



Brian J. Sullivan
Murphy Sullivan Kronk
275 College Street
P.O. Box 4485
Burlington, VT 05406-4485

**Subject: JO-8-258: Modification to Verizon antenna on Charles Wood property
subject to LUP #8B0582, 1923 US Route 7, Bennington**

Dear Brian:

In response to your letter dated March 17, 2011, with enclosures, I write to confirm that the 4G equipment modifications will not trigger jurisdiction under Act 250.

It is my conclusion that your plans to install the subject "4G" antennas do not trigger jurisdiction under Act 250 since the additional antennae do not constitute a material change.

Act 250 jurisdiction is triggered on material changes to previously permitted project. The existing tower complex is subject to Act 250 permit # 8B0582. I concur with your position that the proposed installations will not present a risk of undue adverse impacts under criterion 8 or any other Act 250 criteria. I note that the replacement 4G antennas will be hidden behind the branches of the stealth pine tree. I further note that the project will retain conformance with FCC emissions restrictions.

In summary, the proposed projects do not constitute material change and no Act 250 permit amendment is required.

Please feel free to contact me if I may be of further assistance.

Sincerely,

/s/ Warren E. Foster
Warren E. Foster
District Coordinator

c Certificate of Service

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.

