NOTICE TO SELECTBOARD AND PLANNING COMMISSION OF THE TOWN OF WARREN PURSUANT TO 30 V.S.A. § 248a(e)

30 V.S.A. § 248a(e) requires that the legislative body (Selectboard) and planning commission of the municipality in which the project is to be located receive a statement that:

itemizes the rights and opportunities available to those bodies under subdivisions (c)(2) and (e)(2) of this section and under subsections (m), (n), and (o) of this section and informs them of the guide published under subsection (p) of this section and how to obtain a copy of that guide.

Id. This statement appears below.

• Pursuant to (c)(2):

Unless there is good cause to find otherwise, substantial deference has been given to the plans of the affected municipalities; to the recommendations of the municipal legislative bodies and the municipal planning commissions regarding the municipal plans; and to the recommendations of the regional planning commission concerning the regional plan. Nothing in this section or other provision of law shall prevent a municipal body from basing its recommendations to which substantial deference is required under this subdivision (2) on an ordinance adopted under 24 V.S.A. § 2291(19) or bylaw adopted under 24 V.S.A. chapter 117 by the municipality in which the facility is located. A rebuttable presumption respecting compliance with the applicable plan shall be created by a letter from an affected municipal legislative body or municipal planning commission concerning compliance with the regional plan and by a letter from a regional planning commission concerning compliance with the regional plan.

• Pursuant to (e)(2):

On the request of the municipal legislative body or the planning commission, the applicant shall attend a public meeting with the municipal legislative body or planning commission, or both, within the 60-day notice period before filing an application for a certificate of public good. The Department of Public Service shall attend the public meeting on the request of the municipality. The Department shall consider the comments made and information obtained at the meeting in making recommendations to the Commission on the application and in determining whether to retain additional personnel under subsection (o) of this section.

• Pursuant to (m):

Municipal bodies; participation. The legislative body and the planning commission for the municipality in which a telecommunications facility is located shall have the right to appear and participate on any application under this section seeking a certificate of public good for the facility.

• Pursuant to (n):



Municipal recommendations. The Commission shall consider the comments and recommendations submitted by the municipal legislative body and planning commission. The Commission's decision to issue or deny a certificate of public good shall include a detailed written response to each recommendation of the municipal legislative body and planning commission.

• Pursuant to (o):

Retention; experts. The Department of Public Service may retain experts and other personnel as identified in section 20 of this title to provide information essential to a full consideration of an application for a certificate of public good under this section. The Department may allocate the expenses incurred in retaining these personnel to the applicant in accordance with section 21 of this title. The Department may commence retention of these personnel once the applicant has filed the 60-day notice under subsection (e) of this section. A municipal legislative body or planning commission may request that the Department retain these personnel. Granting such a request shall not oblige the Department or the personnel it retains to agree with the position of the municipality.

• Pursuant to (p):

Review process; guide. The Department of Public Service, in consultation with the Commission, shall create, maintain, and make available to the public a guide to the process of reviewing telecommunications facilities under this section for use by local governments and regional planning commissions and members of the public who seek to participate in the process. On or before September 1, 2014, the Department shall complete the creation of this guide and make it publicly available. That guide be found can at https://publicservice.vermont.gov/sites/dps/files/documents/Pubs Plans Reports/Legislative Re ports/Public%20Guide%20248a.pdf The Sixth Amended Procedures order (copy attached) may also provide useful information.





October 31, 2022

To: Parties on attached Service List

Re: Application for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a
Applicant: Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless ("Verizon")
Project: Construction of a Wireless Telecommunications Facility
Location: Airport Road, Warren, VT
Landowners: David and Marlene Defreest, 908 Airport Road, Warren, VT 05674

Dear Statutory Party:

Our firm represents Verizon. You are receiving this notification because Verizon intends to file an application with the Public Utility Commission ("Commission"), under the provisions of 30 V.S.A. § 248a ("Section 248a"), for a Certificate of Public Good to allow the construction of a wireless telecommunications facility in the Town of Warren, Vermont. The "Notice" provision of the Section 248a process, as amended, requires that:

The applicant must provide written notice, at least 60 days in advance of filing a Section 248a application, to the following entities:

- (a) the legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
- (b) the Secretary of the Agency of Natural Resources;
- (c) the Agency of Transportation;
- (d) the Division for Historic Preservation;
- (e) the Commissioner of the Department of Public Service and its Director for Public Advocacy;
- (f) the Natural Resources Board...;
- (g) the landowners of record of property adjoining the project sites; and
- (h) the Public Utility Commission...

The application will be filed in accordance with the Amended Order Implementing Standards and Procedures for Issuance of a Certificate of Public Good for Communications Facilities Pursuant to 30 V.S.A. § 248a, issued by the Commission on September 21, 2018, ("Amended Order"), and the Standards and Procedures Applicable to Electronic Filing Using ePUC, eff. January 17, 2017 ("ePUC Procedures").

Copies of the Amended Order and ePUC Procedures are available on the web at <u>http://puc.vermont.gov</u> and at the Commission's offices, on the 4th Floor of the M&T Bank (formerly Peoples United Bank) Building, 112 State Street, Montpelier, Vermont 05620.

Parties on attached Service List October 31, 2022 Page 2 of 6

Documents filed with the PUC are available electronically through the PUC's website at http://epuc.vermont.gov/.

Project Location

Verizon intends to construct a telecommunications facility on a ("Parcel") located on Airport Road in Warren, Vermont. The Parcel is an approximately 505-acre lot, and its owners have a mailing address of 908 Airport Road, in Warren, Vermont 05674. Verizon refers to the project as "Warren." The property owners have given Verizon permission to proceed with this Application. The coordinates for the Project are latitude 44°08'05.99" North and longitude 72°49'52.91" West. *See* attached Permit Plans for visual depiction of the Project's location.

Project Description

Verizon will create an 50' x 50' "Compound" enclosed by an 8' high chain link fence, with a locked gate, and topped with barbed wire. A 140' above ground level ("AGL") telecommunications monopole tower ("Monopole") will be constructed within the Compound.

Six (6) panel antennas ("Antennas") and six (6) Remote Radio Heads ("RRHs") will be centered at 137' AGL on the Monopole on a triangular mounting bracket with two (2) Antennas, two (2) RRHs, and one (1) MMU antenna ("MMU") per side or "sector". Each Antenna will measure approximately 72" long and 19.6" wide. The topmost point of the antennas will extend to a height of 140' AGL. Each of the RRHs, measuring approximately 15.9" long and 15.5" wide, will be mounted directly behind each of the Antennas. The MMU, measuring approximately 35" long and 16" wide and will be mounted with a centerline elevation of 137' AGL. One (1) OVP distribution box ("OVP"), measuring approximately 25.8" long by 15.9" wide will be mounted on the Monopole at the same centerline as the Antennas and the RRHs.¹ The Tower, OVP and Antennas will be painted brown.

Verizon will place a 12' by 20' equipment shelter ("Shelter") on the ground inside the Compound, to the southeast of the Monopole. The Shelter will contain the electronics equipment necessary for the operation of the Project. Verizon will also place an emergency generator ("Generator") on a 10' by 12' concrete pad adjacent to the east side of the Shelter. The Generator will function if there is a power outage. Verizon will remotely test the Generator once a week at a time to be determined. If diesel is used to power the Generator, its tank will be placed underneath the Generator. If propane is used to power the Generator, Verizon will install a 500-gallon propane tank on an 11' by 4' concrete pad to the east of the Monopole in the Compound.

¹ From time to time, equipment manufacturers may alter their products or Verizon Wireless may purchase from different suppliers. Therefore, there is a possibility that the actual antennas, remote radio heads and/or distribution boxes may be slightly different from but of similar dimensions as those described in this notice.



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Parties on attached Service List October 31, 2022 Page **3** of **6**

Co-axial and fiber optic cables from the mounted antennas will descend inside the hollow Monopole. The cables will exit near the base of the Monopole and will connect with the Shelter via a proposed cable bridge.

To provide access to the Compound, Verizon proposes to follow an existing farm road off Airport Road and construct a new access drive ("Access") to reach the Compound. Approximate clearing limits are shown on the enclosed plans.² The contractor will limit clearing to the minimum required to construct the Access and Compound, which is estimated to be approximately 17,836 square feet. At the close of construction, Verizon will reseed and mulch all disturbed areas along the Access and around the Compound. Culverts, check dams, water bars and silt fencing will be placed along the Access and at the Compound as indicated on the enclosed plans to control erosion both during and after construction.

Construction shall meet the requirements of the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control. After the completion of construction, the amount of new impervious surface area will be approximately 6,758 square feet. Total permanent earth disturbance will be approximately 6,758 square feet.

Underground utilities will follow the Access from the closest existing utility connection point on Airport Road to the Compound. To minimize clearing, the utilities will run under the Access.

As part of the design for this Project, Verizon RF engineers evaluated existing telecommunications facilities and existing structures for possible co-location opportunities. No such facilities or structures that would fulfill the objectives for this site exist.

Demand for bandwidth on wireless telecommunications networks has been increasing rapidly. Verizon's existing sites in the Warren area are nearing their full capacity, and service will degrade if more capacity is not added in that area. The Project will provide the needed capacity and coverage to allow Verizon subscribers living in, working in or passing through the Warren area to maintain and, in some cases, experience improvement in the level of service to which they have become accustomed.

Conformance to Local and Regional Plans

According to 30 V.S.A. § 248a(c)(2), during the Commission's review, "substantial deference [will be] given to the land conservation measures" in the local and regional plans of the "affected municipality." We are, therefore, addressing the relevant provisions of the Warren, Vermont 2019 Town Plan (adopted on April 23, 2019) ("Town Plan") and the Central Vermont Regional Planning

² Clearing limits may need to be adjusted based on conditions encountered during construction.



Parties on attached Service List October 31, 2022 Page **4** of **6**

Commission's 2016 Regional Plan (amended effective July 17, 2018, October 13, 2020 and November 17, 2020) ("Regional Plan") to illustrate that the proposed Project will comply.

The Town Plan contains a Section on "Communications." Town Plan at 60-61. That Section contains the following observations:

Phone Service. Waitsfield and Champlain Valley Telecom provides land-line phone service, as well as high-speed internet, in Warren. Various national companies provide cellular telephone service in Warren. Verizon Wireless, AT&T Wireless, SPRINT and Nextel maintain wireless facilities in the Sugarbush Village area. Warren's Land Use and Development Regulations include standards for construction of wireless telecommunication facilities. As of 2017, however, applicants for wireless telecommunications facilities could choose to have their projects approved under the state Section 248 process rather than under municipal zoning.

Internet Service. Internet services are available through a variety of local and national providers, including Green Mountain Access (the Internet subsidiary of Waitsfield and Champlain Valley Telecom). Green Mountain Access offers high-speed Internet services throughout Warren with fiber-optic service available in some areas of town.

Id.

The "Improving Infrastructure, Facilities, and Services" section contains the following statement:

Promote the continued upgrade and expansion of the telecommunications infrastructure in town to support the ability of local residents to work at home and telecommute to other locations.

Id. at 99.

The Regional Plan contains an observation about the importance of telecommunications services in opening "fairly insular" rural Vermont to the world:

Over the past several decades, Vermont has witnessed dramatic cultural change. Technological advances in the areas of transportation and telecommunications have been the primary agents of this transformation, opening up what was a fairly insular, self-sufficient rural society to the "outside world." With this exposure came new people, new development, and new social, economic, and land use patterns. Some of the changes the State has experienced have been beneficial; some have not. While people may always argue about the pros and cons of technology and land development, they are part of our current reality. The



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Parties on attached Service List October 31, 2022 Page 5 of 6

> challenge before us now is to guide these forces of change so as to bring about a marriage between our culture and our place that is sustainable, harmonious, and mutually beneficial. In the years to come, nothing will say more about the success of our efforts than the way in which people use the land and its resources.

Id. at Land Use 2-1.

The Regional Plan also discusses the expanding role of wireless in serving the region's communications needs:

Mobile wireless voice service is becoming more available. Vermonters' use and reliance on mobile voice technology has increased since the publication of the last telecommunications plan. Twenty nine percent of Vermont households are wireless-only households. As of 2013, thirteen of Central Vermont's twenty-three communities have between 90-100% of addresses served by a wireless voice provider according to voice tests that were conducted throughout the state (displayed in Figure 1). Mobile data for smartphones or mobile hotspots is also typically available from these carriers in the same service areas that voice is available.

Id. at Utilities, Facilities & Services 5-26.

Regarding the build out of wireless networks and the balance between increasing service and promoting aesthetic values, the Regional Plan states:

While Central Vermonters want and expect good cellular service, they also expect the placement and design of new facilities to be guided by a respect for the integrity of the Region's landscape and compliance with microwave emissions standards. As such, it is important to balance aesthetics, signal quality, health, business and personal needs when deciding whether and where to build new towers and other facilities.

Id. at 5-27. To achieve this balance, the Regional Plan looks to the constituent municipalities to incorporate language in their local plans:

Communities planning for the appropriate sitting of wireless facilities have to ask themselves many questions as they proceed. Would they rather have several small-scale, less visible, facilities closer to the population or a few large, highly visible sites in less populated spots? Are there certain locations that are so environmentally or visually sensitive that they should be "off-limits"? What areas are providers most interested in serving? Through careful planning and clear language in the duly adopted municipal plan, cities and towns can ensure good service without compromising their character or the welfare of their residents. Parties on attached Service List October 31, 2022 Page 6 of 6

Id. at 5-28.

As stated above, the Project will enhance the quality of the Verizon's infrastructure serving Warren in a manner that will maintain and improve the reliability of the Verizon network and Internet connectivity and speed on that network. Verizon shares the goals of the Town Regional Plans of using existing infrastructure rather than building new towers where feasible. However, in this case, there is no existing infrastructure than will allow Verizon to accomplish its objectives of enhancing coverage and capacity in this area. The location that Verizon has chosen is well developed and is not in an ecologically sensitive area.

Please feel free to contact me, either by email or at the address or telephone number below, if you have any questions or comments regarding the proposed Project. We would like to receive comments no later than 30 days from your receipt of this Notice so that they can be considered prior to the application filing.

As a recipient of this notice, you will also be notified when the application is filed, which will be at least 60 days from the date of this letter. You will then have 30 days from receipt of that notification to file comments, a motion to intervene or request for hearing with the Commission. Please review the Amended Order for additional information and procedures.

Very truly yours,

Brian J. Sullivan bsullivan@mskvt.com

Enclosure

c: Statutory Parties on attached Service List (w/enclosure) Adjoining Landowners on attached Service List (w/enclosure) Town of Town of Warren w/ additional enclosures pursuant to 30 V.S.A. § 248a(e)



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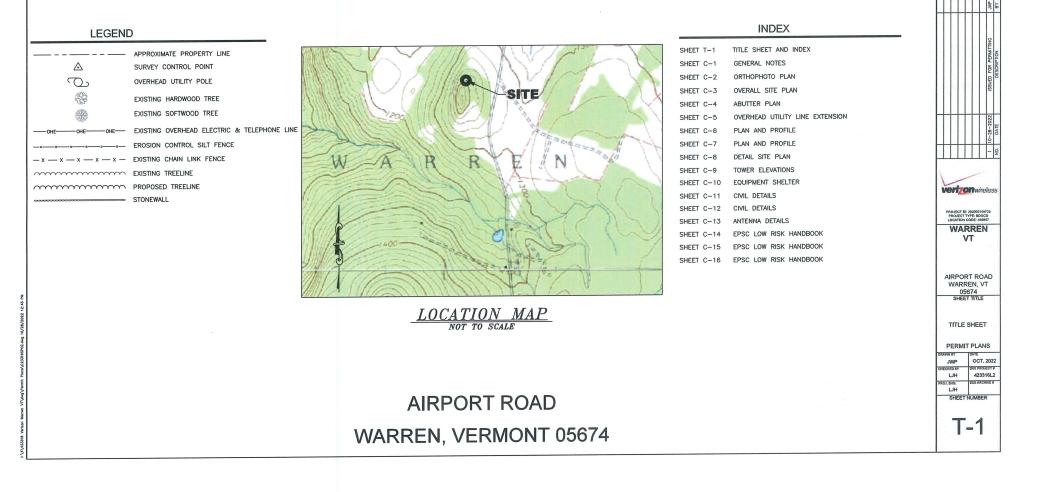
VERIZON WIRELESS

TEL: (802) 878-766 FAX: (865) 763-710 rww.dubois-king.co RANDOLPH, VT SPRINGFIELD, VT BRANDON, VT BEDFORD, NH LACONIA, NH right 2022 Dubais & I

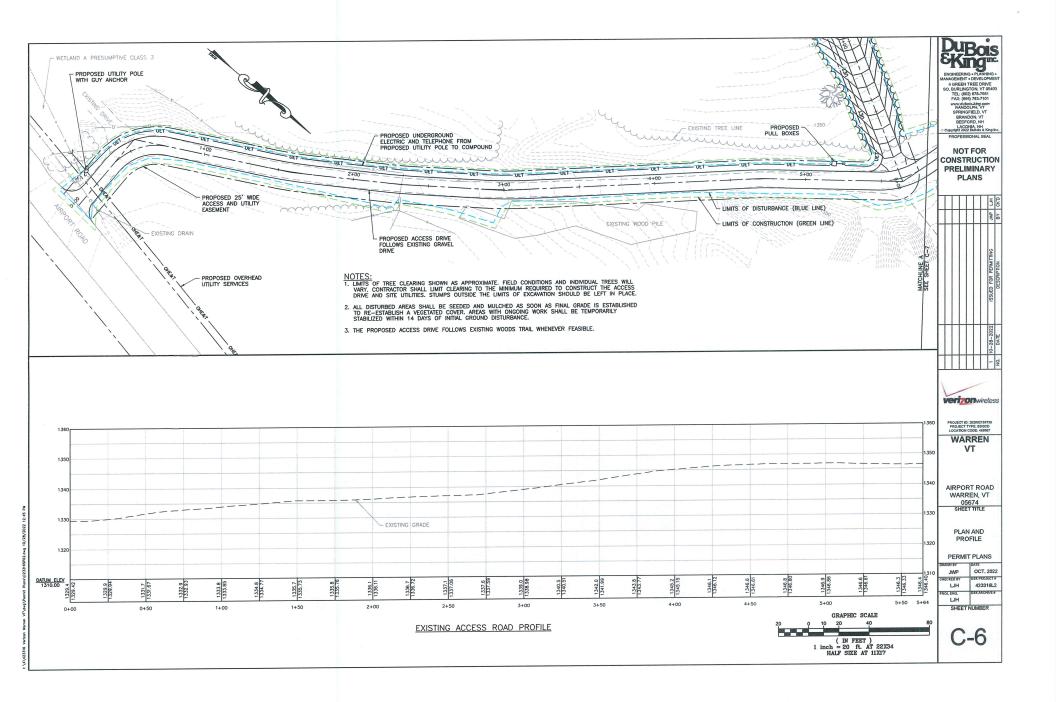
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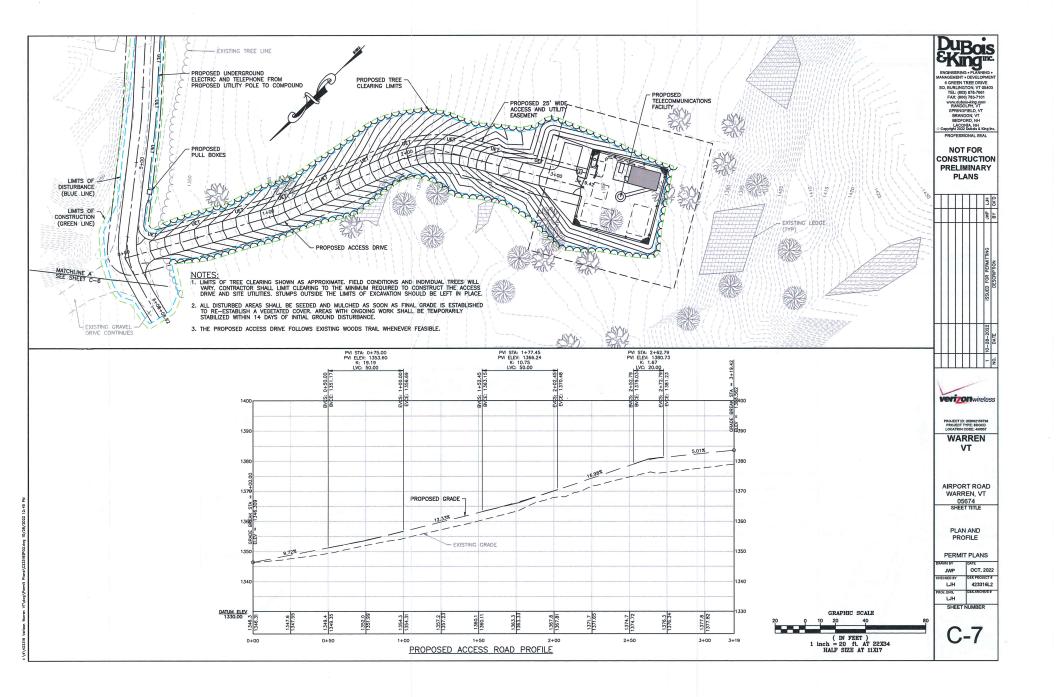
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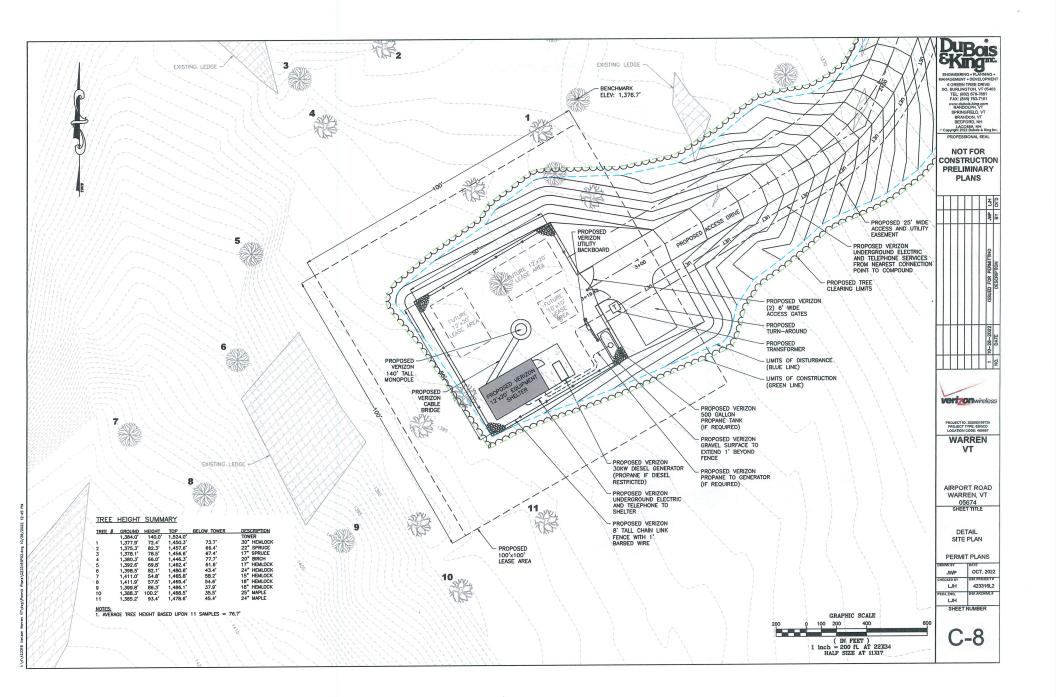
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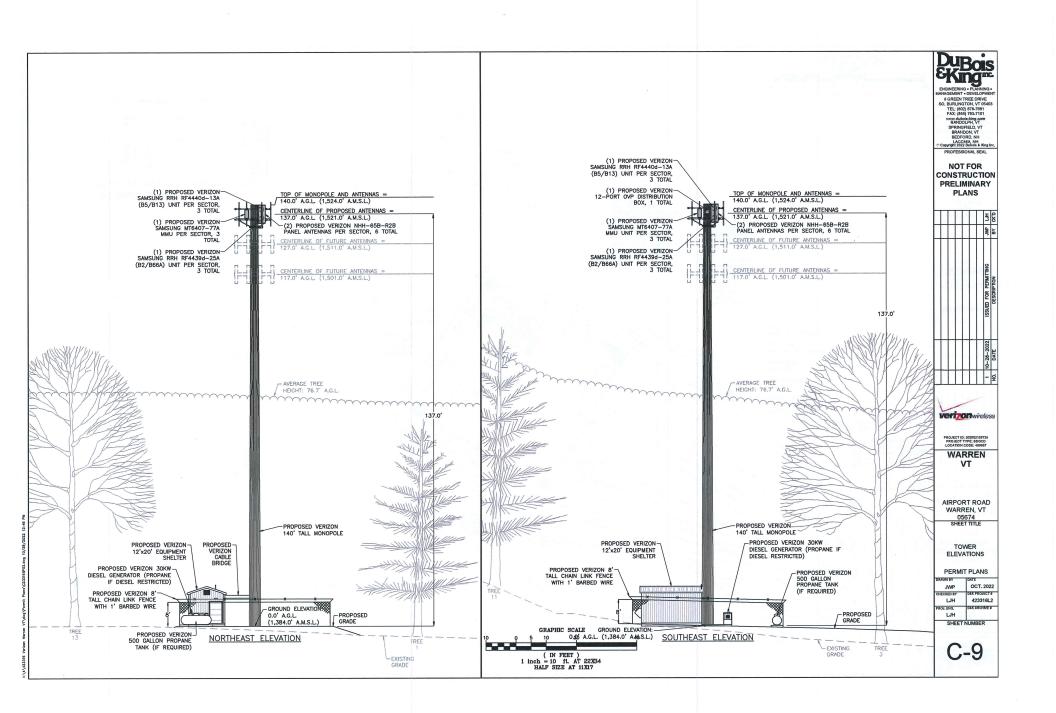


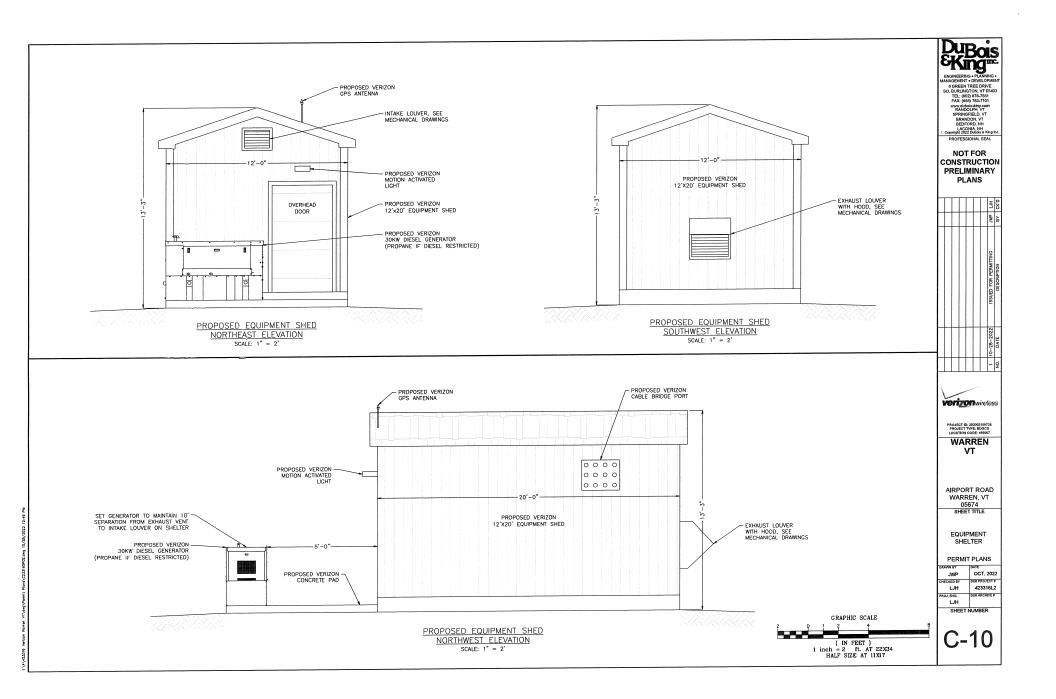
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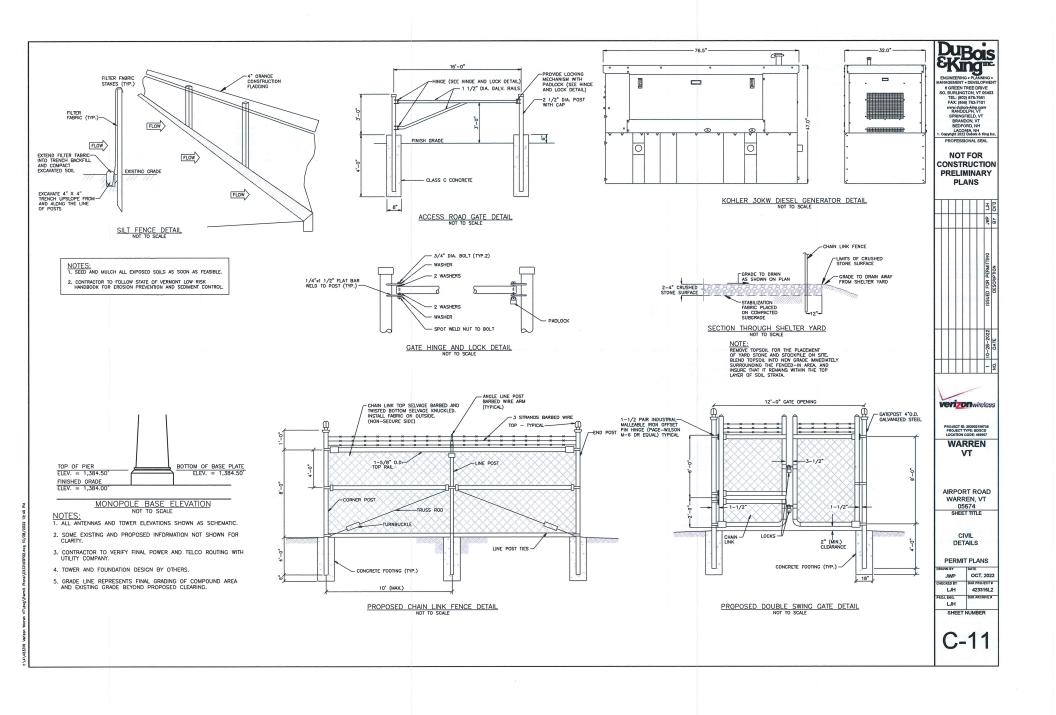


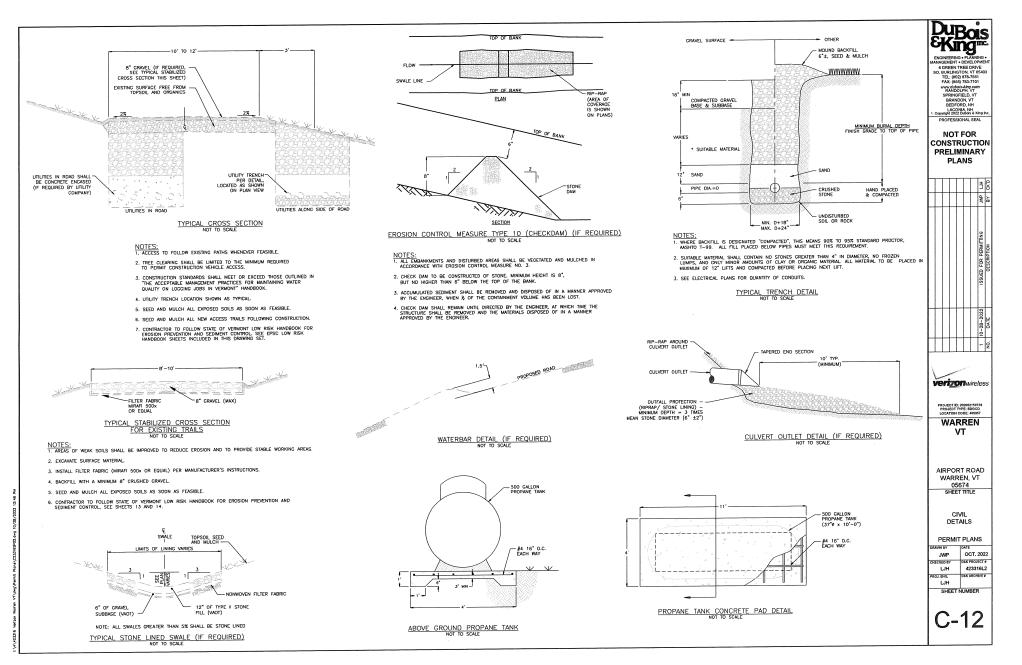


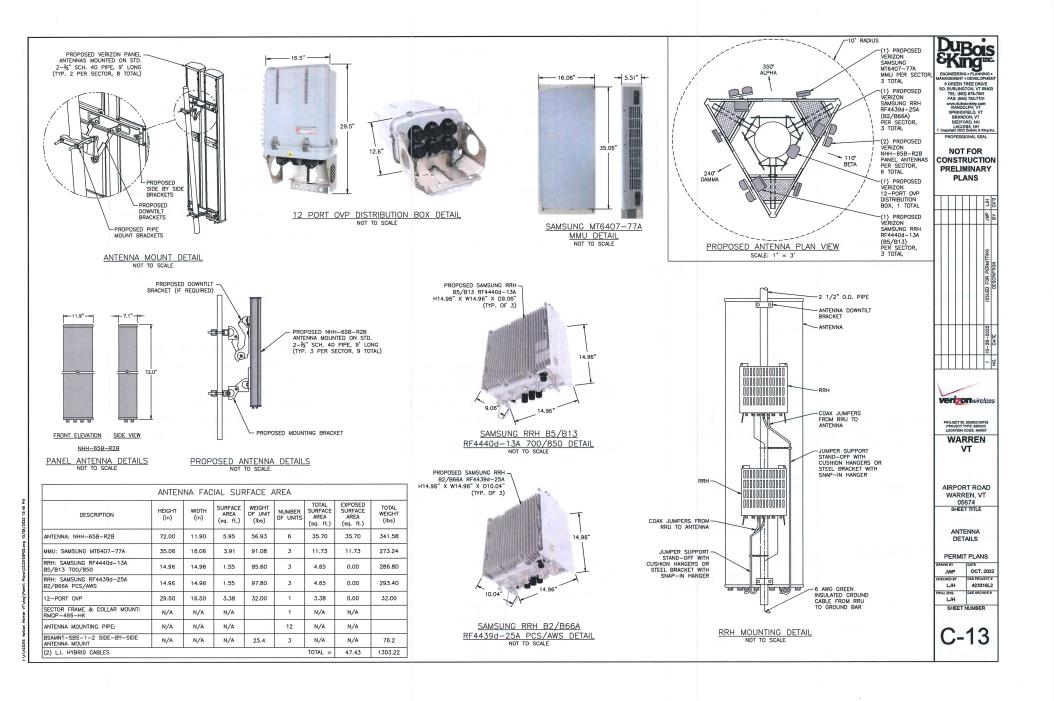


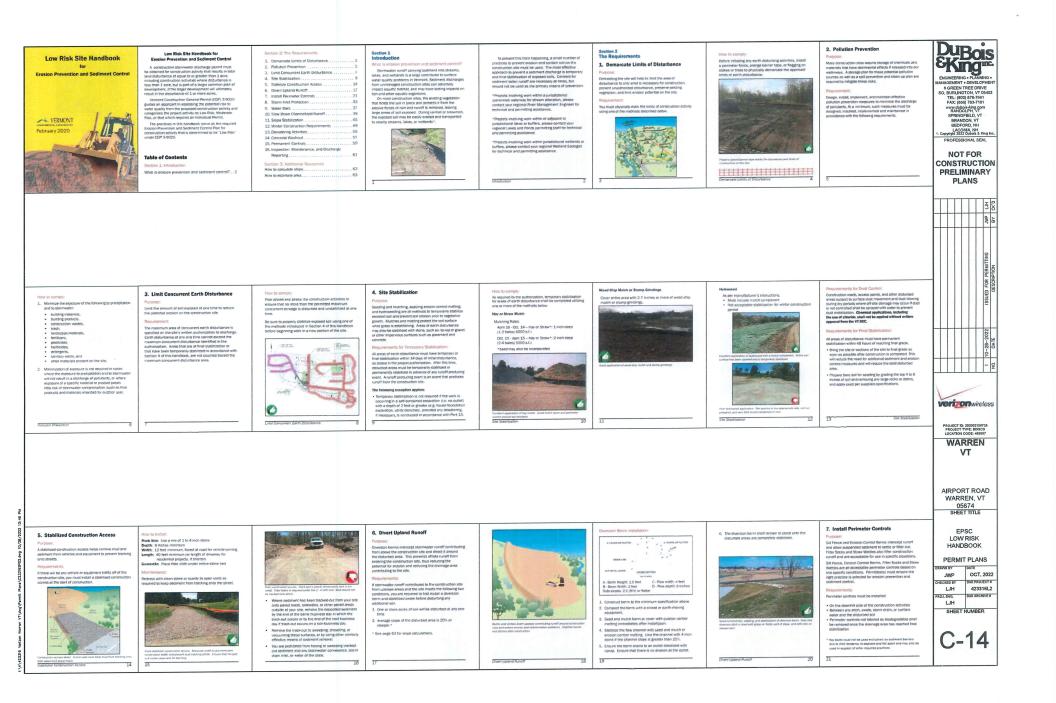


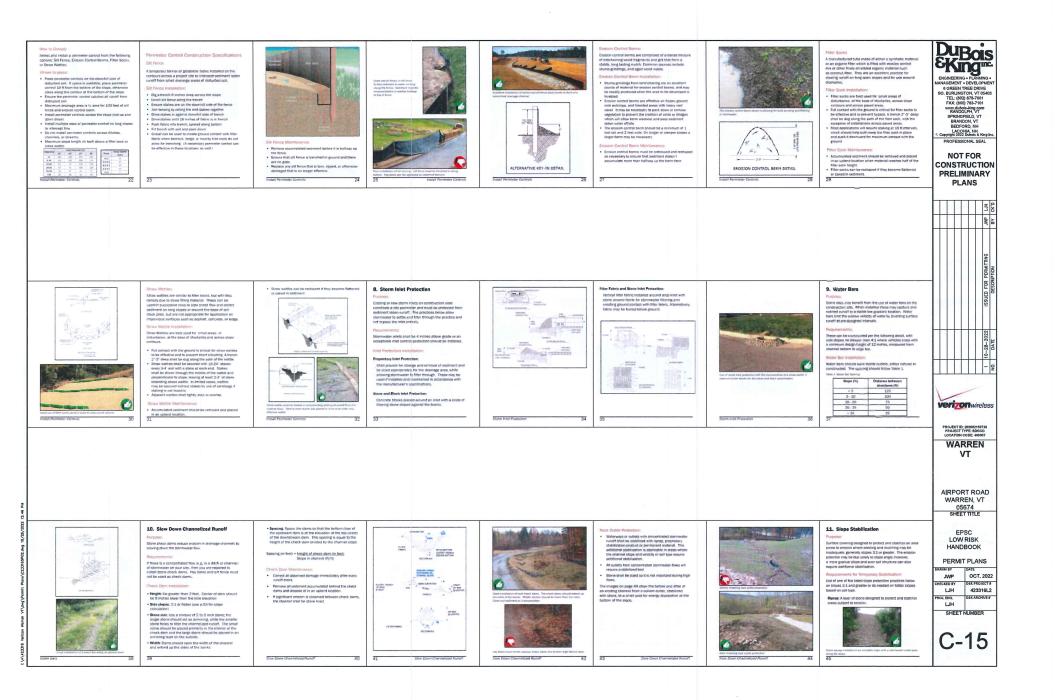


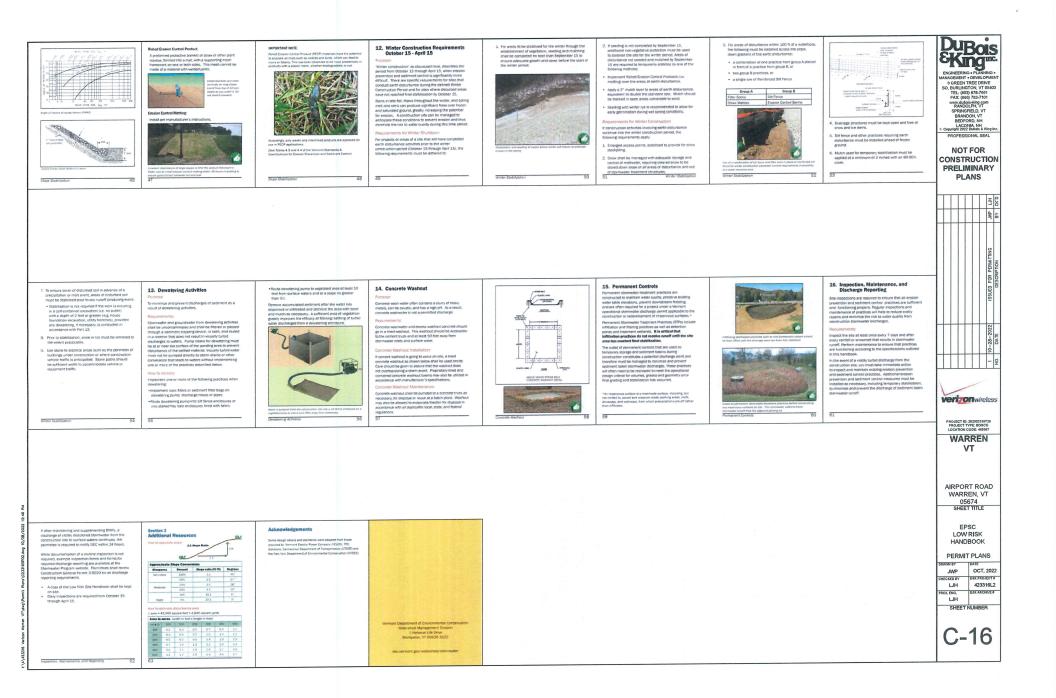












SERVICE LIST FOR 60-DAY NOTICE

Statutory Parties

Holly Anderson, Clerk Vermont Public Utility Commission 112 State Street, 4th Floor Montpelier, VT 05620-2701

Marcella Dent, Paralegal ANR Office of Planning and Legal Affairs 1 National Life Drive Montpelier, VT 05402-3901

James Duggan Vermont Div. for Historic Preservation National Life Building, 6th Floor Montpelier, VT 05620-1201

Geoff Commons, Dir. for Public Advocacy c/o Sarah L.J. Aceves, Special Counsel Vermont Department of Public Service 112 State Street, Drawer 20 Montpelier, VT 05620-2601

Vermont Agency of Transportation One National Life Drive Montpelier, VT 05633-5001 June Tierney, Commissioner Vermont Department of Public Service 112 State Street, Drawer 20 Montpelier, VT 05620-2601

Camilla Behn Town of Warren Selectboard P.O. Box 337 Warren, VT 05674

James Sanford, Chair Town of Warren Planning Commission P.O. Box 337 Warren, VT 05674

Steve Lotspeich, Chair Central Vermont Regional Planning Commission 29 Main Street, Suite 4 Montpelier, VT 05602

David and Marlene Defreest 908 Airport Road Warren, VT 05674

Last Name	First Name	Address	Parcel ID:
Egan, III	John	9 Arlington St., Apt # 2	009001-3
Connolly	Maura	Boston, MA, 02116-1807	
Defreest	David & Thomas, d/b/a	908 Airport Rd	009001-4
	Defreest Farms	Warren, VT, 05674	
Paul D. Eardensohn	Paul D Eardensohn and	258 Lichen Rock Road	009001-302
Family Trust u/t/a	Victoria Gadd	Warren, VT, 05674	
January 7, 2022 &	Eardensohn, Trustees	dig di seconda di second	
Victoria Gadd			
Eardensohn			
Declaration of Trust			
u/t/a dated October			
15, 1991			

Adjoining Landowners

Mary D. Murray Family Trust 12/10/13	Mary D. Murray, Trustee	35 Otis Hill Road Hingham, MA, 02043	009001-303
Bowen	Ryan M. & Kathryn Q.	37 Harrison Street Duxbury, MA, 02332	009001-5
Town of Warren		P.O. Box 337 Warren, VT 05674	
Mary D. Murray Family Trust	Mary D. Murray, Trustee	35 Otis Hill Road Hingham, MA, 02043	32003.000
Defreest	Marlene, David II, Thomas & David III	908 Airport Road Warren, VT, 05674	32004.000
Tremper	Theodore	3622 East Warren Road Waitsfield, VT, 05673	01086.000
Defreest	David II, David III, Dixie, & Thomas	908 Airport Rd Warren, VT, 05674	002003-6
Robert C. First Trust & Deborah S. First Trust	Robert C. First & Deborah S. First, Trustees	22 Rockport Rd Weston, MA, 02493	002003-1
Nepenthe LLC	C/O MSK Attorneys 275 College Street Burlington, VT, 05401	275 College Street Burlington, VT, 05401	012000-3
Mahoney	Daniel & Susan	32 Bensons Point Court Stony Point, NY, 10980	002003-2
Mittler	William & Lyndley	4782 East Warren Rd Warren, VT, 05674	002002-5
Mohawk Investors Defreest	C/O Merlin Development	PO Box 173 Saratoga Springs, NY, - 12866	002002-101
(Purchased at tax sale in 2022)	David III	908 Airport Road Warren, VT, 05674	
Granite Intersection Inc., d/b/a Sugarbush Airport	C/O David Tanzer	3055 E. Warren Road, Waitsfield, VT, 05673	009003
Erickson	John	P.O. Box 102 Bolton, MA, 01740-0102	009002-002
Waite	William	18 Saratoga Blvd. Devens, MA, 01434	009002-003
Town of Warren		P.O. Box 337 Warren, VT 05674	
Anderson	Linda	126 Devon Road Beaconsfield, Quebec,	009002-1

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358 Fleming Road LLC		PO Box 52 Prides Crossing, MA, 01965	009002-2
Parker Aviation Enterprises		214 Roth Road Warren, VT, 05674	009003-7
Duncan	Marvin H.	94 Beacon St, Marblehead, MA, 01945-2623	331024
Buck	Robert O.	173 Kneeland Hill Waterbury Center, VT, 05677	331012
Schulthess	Fabio	Vicolo Fortezze 32, Switzerland	331023
Duncan, Jr.	Marvin H.	94 Beacon St, Marblehead, MA, 01945-2623	331024-01
Newell	William C.	48 Downey Street Hopkinton, MA, 01748	331021
Kram	Paul R.	172 Middle St Apt. 112 Lowell, MA, 01852-6206	331019
Kram	Paul R.	172 Middle St Apt. 112 Lowell, MA, 01852-6206	331019-01
Dillion	Robert J. & Catherine R.	PO Box 379 Warren, VT, 05674	331002
Flight Experience For Youth Inc.		PO Box 411 Warren, VT, 05674	331018
Flight Experience For		PO Box 123	331025
Youth Inc.		Warren, VT, 05674	
Flight Experience For Youth Inc.		PO Box 123 Warren, VT, 05674	331025-01
Lauck	Anthony G.	PO Box 59 Warren, VT, 05674	331017
Martin	William	1415 Sage Run San Antonio, TX, 78253	331016
Martin	William	1415 Sage Run San Antonio, TX, 78253	331020-01
William G. Carey, III Revocable Trust under Trust Agreement dated 10/20/2011	William G. Carey, Trustee, Kate P. Carey, Trustee	640 Moulton Rd Fayston, VT, 05673	331022
Rodger	Raymond F.	PO Box 454 Westfield, NJ, 07091	331020

Snoopy Technical	214 Roth Road,	214 R
Diving, LLC	Warren, VT, 05674	Warre