



Project Review Committee

Thursday, July 22, 2021

Physical Location

Central VT Chamber of Commerce Conference Room, 963 Paine Turnpike North, Berlin

(Facial coverings are required for in-person participation)

Remote Participation via Zoom¹

<https://us02web.zoom.us/j/88220814556?pwd=RjNDaXlxaIQ4cW5ZWFR4RHlxcmhKdz09&from=addon>

Via phone: +1 929 436 2866 or +1 301 715 8592 Meeting ID 882 2081 4556; Passcode 782503

Download the app at least 5 minutes prior to the meeting start: www.zoom.com

AGENDA

4:00pm² Adjustments to the Agenda

Public Comment

4:05pm Act 250 / Section 248 Applications & Projects of Substantial Regional Impact

- a) Presentation by AT&T representatives regarding the Feral Mountain Road project in Middlesex, as well as other AT&T active projects for the CVRPC region.
- b) Committee may consider significant regional impact and conformance with regional plan.
- c) Review *Project Review Summary* Sheet

4:50pm Election of Officers

Per the PRC Rule of Procedure, the RPC will elect a Chairperson and Vice-Chairperson at the first meeting following the annual appointments.

5:05 pm Minutes

Approve February 25, 2021 meeting minutes

5:15pm Adjourn

Persons with disabilities who require assistance or special arrangements to participate in programs or activities are encouraged to contact Nancy Chartrand at 802-229-0389 or chartrand@cvregion.com at least 3 business days prior to the meeting for which services are requested.

Next Meeting: August 26, 2021

¹ Dial-in telephone numbers are "Toll" numbers. Fees may be charged to the person calling in dependent on their phone service.

² All times are approximate unless otherwise advertised



MEMO

Date: July 19, 2021
To: Project Review Committee
From: Clare Rock, Senior Planner
Re: AT&T Presentation and SRI

✉ **ACTION REQUESTED:** Learn about the AT&T improvements being planned across the region and consider the cumulative impacts which may result in having a Substantial Regional Impact (SRI).

At the July Project Review Committee meeting we will have a presentation by AT&T representatives regarding the Feral Mountain Road project in Middlesex, as well as other AT&T active projects for the CVRPC region.

While the project proposed at Feral Mountain doesn't in itself appear to raise to the level of a project with Substantial Regional Impact (SRI), AT&T is planning improvements at several other sites across the region. Staff invited AT&T to present information about the Middlesex Project and other Central Vermont projects so the RPC can gain a greater understanding of the nature and scope of all improvements and consider the cumulative regional impacts. Attached is a description of the Middlesex project.



William J. Dodge, Esq.
Tel: (802) 846-8395
wdodge@drm.com

June 10, 2021

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

Re: AT&T: Wireless Communications Facility at 126 Feral Mountain Road, Middlesex
AT&T Site Name: Middlesex (Feral Mountain Road, VT4274)
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 126 Feral Mountain Road, Middlesex, Vermont (the “Property” or “Site”), on land owned by SBA Towers LLC (“SBA”). 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://drm.com/news/middlesex-vt-feralmtnrd-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.

In addition to the above-mentioned provisions, Section 3 of Act 125 of 2020 provides that a municipal legislative body or a planning commission may request a 30-day extension to the original notice period for a total 90-day advance notice period, provided that the notice is filed during the state of emergency declared due to the COVID-19 pandemic.

AT&T’s petition will be filed pursuant to the PUC’s “Sixth Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a,” dated September 21, 2018 (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. Wireless Coverage Objective

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 Middlesex. The Project, together with several other similar projects being proposed contemporaneously, will improve

capacity along I-89, Route 12, Bartlett Road, Crosstown Road, Upper Sunny Brook Road, and Davy Road. The Project will also bring wireless service to approximately 280 residents in the area surrounding the sites, as well as employees in small businesses nearby.

Propagation maps showing coverage / capacity improvements from the Project and proposed adjacent facilities are included as Exhibit B on the Project website. Existing sites near the proposed Facility include those shown as VT6432 (89 Main Street, Montpelier, VT); VT0506 (1677 Hill Street Extension, Montpelier, VT), and VT6429 (1233 Cobb Hill Road, Moretown, VT).

II. Project Description

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

- A. A twelve foot (12') extension to the existing 112' guyed lattice tower, using the same colors and design as for the current tower (the "Extension"), bringing the height of the tower to 122' AGL (as extended, the "Tower");
- B. Six (6) panel antennas (3 per sector)—three (3) measuring approximately 96" x 21" and three (3) measuring approximately 95" x 20.7"—to be installed on a new mounting platform at the top of the Extension in order to achieve an antenna centerline height of 125' AGL, and together with nine (9) remote radio head units ("RRUs") and one (1) surge arrestor to be installed on separate mounting brackets behind the AT&T panel antennas;
- C. A lighting rod relocated to the top of the AT&T mounting bracket, resulting in an overall height of 136' AGL for the Tower and the appurtenance;
- D. Within the unfenced equipment compound area located downslope from the Tower, a walk-in operating equipment cabinet measuring 6' 6" x 6' 6", mounted on a 8' 6" x 8' 6" concrete pad (the "WIC");
- E. A 20-kilowatt diesel emergency backup generator with self-contained diesel fuel source to be located on a 4' x 6' concrete pad near the WIC (the "Generator");
- F. An ice bridge extending approximately 180' from the WIC to the Tower to house cabling for the antennas and operating equipment;
- G. Utility improvements consisting of (i) a new 2" diameter conduit for fiber optic cable running approximately 50' from an existing demarcation to a meter board installed adjacent to the WIC, and (ii) a new 2.5" diameter conduit for power running approximately 85' from an existing utility pole on the opposite side of the access road from the WIC; and
- H. Ancillary improvements consisting of a GPS antenna and other equipment and appurtenances located within and around the WIC and the Tower, 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 Site Plan included as Exhibit C. A post-modification structural report confirming compliance of the Project with the Vermont Building Code is included as Exhibit D on the Project website. A viewshed map showing projected areas of visibility of the modified tower is included as Exhibit E, while photo simulations depicting the result of the changes are included as Exhibit F on the Project website.

The Project is expected to result in 650 feet of temporary ground disturbance, and 150' square feet of permanent earth disturbance in total. Vegetative clearing associated with construction will total approximately 300 square feet. No improvements are proposed to be made to the existing Access Road that runs from Wrenwood Lane to the equipment area, nor are further utility installations required between the existing utility pole and Wrenwood Road. Consequently, the Project qualifies as a project of limited size and scope for purposes of Section 248a. 30 V.S.A. §248a(b)(4)(A).

The Project also constitutes a “review of an application to collocate a facility other than a Small Wireless Facility using an existing structure” under federal law. 47 C.F.R. §1.6003(c)(1)(ii). As such, it is subject to a 90-day review period by state and local authorities.¹

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 telecommunications facilities proposed or already in existence 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).² Based on a review of the relevant municipal and regional planning documents, the Facility is consistent with the applicable substantive criteria.

A. Middlesex Town Plan.

The Middlesex Town Plan, adopted on September 10, 2019 (the “Town Plan”) is silent on wireless and cellular service, as well as communications facility siting. The Town Plan recognizes that “improving residential access to broadband internet service is critical to ensuring its economic vitality and keeping it a desirable place to live.” Town Plan at 76. While acknowledging that “broadband cable internet service is available along the Interstate 89 corridor and on many of the town’s more populous roads,” the Town

¹ The Advance Notice qualifies as a “pre-application period” under the recently-enacted federal regulations; however, in order to ensure a fair review of the Project, AT&T hereby agrees to toll commencement of the 60-day review period until the petition is filed with the PUC. See 47 C.F.R. §1.6003(d).

² Notwithstanding Section 248a(c)(2), no independent municipal permit or permitting process is required for AT&T’s Project based on its use of 30 V.S.A. §248a(h)(1).

Plan explains that “an estimated half of residents are forced to rely on dial-up internet service or DSL, with widespread complaints about slow, deteriorating or nonexistent service.” Id.

The AT&T Project is thus consistent with the Town Plan insofar as expanding wireless broadband service capabilities into certain unserved areas of the Town, including for residential use by an estimated 280 residents (based on U.S. Census data).

B. Middlesex Land Use & Development Regulations

The Middlesex Land Use & Development Regulations, approved January 10, 2017 (“Regulations”), contain certain goals and restrictions concerning telecommunications facilities in Section 4.13. The Property is situated in the Conservation Zone on the Town’s official Zoning Map where Telecommunications Facilities are listed as a conditional use under Table 2.6. Under Section 4.13(C), modified and expanded telecommunications facilities may be authorized, provided that no new towers may be undertaken if the equipment can be accommodated on an existing structure. Section 4.13(H) further establishes that no facility should exceed 180’ AGL in height, and be situated in forested areas wherever possible.

Section 4.13(G) directs the Zoning Board of Adjustment to make certain findings regarding a project. Each of these are addressed below:

(1) the applicant is not already providing adequate coverage and/or adequate capacity to the Town;

RESPONSE: As documented in Exhibit B included on the Project website, AT&T’s coverage is lacking in multiple areas of Middlesex and nearby areas of Montpelier. This specifically includes coverage on I-89.

(2) the applicant is not able to use existing tower/facility sites either with or without the use of repeaters to provide adequate coverage and/or adequate capacity to the Town;

RESPONSE: AT&T is proposing to modify an existing tower in order to install its facility, thus avoiding a need for additional towers.

(3) the applicant has endeavored to provide adequate coverage and adequate capacity to the Town with the least number of towers and antennas which is technically and economically feasible;

RESPONSE: Modification of the existing SBA facility allows AT&T to improve its coverage without adding a new Tower in the general area.

(4) good faith efforts have been made to locate new towers adjacent to existing towers;

RESPONSE: This criterion is inapplicable, since AT&T is proposing to collocate on the existing SBA tower.

(5) the applicant has agreed to rent or lease available space on the tower, under the terms of a fair-market lease, with reasonable conditions and without discrimination to other wireless telecommunications providers; and

RESPONSE: AT&T and SBA have made arrangements to allow for collocation, and SBA continues to actively market space on and adjacent to the tower.

(6) the proposed facility complies with rules as adopted in FCC 97-303 and procedures outlined in FCC Bulletin 65 regarding emissions and exposure from electromagnetic radiation, and that the required monitoring program has been developed and shall be paid for by the applicant.

RESPONSE: AT&T will provide a maximum permissible exposure limit report with its certificate of public good petition to the Vermont Public Utility Commission.

AT&T will be prepared to address any of the other standards for Telecommunications Facilities under 4.13(H) in the event the Town requests a hearing pursuant to 30 V.S.A. §248a(e). Overall, the proposed collocation Project substantially complies with the provisions in Section 4.13.

C. Central Vermont Regional Plan

The Central Vermont Regional Plan adopted June 12, 2018 (the “Regional Plan”), recognizes the importance of wireless telecommunications facilities for the region:

Wireless communication through broadband technologies has become a part of everyday life and a service relied upon by business, emergency services, and the public. Clearly, the ability to communicate to almost anyone, from almost anywhere, at almost anytime brings added convenience and security to our lives. Throughout Central Vermont, we are seeing continuing applications for the installation of wireless telecommunication facilities. This is partly because the demand for wireless services is growing and partly because of changes in technology.

Regional Plan at 5-27. The Regional Plan acknowledges the need to “to balance aesthetics, signal quality, health, business and personal needs when deciding whether and where to build new towers and other facilities.” Id. The Regional Plan recognizes that careful planning and clear language in municipal planning documents should be used to delineate where facilities are not appropriate.

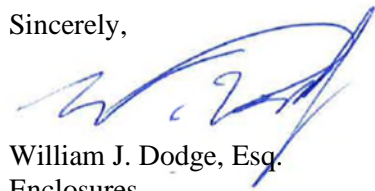
The Project will advance the Regional Plan’s goals by increasing access to high quality wireless telecommunications in Middlesex and adjacent areas of Montpelier, using an existing facility without any tower extension. Natural areas located on the Property and along the access road will not be impacted by the Project, and the Project will have little environmental or aesthetic impact on the area as a whole (as demonstrated with Exhibits E and F). The Project will also promote the general good of the state, consistent with 30 V.S.A. § 202c(b), insofar as the Project will improve AT&T’s wireless service and capacity in Middlesex and Montpelier.

IV. Opportunity to Comment; Contact for More Information

As a recipient of this notice, you or your organization 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 Jeffrey 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.

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.
Enclosures

cc: Service List
Jennille Smith and Jeff DelliColli Centerline Communications (via electronic mail)

MUNICIPAL AND REGIONAL REPRESENTATIVES / OFFICIALS

<i>Via Email</i> Middlesex Selectboard Attn: Peter Hood, Chair c/o Sarah Merriman, Town Clerk 5 Church Street Middlesex, VT 05602 Email: dakotahood@gmail.com Email: mdxclerk@comcast.net	<i>Via Email</i> Middlesex Planning Commission Attn: Sandy Levine, Esq., Chair c/o Kevin Thompson, Zoning Administrator 5 Church Street Middlesex, VT 05602 Email: swampbear@gmail.com Email: zamiddlesex@gmail.com
<i>Via Email</i> Central Vermont Regional Planning Commission Attn: Bonnie Waninger, Executive Director 29 Main Street, Suite 4 Montpelier, VT 05602 Email: waninger@cvregion.com	<i>Via Email</i> Vermont Natural Resources Board c/o District #5 Environmental Commission Attn: Susan Baird, District Coordinator Re: LUP 5W0396 10 Baldwin Street Montpelier, VT 05633-3201 Email: susan.baird@vermont.gov Email: greg.boulbol@vermont.gov

LANDOWNER AND ADJOINING LANDOWNERS (VIA U.S. MAIL)

Site SPAN: 390-121-10589 <i>Via email only</i> Parcel ID: 00003-033.000 SBA Towers LLC Attn: Roger Meyer, Regional Site Manager 8051 Congress Avenue Boca Raton, FL 33487-1307 Email: rmeyer@sbsite.com	SPAN: 390-121-10823 Parcel ID: 00003-038.000 William E Dorigan 300 East Hill Road Middlesex, VT, 05602
SPAN: 390-121-10960 Parcel ID: 00003-030.001 GTE Wireless Incorporated Verizon Wireless PO Box 2549 Addison, TX 75001	SPAN: 390-121-10753 Parcel ID: 00003-034.000 Brett and Stacia J Sirois 95 Beech Street Newport, NH 03773

STATE OFFICIALS

Vermont Public Utility Commission (<i>via ePUC</i>)	Vermont Agency of Transportation (<i>via ePUC</i>)
Vermont Agency of Natural Resources (<i>via ePUC</i>)	Vermont Division for Historic Preservation (<i>via ePUC</i>)
Vermont Department of Public Service (<i>via ePUC</i>)	

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PROJECT REVIEW COMMITTEE

SUMMARY SHEET

July 22, 2021

The following is a list of projects that have been received by staff since the last Project Review Committee meeting. Staff will provide a general overview of the projects if necessary to determine if additional discussion is warranted at a future meeting.

APPLICATION		APPLICANT	MUNICIPALITY	PROJECT SUMMARY
Act 250 Applications				
	Schedule G	City of Montpelier	Montpelier	A water quality improvement project within the bounds of Hubbard Park. Approximately two miles of gravel road are exhibiting ongoing severe erosion. Plans to address (not clearly outlined in the Schedule G due to size constraints of the data box)
	5W1527-3 Minor Application	North Branch Nature Center	Montpelier	Construction of a 65' long boardwalk, mini shelter/kiosk and 130' wood rail fence. Permit will be issued August 3, 2021 .
	5W1142-6	Mad River Path and Yestermorrow	Waitsfield	Construction of approximately 1-mile, non-motorized, multi-use, single-track trail about two feet wide. ANR provided comment.
Sec. 248 Applications				
	Sec. 248 – 45 Day Notice	Christina Castegren	Berlin	45 Day Notice for Proposed Net-Metered Solar Project as a preferred site off Route 12 in Berlin
	Sec 248 – 45 Day Notice	Farr Solar, LLC & Aegis Renewable Energy	Waterbury	45 Day Notice for proposal to construct a 150- kW solar electric generating facility at 530 Farr's Landing in Waterbury

CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Project Review Committee

February 25, 2021 4:00 – 5:00 pm

Remote Participation via GoToMeeting

Draft Minutes

Project Review Committee Members

x	Lee Cattaneo, Orange Commissioner	1
	John Brabant, Calais Commissioner	2
x	Jerry D'Amico, Roxbury Commissioner (Alternate Seat)	3
x	Peter Carbee, Washington Commissioner	4
x	Janet Shatney, Barre City Commissioner	5
x	Robert Wernecke, Berlin Commissioner	6

Staff: Clare Rock, Zach Maia

Guests: Reagan and Valerie Howard, Landowners; Alex Bravakis, NOVUS Energy and applicant; Chris Violette, Barre Town Planning and Zoning Administrator

L. Cattaneo calls the meeting to order at 4:00pm.

Adjustments to the Agenda

C. Rock recommends conversation on Significant Regional Impact (SRI) and Conformance of these projects after preferred site agenda item.

Public Comments

None.

Act 250 / Section 248 Applications & Projects of Substantial Regional Impact

a) (1) Preferred Site Request by Alex Bravakis/NOVUS, 2 500 KW Solar Installations located at Bridge Street and Allen Street, Barre Town

Z. Maia begins by providing an overview of the projects and their locations regarding the Future Land Use Areas and Possible Constraints located on the sites. He outlines that the only possible constraint on the Allen Street site is the presence of mapped agricultural soils. A. Bravakis confirms that there are no "prime" agricultural soils located on the Allen Street site.

Committee members begin discussing the two projects, noting impacts to neighbors, site topography, concerns around amount of solar coming online in the County, and ensuring that these projects are permitted and installed as designed. A. Bravakis and landowners answer these questions, noting:

- neighbors have been in support of these projects generally;
- the northern slope of Allen Site will require more spacing between panels, and the site will be

larger than the Bridge Street location;

- this project will undergo an interconnection study prior to permitting to ensure that the grid can handle this amount of solar energy; and
- the applicant has worked with Barre Town to move the Allen Street project further back from the road, and the Town included a statement retracting their preferred site letter if the as-built facility differs by 50 feet.

C. Violette explains situation that led to the inclusion of the above statement in the Town's preferred site letter, adding that while these letters have the as-built stipulation, the Town supports these projects and has faith in NOVUS.

J. Shatney moves to designate NOVUS's Bridge Street project as a preferred site, seconded by P. Carbee. All in favor. Motion Carries.

R. Wernecke moves to designate NOVUS's Allen Street project as a preferred site, seconded by J. Shatney. All in favor. Motion carries.

a) (2) Consideration of Significant Regional Impact for NOVUS Bridge and Allen Street Projects

C. Rock introduces the need to consider SRI for these two projects, as the Committee can submit comments outside of support for the preferred site status.

The Committee recognizes the impact of larger scale (500 kw) solar facilities and has a conversation about whether the sufficient load in the surrounding area is enough to reduce the regional impact of increased energy capacity. A. Bravakis provides some information to clarify that this energy does go onto the grid, but there is high demand in the surrounding area.

R. Wernecke moves to find no Significant Regional Impact for NOVUS's Bridge Street project, seconded by P. Carbee.

Discussion:

Discussion ensues between the Committee and A. Bravakis, who explains that this project has an owner who can off-take all of the power to offset their usage, as they would lose the power they cannot use to the grid. Committee members and the applicant then have a brief discussion about decommissioning of this facility, and the possible recycling or sale of steel and modules. A. Bravakis recognizes that we are too early into solar development to understand the lifecycle of these products.

All in favor, motion carries.

G. D'Amico moves to find no Significant Regional Impact of NOVUS's Allen Street project, seconded by R. Wernecke. All in favor. Motion carries.

A. Bravakis, C. Violette, R. Howard, and V. Howard leave the meeting.

Committee members have a brief discussion about grid impacts, with L. Cattaneo citing his experience installing solar. The Committee recognizes the importance of Barre Town adopting G. Clain's recommendation and recommends that Staff include the dates of the maps/site plans in CVRPC's letters

1 of support. The Committee does recognize that these are planning documents, not engineering designs,
2 so there may be some changes.

3
4 **b) Review *Project Review Summary Sheet***

5
6 Z. Maia answers questions about the Sec. 248 Cabot and Montpelier biodigester facilities. He provides a
7 brief update on the Act 250 Mutchler application.

8
9 **Approve meeting minutes**

10
11 Committee members review the minutes and discuss their expectations for level of detail.

12
13 *R. Wernecke moves to approve the January 21, 2021 minutes, seconded by P. Carbee. All in favor. Motion*
14 *carries.*

15
16 **Adjournment**

17
18 *J. Shatney moves to adjourn, seconded by R. Wernecke. Meeting adjourned at 4:57pm.*