

Minutes Rochester Planning Commission
August 5, 2025
Rochester Town Office and via Zoom

Present: Dan McKinley (zoom), Sandy Haas, Julie Martin, Dave Curtis, Mary Fratini, Greg White (zoom), Pat Harvey, Zoning Administrator

Guests: Marc and Karen Blaine, Deb Moore, Burleigh Griffith, Jannah Murray, Russ Jacobs, Lori Church, Tara Murray, Regina Cahill, Joshua Chaffee, Deb Scherer

Call to Order: Dan called meeting to order at 6:31pm

Public Hearing re Marc & Karen Blaine application for a waiver of the setback rule on property located 1232 Bethel Mountain Road

Sandy moved to close the Planning Commission and reconvene as the Zoning Board of Administration (ZBA).

Marc and Karen Blaine submitted an application for a waiver of the setback rule for a 24.5' x 14.5' outbuilding that was partially completed on their property at 1232 Bethel Mountain Road. As currently sited, the shed sits 10'8" from the closest property line at one corner and 15' at the other corner. The minimum setback is 25' from the nearest property line. They said their options for moving the shed were limited by the grade and drainage at the site and requested that the setback requirement be reduced to 12'6".

After reviewing the policy on waivers, the board agreed that they had the ability to give a waiver of up to 50% of the setback requirement, which would be 12'6". The board voted to grant the waiver.

Sandy Haas will send a letter granting the waiver and reminded Marc and Karen that there is a 15-day appeal period.

The board adjourned as the ZBA and reconvened as the Planning Commission.

Discussion of Vertex application to Public Utility Commission for cell tower to be located at 1030 Route 100 South.

Julie Martin recused herself from the Planning Commission for the duration of this agenda item.

Dan McKinley said the Planning Commission (PC) was beginning to work on the strategy for analyzing, drafting, and submitting recommendations to the Public Utility Commission (PUC) on the proposed 140' cell phone tower at 1030 Route 100 South. He noted the minimum requirement of 60 days from the applicant (Vertex Towers, LLC and Verizon) filing their advance notice of intent to apply was on July 29th, but that no application had been submitted as of August 5, 2025, so we were still in the advance notice period. He reported that he had asked the applicant for a formal extension of the advance notice period for an additional 60 days and they had indicated that was probably too long, but they might be open to an additional 30 days, which would be August 29th. However, they have not formally agreed to the extension, and so can still file their application at any point between now and November 29th before

the advance notice period will expire. Given that, Dan said the PC will begin the process of analyzing the town plan, considering public comments made to the PC about the proposal, and drafting comments to be submitted to the PUC either during the advance notice period, during the 30-day public comment period after their application has been declared administratively complete, or both, depending on how the timing works out.

The board agreed to schedule two special meetings of the PC to continue the conversation past tonight – Wednesday, August 13th at 6:30pm and Tuesday, August 19th at 6:30pm.

Mary Fratini noted that she spoke with the Vermont League of Cities and Towns (VLCT) for guidance on open meeting laws. They recommended the following:

- PC members should avoid editing draft comments or working documents online between warned meetings.
- PC members should designate one member to receive edits or comments on working documents between warned meetings; this member may then compile that material and distribute it to the PC as a whole for discussion at the next warned meeting.
- The PC may discuss, draft, and otherwise work on this issue as an agenda item on warned meetings amongst themselves as long as the public is given a reasonable opportunity to attend the meeting and participate through offering public comments on the business conducted at that meeting.

The PC agreed on the following:

- designate Mary as the member to receive, compile, and distribute working documents between meetings
- ask members of the community to hold their comments until the end of the meeting.
- when the PC has a final draft of comments to be submitted to the PUC during the public comment period, they would share them with the community for their comments, prior to submission.

Mary noted that the PC had received several letters by email and mail, and those would be noted, added to the binder, and discussed by the PC at a later date, but not read into the record tonight. Since last October and as of earlier on August 5, 2025, those letter writers included: Alvina Risinger-Harvey, George and Lynn Moltz, Den and Connie Mendell, Jake and Bonnie Wildwood, Deborah Scherer, Ethan Bowe, Regina Cahill, Deb Moore, and Thomas Collins.

After a lengthy discussion, the PC agreed on the following:

Topic Assignments:

- Dan – Section 4 (forest land resources, rural character, current use); Section 4B, #1, 2, 5, 6; Section 13; general topics that cross sections: forests, fluvial erosion hazards, wetlands, habitat/species
- Mary - Section 4B, #3; Section 7F; Section 12 (LEMP); research effective comments submitted by other PCs to PUC through the ePUC portal; compiling PC edits between public meetings as necessary; managing PC email account, town website, and binder
- Greg – Section 4B, #7; Section 7D; Section 14; general topics that cross sections: roads/drainage, visibility/aesthetics
- Dave – Section 4C

- Sandy – Section 6E
- TBD/Considered later in more detail – Section 12 and Section 13

Process

- First, work through town plan/assignments as a PC
- Then, work through questions and comments submitted directly to PC to identify any arguments not yet addressed
- In general, try to align PC draft comments to the criteria specifically considered by the PUC

Administrative Officer Report: Building and Zoning Applications

Julie Martin rejoined the Planning Commission.

Pat Harvey reported that the engineering firm handling development of high school building has submitted an application for change-of-use from a school to a community center and the Selectboard agreed to waive the fee for that application since it will shortly be a town building.

-- Peter Macdonnell, 228 Bingo Road
Building permit granted for an outbuilding.

-- Alexander Wing, 425 Jones Mountain Road
Was served a notice of violation for several outbuildings. This was subsequently remedied with the appropriate permits, all approved.

-- John Alexander, 96 Hillside Terrace
Building permit granted for a new house.

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

The board agreed to table this agenda item until the next monthly meeting.

Approval of minutes – July's minutes were accepted as submitted

Public Comment -- limited to 3 minutes

Deb Moore asked the PC not to rely too much on Vertex's technical information because she said it was a biased perspective; for example, she said she thought the balloon test for visibility was insufficient. She also asked the PC to consider Ben Falk's submitted letter as testimony from a professional in his field. She also said she had more signatures on a petition about the tower. Mary asked her to continue to submit those signatures to the Selectboard so that they would all be collected in one place.

Burleigh Griffith asked to confirm that his letter opposing the tower had been received. Mary said that his letter and several others had come in too late to be included in tonight's list, but had been received. She said that anyone submitting a letter to the PC through the email address rochestervtplanningcommission@gmail.com. She said if anyone did not receive such a response, they can always reach out again, but asked for patience in waiting for the confirmation email, given the volume of work the PC was undertaking at this moment. She reiterated that all letters sent to the PC via email or postal mail will be included in the binder at the town clerk's office.

Jannah Murray objected to the PC asking Vertex questions because she said their answers will be biased. She said she believed the town should independently determine questions about wildlife, flooding, and wetlands issues. She said she believed the photographs and simulations from the second balloon test were insufficient because she said she and other people could see the balloon from places not listed on that document. She said the PC should not consider the process or documents filed in the recent Stockbridge tower because it is in a different town with a different town plan.

Russ Jacobs said that he is a professional photographer with photos from the second balloon test and asked the PC to consider them. The PC said he was welcome to submit them as part of written comments.

Lori Church asked the PC to list the assignments they had determined during their discussion of the agenda item. The PC said that would be included in the official minutes, which are made available within 5 days of a warned meeting (unless the last day is Sunday). Lori objected to that decision and asked that her objection be specifically noted in the minutes.

Tara Murray said she believed the photographs submitted by Vertex from the second balloon test were insufficient because they did not include locations from which she said the balloon was visible, specifically Peavine Park, the ball fields, the tennis courts, and the library, as well as between those sections. She asked the PC to hire an independent photographer to evaluate the photographs Vertex submitted. She also asked the PC to do an independent assessment of flood risks. She also asked if the town would receive any additional taxes from this project, and if so, how much. She reiterated her position that Rochester does not need additional cell service coverage.

Regina Cahill said that she has not received notifications about this proposal because she is not technically an adjoining landowner. She asked the PC for assistance in understanding how to get more information even though she is not on the legal list of people to be notified. She said she is very concerned about the effects of potential runoff from the project on her house and asked the PC to specifically consider that. She also asked the PC to consider the fire risks of cell phone towers, which she said she had not seen discussed yet anywhere. She asked who would insure the project so that, if something were to happen to her property as a result of this project, she would know who to contact.

Joshua Chaffee asked if there was a deadline for submitting comments to the PC. Mary said that there is no deadline at this time, but sooner is better. He asked the PC how they weighed the cost and benefits in a project like this; for example, the potential for new taxes vs. the potential devaluation of property, or aesthetics. Sandy noted that the weighing of costs and benefits is the job of the PUC; the job of the PC is to tell the PUC how the proposal does or does not accord with the town plan, including but not limited to, aesthetics.

Adjourned: Meeting was adjourned at 8:42pm.

Next meetings:

- Special meeting, Wednesday, August 13th, 6:30pm
- Special meeting, Tuesday, August 19th, 6:30pm
- Regular meeting, Tuesday, September 2nd, 6:30pm.