

Minutes Rochester Planning Commission
July 1, 2025
Rochester Town Office and via Zoom

Present: Sandy Haas; Mary Fratini; Julie Martin; Dan McKinley; Dave Curtis; Pat Harvey (Zoning Administrator); Christine Meagher (via zoom)

Guests: Asia Labejsza-Kennett; Marc Preston; Marc Blaine; Karen Blaine; Larry Strauss; Lesley Strauss; Brian Shebairo; Deb Moore; Lori Church; Ben Falke; Jacob Wilson (zoom); Jim Porter, Vermont Department of Public Service (zoom); Annette Smith, Vermonters for a Clean Environment (zoom).

Call to Order: Dan McKinley called the meeting to order at 6:32pm.

Public Hearing re Brian Shebairo application for a Minor Subdivision of property at 162 Campbell Road [postponed from June 3]

Brian Shebairo presented his application to subdivide his property located at 162 Campbell Road into two lots: Lot 1 is a 50.6 acre lot with an existing house that is also the site of a home business; Lot 2 is a 4.4 acre lot with an existing house and barn. Both lots will have sufficient road frontage, but share a single driveway for access.

Abutting landowners Marc Preston and Catherine Haas, Robert and Elizabeth Kennett, and David and Joanna Kennett had previously submitted their objections in writing, which included: road frontage for each lot; siting for a new driveway; compliance with ordinances for wells and septic systems; increased traffic on Liberty Hill Road; compliance of existing structures with height restrictions, setbacks, water supply, and sewage; whether the application was complete; and whether existing or proposed activity precludes possibility of receiving designation as an historic district.

Upon review of their objections, the board agreed that: the lots had the required road frontage and access; the existing structures already complied with water, septic, and building restrictions; the addition of one new family home would not constitute a significant increase in traffic; the question of an historic district designation was outside the purview of this permit; and that the application was complete. The board approved the subdivision on the condition that Lot 1 has a deeded ROW of 30' wide across Lot 2 via the existing driveway.

Permit inquiries, if any

Marc and Karen Blaine submitted a permit application for a 24.5' x 14.5' outbuilding that was partially completed on their property at 1232 Bethel Mountain Road, but did not meet the minimum setback of 25' from the nearest property line. As currently sited, the shed sits 10' 8" from the closest property line at one corner and 15' at the other corner. Marc said that the addition of the outbuilding followed recent work to address long-standing drainage issues, including regrading the site and installing a wall to support the new grading. The outbuilding has no post or piers foundation, but sits directly on the ground.

After reviewing the zoning bylaws, the board determined that the building permit should be denied and Marc could then apply for a waiver from the Zoning Board of Administration under 6.10.3 at the August meeting, if he could supply names and addresses of all abutting property owners in time for the necessary warning of the hearing.

Plan public information meeting re Vertex application to Public Utility Commission for cell tower to be located at 1030 Route 100 South.

The board had an extended discussion in order to plan a second public information session about a proposed cell phone tower at 1030 Route 100 South; the first was held on October 24, 2024. The previous application for a 175' tower was closed; Vertex has since submitted a new notice of an intent to apply for a certificate of public good for a 140' tower. The board heard recommendations for planning the meeting from Jim Porter, the director of public advocacy for the Vermont Department of Public Service (DPS); Annette Smith, director of Vermonters for a Clean Environment (VCE); Ben Falke; Deb Moore; and Lori Church.

Dan McKinley noted that this second informational session was being organized at the request of community members who wanted the opportunity to share with and listen to one another, the planning commission, the Selectboard, and others in the community about their positions on cell towers.

Lori Church and Deb Moore asked if Vertex would be invited to the meeting; if so, what would be their role or restrictions on their participation. After a brief discussion, the board agreed that Vertex should be invited to the meeting so that they would be available to answer any technical questions, and that any representative from Vertex should participate under the same restrictions as other people. The board agreed that this might be difficult in practice and would have to be carefully managed by the moderator.

Lori additionally asked that the town request an extension of the 60-day advance notice from Vertex so that there would be more time to plan the meeting, have the community discussion, and compose comments on the proposal from the time. The board agreed that Dan would submit such a request to Vertex's attorney.

Jim Porter said it would be helpful for DPS to attend this second meeting so that they could hear the community concerns as well as the company's responses to them. He noted that DPS will ultimately take a position on the project once the petition is formally filed, but that DPS has some flexibility to hire experts during this advance notice period under certain circumstances. He also recommended that the town submit comments to Vertex during this advance notice period, rather than waiting until after the petition has been filed and declared complete, because there is more flexibility during this time period.

Ben Falke asked why the planning commission was hosting a second information session, saying that it was an unnecessary step because he believed the proposal violates the town plan in at least six different ways. Mary Fratini reiterated Dan's previous point that this second meeting was being planned at the direct request of community members.

Annette Smith agreed with Lori Church that the town should request an extension to the 60-day advance notice period from Vertex, and with Jim Porter that the advance notice period is the time for the community to provide their response to the applicant, describing her recent experiences with the process in Tinmouth as an example.

Pat Harvey, in her role as chair of the Selectboard, asked Jim Porter when the optimum time is for parties other than the planning commission to submit comments, including the Selectboard, fire and rescue, or other town entities with a vested interest. Jim reiterated that the advance notice period was the best time for those groups to submit comments as well.

The board agreed on the following for the informational session:

- July 22nd, 6:00-8:30pm, at the Rochester High School auditorium
 - 6:00-6:30pm – walk through of informational tables in lobby
 - 6:30-8:30pm – moderated meeting, in-person and via zoom
- Co-hosted by the Planning Commission and Selectboard
- There will be no presentations (visuals, powerpoint, etc), during the meeting. People that wish to share such information can set up and staff a table in the high school lobby prior to the meeting.
- Dan McKinley will serve as the moderator. He will open with a brief statement providing an overview of the purpose and explanation of the format of the meeting.
- The meeting will be run according to Roberts' Rules.
- Each person may speak for up to, but not longer than, 5 minutes. Once everyone who wishes to speak has done so, a person may speak for a second time.
- The moderator will strictly enforce both the time-limit on speaking and preventing interruptions of a speaker during their allotted time.
- The Planning Commission will publicize the event by:
 - Submitting a press release to the Herald
 - Posting on Front Porch Forum
 - via the Town Clerk and Assistant Town Clerk email lists
 - via the Planning Commission's interested parties email list
 - posting hard copy announcements at town hall, the post office, and the Skip Mart

Administrative Officer Report: Building and Zoning Applications

Pat Harvey noted that Mary Fratini had inquired about any necessary permits for earthwork and a small solar installation on her property at 970 VT Route 100 N. Pat said that no permits were necessary for either, but requested a map of the proposed solar installation so that she could keep it on file. Mary agreed to provide that after the meeting.

Pat noted that there were several inquiries last month regarding the lights on Brian Shebairo's property at 162 Campbell Road. She spoke with Brian about reducing the wattage. As of tonight's meeting, Brian said the lights had been removed entirely.

Pat said that the Selectboard was still in contact with the Sherman family regarding their issues with a class 3 vs. class 4 road issue on Jones Mountain Road. There is a three-acre lot at the end of the road, which the Shermans want to ensure retains access if they sell their land. Pat noted

that the history of the property goes back to the 1940s and this question remains under deliberation.

As a follow-up to the last few months, Pat said the issue with lights on after hours at the Skip Mart seems to have been solved.

Permits were approved for the following projects:

- Christian LaPointe – 144 Upper Sparrow Hawk Road – extending a deck
- Joseph Peck – 501 Austin Hill Road – construction of a new house; has a septic permit
- Clay Walker – 300 Great Hawk – construction of a new house, has a septic permit
- Jim Chambers – 1200 Marsh Brook Road – construction of a new house, just above the sports court that was approved for a permit last month
- Jacob Wilson – two permits at 341 Ridge Road – construction of a storage shed and a yurt; Jacob confirmed that the yurt will not have running water.

Approval of minutes

The minutes were accepted as submitted.

Continue review of Two Rivers-Ottawaquechee Regional Commission draft Regional Future Land Use map

The board agreed to move this agenda item to next month's meeting.

Adjourned: The meeting was adjourned at 8:46pm.

Next meeting: Tuesday, August 5, 2025 at 6:30pm