



April 8, 2011

Peter K. Vollers, Esq.
One High Street
Woodstock, VT 05091

Re: Jurisdictional Opinion #3-139
Bohen Property and Verizon Wireless Tower, Woodstock
Extent of Jurisdiction

Dear Peter;

This letter constitutes a Jurisdictional Opinion pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3 and is in response to your requests dated March 10, 2011, and March 21, 2011. Your initial inquiry related to whether or not the lots created by the Bohens in the WW permit required an Act 250 permit. Upon further communications, you also inquired as to the extent of Act 250 jurisdiction on the Bohens' property under Act 250 Permit #3W1026 for a cell tower and related improvements. It is my opinion that the three-lot residential subdivision along with the creation of the 4th lot for the Verizon lease does not require an Act 250 permit; furthermore, Act 250 jurisdiction under Land Use Permit #3W1026 is limited to the telecommunications tower and the construction of those improvements ancillary to the tower.

ISSUES

1. Whether the number of lots created in 2009 for purposes of resale requires an Act 250 permit under 10 VSA § 6001(19) and Act 250 Rules 2(B) and 2(c)(13).
2. Whether jurisdiction of Land Use Permit #3W1026 attaches to the entire tract of land belonging to the Bohens.

FACTS

1. Pieter and Courtney Bohlen own approximately 118 acres off College Hill Road in Woodstock as described in two separate deeds. The first deed is for approximately 107 acres, and the second is for a contiguous piece 10.2 acres in size which includes the Bohens' residence. An existing driveway off College Hill Road extends south for approximately 4,500 feet (scaled from a site plan prepared by DuBois & King, Sheet 2 of 6, dated January 2009) to serve the Bohens' residence. Exhibits 1 and 3.

2. On October 19, 2009, the Wastewater Management Division, Agency of Natural Resources (ANR), issued Wastewater System & Potable Water Supply Permit WW-3-1737 (WW permit) approving a three-lot subdivision consisting of Lot #1 with 5.52+/- acres; Lot #2 with 6.71+/- acres and Lot #3 with 105.77+/- acres with an existing single family residence (with one abandoned old home to be demolished and removed). Lots #1 and #2 are approved for a single-family residence on each lot. The project is located at 5212 College Hill Road in Woodstock. Exhibit 2
3. On October 30, 2009, the Bohens recorded a "Shared Access Right of Way and Utility Line Easement" (Shared R.O.W. Easement) for a subdivision. The right-of-way (R.O.W.) serves Parcel #1 with 5.52 acres, Parcel #2 with 6.72 acres, Parcel #3 with 95.39 acres and a proposed cell tower site, and Parcel #4 with 10.2 acres with the Bohen residence. Parcels #1 and #2 have a R.O.W. over Parcel #3 in order to provide for an individual driveway to serve each parcel. Parcel #4 was not created by the Bohens, but is contiguous to the other 3 parcels and is served by the existing drive. Exhibit 3.
4. Exhibit A (Book 220, Page 6, Woodstock Town Records) of the recorded "Notice of Lease" describes a 50-foot wide R.O.W over an existing paved road driveway that leads from College Hill Road to the 10.2-acre Bohen residence. Exhibit 4.
5. Item 8 of the Shared R.O.W. Easement provides a directive on allocating costs for maintaining the shared portion of the 50-foot wide driveway. Exhibit 3.
6. On November 2, 2009, the Bohens and Verizon Wireless entered into a "certain Option and Land Lease Agreement" for 10,000 square feet ("± 100' by 100'") of "Land Space." The lease also provides for a right-of-way for ingress and egress from College Hill Road to the Land Space (cell tower). No improvements were made to the road for the cell tower project. Exhibits 4 & 5.
7. The access drive is addressed in the lease between the landowner (Bohens) and Verizon Wireless, in part, as:

ACCESS DRIVE. Lessee agrees that in the event its use of the access drive causes damage to the access drive, then it shall promptly repair or resurface the access drive, as needed, to at least the condition that it was in prior to such damage. The Parties agree that the concept of "Lessee's use of the access drive" includes use of the access drive by Lessee's employees, agents or contractors. The Parties acknowledge that portions of the surface of the access drive are unpaved, that portions of the paved surface of the access drive are

heavily compacted, that portions of the paved surface the access drive are cracked in a grid pattern (referred to herein as being "gated"), and that other portions of the paved surface of the access drive are not gated. Lessee shall photographically document the condition of the access drive prior to the construction of its communications facility. (See Exhibit 19 of LUP# 3W1026) Exhibit 5.

8. On November 2, 2009, a Project Review Sheet, signed by Linda Matteson, District Coordinator, indicated that an Act 250 permit was not required for the Bohens to subdivide 118 acres (Town parcel ID #31-03-07) into three lots with single-family residences on Lots #1 and #2 and an existing residence on Lot #3. Exhibit 6.
9. On November 10, 2009, a Notice of Lease between the Bohens and Verizon along with a copy of the plot plan describing leased area and other exhibits were recorded in the Town Clerk's Office in Book 220, Pages 588-596. Under Article 7 of the Notice of Lease, the Bohens granted Verizon the right of first refusal for purchase of the leased area. Exhibit 4.
10. Ms. Matteson received a letter from Mr. Bohem on November 18, 2009, in which he said that he intended to eventually create five lots. He specifically asked "whether a cell tower lease on [his] property would be considered a "lot." " He indicated that once the cell tower lease expired, "the leased land will revert back to it's natural state, and will not be in any way subdivided." A copy of the lease was not provided, nor was the right of first refusal and filing of the plot plan disclosed. Ms. Matteson issued a Project Review Sheet dated November 20, 2009, that concluded that "for lot counting, the leased lot does not "count" as a lot because the purpose of the lot is not for resale. Creating fewer than six lots in Woodstock, or fewer than 10 lots in the district in a five- year period does not trigger Act 250. 10 V.S.A. § 6001(19)." Exhibits 7-8.
11. On December 31, 2009, Land Use (Act 250) Permit #3W1026 was issued to Vermont RSA Limited Partnership and Celco Partnership (d.b.a. Verizon Wireless) and Pieter and Courtney Bohem. This Act 250 permit authorized the construction of a 69-foot telecommunications tower resembling a pine tree with antennas, an equipment shelter, and an 84-foot turn-off into the project site. The Bohens own the 107+/- acre parcel and lease 10,000 square feet to the Verizon Wireless. Verizon Wireless uses an existing driveway to access the cell tower site. The project is located off College Hill Road in Woodstock. Exhibit 9.

STATUTES AND RULES

10 V.S.A. § 6001c. Jurisdiction over broadcast and communication support structures and related improvements states:

In addition to other applicable law, any support structure proposed for construction, which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, above the highest point of an attached existing structure or 50 feet, or more, above ground level in the case of a proposed new support structure, in order to transmit or receive communication signals for commercial, industrial, municipal, county or state purposes, shall be a development under this chapter, independent of the acreage involved. If jurisdiction is triggered for such a support structure, then jurisdiction will also extend to the construction of improvements ancillary to the support structure, including buildings, broadcast or communication equipment, foundation pads, cables, wires, antennas or hardware, and all means of ingress and egress to the support structure. To the extent that future improvements are not ancillary to the support structure and do not involve an additional support structure, those improvements shall not be considered a development, unless they would be considered a development under this chapter in the absence of this section.

10 VSA § 6001(19) (in relevant part):

"Subdivision" means a tract or tracts of land, owned or controlled by a person, which the person has partitioned or divided for the purpose of resale into 10 or more lots within a radius of five miles of any point on any lot, or within the jurisdictional area of the same district commission, within any continuous period of five years. In determining the number of lots, a lot shall be counted if any portion is within five miles or within the jurisdictional area of the same district commission. ... "Subdivision" shall also mean a tract or tracts of land, owned or controlled by a person, which the person has partitioned or divided for the purpose of resale into six or more lots, within a continuous period of five years, in a municipality which does not have duly adopted permanent zoning and subdivision bylaws.

Act 250 Rule 2(B) Counting of lots and cessation of a subdivision (in relevant part).

The term "subdivision", relating to Act 250 jurisdiction, is defined at 10 V.S.A. Section 6001(19). Jurisdiction also attaches to any substantial change to a pre-existing subdivision - 10 V.S.A Section 6081(b).

(1) *Counting of lots for the purpose of resale.* In order to determine the number of lots created by a person, a lot shall be deemed to have been created for the purpose of resale with the first of the following events:

- (a) the filing of a plot plan in the town land records depicting the subdivided lot or lots;
- (b) the issuance of any required municipal approval for the subdivided lot or lots that becomes final;
- (c) the issuance of a waste water system and potable water supply permit for the subdivided lot or lots by the Agency of Natural Resources or delegated municipality;
- (d) in the absence of any of the above, the conveyance of a lot or lots created by a person.

10 VSA § 6001 (11) and Act 250 Rule (c)(13) “Lot means: any undivided interest in land, whether freehold or leasehold, including but not limited to interests created by trusts, partnerships, corporations, cotenancies and contracts.”

DISCUSSION

1. Whether the number of lots created in 2009 for purposes requires an Act 250 permit under 10 VSA 6001(19).

On October 19, 2009, the Bohens received a Wastewater Disposal and Potable Water Supply Permit for a three-lot subdivision created from a 118-acre parcel. The Bohens also own a neighboring, contiguous parcel of 10.2 acres. There is a road that runs through the first parcel to their home on the second, contiguous parcel. Under Act 250 Rule 2(B)(1)(c) counting of lots for the purpose of resale, 3 countable lots were created with the issuance of the WW-3-1737 Permit. The creation of a three-lot subdivision does not meet the threshold of Act 250 jurisdiction under 10 V.S.A. § 6001(19) which requires the creation of 6 or more lots within 5 years and 5 miles in Woodstock.

Under 10 VSA § 6001(11) and Act 250 Rule 2(c)(13), the Bohens created one additional lot in 2009. They state that a “(l)ot means: any undivided interest in land, whether freehold or leasehold, including but not limited to interests created by trusts, partnerships, corporations, cotenancies and contracts.” The area leased with a right of first refusal to Vermont RSA Limited Partnership and Cellco Partnership d/b/a Verizon Wireless (“Verizon”). A contractual interest in the 10,000-square foot area of land is a lot under that statute and rule.

10 V.S.A. § 6001 (19) defines subdivision as “a tract or tracts of land, owned or controlled by a person, which the person has partitioned or divided for the purpose of resale into six or more lots, within a continuous period of five years, in a municipality which does not have duly adopted permanent zoning and subdivision bylaws.” For the lot to be counted, however, it must fall under the guise of Rule 2(B) which defines the

creation of a lot for the purpose of resale. Rule 2(B)(1)(a) says that a lot shall be deemed for the purpose of resale with the filing of a plot plan in the town land records depicting the subdivided lot or lots. Here, the lot was never technically subdivided. Rule 2(B)(1)(b) states that a lot shall be deemed for the purpose of resale with "the issuance of any required municipal approval for the subdivided lot or lots that becomes final." There is no such municipal approval for a subdivided lot on file. Rule 2(B)(1)(c) states that a lot is created for the purposes of resale with "the issuance of a waste water system and potable water supply permit for the subdivided lot or lots by the Agency of Natural Resources or delegated municipality." Here, a WW permit was issued for the subdivision, but it did not include the leased area a subdivided lot. The leased area was considered a portion of the largest lot in the subdivision rather than it's own individual lot. Rule 2(B)(1)(d) states a lot is created for the purpose of resale "in the absence of any of the above, the conveyance of a lot or lots created by a person." The Bohens have not conveyed the leased land to Verizon. They retain ownership.

On November 10, 2009, a Notice of Lease describing the leased area, the lessee and lessor's rights, and a plot plan was filed. This filing was inadequate to trigger Rule 2(B)(1) for counting the area as a lot for the purpose of resale. No subdivisions were created, no WW permits were issued, and no land was conveyed. An Act 250 permit is still not required as the creation of this fourth lot does not "count" for the purposes of 10 V.S.A. 6001(19). In the last five years, the Bohens have created 3 lots within a five-mile area.

2. Whether jurisdiction of Land Use Permit #3W1026 attaches to the entire parcel/parcels belonging to the Bohens.

On December 31, 2009, Act 250 Permit #3W1026 authorized the construction of a telecommunications tower, equipment shelter and an 84-foot turn-off into the project site off of College Hill Road in Woodstock, Vermont. The tower is situated on 10,000 square feet area of land leased by Vermont RSA Limited Partnership and Cellco Partnership from Pieter and Courtney Bohen. The permit states that it applies to Book 205, Page 359 of the land records of the Town of Woodstock as the subject to a deed to the Bohens and a lease to Vermont RSA Limited and Cellco Partnership. The land described on that recorded deed is the entire 107-acre parcel, and the lease is for 10,000 square feet of that parcel.

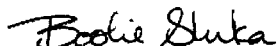
Jurisdiction under 10 VSA § 6001c is tied to broadcast and communication support structures and related improvements. In essence, jurisdiction begins with the structure and moves outward to improvements related to ("ancillary to") the structure. Future improvements not ancillary to the support structure or it's related improvements must trigger the need for an Act 250 permit on their own merits. Here, the application indicated that the "areas controlled through lease, easements, or right of way by tower/antenna owner" is 10,000 square feet. The need for an amendment to the

#3W1026 permit is limited to improvements related to the tower, its support structures, its driveway, or to other development and/or subdivision that would trigger Act 250 based on 10 VSA § 6001(3) and/or (19). Jurisdiction is currently limited to the area leased and improved by Verizon until such time that a new project triggers separate jurisdiction as "development" or "subdivision" as defined under 10 VSA § 6001(3) or (19). The existing, unimproved roadway which Verizon utilizes to access their project site (and they are permitted to do so by easement) is not currently under Act 250 jurisdiction as the existing road was not improved in any fashion by Verizon. Jurisdiction over this road may still be triggered in the future if construction of improvements outside normal repairs and maintenance is associated with, or ancillary to, the telecommunications tower and its related improvements.

CONCLUSION

The Bohens have created 3 lots under 10 VSA § 6001(19). Furthermore, the jurisdiction of #3W1026 is currently limited to the 10,000-square foot leased area. Future construction of improvements ancillary to the #3W1026 project shall require an Act 250 permit amendment. New projects not ancillary to the telecommunications tower or its improvements shall be reviewed under 10 VSA § 6001 (3) and (19), not under Act 250 Rule 2(c)(6). The existing road, although utilized by Verizon, was in no way improved by Verizon in association with its permitted project; therefore, the existing road is not currently under the purview of Act 250 jurisdiction. Future improvements made to the road other than regular maintenance and repairs, may require an amendment to the Act 250 permit if such improvements are ancillary to the project under #3W1026.

Best,



Boolie Sluka
Assistant District Coordinator

Attach: Exhibits

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). **Reconsideration requests** are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address within 30 days of the date of this opinion. Any **appeal** of this decision must be filed with the Superior Court, Environmental Division, within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is \$262.50 as of January 2011. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with VRECP 5(b)(4)(B). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> Or call (802) 828-1660. The Court's mailing address is: Superior Court, Environmental Division, 2418 Airport Road, Suite 1, Barre, VT 05641-8701

205/353

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT DEER MEADOW HOLDINGS, LLC, a limited liability company existing under the laws of the State of Vermont, hereinafter referred to as GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to its full satisfaction by PIETER W. BOHEN and COURTNEY L. BOHEN, of Quechee, Vermont, hereinafter referred to as GRANTEEES, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said GRANTEEES, PIETER W. BOHEN and COURTNEY L. BOHEN, husband and wife, as tenants by the entirety, a certain piece of land in the Town of Woodstock, County of Windsor and State of Vermont, described as follows, viz:

Being all and the same lands and premises conveyed to Deer Meadow Holdings, LLC by Cynthia R. Roth by Quit Claim Deed dated April 11, 2003 and recorded in Book 170, Page 505 of the Woodstock Land Records.

Being all and the same lands and premises conveyed to Cynthia R. Roth by Clover Corporation by Warranty Deed dated March 15, 2003 and recorded in Book 170, Pages 503-504 of the Woodstock Land Records, being more particularly described as follows:

*Being all and the same lands and premises conveyed to Clover Corporation by Barbara H. Hagan by Warranty Deed dated May 10, 1994 and recorded October 3, 1994 in Book 117, Pages 122-123 of the Woodstock Land Records, being more particularly described as follows:

"Being a parcel of land containing 107.63 acres of the 118 acres, more or less, depicted on a certain survey prepared by Bruno Associates of Woodstock, Vermont, entitled "Boundary Survey for James and Barbara Hagan (former Lockwood Estates), Windsor County, Woodstock, Vermont, said survey being dated February 6, 1984 and revised January 11, 1985 and January 25, 1991 recorded in Map Slide 104 of the Woodstock Land Records. Excluded from this conveyance is a parcel of 10.37 acres as shown on a certain survey prepared by Bruno Associates of Woodstock, Vermont, entitled "Subdivision of Lands in Woodstock, Windsor County, Vermont for Clover Corporation" dated September 21, 2000 and recorded in Map Slide 145 of the Woodstock Land Records. Said lands and premises are a portion of the land and premises conveyed to Barbara Hagan by deed of The Harker Company dated November 12, 1973 and recorded in Book 65, Page 187 of the Woodstock Land Records; said lands and premises having been conveyed to the Harker Company by Warranty Deed of John P. Fraker and Harold W. Boies dated December 18, 1972 and recorded in Book 63, pages 103-105 of the Woodstock Land Records."

This parcel is subject to a right of way reserved to Barbara H. Hagan, and her heirs and assigns, from Clover Corporation in a deed recorded in Book 117 at Pages 122 - 123 of the Woodstock Land Records. Said right of way is described as being 30' wide over the existing paved road driveway which leads to a generally westerly and southerly direction from the southerly edge of Woodstock Town Highway #49 to a 10.2 acre parcel, as said right of way is depicted on a survey prepared by Bruno Associates of Woodstock, Vermont, entitled "Boundary Survey for James and Barbara Hagan (former Lockwood Estates), Windsor County, Woodstock, Vermont, said survey being dated February 6, 1984 and revised January 11, 1985 and January 25, 1991, and recorded in Map Slide 104 of the Woodstock Land Records.

TO HAVE AND TO HOLD said granted premises with all of the privileges and appurtenances thereof to the said GRANTEEES, PIETER W. BOHEN and COURTNEY L. BOHEN, husband and wife, as tenants by the entirety, their heirs, successors and assigns, to their own use and behoof forever; and DEER MEADOW HOLDINGS, LLC, and its successors and assigns, the said GRANTOR, for its successors and assigns, does covenant with the said GRANTEEES, PIETER W. BOHEN and COURTNEY L. BOHEN, husband and wife, their heirs, successors and assigns, that until the passing of these presents, it is the sole owner of the lands and premises and have good right and title to convey the same in the manner aforesaid, that it is FREE FROM EVERY ENCUMBRANCE, except as stated herein, and it hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, save as above-mentioned.

RAYNE S. WINDHAM
A VERMONT ATTORNEY
AT LAW
WOODSTOCK, VERMONT 05091
PH 802-338-1111

100 CB

IN WITNESS WHEREOF, the GRANTOR hereunto sets its hand and seal to this Warranty
Deed this 7th day of June, 2007.

IN PRESENCE OF:

DEER MEADOW HOLDINGS, LLC

By: *Cynthia R. Roth*
Cynthia R. Roth, Member
Duly authorized agent

STATE OF VERMONT)
COUNTY OF WINDSOR) ss.:

On this 7th day of June, 2007, DEER MEADOW HOLDINGS, LLC, by its duly authorized agent, Cynthia R. Roth, Member, personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed and the free act and deed of Deer Meadow Holdings, LLC.

In Witness Whereof, I hereunto set my hand and seal.

Before me,

Paula R. Foster
Notary Public
My Commission Expires 2/10/11

Vermont Property Transfer Tax 96 V.S.A. Chap. 221

ACKNOWLEDGEMENT

Return to the State of Vermont, Department of Taxation, 100 State Street, Montpelier, VT 05602.

Date: 6/7/07

WOODSTOCK, VT TOWN CLERK'S OFFICE

RECEIVED FOR RECORD

JUNE 18 A.M. 07

at 9 o'clock 40 minutes A.M.

and recorded in Book 205 Page 557-560

Witnessed by *Paula R. Foster* Notary Public

HAYES & WINTERS
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WOODSTOCK, VERMONT 05601
(802) 338-1111

13 CB



State of Vermont
Department of Environmental Conservation
Wastewater Management Division
Springfield Regional Office
100 Mineral Street, Suite 303
Springfield, VT 05156-3168
www.seplig.vt.gov

[phone] 802-885-8855
[fax] 802-885-8890

Agency of Natural Resources

Exhibit 2
JO #3-139

WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT

WW-3-1737
(PIN#NS09-0301)

LAWS/REGULATIONS INVOLVED:

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit Wastewater System and Potable Water Supply Rules, Effective September 29, 2007 Chapter 21, Water Supply Rules, Effective April 25, 2005

LANDOWNER: Pieter and Courtney Bohen
ADDRESS: 5212 College Hill Road
Woodstock VT 05091

This project consisting of a three lot subdivision with lot #1 of 5.52 +/- acres to be developed with one single family residence, lot #2 of 6.71 +/- to be developed with one single family residence and lot #3 of 105.77 +/- acres, developed with one single family residence - with one abandoned old home, with no water or wastewater systems, to be demolished and removed - located on 5212 College Hill Road in Woodstock, Vermont is hereby approved under the requirements of the regulations named above subject to the following conditions:

1. The project shall be completed as shown on four (4) sheets of plans prepared by Robert M. Carter, P.E., titled:
 - A. "Pieter Bohen (sheet 1 of 4)," dated 10/3/09
 - B. "Pieter Bohen (sheet 2 of 4)," dated 9/21/09
 - C. "Pieter Bohen (sheet 3 of 4)," dated 9/21/09
 - D. "Pieter Bohen (sheet 4 of 4)," dated 9/21/09which have been stamped by the Wastewater Management Division. No changes shall be made to the approved plan(s) without prior written approval from the Wastewater Management Division.
2. A copy of the approved plans and this permit shall remain on the project during all phases of construction and, upon request, shall be made available for inspection by State or local personnel.
3. This project has been reviewed and is approved for the existing single family residence with maximum three (3) bedrooms and maximum of six (6) person occupancy on the approved lot #3 and has been reviewed and is approved for the proposed single family residences with maximum four (4) bedrooms and maximum of seven (7) person occupancy on the approved lots #1 & #2. Construction of additional buildings, including public buildings, single family residences, duplexes and condominium units, is not allowed without prior review and approval by the Division of Wastewater Management, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.

4. This permit affects property referenced in a deed recorded in Book 205 Page(s) 335-59 of the Woodstock, Vermont land records. The conditions of this permit shall run with the land and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall be responsible for recording this permit in the Woodstock Land Records within thirty (30) days of receipt of this permit.
5. Each prospective purchaser of any portion of the approved project shall be shown a copy of the approved plot plan and the permit before any written contract of sale is entered into.
6. This permit does not relieve you, as applicant, from obtaining all applicable approvals that may be required from the Act 250 District Environmental Commission, the Department of Public Safety, Water Supply Division, the Department of Health, the State Wetlands Program and other State Agencies or the Town prior to construction.
7. In the event of a transfer of ownership (partial or whole) of this project, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
8. By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property subject to this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental/health statutes, regulations, and permit conditions, including performing an inspection of the wastewater disposal and water supply systems serving the/each structure.
9. The wastewater disposal system(s) for lots #1 & #2 shall be constructed as shown on the approved plan(s) and shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. No construction (buildings, roads, water lines, etc.) that might interfere with the installation or operation of the sewage disposal field or its replacement area is permitted. All isolation distances as set forth in Environmental Protection Rules shall be adhered to.
10. Lots #1 & #2 are approved for the on-site water supply from a drilled or percussion well provided that the well is located as shown on the plans. The well shall be installed and properly sealed into bedrock. All isolation distances and construction standards as set forth in Environmental Protection Rules, Chapter 21, part 11 (Small Scale Water Systems), effective September 24, 1992 (and revisions), shall be adhered to. No construction (buildings, roads, driveways, etc.) that might interfere with the installation or operation of the sewage disposal field or its replacement area is permitted. All isolation distances as set forth in Environmental Protection Rules shall be adhered to.
11. No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater systems for lots #1 & #2 until the Secretary receives a certification from a designer or the installer (if the system is not classified as a site modification), signed and dated, that states: "I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests." The wastewater and water systems inspection certification(s) shall be completed prior to occupancy of the project and the inspection certification statement(s) shall be submitted to the Springfield Regional Office and submitted to the municipality for filing within 30 days of the final inspection.

12. If the wastewater systems serving lot #1 or lot #2 fails, a revised permit shall be obtained from the Wastewater Management Division prior to installing any replacement wastewater system.
13. This permit shall in no way relieve you of the obligations of Title 10 Chapter 48, Subchapter 4, for the protection of groundwater.
14. The corners of the proposed primary and replacement wastewater disposal areas and well location shall be accurately flagged with the flagging being maintained until construction is complete.
15. If the existing wastewater system serving lot #3 fails, a revised permit shall be obtained from the Wastewater Management Division prior to installing any replacement wastewater system.
16. The Division's issuance of this Permit relies upon the data, designs, judgment and other information supplied by the applicant, his or her professional consultants and other experts who have participated in preparation of the application. The Division makes no assurance that the approved system(s) will meet performance objectives of the applicant and no warranties or guarantees are given or implied.
17. No alteration to the existing building(s) on lot #3 which would change or affect the water supply system or the wastewater disposal system shall be allowed without prior review and approval from the Division of Wastewater Management.
18. Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

JUSTIN G. JOHNSON, COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

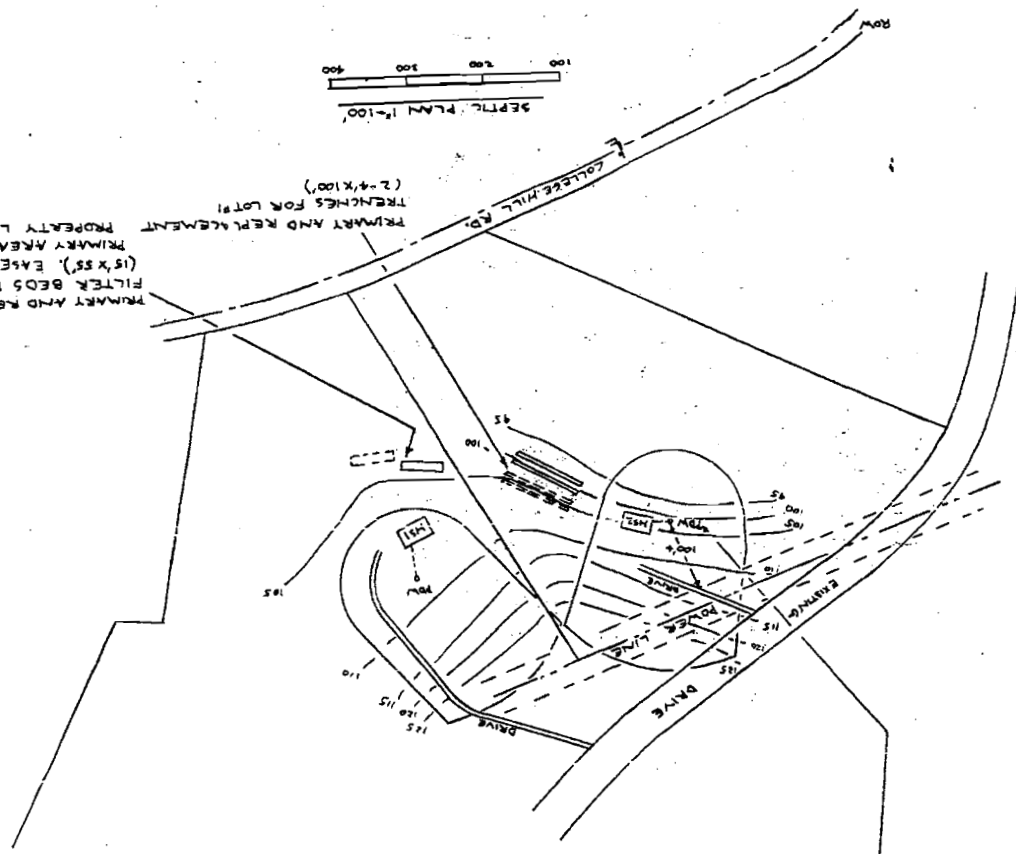
DATE: October 19, 2009

BY Terence P. Shearer
TERENCE P. SHEARER
ASSISTANT REGIONAL ENGINEER

/s/

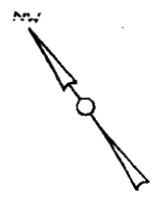
Copies: Woodstock Town Planning & Board of Selectmen
Robert M. Carter, P.E.

NOTE: PROPOSED DEEP WELL MUST BE 100' + TO POWER LINE ROW.



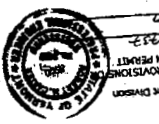
PRIMARY AND REPLACEMENT
FILTER BEDS FOR LOT #2
(15'x55'). EASEMENT REQUIRED FOR
PRIMARY AREA TO BE WITHIN 5' OF
PRIMARY AND REPLACEMENT
PROPERTY LINE.

SEPTIC PLAN 1'-100'

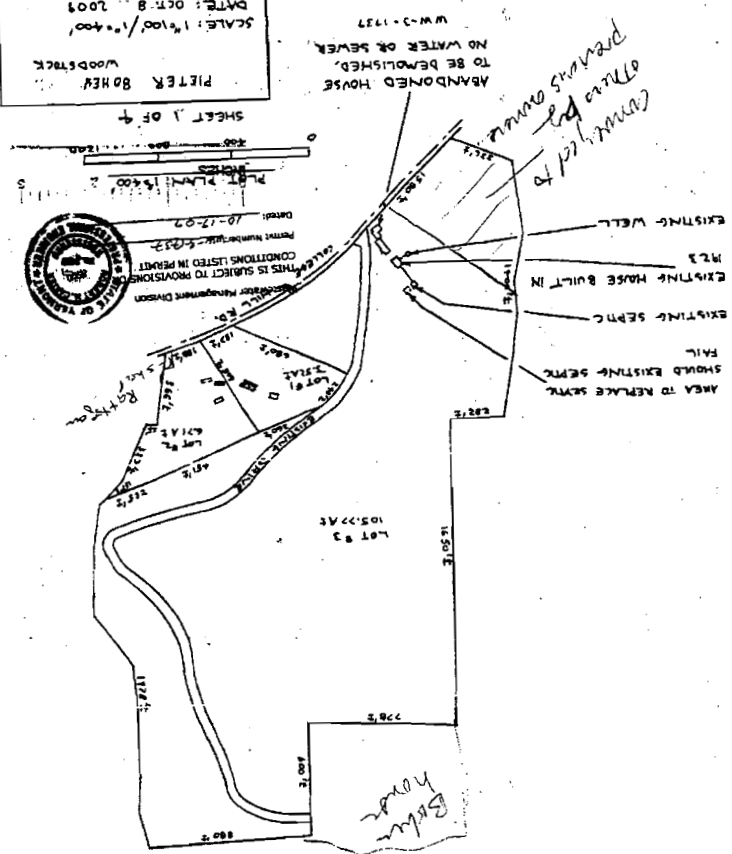


PETER BOHEV
WOODSTOCK
DATE: OCT-8-2009
SCALE: 1"=100'/1"=400'

SHEET 1 OF 4
DATE: 10-12-07
PLAT PLAN 15400 2



THIS IS SUBJECT TO PROVISIONS OF
CONDITIONS LISTED IN PERMIT
PERMIT NUMBER: 5-0337
DATE: 10-12-07



ABANDONED HOUSE
TO BE DEMOLISHED,
NO WATER OR SEWER
W-W-3-1737

conveyed to
owner by
previous owner

SHARED ACCESS RIGHT OF WAY AND UTILITY LINE EASEMENT
BOHEN SUBDIVISION
COLLEGE HILL ROAD / CARLTON HILL ROAD, WOODSTOCK, VERMONT

WHEREAS, Pieter W. Bohen and Courtney L. Bohen (hereinafter referred to as "Bohen") own four (4) parcels of land listed as follows:

Parcel 1: Being a portion of the lands and premises conveyed to Bohen by virtue of the Warranty Deed from Deer Meadow Holdings, LLC dated June 7, 2007 and recorded in Book 205 at Page 359 of the Woodstock Land Records. Being Parcel 1, containing, 5.52 acres, more or less, as depicted on the survey entitled, "Subdivision in Woodstock, Windsor County, Vermont, for Pieter W. & Courtney L. Bohen," by Bruno Associates Inc., P.C. dated August 28, 2009 and to be recorded in the Woodstock Land Records.

Parcel 2: Being a portion of the lands and premises conveyed to Bohen by virtue of the Warranty Deed from Deer Meadow Holdings, LLC dated June 7, 2007 and recorded in Book 205 at Page 359 of the Woodstock Land Records. Being Parcel 2, containing, 6.72 acres, more or less, as depicted on the survey entitled, "Subdivision in Woodstock, Windsor County, Vermont, for Pieter W. & Courtney L. Bohen," by Bruno Associates Inc., P.C. dated August 28, 2009 and to be recorded in the Woodstock Land Records.

Parcel 3: Being all of the remaining land and premises conveyed to Bohen by virtue of the Warranty Deed from Deer Meadow Holdings, LLC dated June 7, 2007 and recorded in Book 205 at Page 359 of the Woodstock Land Records. Being 95.39 acres, more or less, of the 118 acres, more or less, depicted on the survey entitled, "Boundary Survey for James and Barbara Hagan (former Lockwood Estates)," Windsor County, Woodstock, Vermont, by Bruno Associates Inc., P.C. dated February 6, 1984, revised January 11, 1985 and January 25, 1991 and recorded in Survey Slide 104 of the Woodstock Land Records.

Parcel 4: Being all and the same lands and premises conveyed to Bohen by virtue of the Warranty Deed from Deer Meadow Holdings, LLC dated June 7, 2007 and recorded in Book 205 at Page 359 of the Woodstock Land Records. Being a parcel of 10.2 acres, more or less, with dwelling located thereon as depicted on the survey entitled, "Boundary Survey for James and Barbara Hagan (former Lockwood Estates)," Windsor County, Woodstock, Vermont, by Bruno Associates Inc., P.C. dated February 6, 1984, revised January 11, 1985 and January 25, 1991 and recorded in Survey Slide 104 of the Woodstock Land Records.

WHEREAS, Bohen wishes to place an access right of way and electrical, telephone and cable television easement on said parcels for the purposes of providing deeded access and power/electrical easements for said parcels and for providing recorded maintenance covenants and obligations benefiting the subdivision as a whole.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER CONTAINED, BOHEN HEREIN COVENANTS AS FOLLOWS:

1. Power and utility service for said parcels is achieved via an electrical / utility transmission line with utility poles placed intermittently along said line, a portion of which line coincides with the southerly boundary of Parcels 1 and 2 by virtue of a CVPSC Utility Line Easement recorded in Book 59 at Page 528 of the Woodstock Land Records, which easement and utility transmission line is depicted on the above-mentioned survey of Parcels 1 and 2.
2. Access to and from said parcels is achieved via a private shared driveway access right of way, which right of way shall be fifty feet in width and located approximately as depicted on the above-mentioned surveys. The purpose of said shared driveway right

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Woodstock, VT 05091

of way is to provide vehicular and pedestrian access to and from the above-mentioned parcels.

3. Parcel 1, containing 5.52 acres, more or less, as depicted on the aforementioned Parcel 1 survey, shall hereby have the benefit of a perpetual right and easement for connecting to and receiving said electric, telephone and cable television services from said utility transmission line and poles. Parcel 1 shall also have the benefit of a right of way over Parcel 3 over both the shared 50' wide driveway right of way as well as the individual tangent driveway extending therefrom serving Parcel 1 exclusively. Development of Parcel 1 is restricted to one (1) single family dwelling with appurtenant out-buildings and there shall be no commercial use of said parcel other than home occupations approved under the Woodstock Zoning Ordinance and not generating inordinately high motor vehicle visits.
4. Parcel 2, containing 6.72 acres, more or less, shall hereby have the benefit of a perpetual right and easement for connecting to and receiving said electric, telephone and cable television services from said utility transmission line and poles. Parcel 2 shall also have the benefit of a right of way over Parcel 3 over both the shared 50' wide driveway right of way as well as the individual tangent driveway extending therefrom serving Parcel 2 exclusively. Development of Parcel 2 is restricted to one (1) single family dwelling with appurtenant out-buildings and there shall be no commercial use of said parcel other than home occupations approved under the Woodstock Zoning Ordinance and not generating inordinately high motor vehicle visits.
5. Parcel 3, containing 95.39 acres, more or less, shall hereby have the benefit of a perpetual right and easement for connecting to and receiving said electric, telephone and cable television services from said utility transmission line and poles. Parcel 3 shall also have the benefit of the right to utilize the shared 50' wide driveway right of way in common with the owners of the other parcels. Parcel 3 may be subdivided further into a total of three (3) parcels, however, if the creation of the third parcel triggers Act 250 jurisdiction for the entire subdivision (subdivision meaning all lots served by the shared driveway right of way), then the creation of the third lot from Parcel 3 shall require unanimous approval from the owners of all lots within the subdivision. Parcel 3 may also be utilized for a cell tower lease, which cell tower is to be placed in a reasonable location from a view shed perspective from Parcels 1 and 2. Said cell tower's currently approved location is hereby deemed reasonable.
6. Parcel 4, containing 13.2 acres, more or less, shall hereby have the benefit of a perpetual right and easement for connecting to and receiving said electric, telephone and cable television services from said utility transmission line and poles. Parcel 4 shall also have the benefit of a right of way over Parcel 3 over both the shared 50' wide driveway right of way as well as the individual driveway extending therefrom serving Parcel 4 exclusively.
7. Parcels 1, 2 and 3 shall be conveyed subject to the terms and conditions of the above-mentioned CVPSC Utility Line Easement recorded in Book 59 at Page 528 of the Woodstock Land Records.
8. The maintenance costs of the shared portion of said 50' wide driveway shall be allocated as per the following percentages:

Parcel 1: shall be responsible for seventeen percent (17%) of said maintenance costs of the shared portion of said driveway.

Parcel 2: shall be responsible for eighteen percent (18%) of said maintenance costs of the shared portion of said driveway.

Parcels 3 and 4: shall be responsible for the remaining 65% of said maintenance costs of the shared portion of said driveway. If all or any portion of said Parcels 3 and 4 are conveyed to a third party, the percentage share for the parcel conveyed shall be determined by Bohen at the time of that conveyance. To the extent any road

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maintenance cost share is received from a cell tower lessee, such amount shall reduce the maintenance costs of all parcels on a pro-rata basis based on said parcels' respective percentage share of maintenance cost obligations.

All lot owners shall pay their percentage shares into a fund in anticipation of said maintenance costs to be expended in the upcoming year. Said respective shares and any special assessments shall be paid within fifteen (15) days from the date billed and any amounts not paid in a timely fashion shall accrue interest at a rate of twelve percent (12%) per annum and give rise to a lien on the delinquent party's parcel(s). The parcel owners shall meet periodically, but at least annually in the Fall, to decide and vote, with each vote weighted by the percentage of cost, on the degree and repair and maintenance required for said access road in addition to the minimum set forth above as well as the annual election of one of said lot owners as the "Road Manager," which Road Manager shall handle the billing and scheduling for all maintenance projects. In addition, said Road Manager shall have the right to file a lien on a delinquent party's parcel(s) and the right to bring suit to collect the amount that was not paid, plus all costs of the litigation, including attorney fees. The decision of a majority of said lot owners' percentage total shall be controlling.

9. Said 50' wide driveway shall be maintained at regular intervals so as to provide safe and convenient access to the respective parcels. Said maintenance shall include, but not necessarily be limited to, maintenance and repair of the existing asphalt portions of said driveway, snow plowing, sanding, the addition of extra gravel wherever necessary, the addition, cleaning and/or repair of culverts or drainage ditches and periodic grading. The private driveways extending from said 50-foot wide common access right of way shall be constructed and maintained at the sole expense of that respective parcel's owner. Said individual private driveways shall be maintained by the respective parcel owners to allow necessary and proper drainage and shall contain appropriate drainage ditches wherever necessary to allow adequate water run-off without doing damage to the 50-foot wide access right of way or adjacent lands and premises. No vehicles or temporary structures shall be placed in any portion of the shared driveway right of way.
10. The afore-mentioned electrical/utility rights and easements shall include the perpetual rights and easements to construct, inspect, operate, maintain, reconstruct and remove a line or lines for the transmission of electricity, telephone service and cable television service and the transmission of intelligence by electricity or light, underground wires, service cables, conduits, pipes, manholes, pad mounts, vaults for transformers and other fixtures and appurtenances used or adopted for the purpose of providing said services. The exact location of said line or lines may be determined at a later date and based upon the most practical location possible. Said perpetual rights and easements are conveyed together with the right to enter upon such right and easement, across the other parcels over which said easement runs, for the purposes of exercising any of the rights therein granted, provided, however, that said right must be exercised in a careful manner and any damages to such other property over which the easement runs caused by the easement holder shall be borne by the easement holder. The owner(s) of the respective parcels, their heirs and assigns, hereby covenant and agree not to plant any trees or other plants or construct or erect or permit the erection or maintenance of buildings or structures of any kind, or change the grade, fill or excavate within 10' on each side of said line or lines without written permission from the owner of the parcel on which such work is contemplated.
11. Notwithstanding any provisions to the contrary contained herein, maintenance of the electrical, telephone and cable television easements shall be shared equally by the parcel owners actually utilizing said easements with completed structures on their respective parcels. No parcel owner shall have the obligation to share in such maintenance obligations unless and until said parcel is improved with a structure utilizing the easement.
12. It is contemplated that Central Vermont Public Service Corporation, Vermont Telephone Company, Inc. and/or other appropriate utility companies will be granted easements over the aforementioned perpetual easement for purposes of providing their

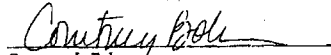
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One High Street
Woodstock, VT 05090

respective services. This document shall be deemed acquiescent to any and all easements required by Central Vermont Public Service Corporation, New England Telephone and Telegraph Company, Vermont Telephone Company, Comcast or any other service or utility company that are consistent with this agreement.

13. The 50' wide driveway right of way described and created herein shall supersede and take the place of any previous rights of way benefiting said 10.2 acre Parcel 4, particularly the right of way reserved in the Warranty Deed from Barbara H. Hagan to Clover Corporation dated May 10, 1994 and recorded in Book 117 at Page 122 of the Woodstock Land Records.
14. Said rights and perpetual easements and rights of way and all of their appurtenant burdens, benefits and obligations shall run with the land and shall inure the benefit and burden of the undersigned, his successors and assigns.

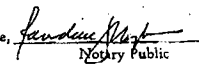
DATED this 30th day of October, 2009.


Pieter W. Bohen

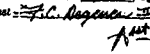

Courtney L. Bohen

STATE OF VERMONT
COUNTY OF WINDSOR, SS.

At Woodstock, Vermont, this 30 day of October, 2009, personally appeared Pieter W. Bohen and Courtney L. Bohen and they acknowledged the foregoing instrument, signed and sealed by them, to be their free act and deed.

Before me, 
Notary Public

My Commission Expires: 2/10/11

WOODSTOCK, VT TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
November 2 A.D. 20 09
at 3 o'clock 18 minutes P. M.
and recorded in Book 220 Page 464-467
Attest:  Town Clerk

Law Office of
PETER K. VOLLERS
One High Street
Woodstock, VT 05091

2201588-
596-Exhibit 4
JO #3-139

Woodstock East 2, Vermont. Project 2009342015; Location 193675

NOTICE OF LEASE

KNOW ALL PERSONS BY THESE PRESENTS, that Pieter W. Bohlen and Courtney L. Bohlen, with a mailing address of 5212 College Hill Road, Woodstock, Vermont 05091, hereinafter designated "Lessor," and Vermont RSA Limited Partnership and Cellico Partnership, each d/b/a Verizon Wireless having an office located at One Verizon Way, Basking Ridge, New Jersey 07920-1097, hereinafter referred to as "Lessee," have entered into a certain Option and Land Lease Agreement dated ~~10-28~~ November 2, 2009 (the "Lease"), respecting certain lands and premises located at 5212 College Hill Road, Woodstock, Windsor County, Vermont, as shown on the Tax Map of the Town of Woodstock as Parcel No. 31.03.07 (tax map references are for convenience only) and is more particularly described in the Warranty Deed from Deer Meadow Holdings, LLC dated June 7, 2007 and recorded on June 18, 2007 in Volume 205, Page 359 of the Woodstock Land Records (the entirety of Lessor's property is referred to hereinafter as the "Property" and is more particularly described on Exhibit A attached hereto and made a part hereof).

The following information accurately reflects the agreement between the parties contained in the Lease:

1. The parties to the Lease are listed above. November 2
2. The date of execution of the Lease is 11/2/09, 2009.
3. Lessee has two (2) one-year options to exercise the Lease.
4. The initial term of the Lease is a period of five (5) years, commencing on the date on which Lessee exercises its option, and terminating five (5) years thereafter.
5. Lessee has the following rights to extend or renew the Lease: Four (4) successive renewal periods of five (5) years each, unless the Lessee terminates it at the end of the then current term by giving the Lessor written notice of the intent to terminate at least six (6) months prior to the end of the then current term. If, at the end of the fourth (4th) five (5) year extension term, the Lease has not been terminated by either party by giving to the other written notice of an intention to terminate it at least three (3) months prior to the end of such term, the Lease shall continue in force upon the same covenants, terms and conditions for a further term of five (5) years and for five (5) year terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least three (3) months prior to the end of such term.
6. The "Premises" subject to the Lease are described as follows: Lessor hereby leases to Lessee a portion of that certain parcel of property (the entirety of Lessor's property is referred to hereinafter as the "Property"), located at 5212 College Hill Road, Woodstock, Windsor County, Vermont, and being described as a $\pm 100'$ by $100'$ parcel containing $\pm 10,000$ square feet (the "Land Space"), together with the non-exclusive right (the "Rights of Way") for ingress and egress, seven (7) days a week twenty-four (24) hours a day, on foot or by motor vehicle (including trucks) over or along a twenty (20') foot wide right-of-way extending from the nearest public right-of-way, College Hill Road, to the Land Space (including without limitation over an existing private driveway that extends southerly from College Hill Road to the point where Lessee will construct a new proposed access drive extending southeasterly to the Land Space, all as shown on Exhibit "B", and for the installation and

(2)

maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along one or more rights of way from the Land Space, said Land Space and Rights of Way (hereinafter collectively referred to as the "Premises") being substantially as described herein in Exhibit "B" attached hereto and made a part hereof.

7. The Lessee has the following right to purchase the Property or exercise a right of first refusal with respect thereto: "If Lessor elects, during the Term, to grant to a third party by easement or other legal instrument an interest in and to any portion of the Property occupied by Lessee for the purpose of operating and maintaining communications facilities or the management thereof, with or without an assignment of this Agreement to such third party, Lessee shall have the right of first refusal to meet any bona fide offer of sale or transfer on the same terms and conditions of such offer. If Lessee fails to meet such bona fide offer within thirty (30) days after written notice thereof from Lessor, Lessor may sell or grant the easement or interest in the Property to such third person in accordance with the terms and conditions of such third party offer. For purposes of this Paragraph, any transfer, bequest or devise of Lessor's interest in the Property as a result of the death of Lessor, whether by will or intestate succession, or any conveyance to Lessor's family members by direct conveyance or by conveyance to a trust for the benefit of family members, shall not be considered a sale of the Property for which Lessee has any right of first refusal."
8. The Lease contains the following restrictions on assignment of the Lease: "This Agreement may be sold, assigned or transferred by the Lessee, without any approval or consent of the Lessor, to the Lessee's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of Lessee's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the Lessor, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of Lessee or transfer upon partnership or corporate dissolution of Lessee shall constitute an assignment hereunder. Lessee may sublet the Premises within its sole discretion, upon notice to Lessor. Any sublease that is entered into by Lessee shall be subject to the provisions of this Agreement and shall be binding upon the successors, assigns, heirs and legal representatives of the respective Parties hereto."

9. An original Lease is located at the offices of the Lessee and the Lessor.

10. The parties' notice addresses are as follows:

If to Lessee:	Vermont RSA Limited Partnership d/b/a Verizon Wireless 180 Washington Valley Road Bedminster, New Jersey 07921 Attn: Network Real Estate
Lessor:	Pieter W. Bohen and Courtney L. Bohen 5212 College Hill Road Woodstock, VT 05091

Woodstock East 2, Vermont: Project 2009342015; Location 193675

or to such other addresses as Lessor and Lessee may furnish to each other in writing.

11. This Notice of Lease will be recorded in the land records of the municipality where the Property is located and is intended to provide notice to third parties of the Lease. The Lease contains terms and conditions in addition to those set forth in this Notice of Lease. Capitalized terms not otherwise defined herein shall have the meaning defined in the Lease. This Notice of Lease is not intended to amend or modify the terms and conditions of the Lease. To the extent that the terms and conditions of this Notice of Lease differ from the terms and conditions of the Lease, the terms and conditions of the Lease shall govern and prevail.
12. Notice of Permit Requirements. In order to comply with the State of Vermont Environmental Protection Rules on the subdivision of lands and disposal of waste including sewage, Lessee shall not construct or erect a structure or building on the Premises, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities or convey the Premises without first complying with said State regulations. The Lessee acknowledges that the Premises may not qualify for approval for development under the appropriate environmental protection or health regulations and the State may deny an application to develop the Premises.

This Notice is given pursuant to 27 V.S.A. § 347(d).

DATED this 2nd day of November, 2009.

Signature Pages to Follow

Woodstock East 2, Vermont, Project 2009042015, Location 193675

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

Lessor:

[Signature]
Witness

[Signature]
Pieter W. Bohen

[Signature]
Witness

Courtney L Bohen
Courtney L. Bohen

Date: 10/15/09

STATE OF VERMONT
WINDSOR COUNTY, SS.

At Woodstock, in said County and State, this 13th day of October, 2009 personally appeared Pieter W. Bohen and Courtney Bohen, to me known, and they each acknowledged this instrument, by each signed, to be his and her free act and deed.

Before me [Signature]
Notary Public
Commission Expires: 2/10/11

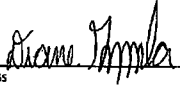
Woodstock East 2, Vermont, Project 2009J42015; Location 193675

Lessee:


Vermont RSA Limited Partnership
d/b/a Verizon WirelessBy: NYNEX Mobile Limited Partnership 1,
its General Partner

By: Celco Partnership, its General Partner

Witness




By:

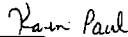

David R. Heverling, Vice-President
Network-Northeast Area
11 20 09

Celco Partnership d/b/a Verizon Wireless

By:


David R. Heverling, Vice-President
Network-Northeast Area
11 20 09

Witness

STATE OF MASSACHUSETTS
COUNTY OF WORCESTER, SS.

On this 2 day of Nov., 2009, before me, the undersigned, personally appeared David R. Heverling, personally known to me to be the individual whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same in his capacity, that by his signature on the instrument, the entities, Celco Partnership, the General Partner of NYNEX Mobile Limited Partnership 1, which is the General Partner of Vermont RSA Limited Partnership, upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Westborough, County of Worcester, Commonwealth of Massachusetts.

Notary Public

My Commission Expires: _____

DIANE GAZIOLA
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES
NOVEMBER 13, 2009

Woodstock East 2, Vermont, Project 2009142015; Location 193675

Exhibit A
Property Description

Being all and the same land and premises conveyed to Pieter W. Bohen and Courtney L. Bohen by Warranty Deed of Deer Meadow Holdings, LLC dated June 7, 2007 and recorded on June 18, 2007 in Volume 205, Page 359 of the Woodstock Land Records and being more particularly described therein as follows:

- "Being all and the same lands and premises conveyed to Deer Meadow Holdings, LLC by Cynthia R. Roth by Quit Claim Deed dated April 11, 2003 and recorded in Book 170, Page 505 of the Woodstock Land Records.

"Being all and the same lands and premises conveyed to Cynthia R. Roth by Clover Corporation by Warranty Deed dated March 13, 2003 and recorded in Book 170, Page 503-504 of the Woodstock Land Records, being more particularly described as follows:

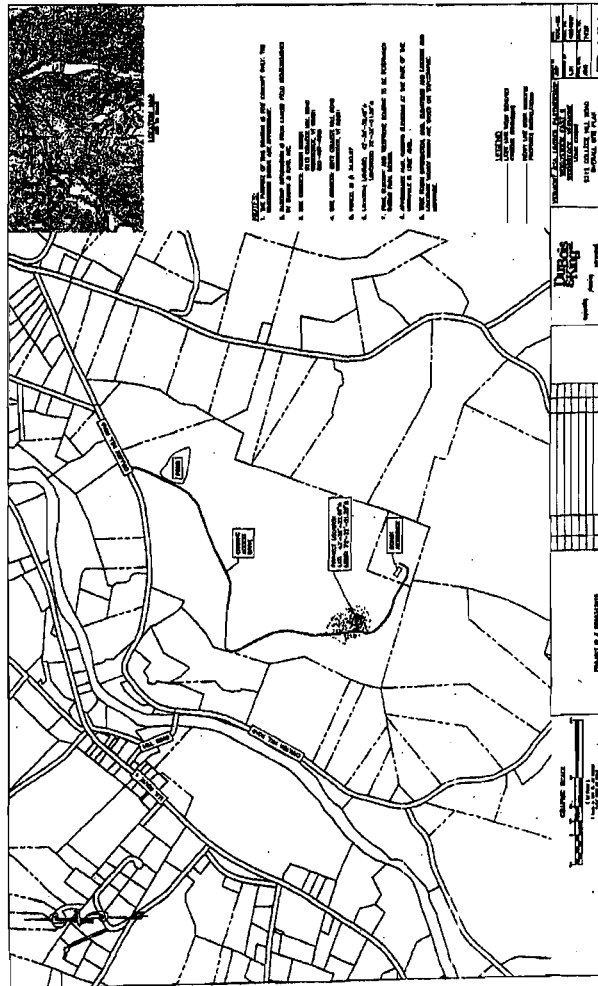
"Being all the same land and premises conveyed to Clover Corporation by Barbara H. Hagan by Warranty Deed dated May 10, 1994 and recorded October 3, 1994 in Book 117 at Pages 122-123 of the Woodstock Land Records, being more particularly described as follows:

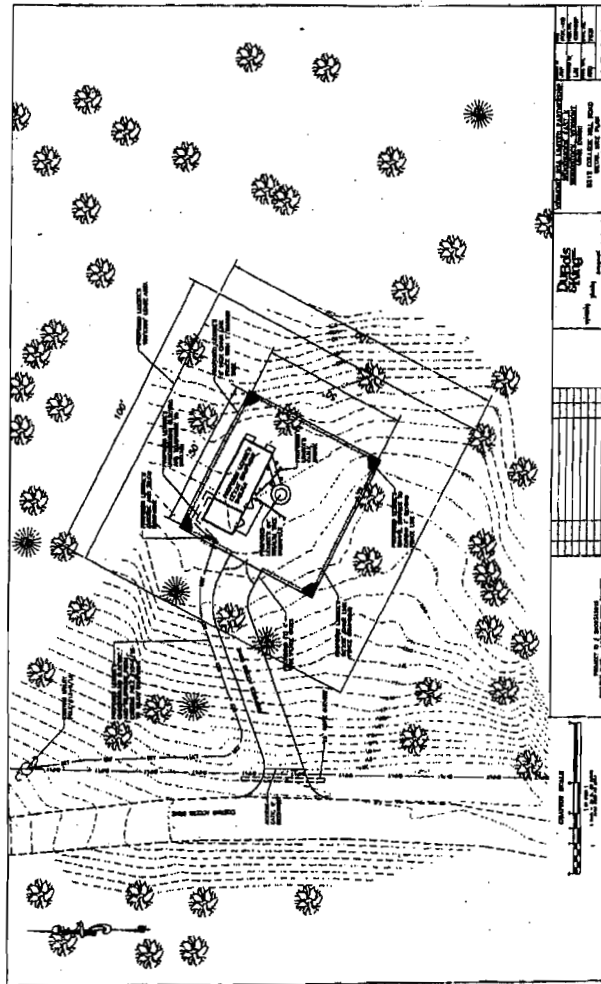
"Being a parcel of containing 107.63 acres of the 118 acres, more or less, depicted on a certain survey prepared by Bruno Associates of Woodstock, Vermont, entitled "Boundary Survey for James and Barbara Hagan (former Lockwood Estates), Windsor County, Woodstock, Vermont, said survey being dated February 6, 1984 and revised January 11, 1985 and January 25, 1991 recorded at Map Slide 104 of the Woodstock Land Records. Excluded from this conveyance is a parcel of 10.37 acres as shown on a certain survey prepared by Bruno Associates of Woodstock, Vermont, entitled "Subdivision of Lands in Woodstock, Windsor County, Vermont for Clover Corporation" dated September 21, 2000 and recorded in Map Slide 145 of the Woodstock Land Records. Said lands and premises are a portion of the land and premises as conveyed to Barbara Hagan by deed of The Harbor Company dated November 12, 1973 (sic) and recorded in Book 69, Page 587 of the Woodstock Land Records, said lands and premises having been conveyed to the Harbor (sic) Company by Warranty Deed of John P. Frazer and Harold W. Boles (sic) dated December 18, 1972 and recorded in Book 63, pages 103-105 of the Woodstock Land Records."

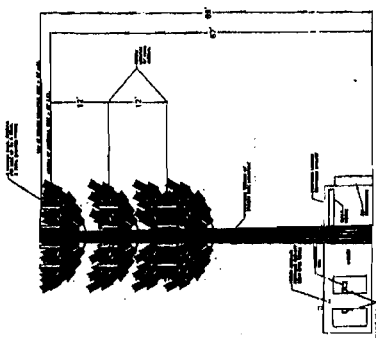
"This parcel is subject to a right of way reserved to Barbara H. Hagan, and her heirs and assigns, from Clover Corporation in a deed recorded in Book 117 at Pages 122-123 of the Woodstock Land Records. Said right of way is described as being 50' wide over the existing paved road driveway which leads in a generally westerly and southerly direction from the southerly edge of Woodstock Town Highway #49 to a 10.2 acre parcel, as said right of way is depicted on a survey prepared by Bruno Associates of Woodstock, Vermont, entitled "Boundary Survey for James and Barbara Hagan (former Lockwood Estates)," Windsor County, Woodstock, Vermont, said survey being dated February 6, 1984 and revised January 11, 1985 and January 25, 1991, and recorded in Map Slide 104 of the Woodstock Land Records."

WOODSTOCK DOC

Exhibit B
Site Plan Attached







WOODSTOCK, VT TOWN CLERK'S OFFICE
RECEIVED FOR RECORD

November 10 A.D. 2009
at 1 o'clock 05 minutes P.M.
and recorded in Book 220 Page 582-596
Attest: *F.C. Regan* Town Clerk

TOWN OF WOODSTOCK
CLERK'S OFFICE
RECEIVED FOR RECORD
NOV 10 2009
1:05 PM

RECEIVED DEC 04 2009

December 3, 2009

Exhibit 5
IO #3-139

Ms. April Hensel, Coordinator
District #2 Environmental Commission
100 Mineral Street, Suite 305
Springfield, VT 05156

Re: LUP No. 3W1026 Application for Wireless Telecommunication Facilities
Applicant: Vermont RSA Limited Partnership and Cellco Partnership, both
d/b/a Verizon Wireless
Landowner: Pieter W. and Courtney Bohen
Location: Off College Hill Road, Woodstock, Vermont

Dear April:

This letter is in response to your November 23, 2009 email requesting additional information for the referenced application.

1. *Please address criterion 1(E) Streams. N/A doesn't tell us if there are any streams near the project. Please also address the adequacy of the existing road to handle heavy construction traffic.*

A small unnamed pond and associated brook were identified on the subject property. The pond is located approximately 2,700 feet north-northeast of the site and the Ottauquechee River is located approximately 1500 feet west of the site. There are no streams near the site.

Parts of the existing access drive are paved and others are not. The access drive was addressed in the lease between the landowner and Verizon Wireless:

ACCESS DRIVE. Lessee agrees that in the event its use of the access drive causes damage to the access drive, then it shall promptly repair or resurface the access drive, as needed, to at least the condition that it was in prior to such damage. The Parties agree that the concept of "Lessee's use of the access drive" includes use of the access drive by Lessee's employees, agents or contractors. The Parties acknowledge that portions of the surface of the access drive are unpaved, that portions of the paved surface of the access drive are heavily

compacted, that portions of the paved surface the access drive are cracked in a grid pattern (referred to herein as being "gated"), and that other portions of the paved surface of the access drive are not gated. Lessee shall photographically document the condition of the access drive prior to the construction of its communications facility.

2. *Address criterion 8 Historic Sites*

Attached is the Section 106 response from the Vermont Division for Historic Preservation that concludes "no historic properties will adversely affected [sic] by the project . . . the project will have no adverse effect on any historic properties that are eligible to the State or National Registers of Historic Places."

3. *Since the zoning regulation functions as a community aesthetic standard please address under section D of the Wireless Telecommunications section, the project's location relative to the nine areas where freestanding towers are prohibited.*

1. *Closer than 300 feet to any existing structure, river, perennial stream, designated wetland, any known archeological site or the habitat of any State listed Rare or Endangered Species.* The Project is not located within 300' of the listed areas.
2. *Within view of a designated scenic road or highway.* The Project is not located within view of a designated scenic road or highway.
3. *Within view from any Historic District or property eligible to be listed on the Federal Historic Register.* The Project is not located within view of any Historic District.
4. *Within view of designated hiking trails, national, state, or municipal park.* The Project is not located within view of designated hiking trails or parks.
5. *Within open areas.* As the permit plans (Exhibit 1) and photographic simulations (Exhibit 6) illustrate, the Project is located within a wooded area.
6. *Within residential areas.* The Project is not located in a residential area. The nearest residence is the landowner's home, located approximately 600'

MSK WIRELESS
SOLUTIONS
CORPORATION

275 COLLEGE STREET, PO BOX 4485 | BURLINGTON, VT 05406-4485 | PHONE 802 861-7000 | FAX 861-7007 | MSKVT.COM

southeast of the Project site. Other homes are scattered around the landowner's property. Please see Sheet 1 of the plans, Orthophoto.

7. *Near childcare facilities.* The Project is located in a relatively remote area. There are no childcare facilities located near the Project. Please see Sheet 1 of the plans, Orthophoto.
 8. *Near schools.* The Project is located in a relatively remote area. There are no schools located near the Project. Please see Sheet 1 of the plans, Orthophoto. The nearest schools are the Woodstock Union High School and Middle School, which are located between Route 4 and the Ottauquechee River, approximately 2,000 feet northwest of the proposed site and at least 400 feet lower in elevation.
 9. *Near hospitals or health care facilities.* The Project is located in a relatively remote area. There are no hospitals located near the Project. Please see Sheet 1 of the plans, Orthophoto.
4. *Also, please address exploration of collocation/repeater alternatives.*

As detailed in the Propagation Plots submitted with this application, Verizon Wireless currently has minimal to no coverage in the area sought to be served by this facility, which is primarily from the center of Woodstock traveling west on U.S. Route 4. Due to the topography, as well as the zoning restrictions that limit the height of towers to no more than 10' above the average tree height within the vicinity of the tower, and limitations of radio wave propagation in the PCS (1900 MHz) frequency band (detailed below), there are no existing facilities or sites at which Verizon Wireless could co-locate and provide adequate coverage to the service area that this facility is intended to cover. The "10' above the average tree height" limitation basically eliminates the ability of Verizon Wireless, and other service providers, to co-locate on an existing tower. Taking into consideration the required separation between each service provider's mounting, and the 4' to 8' height of panel antennas, a second service provider would be located below the surrounding trees, causing signal interference and attenuation. Also, Verizon Wireless proposes to mount antennas on this facility that will transmit in the 1900 MHz (PCS) frequency band, which has a two- to three-mile range in any one direction; and in the 700 MHz (LTE) frequency band, which has an approximate five-mile range in any one direction. PCS signals, especially, are attenuated by obstructing terrain and vegetation.



Below is a list of the Verizon Wireless current sites in the area:

Site Name	Longitude NAD83	Latitude NAD83	Antenna Height
Woodstock, VT (PCS)	72° 33' 9.9" W	43° 35' 54.2" N	86 ft
Woodstock E, VT (PCS)	72° 30' 27.1" W	43° 37' 36.6" N	38 ft
Hartford SW, VT (PCS)	72° 27' 28.21" W	43° 38' 29.63" N	98 ft

Repeaters require that both a donor antenna and a serving antenna be mounted on some type of tower or pole with considerable height to achieve adequate propagation. Again, terrain, foliage and buildings can obstruct this path. When designing the antenna array for a repeater application, a certain amount of isolation is required between the donor antenna and the serving antenna, the most common figure is about 60 decibels (dB) of isolation. This is achieved by utilizing vertical separation of 40' to 60' between the two antennas. In this instance, the bottom mounted serving antenna would need to clear the tree tops, requiring a mounting height of at least 60' above ground. The donor antenna would need to be at least 40' above the serving antenna, requiring a minimum mounting height of 100' above ground. Repeaters basically re-amplify and extend the serving footprint from an adjacent wireless telecommunication site. Repeaters are most commonly used for in-building applications where achieving the 60 dB of isolation can be more easily achieved by placing the donor antenna on the roof and the serving antenna inside the building. While there are locations where repeaters could be a viable option, their use does not eliminate the need for a tower or mounting platform, and is definitely not an alternative to a full site with height restrictions, such as the very severe restrictions imposed by the Town of Woodstock.

5. *Finally, the visual analysis indicates the tower would be visible 10' to 15' above the ridgeline and the ordinance addresses "towers, antennas and tower related fixtures shall not be more than 10 feet above the average height of the tree line ... " Please discuss.*

MSK | ARCHITECT
ENGINEER
PLANNER

275 COLLEGE STREET, PO BOX 4485 | BURLINGTON, VT 05406-4485 | PHONE 802 861-7000 | FAX 861-7007 | MSKVT.COM

Section 506(E)(2)(b)(i) of the Town of Woodstock Zoning Regulations states:

To protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennas and tower related fixtures shall be not more than 10 feet above ***the average height of the tree line measured within 150 feet of the highest vertical element of the telecommunications facility.*** In no case shall the tower exceed 35 feet, absent the above stated tree standard.

(Emphasis added)

As shown on the Permit Plans (Sheet 4), sixty-six (66) trees located within 150' of the proposed tower were measured and "the average tree height" of trees located within that radius is 59.9'. Not all of the tallest trees are located next to or on the same grade as the proposed tower. So even though the 69' stealth tree is not higher than "10' above the average tree height," it is possible that briefly, from certain angles and directions, more than 10' of the stealth tree may be visible, but probably not discernable.

Please contact me if additional information or documentation is required.

Very truly yours,



Brian J. Sullivan
BSullivan@mskvt.com

Enclosures

cc: Parties listed on Schedule F
Mr. and Mrs. Pieter Bohen (w/enclosure)
Ms. Sandy Carter, Verizon Wireless (w/enclosure)
Arthur W. Dreher, DuBois & King, Inc. (w/enclosure)
Elizabeth Lord, Esq., ANR (w/enclosure)
Julia S. Moore, P.E., ANR (w/enclosure)

00051487.DOC

MSK | WIRPHY
SULLIVAN
JOHN

275 COLLEGE STREET, PO BOX 4485 | BURLINGTON, VT 05406-4485 | PHONE 802.861-7000 | FAX 861-7007 | MSKVT.COM

PROJECT REVIEW SHEET
THIS IS NOT A PERMIT

Exhibit 6
JO #3-139

TOTAL # OF DEC PERMITS:
RESPONSE DATE:
DISTRICT: 3

Woodstock

PRE-APPLICATION REVIEW:
PENDING APPLICATION #: WW-3-1737
PIN#: NS09-0301

OWNER OF PROJECT SITE: Pieter and Courtney Bohen 5212 College Hill Rd Woodstock VT 05091 (802)-457-4865 Project Name:	APPLICANT OR REPRESENTATIVE: Designer: Robert Carter, PE 1283 Turkey Hill Road Corinth, VT 05039 802-439-5370
---	--

Based on written or oral request, or information provided by WW application received on 9/24/2009, a project was reviewed on a tract/tracts of land of 118 acres, located on 5212 College Hill Rd. The project is generally described as:

Subdivide 118 acre parcel into three lots with proposed 4-bedroom single family residence for lots #1 and #2 with an existing 3-bedroom single family residence on lot #3 - Town parcel ID # 31-03-07

Prior permits from this office: _____

**PERMITS NEEDED FROM THE DISTRICT ENVIRONMENTAL OFFICE
PRIOR TO COMMENCEMENT OF CONSTRUCTION**

X I hereby request a jurisdictional opinion from the District Coordinator or Assistant District Coordinator regarding the jurisdiction of 10 V.S.A. Chapter 151 (Act 250) over the project described above.

Landowner/Agent X Permit Specialist _____ Other Person Sandra Conant

ACT 250: THIS IS A JURISDICTIONAL OPINION BASED UPON AVAILABLE INFORMATION, AND A WRITTEN REQUEST FROM THE ANR PERMIT SPECIALIST, THE LANDOWNER/AGENT, OR OTHER PERSON. ANY NOTIFIED PARTY OR INTERESTED PERSON AFFECTED BY THE OUTCOME MAY REQUEST RECONSIDERATION FROM THE DISTRICT COORDINATOR (10 V.S.A. § 6007 (c) AND ACT 250 RULE 3 (b) OR MAY APPEAL TO THE ENVIRONMENTAL COURT WITHIN 30 DAYS OF THE ISSUANCE OF THIS OPINION (10 V.S.A. Chapter 220). (#47)

Project: Commercial X Residential _____ Municipal _____

Has the landowner subdivided before? Yes No

AN ACT 250 PERMIT IS REQUIRED: Yes X No

When/where: _____ # of lots: _____

Copies sent to Statutory Parties: X Yes _____ No

BASIS FOR DECISION:

Not constructing commercial project or more than 9 dwelling units in a 5 mile radius and creating fewer than 6 lots in Woodstock or other town. More than 10 lots in the district in a 5 year period. 10 V.S.A. § 6001(3)(A)(i)(iv) and (19)

SIGNATURE: Sandra Conant

DATE: 11/2/09

ADDRESS: District # 3 Environmental Commission, 100 Mineral Street, Suite 305, Springfield, VT 05156-3168

1. WASTEWATER MANAGEMENT DIVISION REGIONAL OFFICE: PERMIT/APPROVAL REQUIRED? X Yes _____ No
X Wastewater System Potable Water Supply Permit (#1 & 32) _____ Notice of Permit Requirements (#2) (deferral language)
_____ Floor drains (#1.2) _____ Campgrounds (#3) _____ Extension of sewer lines #5
Application submitted / permit issued

REGIONAL ENGINEER ASSIGNED: Terry Shearer, Assistant Regional Engineer (885-8849)

SIGNATURE: Sandra Conant

DATE: 11/2/09

X Environmental Assistance Division, Permit Specialist, Telephone: 802-885-8850

_____ Wastewater Management Division, Telephone: 802-885-_____

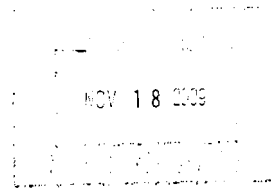
ADDRESS: Dept. of Environmental Conservation, 100 Mineral Street, Suite 303, Springfield, VT 05156-3168

**Note: Numbers in Parentheses () refer to Permit Information Sheets in the Vermont Permit Handbook
http://www.anr.state.vt.us/dec/permit_hb/index.htm

THIS IS A PRELIMINARY, NON-BINDING DETERMINATION REGARDING OTHER PERMITS WHICH YOU MAY NEED PRIOR TO COMMENCEMENT OF CONSTRUCTION. PLEASE CONTACT THE DEPARTMENTS INDICATED BELOW.

2. WASTEWATER MANAGEMENT DIVISION, ANR (802-241-3822) Contact: _____
Discharge Permit; pretreatment permits; industrial, municipal (#7.1, 7.2 & 8) _____ Indirect Discharge Permits (#9 & 9.1) _____ Residuals Management (#10)
3. AIR POLLUTION CONTROL DIVISION, ANR (888-520-4879) Contact: _____
Construction/modification of source (#14) _____ Open Burning (#18) _____ Wood Chip Burners (>90 HP) (#14)
Furnace Boiler Conversion/Installation (#14) _____ Industrial Process Air Emissions (#14) _____ Diesel Engines (>450 bHP) (#14)
4. WATER SUPPLY DIVISION, ANR (802-241-3400) (800-823-8500 in VT) Contact: _____
New Hydrants (#22) _____ >500' waterline construction (#22) _____ Community Water System (CWS) _____ Bottled Water (#20) _____ Operating permit (#21)
Transient Non-Community water system (TNC) (#21) Capacity Review for Non-transient non-community water systems (NTNC) (#21)
5. WATER QUALITY DIVISION, ANR STORMWATER PERMITS (Hotline 802-241-4320)
River Management (241-3770) _____ (Ponds) (#32.1) _____ Construction General Permits >1 AC of disturbance (#6.1)
Shoreland Encroachment (241-3777) (#28) *Don't know?* _____ Stormwater from new development or redevelopment sites (#6.2 & 6.3)
Wetlands (241-3770) (#29) *476-2678* _____ Multi-Sector General Permit (MSGP) industrial activities with exposure (#6.4)
Stream Alteration / Section 401 Water Quality Certificate / Stream Crossing Structures (751-0129/879-5631 / #27 & 32)
Flood Plain _____
6. WASTE MANAGEMENT DIVISION, ANR Contact: _____
Notification of Regulated Waste Activity (241-3888) (#36) _____ Underground Storage Tanks (241-3888) (33)
Lined landfills; transfer stations; recycling facilities drop off (241-3444) (#37, 39, 40) _____ Asbestos Disposal (241-3444)
Disposal of inert waste, untreated wood & stumps (241-3444) (#41 & 44) _____ Composting Facilities (241-3444) (#43)
Waste oil burning (241-3888) _____ Waste transporter permit (#35) _____ Demolition waste 241-3477 _____ Used septic system components/stone (#41)
7. FACILITIES ENGINEERING DIVISION, ANR Contact: _____
Dam operations (greater than 500,000 cu. ft.) (241-3451) (#45)
State-funded municipal water/sewer extensions/upgrades and Pollution Control Systems (241-3750)
8. POLLUTION PREVENTION & MERCURY DISPOSAL HOTLINE (1-800-974-9559) Contact: _____
SMALL BUSINESS & MUNICIPAL COMPLIANCE ASSISTANCE (800-974-9559) Contact: Judy Mirro/John Daly
RECYCLING HOTLINE (1-800-932-7100) Contact: _____
9. FISH & WILDLIFE DEPARTMENT (802-241-3700)
Nongame & Natural Heritage Program (Threatened & Endangered Species) (#47.4) _____ Stream Obstruction Approval (#47.5)
10. DEPARTMENT OF PUBLIC SAFETY District Office _____ Contact: Bruce Martin or LD Sutherland
Construction Permit fire prevention, electrical, plumbing, accessibility (#49, 50, 50.1, 50.2) (Americans with Disabilities Act) 885-8883 or 786-0073
Storage of flammable liquids, explosives _____ LP Gas Storage _____ Hazardous Chemical Use/Tier II Reporting (800-347-0488)
Plumbing in residences served by public water/sewer with 10 or more customers (#50.2) _____ Boilers and pressure vessels (#50.3)
11. DEPARTMENT OF HEALTH (800-439-8550 in VT) (802-863-7221) (Lab 800-660-9997) Contact: _____
Food, lodging, bakeries, food processors (#51, 5.1, 52, 53, 53.1) _____ Program for asbestos control & lead certification (#54, 55, 55.1)
Children's camps _____ not Tub Installation & Inspection - Commercial (#51.1)
12. AGENCY OF HUMAN SERVICES Contact: _____
Child care facilities (1-800-649-2642) (#57) _____ Residential care homes (241-2345) (Dept. of Aging & Disabilities) (#59)
Nursing Homes (241-2345) (#59) _____ Therapeutic Community Residence (241-2345) (#59)
13. AGENCY OF TRANSPORTATION Contact: _____
Access to state highways (residential, commercial) (828-2653) (#66) _____ Junkyards (828-2053) (#62)
Signs (Travel Information Council) (828-2651) (#63) _____ Railroad crossings (828-2710) (#64)
Development within 500' of a limited access highway (828-2653) (#61) _____ Airports and landing strips (828-2833) (#65)
Construction within state highway right-of-way (Utilities, Grading, etc.) (828-2653) (#66) _____ Motor vehicle dealer license (828-2067) (#68)
14. DEPARTMENT OF AGRICULTURE (800-675-9873) Contact: _____
Use/sale of Pesticides (828-3478) (#72, 73, 74, 75, 76, 77, 78) _____ Slaughter houses, poultry processing (828-2426) (#81)
Milk Processing Facilities (828-3428) (#83, 83.1, 85, 87) _____ Animal shelters/pet merchant/livestock dealers (828-2421) (#89, 89.1)
Golf Courses (828-3478) (#71) _____ Weights and measures, Gas Pumps, Scales (828-2436) (#88)
Green Houses/Nurseries (828-2431) (#79) _____ Retail Sales/Milk/Meat/Poultry/Frozen Dessert/Class "C" Pesticides (828-2436) (#79.1, 80)
15. VT Energy Code Assistance Center - Efficiency Vermont (888-373-2255) ☒ VT Building Energy Standards (#47.2)
16. DIVISION FOR HISTORIC PRESERVATION (802-828-3211) _____ Historic Buildings (#47.1 & 101) _____ Archeological Sites (47.1 & 101)
17. DEPARTMENT OF LIQUOR CONTROL (1-800-832-2339) _____ Liquor Licenses (#90) _____ General Info (1-800-642-3134)
18. SECRETARY OF STATE (1-802-828-2386) _____ Business Registration (#90.1) _____ Professional Boards (1-800-439-8683) (#90.2)
19. DEPARTMENT OF TAXES (802-828-2551) _____ Business Taxes (sales & rooms, amusement machines) (#91.92, 93, 94, 95, 96)
20. DEPARTMENT OF MOTOR VEHICLES (802-828-2074) _____ Fuel Taxes, Commercial Vehicle _____ (#63-70)
21. LOCAL PERMITS (SEE YOUR TOWN CLERK, ZONING ADMINISTRATOR, PLANNING COMMISSION, OR PUBLIC WORKS)
22. U.S. ARMY CORPS OF ENGINEERS, 8 Carmichael St., Ste. 205, Essex Jct., VT 05452 (802) 872-2893 (#97, 98, 99)
23. OTHER: _____
- Sections #3-#24 above have been completed by Permit Specialist, Sandra Conant Date: 11/2/09
I may be reached at 802-885-8850 Rev. 9/2007

Linda Matteson
District 3 Coordinator
100 Mineral Street, Suite 305
Springfield, VT 05156



Dear Linda,

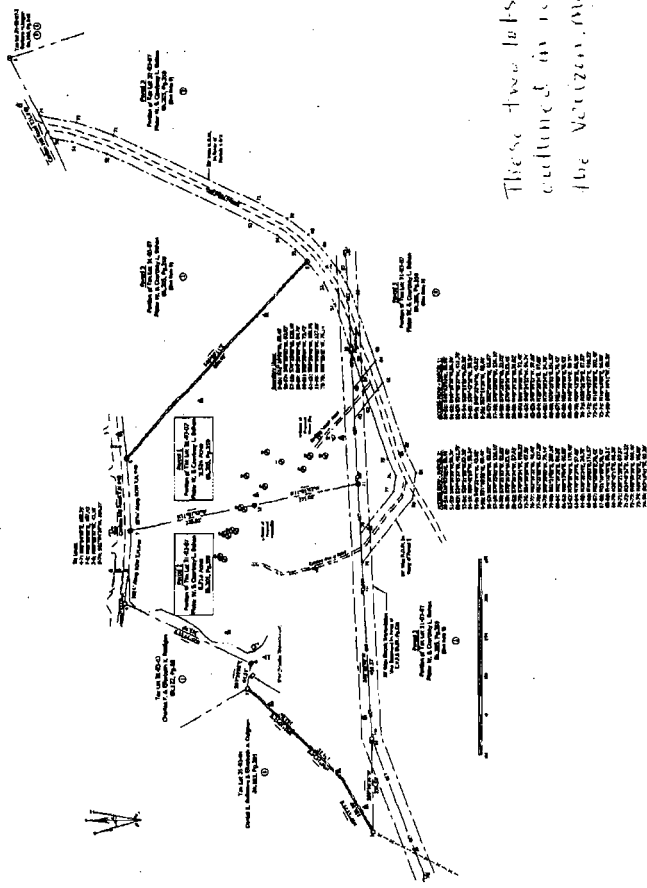
Per our discussion of 11/04/09, I am in process of negotiating a lease for a Verizon cell phone tower on our property, which is tax lot 31-03-07 (Bk. 205, page 359). Our intent is to eventually subdivide this lot into 5 lots. We have recently divided off two lots (see attached subdivision map, the boundaries of which we have drawn in to the attached Verizon map), and hope to split the remainder of the property into three lots of 30 acres, 46 acres and 30 acres respectively.

Exhibit 7
JO #3-139

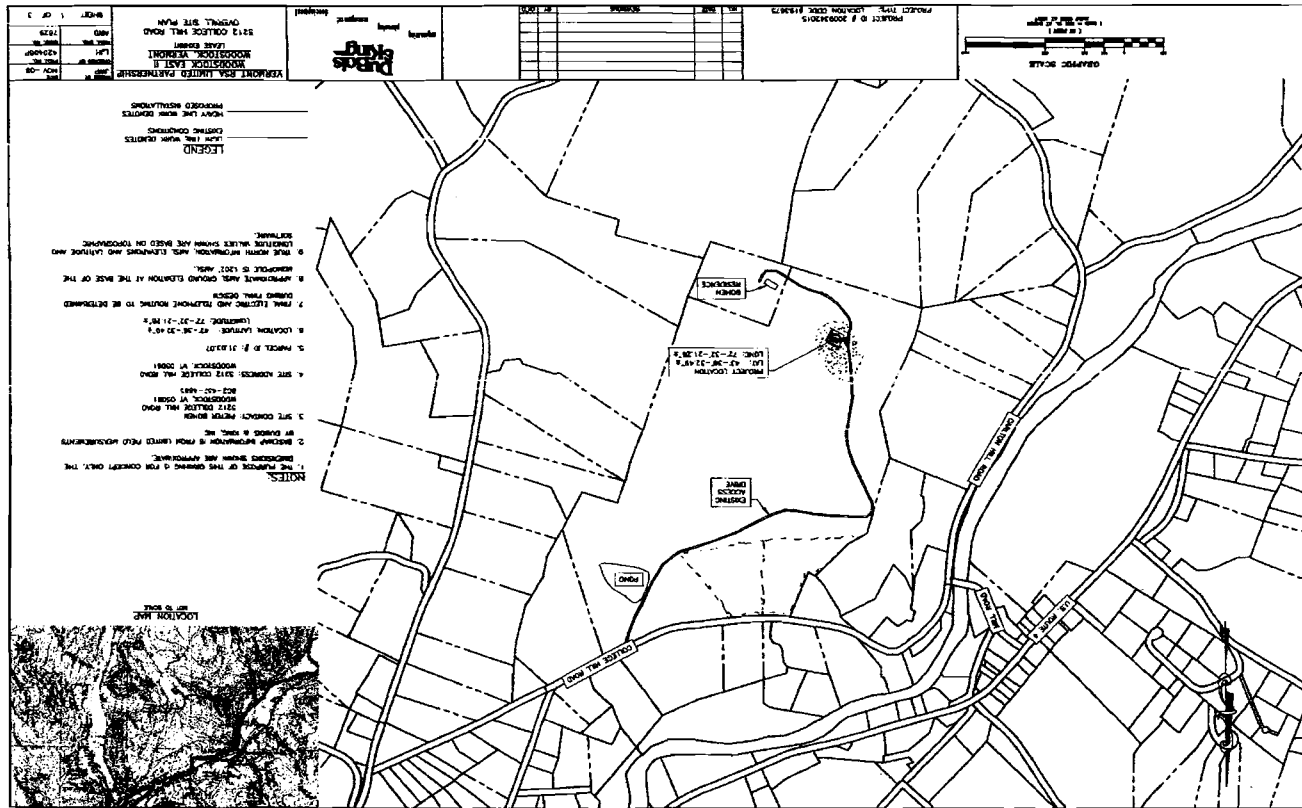
We are writing to request a jurisdictional opinion on whether a cell tower lease on our property would be considered a "lot". Per our discussion, once the cell tower lease is expired, the leased land will revert back to it's natural state, and will not be in any way subdivided. It is our express hope that the lease site would not be considered a "lot", as this would then allow us to complete the subdivision without undergoing the full Act 250 review process.

Many thanks for your review,

Pieter Bohen
5212 College Hill Rd.
Woodstock, VT 05091



These two lots are outlined in red on the Verizon map.



TOTAL # OF DEC PERMITS:
RESPONSE DATE:
DISTRICT:

PRE-APPLICATION REVIEW: _____
PENDING APPLICATION #: _____
PIN _____

OWNER OF PROJECT SITE:	APPLICANT OR REPRESENTATIVE:
PIETER and COURTNEY BOHEN	
5212 College Hill Road	
Woodstock, VT 05091	
Project Name: Verizon Wireless Tower "leased lot"	

Project Name: Verizon Wireless Tower "leased lot"

Based on a written or oral request or information provided by Pieter Bohen received on Nov. 18, 2009, a project was reviewed on a tract/tracts of land of 106 +/- acres, located on College Hill Road. The project is generally described as:

The Bohens propose to lease an area of land to Verizon Wireless for construction and operation of a cell tower. They have recently created two lots (Parcel 1 is 5.52+/- acres, Parcel 2 is 6.71+/- acres with remaining land). The Bohens intend to subdivide the remaining land into three lots consisting of a 30+/- acre lots; a 46+/- acre lot; and a 30+/- acre lot. The Bohens question is whether or not a cell tower lease on their property would be considered a "lot". "Once the cell tower lease is expired, the leased land will revert back to it's natural state, and will not be in any way subdivided."

Prior permits from this office: WV-3-1737

**PERMITS NEEDED FROM THE DISTRICT ENVIRONMENTAL OFFICE
PRIOR TO COMMENCEMENT OF CONSTRUCTION**

X I hereby request a jurisdictional opinion from the District Coordinator or Assistant District Coordinator regarding the jurisdiction of 10 V.S.A. Chapter 151 (Act 250) over the project described above. Pieter Bohen

☒ Landowner/Agent ☐ Permit Specialist ☐ Other Person

1. ACT 250: THIS IS A JURISDICTIONAL OPINION BASED UPON AVAILABLE INFORMATION, AND A WRITTEN REQUEST FROM THE ANR PERMIT SPECIALIST, THE LANDOWNER/AGENT, OR OTHER PERSON. ANY NOTIFIED PARTY OR INTERESTED PERSON AFFECTED BY THE OUTCOME MAY REQUEST RECONSIDERATION FROM THE DISTRICT COORDINATOR (10 V.S.A. § 6007 (c) AND ACT 250 RULE 3 (B)) OR MAY APPEAL TO THE ENVIRONMENTAL COURT WITHIN 30 DAYS OF THE ISSUANCE OF THIS OPINION (10 V.S.A. Chapter 220). (#47) **

Project: ☐ Commercial ☒ Residential ☐ Municipal

Has the landowner subdivided before? ☒ Yes ☐ No When/where: Woodstock # of lots: 3

AN ACT 250 PERMIT IS REQUIRED: ☐ Yes ☒ No

BASIS FOR DECISION:

Construction of the tower will require an Act 250 permit (jurisdiction will attach to the support structure, and improvements ancillary to the structure, and all means of ingress and egress to the structure). 10 V.S.A. § 6001c. For lot counting, the leased lot does not "count" as a lot because the purpose of the lot is not for resale. Creating fewer than six lots in Woodstock, or fewer than 10 lots in the district in a five year period does not trigger Act 250. 10 V.S.A. § 6001(19).

SIGNATURE: Linda Matteson DATE: 1/26/09 ADDRESS: District #3 Environmental Commission
Linda Matteson, District 3 Coordinator Telephone: 802-885-8843 100 Mineral Street, Suite 305
Springfield, VT 05156-3168

2. **WASTEWATER MANAGEMENT DIVISION REGIONAL OFFICE: PERMIT/APPROVAL REQUIRED?** ☒ Yes ☐ No
☐ Wastewater System and Potable Water Supply Permit (#1 & #32)** ☐ Notice of Permit Requirements (deferential language) (#2)
☐ Floor Drains (#1.2) ☐ Campgrounds (#3) ☐ Extension of sewer lines (#5)

REGIONAL ENGINEER ASSIGNED: ☐ Dan Wilcox, Regional Engineer; ☐ Dolores Kuhn, Ass't Regional Engineer
☒ Terry Shearer, Ass't Regional Engineer ☐ Jeff Svec, Ass't Regional Engineer

SIGNATURE: Terry P. Shearer DATE: 11-20-07 ADDRESS: ☐ Dept. of Environmental Conservation ☐
Sandra Conant, Permit Specialist, Environmental Assistance Division Tel: 802-885-8850 100 Mineral Street, Suite 303
* Wastewater Management Division, Tel: Springfield, VT 05156-3168
Terry Shearer - 885-8849

****NOTE: NUMBERS IN PARENTHESES (#) REFER TO PERMIT INFORMATION SHEETS IN THE VERMONT PERMIT HANDBOOK**
http://www.anr.state.vt.us/dec/permit_hb/index.htm

OVER >>>>>>>>>>

THIS IS A PRELIMINARY, NON-BINDING DETERMINATION REGARDING OTHER PERMITS WHICH YOU MAY NEED PRIOR TO COMMENCEMENT OF CONSTRUCTION. PLEASE CONTACT THE DEPARTMENTS INDICATED BELOW.

- 3. WASTEWATER MANAGEMENT DIVISION, ANR (802-41-3822) Contact:**
☐ Discharge Permits: pretreatment; industrial, municipal (#7.1, 7.2, & 8) ☐ Indirect Discharge Permits (#9 & 9.1) ☐ Residuals Management (#10)
- 4. AIR POLLUTION CONTROL DIVISION, ANR (888-520-4879) Contact:**
☐ Construction/modification of source (#14) ☐ Open Burning (#18) ☐ Wood Chip Burners (>90 HP) (#14)
☐ Furnace Boiler Conversion/Installation (#14) ☐ Industrial Process Air Emissions (#14) ☐ Diesel Engines (>450 bHP) (#14)
- 5. WATER SUPPLY DIVISION, ANR (802-241-3400) (800-823-8500 in VT) Contact:**
☐ New Hydrants (#22) ☐ >500' waterline construction (#22) ☐ Community Water System (CWS) ☐ Bottled Water (#21) ☐ Operating permit (#21)
☐ Transient Non-Community water system (TNC) (#21) ☐ Capacity Review for Non-transient non-community water systems (NTNC) (#21)
- 6. WATER QUALITY DIVISION, ANR STORMWATER PERMITS (Hotline 802-241-4320) (#6 - 6.5) Contact: Stephanie Lanphear 802-241-4320**
☐ River Management (241-3770) ☐ Ponds (#32.1) ☐ Construction General Permits >1AC of disturbance (#6.1)
☐ Shoreland Encroachment (241-3777) Steve Hanna (#28) ☐ Stormwater from new development or redevelopment sites (#6.2 & 6.3)
☐ Wetlands (241-3770) (#29) ☐ Multi-Sector General Permit (MSGP) industrial activities w/ SIC codes (#6.4)
☐ Stream Alteration / Section 401 Water Quality Certification / Stream Crossing Structures (476-2679 / 878-5831 / 786-5906) (#27 & 32)
- 7. WASTE MANAGEMENT DIVISION, ANR Contact:**
☐ Hazardous Waste Handler site ID (241-3888) (#36) ☐ Underground Storage Tanks (241-3888) (#33)
☐ Lined landfills; transfer stations; recycling facilities drop off (241-3444) (#37, 38, 40) ☐ Asbestos Disposal (241-3444)
☐ Disposal of inert waste, untreated wood & stumps (241-3444) (#41 & 44) ☐ Composting Facilities (241-3441) (#43)
☐ Waste oil burning (241-3888) ☐ Waste transporter permit (#35) ☐ Demolition waste 241-3477 ☐ Used septi: system components/stone (#41)
- 8. FACILITIES ENGINEERING DIVISION, ANR Contact:**
☐ Dam operations (greater than 500,000 cu. ft.) (241-3451) (#45)
☐ State-funded municipal water/sewer extensions/upgrades and Pollution Control Systems (241-3750)
- 9. POLLUTION PREVENTION & MERCURY DISPOSAL HOTLINE (1-800-974-9559) (#46) Contact: Judy Mirro/John Daly**
SMALL BUSINESS & MUNICIPAL COMPLIANCE ASSISTANCE (1-800-974-9559) Contact:
RECYCLING HOTLINE (1-800-932-7100) Contact:
- 10. FISH & WILDLIFE DEPARTMENT (802-241-3700) Contact:**
☐ Nongame & Natural Heritage Program (Threatened & Endangered Species) (#47.4) ☐ Stream Obstruction Approval (#47.5)
- 11. DEPARTMENT OF PUBLIC SAFETY (802-479-7561) or District Office Contact:**
☐ Construction Permit fire prevention, electrical, plumbing, accessibility (Americans with Disabilities Act) (#49, 50, 50.1, 52.2)
☐ Storage of flammable liquids, explosives ☐ LP Gas Storage
☐ Plumbing in residences served by public water/sewer with 10 or more customers (#50.2) ☐ Boilers and pressure vessels (#50.3)
- 12. DEPARTMENT OF HEALTH (800-439-8550 in VT) (802-863-7221) (Lab 800-660-9997) Contact:**
☐ Food, lodging, bakeries, food processors (#51, 51.1, 52, 53, 53.1) ☐ Program for asbestos control & lead certification (#54, 55, 55.1)
☐ Children's camps ☐ Hot Tub Installation & Inspection - Commercial (#51.1)
- 13. AGENCY OF HUMAN SERVICES Contact:**
☐ Child care facilities (1-800-649-2642 or 802-241-2159) (#57) ☐ Residential care homes (241-2345) (Dept. of Aging & Disabilities) (#59)
☐ Nursing Homes (241-2345) (#59) ☐ Assisted Living and Therapeutic Community Residences (241-2345) (#59)
- 14. AGENCY OF TRANSPORTATION Contact:**
☐ Access to state highways (residential, commercial) (828-2653) (#68) ☐ Junkyards (828-2053) (#62)
☐ Signs (Travel Information Council) (828-2651) (#63) ☐ Railroad crossings (828-2710) (#64)
☐ Development within 500' of a limited access highway (828-2653) (#61) ☐ Airports and landing strips (828-2833) (#65)
☐ Construction within state highway right-of-way (Utilities, Grading, etc.) (828-2653) (#66) ☐ Motor vehicle dealer license (828-2067) (#68)
- 15. DEPARTMENT OF AGRICULTURE (800-675-9873 OR 802-828-3429) Contact:**
☐ Use/sale of Pesticides (828-3429) (#72, 73, 74, 75, 76, 77, 78) ☐ Slaughter houses, poultry processing (828-3429) (#81)
☐ Milk Processing Facilities (828-3429) (#83, 83.1, 85, 87) ☐ Animal shelters/pet merchant/livestock dealers (828-3429) (#89, 89.1)
☐ Golf Courses (828-2431) (#71) Green Houses/Nurseries (828-2431) (#79) ☐ Weights and measures, Gas Pumps, Scales (828-2436) (#88)
☐ Medium and Large Farm Operations (828-2431) ☐ Retail Sales/Milk/Meat/Poultry/Frozen Dessert/Class "C" Pesticides (828-3429) (#75.1, 80)
- 16. VERMONT ENERGY CODE ASSISTANCE CENTER TOLL FREE 888-373-2255** ☐ VT Building Energy Standards (#47.2)
- 17. DIVISION FOR HISTORIC PRESERVATION (802-828-3211) ☐ Historic Buildings (#47.1 & 101) ☐ Archeological Sites (#47.1 & 101)**
- 18. DEPARTMENT OF LIQUOR CONTROL (1-800-832-2339) ☐ Liquor Licenses (#90) ☐ General Info (1-800-642-3134)**
- 19. SECRETARY OF STATE (1-802-828-2386) ☐ Business Registration (#90.1) ☐ Professional Boards (1-800-439-8683) (#90.2)**
- 20. DEPARTMENT OF TAXES (802-828-2551 & 828-5787) ☐ Income & business taxes (sales, meals/ rooms, etc) (#91, 92, 93, 94, 95, 96)**
- 21. DEPARTMENT OF MOTOR VEHICLES (802-828-2070) ☐ Fuel Taxes; Commercial Vehicle (#69-70)**
- 22. LOCAL PERMITS (SEE YOUR TOWN CLERK, ZONING ADMINISTRATOR, PLANNING COMMISSION, OR PUBLIC WORKS)**
- 23. U.S. ARMY CORPS OF ENGINEERS, 8 Cammichael St., Sta. 205, Essex Jct., VT 05452 (802) 872-2833 (#97, 98, & 99)**
- 24. OTHER:**

Sections #3-#24 above have been completed by Permit Specialist John Murphy Date: 11/20/09 may be reached at 802-
 Copies have been mailed to: John Murphy Revised 6/06



LAND USE PERMIT

CASE NO: 3W1026 **LAWS/REGULATIONS INVOLVED:**
PERMITTEES: Vermont RSA Limited Partnership 10 V.S.A. §§ 6001 - 6092 (Act 250)
and Celco Partnership
ADDRESS: dba Verizon Wireless
c/o Brian J. Sullivan, 275 College Street
Burlington, VT 05401
and
Pieter W. and Courtney L. Bohen
5212 College Hill Road
Woodstock, VT 05091

District Environmental Commission #3 hereby issues Land Use Permit #3W1026, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6092. This permit applies to the lands identified in Book 205, Page 359, of the land records of the Town of Woodstock, Vermont, as the subject of a deed to Pieter W. and Courtney L. Bohen and a lease agreement with Vermont RSA Limited Partnership and Celco Partnership, the permittees as grantees.

This permit specifically authorizes the permittees to construct a 69-foot telecommunications tower resembling a pine tree, six panel antennas, a 12-foot by 30-foot equipment shelter, and an 84-foot +/- turn-off into the project site. The project is located off College Hill Road in Woodstock, Vermont.

The project is subject to Act 250 jurisdiction because the project involves construction of a commercial project on more than one acre and thus constitutes "development" pursuant to 10 V.S.A. §§ 6001(3)(A)(ii), and the project involves construction of a communication tower higher than twenty feet and thus constitutes "development" pursuant to 10 V.S.A. § 6001(26).

The permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Environmental Commission in accordance with the following conditions:

1. The project shall be completed, operated and maintained in accordance with the plans and exhibits on file with the District Environmental Commission and the conditions of this permit.
2. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Act 250 Rules.
3. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the permittees and their successors and assigns.

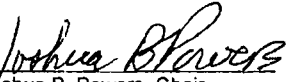
4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A. Chapter 151 and the rules of the Natural Resources Board.
5. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
6. Should the monitoring of a facility site reveal that the site exceeds the current FCC standards and guidelines, then the permittees of all facilities utilizing the site shall be notified by the Commission and the permittees must immediately reduce power, cease operation, or limit access as necessary to protect persons in the vicinity of the site, tower, or antennas. In addition, the permittees shall submit to the Commission an analysis of what caused the problem and a plan for the reduction of emissions to a level that complies with the FCC standards within 5 business days of demonstrated non-compliance.
8. The permittees shall comply with Exhibits #B and 1B for erosion control. The permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The District Environmental Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as it deems necessary.
9. In addition to conformance with all erosion control conditions, the permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the permittees from compliance with 10 V.S.A. Chapter 47, Vermont's Water Pollution Control Law.
10. The leased compound shall be secured by a 6-foot chain link fence that shall be locked at all times when permittees are not servicing the site.
11. The permittees shall utilize high efficiency Bard Wall Mount 12 SEER HVAC equipment or an approved equal. The EER of this equipment shall be a minimum of 11.3. The equipment shall include the economizer option that uses a modulating damper to draw filtered, outside ambient air into the shelter for cooling when the exterior temperature drops below the thermostat set point

(cooling to activate between 72° F and 76° F), saving energy and reducing component wear. The equipment shall include the optional scroll compressor that helps achieve the high EER. Electric resistance heat shall be limited to 5 kW units in each HVAC unit, and shall have set points for activation below 60° F.

12. The exterior light fixture shall be fully down-shielded and switched to provide lighting only when in use for servicing the building.
13. The tower shall be painted with earth tones to match the surroundings and the antennas shall be non-reflective.
14. Trees and vegetation screening the view of the tower shall be preserved and shall not be removed without the written approval of the District 3 Environmental Commission.
15. All energy conservation devices shall be maintained in good working order and any failed devices shall be promptly replaced by equipment which is as energy efficient as the failed device being replaced if the device was operating as designed.
16. The permittees shall allow other telecommunication providers to co-locate on this tower to minimize future aesthetic impacts from other facilities that may serve this area.
17. The permittees shall remove all visible communications-related equipment, including utility lines and poles, within 120 days if equipment or utility lines are no longer in use, abandoned, or obsolete.
18. No further alteration, and/or development shall be permitted without the written approval of the District Environmental Commission.
19. A copy of this permit and approved plans shall be on the site at all times throughout the construction process.
20. Pursuant to 10 V.S.A. § 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
21. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the permittees have not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
22. All site work and construction shall be completed in accordance with the approved plans by October 1, 2012, unless an extension of this date is approved in writing by the District Environmental Commission.

Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at Springfield, Vermont, on December 31, 2009.

By 
Joshua B. Powers, Chair
District #3 Environmental Commission
Natural Resources Board

Members participating in
this decision:

Roderick J. Maclay
Brian Kenyon

Any party may file a motion to alter with the District Environmental Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A). **Decisions on minor applications may be appealed only if a hearing was requested or a hearing was held by the District Environmental Commission.** See 10 V.S.A. § 8504(k) for further restrictions on the right to appeal. Appeals must be filed with the clerk of the Environmental Court within 30 days of the date of the decision, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Drawer 20, Montpelier, VT 05620-3201, in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)

E-Notification CERTIFICATE OF SERVICE #3-139

I hereby certify that I sent a copy of the foregoing Jurisdictional Opinion and Exhibits on April 8, 2011, by U.S. Mail, postage prepaid, to the individuals without email addresses and by electronic mail, to the following with email addresses: **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.**

Peter K. Vollers, Esq.
One High Street
Woodstock, VT 05091
pvollers@wrightreevesvollers.com

Randall Mayhew, Esq.
P.O. Box 223
Woodstock, VT 05091-0223
mayhewlaw@aol.com

Susan Ford, Esq.
39 Central Street, Suite 206
Woodstock, VT 05091
ford@whiteriverlawyers.com

Vermont RSA Limited Partnership and
Cellco Partnership
c/o Brian Sullivan
275 College Street
Burlington, VT 05401
bsullivan@mskvt.com

Pieter and Courtney Bohen
5212 College Hill Road
Woodstock, VT 05091

Two Rivers-Ottawquechee
Regional Commission
3177 Rose Hill, Woodstock, VT 05091
pbolduc@trorc.org

John Hasen, Esq.
National Life Records Center Building
National Life Drive
Montpelier, VT 05620-3201
john.hasen@state.vt.us

Elizabeth Lord, Esq. Land Use Attorney
Agency of Natural Resources
103 So. Main St., Ctr. Bldg. 3rd Fl.
Waterbury, VT 05671-0301
elizabeth.lord@state.vt.us



By: _____
Terry Ranney
NRB Technician