PUC Submittal Date: March 14, 2023

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To: Parties Entitled to Notice Pursuant to 30 V.S.A. § 248a(e) and Procedures Order

Re: AT&T: Wireless Communications Facility at 80 Side Road, Manchester Center
AT&T Site Name: Manchester (Side Road, VT1048)
60-DAY ADVANCE NOTICE

Dear Recipient:

New Cingular Wireless PCS, LLC d/b/a AT&T ("AT&T") proposes to construct and install a new communications support structure and wireless communications facility (as described below, the "Facility" or "Project") on property located at 80 Side Road in Manchester Center, Vermont (the "Property" or "Site"), on land owned by Donald and Patricia Dorr (the "Property Owner"). The Property is designated by the Town of Manchester (the "Town") as a portion of Tax Map ID 37-50-15.00, and by the State as SPAN 375-116-12417. Downs Rachlin Martin PLLC ("DRM") represents AT&T in connection with the Project.

Pursuant to 30 V.S.A. § 248a, this letter is intended to provide 60 days advance notice that AT&T intends to submit to the Vermont Public Utility Commission ("PUC") a petition for approval to construct the Facility at the Site. This advance notice is supported with several exhibits found at the following Project website: https://www.drm.com/public-notices/manchester-vt-sideroad-att-telecom/.

Exhibit A to this notice is a statement that itemizes the rights and opportunities available to municipal representatives and planning officials pursuant to 30 V.S.A. §§ 248a(c)(2), (e)(2), (m), (n), (o), and (p). This notice is being filed electronically with the PUC via its ePUC system to distribute to the Vermont Agency of Natural Resources, the Vermont Department of Public Service, the Vermont Division for Historic Preservation, and the Vermont Agency of Transportation.

AT&T's petition will be filed pursuant to the PUC's Seventh Order Adopting Revised Standards and Procedures Implementing 30 V.S.A. §248a, dated January 18, 2023 (the "Procedures Order"). The Procedures Order, as well as more information concerning review of communications projects under 30 V.S.A. § 248a, is available at the PUC's office in Montpelier and on its website: http://puc.vermont.gov/.

I. Coverage and Capacity Objectives

AT&T is licensed by the Federal Communications Commission to provide multiple technologies in Vermont, including long-term evolution ("LTE") wireless broadband internet service. AT&T is improving and enhancing its voice and data network in the state through deployment of new sites intended to increase coverage and address capacity issues at specific locations, including commercial and residential areas of Manchester Center.

The Project will allow AT&T to improve its coverage and capacity in Manchester Center and along portions of Vermont Routes 7A, 11, and 30, as well as Wind Hill Road, North Road, and surrounding

areas, while also supporting AT&T's deployment of the FirstNet for subscribing first responders.

An RF (Radiofrequency) Report prepared by independent engineering firm C Squared Systems LLC is included as Exhibit B on the Project website. The new site in Manchester is shown on the maps as VT1048. As set forth in the RF Report, while there is existing AT&T coverage in the general area, due to the very high volume of traffic along the state highways referenced above, users will often experience impeded or complete lack of service, both in commercial and residential areas. By installing the new facility, coverage and capacity will be improved for up to 485 residents and 635 business employees in the general area along and near VT Routes 30/11. It will also offload substantial wireless traffic from AT&T's adjacent facilities in Manchester, Dorset, and Peru, covering an approximately 7 mile area.

II. Project Description

The proposed Facility at the Property will generally consist of the following components:

A. A 140' above ground level ("AGL") steel monopole communications tower with a matte grey finish (the "Tower");

B. Nine (9) panel antennas (3 per sector)—three (3) measuring approximately 96" x 21", three (3) measuring approximately 96" x 11.7", and three (3) measuring approximately 96" x 20.7"—all to be installed at a centerline height of 136' AGL, with fifteen (15) remote radio head units ("RRUs") and six (6) surge protectors to be installed on the Tower;

C. A walk-in operating equipment cabinet measuring 6' 8" x 6' 8", mounted on a concrete pad with four (4) concrete foundation extension posts (the "WIC"), including a roof-mounted GPS antenna;

D. A 20-kilowatt diesel generator with self-contained fuel supply, to be located on a 5' 2" x 3' 10" concrete pad near the WIC (the "Generator");

E. A 50' x 50' fenced compound with a 12'-wide double swing access gate to enclose the Tower, WIC, Generator, and associated equipment, while providing space for future installations by other carriers (the "Compound");

F. Expansion of an existing gravel access road by 12', and extending 187' to the Compound from Side Road (the "Expanded Access Road");

G. Utilities (power and fiber optic cable) extending from an existing utility pole off of the east side of Side Road underground within the Expanded Access Road to a new transformer on the northern edge of the Compound; and

H. Ancillary improvements consisting of a 19' ice bridge to shelter cables between the WIC and the Tower, a utility backboard for electric and telco meters, and other equipment and appurtenances located within and around the Compound, all to be used in connection with operation of the Facility.

Each feature of the Facility is described and depicted in more detail on the initial Site Plan included as Exhibit C on the Project website.[1] Authorization from the landowner to proceed with the Project is included as Exhibit D.

The Facility is being designed to allow for co-location by at least two additional wireless carriers in the future. The Project is expected to result in approximately 2,500 square feet (±0.06 acres) of permanent earth disturbance in total, mostly due to the Expanded Access Road, as well as 7,910 square feet (±0.18 acres) of temporary soil disturbance. Existing natural vegetation and other features of the Property are proposed to remain. Based on the level of disturbance, and notwithstanding the height of the Tower, the Project qualifies as a project of limited size and scope under Section 248a. 30 V.S.A. §248a(b)(4).

III. Process for Review of Communications Facilities under 30 V.S.A. § 248a

Pursuant to 30 V.S.A. § 248a, the PUC may grant a certificate of public good for construction or installation of one or more telecommunications facilities that are to be interconnected with other existing or proposed telecommunications facilities if, after review of the project, the PUC finds that the facilities will promote the general good of the State consistent with the policies aimed at providing improved telecommunications technology to all Vermonters articulated by 30 V.S.A. § 202c(b).

Among the criteria considered by the PUC in evaluating each facility under 30 V.S.A. § 248a is whether the project is consistent with the recommendations of selectboards, municipal planning commissions, and regional planning commissions. In turn, those recommendations can be based on municipal / regional plans, as well as telecommunications provisions in local zoning bylaws or a stand-alone ordinance. 30 V.S.A. § 248a(c)(2). Based on a review of the relevant municipal and regional planning documents, the Facility is consistent with the applicable substantive criteria.

A. Manchester Town Plan.

The Manchester Town Plan, adopted on May 9, 2017 (the "Town Plan"), identifies "wide-bandwidth telecommunications facilities" as infrastructure that "must be in place to serve the needs of the community and employers." Town Plan at 4. The Town Plan acknowledges that "[b]roadband access throughout Manchester is as essential as electricity in allowing citizens, employers, and home businesses to thrive and participate in community commerce." *Id.* As emphasized in the Town Plan, "Manchester recognizes the importance of efficient and functioning electrical power and telecommunications facilities, and will work with utility providers to ensure that siting of facilities is accomplished in a manner that protects the scenic, cultural and natural resources of the town." Town Plan at 37.

The Town Plan recommends using existing communications infrastructure whenever possible. *Id.* To preserve the area's visual character, the Town Plan encourages relocating facilities away from main streets in public view whenever possible, and encourages screening in the alternative. *Id.* The Town Plan also promotes installing utility lines underground where feasible. *Id.*

Regarding new wireless telecommunications facilities, the Town Plan explains that "the *Manchester Land Use & Development Ordinance* requires conditional use review of all proposed development and siting of towers and related infrastructure." Town Plan at 38. Conditional use review requires consideration of the

[1] See: https://www.drm.com/public-notices/manchester-vt-sideroad-att-telecom/

"[v]isual impacts, lighting, noise generation, natural resource impacts, and site screening" of any new facility. *Id.* Section 7.1.2 of the Ordinance recognizes that "[n]o permit shall be required for a wireless telecommunication facility that is subject to or has received a Certificate of Public Good under 30 VSA §248a." While these facilities are exempt from local regulations, due consideration to the Town Plan is part of the Section 248a permitting process. *Id.*

The AT&T Project is consistent with the Town Plan insofar as it expands and improves cell phone and wireless broadband services in Manchester Center without significant adverse environmental, health, or aesthetic impacts. The proposed Tower will be designed to accommodate additional wireless carrier co-locations with configurations similar to AT&T's antenna array. AT&T has attempted to site its Facility in an area that both ensures coverage along roadways and in areas of greater population density, but without having a significant visual impact within Manchester's downtown area (see further discussion below).

B. Manchester Land Use & Development Ordinance (adopted as Interim Zoning Bylaws, May 5, 2020)

Under Section 248a(c)(2), a selectboard or planning commission may base its recommendation on a duly-adopted telecommunications ordinance or bylaw provisions relating to telecommunications, to the extent applicable. The Town adopted the Manchester Land Use & Development Ordinance as Interim Zoning Bylaws on May 5, 2020 (the "Ordinance"). AT&T has reviewed and responds to the substantive telecommunications-based provisions of the Ordinance as follows:

2. Telecommunications towers and associated equipment, buildings, and infrastructure shall not be located: (1) On undevelopable land; (2) In historic districts as defined in the Ordinance; (3) In residential zoning districts as defined in the Ordinance; (4) Within 300 feet of any residence, residential zoning district or school; or (5) Within the approach or departure routes or patterns of an approved airstrip.

> RESPONSE: The Project is proposed on land already improved by a combination of driveways, utility uses, and mobile homes. The Property is outside of all four of Manchester's historic districts, and is situated outside of the flight path for any local or regional airport.
>
> As described on Page Z-1 of the Site Plan (Exhibit C), the proposed Site is located in a residential zoning district, Residential 10 ("R10"), where communications towers are prohibited under the Ordinance. The Facility is located in the R10 district to avoid significant visual impacts to streetscapes in the downtown area, as well as more developed residential areas in Manchester Center, as evidenced from the Viewshed Map included as Exhibit E on the Project website. The Viewshed Maps demonstrate that most of the visibility will be concentrated on the Property itself, with limited to marginal visibility from the commercial enterprises along Depot Street, and for a short stretch of Richville Road. Neighborhoods west and east of the Property will have limited to no visibility of the tower (though AT&T is considering mitigation to the extent that the project may be partially visible from residences along Cottage Street). Photographic simulations will be prepared following the balloon test referenced in Section IV, below, to fully assess the visual impact.
>
> With respect to proximity to residences, a radiofrequency emissions report is being prepared to demonstrate compliance with FCC Guidelines, and will be submitted as part of the petition to the Public Utility Commission.

3. Applicants are encouraged to locate antennae within existing tall structures such as church steeples or barn silos; in these instances, the standards of this section may be modified or waived by the Development Review Board.

RESPONSE: In this instance, there are no existing structures in the general area available for collocating antennas, such as a silo, water tank, or church steeple, nor are there other existing towers in the area upon which a separate antenna array could be installed.

4. The principle of co-location shall be employed to the greatest extent possible. The applicant shall demonstrate that there are no other existing tower sites that can accommodate the proposed facilities. If other sites do exist, then the applicant must demonstrate that they are technically inadequate, or that bona fide, good faith negotiations with that landowner have failed. Any permit granted shall include a condition requiring that other wireless service providers shall be allowed to co-locate on any new or existing tower. The applicant shall provide written evidence as to how it will comply with this condition, and under what terms co-location will be allowed.

RESPONSE: The Facility is being designed for additional space for future collocations of up to two additional carriers, each with arrays similar to what is being proposed by AT&T, and generally installed approximately 10' apart from antenna centerline to centerline.

5. The minimum setback requirement for any telecommunications tower or associated structure shall be as required in the applicable zoning district, plus an additional setback equal to the height of the tower (the fall zone). The minimum setback for any tower taller than 100' shall be 300' from a dwelling and residential zoning district boundary.

RESPONSE: The Tower meets the minimum setback requirements of the applicable zoning district. *See* Page C-1 of the Site Plan (Exhibit C). There are existing modular and manufactured homes within 152' of the proposed Tower. *See* Page Z-2 of the Site Plan (Exhibit C). The Tower location is set on the Property within 300' of existing residences for several reasons: (i) to reduce visual impacts from VT Route 11/30 and the houses along the West Branch of the Batten Kill River (as well as some existing tree cover); (ii) to avoid all wetlands and wetland buffers on the Property; (iii) to avoid any floodway or floodplain; (iv) to ensure that no structure is constructed (nor will any fill be deposited) in the river corridor associated with the West Branch of the Batten Kill River; and (v) to use existing infrastructure including utilities and a driveway on to the Property, thereby avoiding the need for new vegetative clearing. The Tower will be designed to meet the rigorous structural standards imposed by the Vermont Building Code for addressing ice and wind loading. As stated, the Tower will also comply with FCC requirements relative to radiofrequency emissions.

6. A telecommunications facility and associated infrastructure shall avoid undue adverse impacts on environmentally sensitive areas to the greatest extent possible. These areas include steep slopes, wetlands, floodways, unique natural features, wildlife habitat, historic sites, high elevations, ridgelines, and scenic resources. Where there may be adverse impacts, the project shall be designed to mitigate these impacts to the greatest extent possible.

RESPONSE: The Project involves no impacts on any necessary wildlife habitat or rare, threatened, and endangered species. Wetlands were delineated by Lucas Environmental, LLC on April 8, 2021 in accordance with the Corps of Engineers Wetlands Delineation Manual. Page Z-2

of the Site Plan, Exhibit C, shows that no work associated with the Project will take place within the 50' wetland buffer as identified by Northeastern Survey Consultants. The Project area is situated slightly within the boundaries of an existing limit or river corridor that was located using a visual representation from the VT ANR Natural Resources Atlas Map; however, the Project elements will all be located outside of the river corridor. *See* Page Z-2 of the Site Plan, Exhibit C.

7. No tower or structure shall exceed 130 feet in height. No tower or structure may be higher than 10 feet above the average height of buildings within 300 feet of the proposed facility. If there are no nearby buildings, then no tower or structure shall be higher than 10 feet above the average tree canopy height measured in the area of the proposed facility.

RESPONSE: As shown on the Site Plan (Exhibit C), the Tower is approximately 140' tall consistent with 30 V.S.A. §248a(b)(4)(A)(i). In the radiofrequency report AT&T explains in detail the benefits of the proposed Project, and will be prepared to explain at a public hearing on the application why a Tower of less than 140' would compromise the coverage / capacity gains and collocation potential at this location.

8. Towers with lighting shall not be permitted, unless the Development Review Board concludes it the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting that may be permitted is that required by FCC permit.

RESPONSE: Given the height of the proposed Tower at 140', lighting or marking will not be required for the Tower at this location, and AT&T has no plans to add lighting. Included as Exhibit F to the Project website is a TOWAIR determination to confirm that FAA registration (and thus lighting and marking) is not required.

9. All towers and related infrastructure shall be designed to minimize the visual impact of height and mass. Materials shall be of a type, style, color, and location so as to blend into the site, minimize glare, and not result in undue adverse visual impacts to the natural landscape or the built environment. Disturbance to existing topography or vegetation shall be minimized, unless found necessary to mitigate visual or aesthetic impacts. The location and type of security fencing shall be shown and described on the site plan.

RESPONSE: The Facility is being constructed with an eight foot fence topped with barbed wire, which has proven sufficient in other locations around Vermont to prevent unauthorized access. AT&T will also comply with FCC signage requirements at the Compound gate. No other signage will be required.

10. The Development Review Board may require the applicant provide a study from a qualified engineer as to the maximum projected noise from the proposed facility, measured in dB Ldn (decibels, logarithmic scale, and accounting for greater sensitivity at night). This study shall include existing or ambient measurements, plus noise that may be created or caused by the proposed facility. Noise measurements and projections shall be provided for the location of the tower facility itself and at the property line.

RESPONSE: The sources of regular noise generation for the Facility (i.e., HVAC unit in WIC) is anticipated to be in compliance with World Health Organization guidelines. The generator only runs during periods of prolonged power outages (i.e., greater than 8 hours), and otherwise is set to run a "kick test" for 30 minutes each week during daylight hours.

11. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

RESPONSE: AT&T has identified no major view corridor that will be affected by the Project. With respect to natural scenic vistas, the proposed Project was selected in part due to its ability to provide reliable coverage to the Town Center, while having no significant interference with the views from the Downtown area to the surrounding mountains. This can be seen in the Viewshed Map included as Exhibit E, confirming a total of 1.63% visibility within a one mile area (0.60% visibility within a two mile area), and which makes clear that the greatest degree of visibility will be concentrated on the Property itself. AT&T plans to further document the visual impacts from Manchester's public parks, and for views from the Manchester Depot Historic District, and residences along Cottage Street, based on the upcoming balloon test and subsequent photographic simulations discussed in Section IV, below. To the extent that the photo simulations give rise to potential mitigation opportunities, AT&T will consider those measures in preparing to submit its petition to the PUC.

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

RESPONSE: AT&T contends that, subject to reviewing the results of the balloon test, vegetation and existing features on the Property will provide sufficient screening to avoid need for additional landscaping. Again, to the extent that the photo simulations give rise to potential mitigation opportunities, AT&T will consider those measures in preparing to submit its petition to the PUC.

13. Any roads or above ground utilities shall follow the contour of the land, and be sited and constructed to minimize visual impacts to the greatest extent possible.

RESPONSE: Based on the Viewshed Map, the Tower will only be briefly visible from Depot Street and Vermont Route 11, and is largely obscured from other vantage points (especially the Town Center and Downtown area) by existing vegetation on and off the Property. The low aesthetic impact is further aided by the distance of the site from Vermont Route 11/30 and the residences on the west side of the West Branch of the Batten Kill River, as well as the presence of certain trees on the Property to help obscure the Tower and Compound.

C. Bennington County Regional Plan

The Bennington County Regional Plan, adopted March 19, 2015 and amended March 23, 2017 (the "Regional Plan"), states that "[a]ccess to broadband internet connectivity and consistent wireless communications services, for voice and data, have become increasingly important to residents, schools, colleges, institutions, local business, and visitors to the region." Regional Plan at 165. The Regional Plan recognizes that through careful siting of wireless communication infrastructure, concerns regarding adverse impacts to natural and scenic recourses can be minimized. *Id.*

Siting the proposed Facility will advance the goals set forth in the Regional Plan. The Project will directly advance these goals by improving public access to reliable, high quality wireless broadband internet and voice service without adversely impacting the County's scenic and

environmental qualities. More generally, the Project will promote the general good of the State, consistent with 30 V.S.A. § 202c(b), insofar as the Project will allow AT&T to improve its wireless service and capacity in Bennington County, while making available the FirstNet network to local first responders.

IV. Notice of Scheduled Balloon Test

To validate the projected visual effects of the Project as shown on the Viewshed Map, AT&T is scheduling a balloon test at the site of the proposed Facility. AT&T proposes to fly a balloon at 140' AGL, to be photographed from Vt Routes 7, 7A, 30, and other public areas in Manchester. The photographs will then be used to generate photographic simulations of the Facility from various vantage points within one-and-a-half to two miles of the Site. Links to these photographic simulations will be added to the Project website, and a supplemental notice will be sent to recipients of this letter once completed.

AT&T will provide notice of the precise date and time of the proposed balloon on the Project website, and will also communicate with municipal and regional planning officials. At the present time, the balloon test is planned for **Tuesday, March 21, 2023 between 9:00am and 12:00pm**, with a backup date of **Wednesday, March 22, 2023** between 9:00am and 12:00pm. Due to the variable weather conditions in Vermont that can affect the accuracy of the balloon test, the exact date of the balloon float will need to be determined by Green Mountain's technician. Please continue to visit the Project website at https://www.drm.com/public-notices/manchester-vt-sideroad-att-telecom/, or contact your local officials to inquire.

V. Opportunity to Comment; Contact for More Information

As a recipient of this notice, you will be notified when the petition is filed with the PUC, which will be at least 60 days and no longer than 180 days from the date the PUC receives this notice. During the advance notice period, should you have any questions relating to the Project, please direct all inquiries and/or comments to Jeff DelliColli at (603) 560-5020 or email to jdellicolli@clinellc.com. I can be reached at the telephone number and/or email provided in the letterhead above. Again, please be sure to check the Project website for updates: https://www.drm.com/public-notices/manchester-vt-sideroad-att-telecom/.

Once AT&T's petition has been accepted for filing by with the PUC, any interested person may submit comments and/or seek to intervene in the proceeding within 30 days of the receipt of the notification that the petition has been filed, as further outlined in the links to the PUC siting guidance referenced on Exhibit A. Thank you in advance for your attention to this important project.

Sincerely,

William J. Dodge, Esq.

Project website: https://www.drm.com/public-notices/manchester-vt-sideroad-att-telecom/

cc: Service List
Jeff DelliColli and Michael Gentile, Centerline Communications (via electronic mail)

MUNICIPAL AND REGIONAL REPRESENTATIVES / OFFICIALS

Via email Manchester Selectboard Attn: Ivan Beattie, Chair c/o Leslie Perra, Interim Town Manager 40 Jeff Williams Way Manchester Center, VT 05255 Email: l.perra@manchester-vt.gov	***Via email*** Manchester Planning Commission c/o Janet Hurley, Planning & Zoning Director 40 Jeff Williams Way Manchester Center, VT 05255 Email: j.hurley@manchester-vt.gov
Via email Bennington County Regional Commission Attn: Jim Sullivan, Executive Director 111 South Street, Suite 203 Bennington, VT 05201 Email: jsullivan@bcrcvt.org	

LANDOWNER (*VIA U.S. MAIL*)

Site SPAN: 375-116-12417 (10644) Tax Map ID: 37-50-15.00 Donald D & Patricia A Dorr 209 Riverside Heights Manchester Center, VT 05255	Also owns SPAN: 375-116-10684 (10676, 10667, 10681) Tax Map ID: 37-5-12 (13, 14, Donald D & Patricia A Dorr Rev Trust 209 Riverside Heights Manchester Center, VT 05255

ADJOINING LANDOWNERS (*VIA U.S. MAIL*)

SPAN: 375-116-10774 Tax Map ID: 37-50-59.03 Equinox Terrace Associates LLC 129 Lincoln Ave Manchester Center, VT 05255	SPAN: 375-116-11623 Tax Map ID: 32-52-39 Cynthia Woodruff 34 Riverside Heights Manchester Center, VT 05255
SPAN: 375-116-11995 Tax Map ID: 32-52-38 Marvin K & Eileen F Parker 40 Riverside Heights Manchester Center, VT 05255	SPAN: 375-116-12184 Tax Map ID: 32-52-40.21 Rize Properties LLC c/o Adi Management 172-90 Highland Avenue Jamaica, NY 11432

SPAN: 375-116-11774 Tax Map ID: 32-52-40.01 ZLBF LLC 120 Main St Keene, NH 03431	SPAN: 375-116-12454 Tax Map ID: 32-52-37 Snurfin' LLC c/o Amy Thebault PO Box 2000 Manchester Center, VT 05255
SPAN: 375-116-12719 Tax Map ID: 32-52-37 Veterans Of Foreign Wars PO Box 181 Manchester Center, VT 05255	SPAN: 375-116-12183 Tax Map ID: 37-50-58.03 Riverbend Partners LLC PO Box 271 E Arlington, VT 05252
SPAN: 375-116-10082 Tax Map ID: 37-50-20 390 Depot Street Property LLC 42 Sunset Drive Rutland, VT 05701	SPAN: 375-116-12337 Tax Map ID: 37-50-11.00 Joan C Shaw, Trustee Nancy Boardman 49 Cottage Street Manchester Center, VT 05255

STATE OFFICIALS

Vermont Public Utility Commission (***via* ePUC**)	Vermont Agency of Transportation (***via ePUC***)
Vermont Agency of Natural Resources (***via ePUC***)	Vermont Division for Historic Preservation (***via ePUC***)
Vermont Department of Public Service (***via ePUC***)	

DRM DOWNS RACHLIN MARTIN