

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-1543-PET

Petition of Bell Atlantic Mobile Systems, LLC and The Towers, LLC for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a, authorizing the installation of telecommunications equipment at 2264 U.S. Route 2 in Marshfield, Vermont	
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**PREFILED TESTIMONY OF
MICHAEL J. BUSCHER
ON BEHALF OF THE
VERMONT DEPARTMENT OF PUBLIC SERVICE**
This document and supporting exhibits have been filed ePUC

Summary: Mr. Buscher's testimony addresses the proposed Petition of Bell Atlantic Mobile Systems, LLC and The Towers, LLC's compliance with aesthetics and scenic beauty under 30 V.S.A. § 248a(c)(1) and its consistency with the plans of the affected municipalities and regional planning commissions under 30 V.S.A. § 248a(c)(2) as presented in the report entitled "Aesthetic & Orderly Development Analysis Report" prepared by T.J. Boyle Associates, LLC.

Mr. Buscher Sponsors the Following Exhibits:

Exhibit DPS-MB-1	Michael Buscher Resume
Exhibit DPS-MB-2	Aesthetics and Orderly Development Analysis Report
Exhibit DPS-MB-3	Appendix C – Simulation 1
Exhibit DPS-MB-4	Appendix C – Simulation 2
Exhibit DPS-MB-5	Appendix C – Simulation 3

1 **Introduction**

2 Q1. Please state your name, current employer, business address, and position.

3 A1. My name is Michael J. Buscher. I am a Vermont licensed landscape architect and owner
4 of T.J. Boyle Associates, LLC, Landscape Architects and Planning Consultants, 301
5 College Street, Burlington, Vermont 05401.

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7 Q2. What is your occupation?

8 A2. I am a Vermont licensed Landscape Architect. A copy of my resume is attached as Exhibit
9 DPS-MB-1.

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11 Q3. Have you previously testified at the Vermont Public Utility Commission?

12 A3. Yes. Within Vermont, I have testified before local development review boards and
13 planning commissions, Act 250 district environmental commissions, the Vermont
14 Environmental Court, and the Public Utility Commission. I have also provided testimony
15 before the New York State Department of Public Service and the Department of
16 Environmental Conservation, the New Hampshire Site Evaluation Committee, and the
17 Maine Department of Environmental Protection.

18

19 Q4. What is the purpose of your testimony?

20 A4. My testimony addresses aesthetics under 30 V.S.A § 248a(c)(1) and town and regional
21 plans under 30 V.S.A § 248a(c)(2), including whether the Project meets the substantial
22 deference standard. My testimony presents the report entitled, Bell Atlantic Mobile

1 Systems, LLC d/b/a Verizon Wireless and The Towers, LLC d/b/a Vertical Bridge
2 Marshfield Telecommunications Tower – Aesthetic & Orderly Development Analysis
3 (“Report”) for the proposed installation of telecommunications facilities of limited size and
4 scope in Marshfield, Vermont (“the Project”), which was prepared under my direction.
5 The Report describes the aesthetic analysis undertaken by T.J. Boyle Associates (“TJBA”)
6 that assesses visual change due to the Project and determines whether these changes create
7 adverse or unduly adverse impacts on the aesthetics of the area. The report also describes
8 TJBA’s review of the Project’s consistency with the plans of the affected municipalities
9 and regional planning commissions. The Report provides a detailed Project description and
10 is included with this filing as Exhibit DPS-MB-2. Included as appendices are:

11 Appendix A: Project Maps

12 Appendix B: Photographic Inventory

13 Appendix C: Photographic Simulations (see Exhibit DPS-MB-3 through DPS-MB-5)

14 Appendix D: Regional & Town Plan Excerpts

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Aesthetics and Scenic Beauty

(30 V.S.A. § 248(b)(5))

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Q5. Please describe the work you have performed with respect to the Project to evaluate potential aesthetic impacts.

A5. I performed a visual analysis to evaluate potential aesthetic impacts due to a proposed telecommunications tower being proposed on a private parcel of land located at 2264 US Route 2 in Marshfield, Vermont. The work is described in the Report that my firm prepared, which is attached here as Exhibit DPS-MB-2.

Q6. Please summarize your assessment of the Project's aesthetic (visual) impacts.

A6. The assessment involved analysis of geographic information system data and viewsheds, field investigation, review of topographic mapping, detailed design plans, aerial photography, and photographic simulations. Our assessment concluded that the proposed Project would result in visibility of the Project from nearby roads and residences, and that it would have an adverse effect on the scenic or natural beauty or aesthetics of the area.

A review of the Project under the second part of the Quechee Test found that the Project's aesthetic impacts would not be undue. Based on the review of the applicable regional and town plans, the Project would not violate any clear, written community standard intended to preserve the aesthetics or scenic or natural beauty of the Project site. The Project incorporates generally available mitigation measures, including the selected tower location, which limits visibility; the use of existing drives and woods roads; and a brown finish on all components likely to have off-site visibility, allowing the tower to blend with

1 the mixed deciduous and evergreen vegetation typical of the area. The Project would not
2 offend the sensibilities of the average person. Visibility would be limited, and where views
3 are possible, the tower would appear against a background of vegetation rather than
4 silhouetted against the sky, which reduces Project contrast and prominence in the
5 surrounding landscape.

6 Q7. Will the Project have an undue adverse effect on aesthetics or the scenic or natural beauty?

7 A7. No, it will not. For the reasons set forth above, the Project's aesthetic impact will not
8 unduly impact the scenic beauty of the surrounding area.

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10 **Municipal and Regional Recommendations, the Town Plan,**
11 **the Regional Plan, and Substantial Deference**

12 30 V.S.A. § 248a(c)(2))

13 Q8. Please summarize your review of the town and regional planning documents.

14 A8. As fully discussed in my Report, Exhibit DPS-MB-2, I reviewed the Central Vermont
15 Regional Plan ("Regional Plan"), the 2018 Marshfield Town Plan ("Town Plan"), and the
16 Marshfield Wireless Telecommunications Facilities Bylaw (the "Town
17 Telecommunications Bylaw"), which in adopted in the Town Plan by reference. Neither
18 the municipal legislative bodies nor the regional planning commission filed comments on
19 the Project.

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21 While the Project does not fully conform to certain siting requirements of the Town
22 Telecommunications Bylaw, my review found that the Project's siting and design broadly
23 support the key restrictions and goals embedded in these documents. Those documents

1 emphasize minimizing aesthetic and visual impacts while ensuring essential wireless
2 telecommunications services for this portion of Marshfield. The Petitioner has
3 demonstrated a documented, site-specific coverage necessity, minimized visual and
4 environmental impacts through thoughtful siting and design choices, and reasonably
5 exhausted less-intrusive alternatives while complying with most bylaw standards.

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7 Q9. In your opinion, does the Project meet the substantial deference standard, giving substantial
8 deference to the plans of the affected municipalities?

9 A9. Yes, as discussed above, I believe the Project does give substantial deference the municipal
10 and regional plans. Additionally, neither Marshfield's municipal legislative bodies nor the
11 regional planning commission made recommendations regarding the Project's compliance
12 with the town or reigional plans.

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14 Q10. Does this conclude your testimony at this time?

15 A10. Yes, it does.