3.
3. Petitioner proposes a 50' x 50' "Compound" enclosed by an 8' high chain link fence, with a locked gate, and topped with barbed wire. Prefiled Testimony of Daniel Hamm, at p. 2.
 4. The proposed telecommunications tower will stand 130' above ground level, and will be disguised as an artificial pine tree referred to as a "Monopine," to be constructed within the Compound ("Facility" or "Project"). *Id.*
 5. The Town of Manchester re-adopted a municipal plan on May 9, 2017 ("Town Plan") which plan was valid and in effect at the time the Petition was filed. Affidavit of Scott Murphy, ¶ 5; Petitioner's Ex. AL-2.
 6. The Town has a land use ordinance duly adopted pursuant to 24 V.S.A. ch. 117 ("Land Use Ordinance"). Affidavit of Scott Murphy, ¶ 6; Petitioner's Ex. AL-1.
 7. The Town of Manchester's selectboard is the municipal legislative body. Affidavit of Scott Murphy, ¶ 7.
 8. The Town of Manchester also has a Planning Commission. Affidavit of Scott Murphy, ¶ 8.
 9. The Town's Selectboard and Planning Commission have together provided their recommendation that the Project does not comply with the Town Plan or the Land Use Ordinance. Affidavit of Scott Murphy, ¶ 9.

10. Communications Towers are prohibited in the MU2 Zoning District under Manchester's Land Use Ordinance, which zoning district also falls within the Design Review Overlay District. Pet. Ex. AL-1, Land Use Ordinance Section 4.17 (Use Table), p. 58; Sections 5.1.1 and 5.1.2, at p. 63.

11. The Town Plan contains a section entitled "Vision, Policies & Actions" which states:

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.

Pet. Ex. AL-2, Town Plan, Part 1, p. 1.

12. 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." Ex. AL-2, Town Plan, p. 30.

13. The Town Plan states that (as of the date it was written) it had developed one such Recreation Pathway, being the "spur" "from MEMS through the Dana Thompson Memorial Park and on to Riley Rink" Ex. AL-2, Town Plan, p. 30.

14. Though not referenced by name, the "spur" of developed recreation path that runs through Hunter Park, in Manchester, Vermont. Affidavit of Scott Murphy, at ¶ 10.

15. The Town Plan also identifies the Dana L. Thompson Memorial Park as a “heavily used” community asset for residents and visitors alike. Pet. Ex. AL-2, Town Plan, Section 4.1, p. 43.

16. The Town Plan requires that telecommunications facilities be sited “in a manner that protects the scenic, cultural, and natural resources of the Town.” Pet. Ex. AL-2, Town Plan, at p. 37.

17. 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 whenever 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.

Pet. Ex. AL-2, Town Plan Section 3.3, at p. 38.

18. The Town Plan provides that where a proposed telecommunications 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.*

19. The Project would be visible from portions of Main Street in Manchester, Vermont. Town’s Ex. MB-1, Petitioner’s Response to Town of Manchester’s First Set of Discovery Requests, Q. Town : Petitioner 1-13, at p. 13.

20. The Project would be visible from portions of Bonnet Street in Manchester, Vermont. Town Ex. MB-1, Petitioner’s Response to Town of

- Manchester's First Set of Discovery Requests, Q. Town : Petitioner 1-14, at p. 13.
21. The portions of Main Street and Bonnet Street from which the Project would be visible are in downtown Manchester. Affidavit of Scott Murphy, ¶¶ 3-4.
22. The Project would be visible from various locations along the recreation paths within the Dana Thompson Memorial Park in Manchester, Vermont. Town Ex. MB-1, Petitioner's Response to Town of Manchester's First Set of Discovery Requests, Q. Town : Petitioner 1-10, at p. 13.
23. The Project would be visible from various locations along the recreation paths within Hunter Park in Manchester, Vermont. Town Ex. MB-1, Petitioner's Response to Town of Manchester's First Set of Discovery Requests, Q. Town : Petitioner 1-11, at p. 13.
24. The Project would be visible from various locations on the Riley Rink property in Manchester, Vermont. Town Ex. MB-1; Petitioner's Response to Town of Manchester's First Set of Discovery Requests, Q. Town : Petitioner 1-12, at p. 13.

Dated this 22nd day of January, 2026.

/s/ Merrill E. Bent
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