

**Minutes Rochester Planning Commission  
Tuesday, July 2, 2024  
Rochester Town Office and via Zoom**

**Present:** Chair Dan McKinley, Sandy Haas; Julie Martin, Dave Curtis, Mary Fratini, Christine Meagher (via zoom), Doon Hinderyckx, Zoning Administrator

**Guests:** Pat Harvey, Dave Harvey

**Call to Order:** Dan McKinley called the meeting to order at 6:33pm.

**Permit inquiry:** Dave Harvey reported back on the renovation of the red barn at 29 School Street. A survey confirmed that the property line ends 16' off the building so they will proceed with a 6'x12' catwalk/cantilevered deck on the north side to provide the second egress required by state fire regulations for a residence.

**Administrative Officer Report, Building and Zoning Applications:**

-- Eric Wilson, 342 Access Road

Eric requested a permit to construct an outbuilding on the property that will not include a bathroom, require water, or need a driveway. The proposal meets all setback requirements. The permit was approved.

-- Frank and Faye Severy, 451 Brandon Mountain Road

Frank and Faye requested a permit to add a two-car garage onto the existing cabin. The addition will not require any septic or road cuts. The permit was approved.

-- Nick d'Arbeloff, 2037 Jerusalem Hill Road / 1 Bethel Mountain Road

Nick requested a permit to build a 2800 sq ft, single-story house; the septic permit for a 5-bedroom design was approved on June 6<sup>th</sup>. The proposal meets all setback requirements. The permit was approved.

**VT Black Gold/Music Mountain Compost permit update**

Following last month's meeting, Sandy confirmed that the existing permit for this project was *not* a conditional use permit but rather a change of use permit limited to (3) years; that permit has now expired. After a brief discussion, the board recommended that Zach apply for an indefinite extension of the change of use permit that reflects the changes in name, ownership, and operation of the business. The board agreed to put this on the August agenda and will send courtesy letters to neighbors who had previously expressed concerns to the Selectboard about the operation.

**Review Application for Certificate of Public Good**

The board received the required 45-day notice from the lawyers for Vertex Towers, LLC and Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless requesting feedback in advance of requesting a certificate of public good for the construction of a wireless telecommunications facility on property owned by Julia and Charles Martin at 1030 Route 100S. Julie Martin recused herself from the board for the discussion.

The proposal is for a single tower of 180' with three antennas. Julie reported that the overall size of the property is 403 acres, all in current use. She said that there are many remaining questions to be handled by the applicant including but not limited to: how to provide power to the site, testing for visibility, and all requirements for permits from the State of Vermont.

The board reviewed the guide to Section 248A and confirmed that this a full 248A project and therefore:

- Has no height or size limitations
- Must not have an “undue adverse effect” on specific criteria
- Must give “substantial deference” to “land conservation measures in the plans of affected municipalities and the recommendations of the municipal legislative bodies and the municipal and regional plans unless there is good cause to find otherwise.”
- The project is exempt from local zoning ordinances.

The board noted that the official application for this project has not yet been filed; once it is filed, the town will have 30 days to: request a public meeting with the applicant and the Department of Public Service; submit comments to the Public Service Board; and/or intervene in the proceedings as a formal party. After discussion, the board agreed to submit a request for a public meeting. Dan will check with the clerk of the Public Utility Commission about the appropriate timeline for that request. The earliest the application can be filed is August 12<sup>th</sup>, so September might be a good time for the public meeting.

### **Revisions to permit application forms**

Given the new fee scales for permits, Kristen LaPell suggested updating the permitting forms. The board reviewed, revised, and approved drafts for new application forms for building, subdivision, and conditional use.

### **Inquiry from Bruce Danek**

Dan noted that the board had received an inquiry from Bruce Danek as a consulting forester on a large parcel. The owner is considering subdividing the parcel, but wanted to know if they could do the survey now and apply for subdivision at a later date. After discussion, the board agreed that the owner could conduct the survey at any time, with the understanding that zoning regulations could change between conducting the survey and submitting the application.

**Approval of Minutes:** Minutes from June 4, 2024 meeting approved.

**Adjourned:** Meeting was adjourned at 8:18pm

**Next meeting:** August 6, 2024 at 6:30 pm