

**Minutes Rochester Planning Commission
August 13, 2025
Rochester Town Office and via Zoom**

Present: Dan McKinley (zoom), Sandy Haas, Dave Curtis, Mary Fratini, Greg White

Guests: Lori Church, Tegan Murray (zoom), Don Murray, Jannah Murray, Jean Murray

Call to Order: Dan called meeting to order at 6:33pm

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

Dan McKinley reported that Vertex has agreed to extend the advance notice period; the earliest they said they will file is August 22, 2025.

Advance Notice Comments

The board agreed:

- to submit some initial comments on the proposal during the advance notice period through the ePUC portal.
- that these initial comments should summarize the issues we are generally considering, including those about which we may be asking state agencies for expert support, but not necessarily the specific questions at this time.
- to send those initial comments to the Department of Public Service (DPS) and the Agency of Natural Resources (ANR) as well.
- to submit the advance notice comments directly, letting the Selectboard know when we have done so.

Update from Two Rivers Ottaquechee Regional Commission (TRORC)

Mary Fratini noted that TRORC recommended that:

- the Planning Commission continue to review the town plan and make note of places the proposal conflicts with the plan's policies
- once the application has been submitted, the Planning Commission and the Selectboard should submit a formal request to the Public Utility Commission (PUC) for an evidentiary hearing.

Review of topics/sections of the plan assigned at August 5 meeting

The board reviewed the topics and sections of the plan assigned to individual members at the August 5, 2025 meeting, which were:

- 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)
- Greg – Section 4B, #7; Section 7D; Section 14; general topics that cross sections: roads/drainage, visibility/aesthetics
- Dave – Section 4C
- Sandy – Section 6E

Each member provided a summary of their analysis and initial recommendations for their assigned sections and topics. At the end of each summary, the board came to a tentative consensus about that topic or section, including the next steps if appropriate. Those tentative consensus statements were as follows:

- *Forests – The project does not appear to have an undue adverse impact on the working forest.*

If the clearing limits in the current plan are valid, then the loss of working forest will be minimal—less than three acres of a 244-acre parcel—and able to be managed as a block. However, the board will consider asking for some mitigation measures in the forest management plan, including prohibiting any future clear cuts adjacent to the tower that might increase the tower’s visibility; and requiring a buffer of some sort (such as specific amounts of mature trees along the road) to provide camouflage, shade, or otherwise make the tower and road less visible.

- *Wetlands – It is unclear if or how the project will affect wetlands and streams.*

The board will ask ANR to determine if there are any mapped or unmapped wetlands affected by the project and, if so, identify ways to avoid, minimize, and mitigate any adverse impacts on them. Specific concerns may include:

- according to the state inventory, there are no mapped wetlands affected. However, there are two identified on the maps submitted during the advance notice: one is outside of the proposed access road, but the other is crossed by both the existing road and the proposed extension.
- the submitted documents on page C1 has an intermittent stream mislabeled as Rogers Brook (which is a perennial stream).
- ensuring any stream crossings have properly sized and aligned culverts; there are currently two crossings on the map labeled as having 28’ concrete culverts.

- *Habitat and species – It is unclear if or how the project will affect habitats, especially for rare/threatened/endangered species.*

The board will ask ANR to determine if there are any rare, threatened, or endangered species affected by the project and, if so, identify ways to avoid, minimize, and mitigate any adverse impacts on them.

Specific concerns may include:

- According to the ANR Atlas and Biofinder, the project is part of both a priority large forest and priority connectivity block, with rare/threatened/endangered species occurring within several miles of the project area, and a deer wintering area. However, we don’t know what species they are or how they might be affected by the proposal—for example, if the road and power lines will create a gap in the canopy, or if cutting under power lines might increase browse for deer in the winter.
- What is the threshold for determining if a project has an *adverse* effect on habitat and rare/threatened/endangered species vs. an *undue* adverse effect?

- *Flooding – Fluvial erosion hazards, river corridors, and FEMA flood maps are not generally impacted by this project. However, it is unclear how the project will impact erosion and flood risks in unmapped vulnerable areas.*

Because both the town plan and the drafted Local Hazard Mitigation Plan (LHMP) specifically call for attention to managing the risks of fluvial erosion and flash flooding risks in unmapped vulnerable areas, the board has additional concerns about how the project identifies and plans to manage these risks. The board will ask ANR for a complete stormwater analysis. Specific concerns may include:

- Does an intermittent stream get mapped as a river corridor?
- How will the project protect against erosion and provide filtration for overland flow?

- *Roads and drainage – The board has questions and concerns about the applicant’s claim to be exempt from a stormwater permit, the steepness of the slope, and reliance on a permeable aggregate substrate.*

The board will ask ANR for assistance with this, possibly as part of but not limited to, a complete stormwater analysis. Specific concerns may include:

- Why is the project exempt from a stormwater permit? Does that calculation include the road (either existing, the extension, or both)? If not, why not? If the widening of the road is included, the total acreage disturbed would exceed two acres.
 - What are the effects/risks/challenges of the grade, which approach 30% in some portions?
 - How effective is the proposed permeable aggregate substrate on slopes of this grade over the long term, especially under significant rain events?
 - Is the road classified as a logging/agricultural use? If so, does that apply to the existing section, the extension, or both?
 - We would like a detailed final road plan, including measures for erosion control and maintenance of the road in the long term.
 - We would like to see more stormwater mitigation measures that utilize natural areas for water diversion, such as those described on plat Z1.2 of the advance notice documents.
- *Visibility/aesthetics – The project seems unlikely to have an undue adverse effect on visibility or aesthetics.*

The town plan addresses visibility and aesthetics in Section 4B.3-Significant Areas, 4B.7-Site Selection, and Section 7D-Scenic Byways. The project does not affect items #3 and #6-9 from Section 4B.3 and is in neither a preferred nor prohibited locations (4B.7). The project is visible from several sections along Route 100, including historic sites (4B.3, #1), public parks (4B.3, #2), and a designated scenic byway (4B.3, #4-5). That visibility seems unlikely to fail the “Quechee Test” used by the PUC to determine if a project has an undue adverse effect on aesthetics or historic sites. However, given that multiple community members have specifically expressed concern with the visibility of the tower at these locations, the board agreed to request additional studies by DPS and the Department of Historic Preservation to determine if the project would have an undue adverse impact on aesthetics and recommend measures to minimize or mitigate those.

- *The project does not conflict with the town plan in the following areas:*
 - Section 4B-Land Use – the project is located in the conservation-residential district.
 - Section 6E-Village Designation – nothing in the criteria addresses visible cell towers; because the program is designed to boost economic activity, increased connectivity could be an asset.
 - Section 7D-Access management – there is no public road access.
- *New topic: Requesting a bond for removal – Although not part of the assigned topics, the board agreed to ask the applicant to post a bond for removal of equipment when no longer in use.*

Process for receiving and addressing comments address to the Planning Commission

The board agreed to set a deadline of 5pm on Monday, August 25th for community members to submit written comments about the project to the Planning Commission, either via email to:

rochestervtplanningcommission@gmail.com or by hard copy to the town office. They will place a notice on Front Porch Forum as well as in the Herald for the August 21st edition with this deadline. All comments should include the writer’s full name and mailing address. The board will review these comments at our regularly scheduled meeting on September 2, 2025.

Process for submitting comments to ePUC

Mary and Dan will draft advance notice comments based on tonight's meeting. The board will revise and finalize those comments at the next special meeting, which will be held on Tuesday, August 19 at 6:30pm. These advance notice comments are independent from those that the board will submit during the 30-day public comment period that follows an application being declared administratively complete by the PUC.

Public Comments

Lori Church said the board should consider ways to argue that the project will fail the Quechee test, saying that she believes the project is obviously not in harmony with its surroundings, does violate a clearly written community standard, and will offend the average sensibilities of Rochester residents. She said the board should also ask about the state requirement for cell phone providers to consider co-location before proposing new construction.

Don Murray asked for clarification of the board's approach to endangered species and for an extension of the deadline for writing letters to the Planning Commission. The board reiterated the tentative consensus to ask ANR to make the determination about the presence of rare, threatened, or endangered species; potential adverse impacts on them, if present; and measures to minimize and mitigate those impacts, where possible. The board declined to extend the deadline for writing letters to the Planning Commission.

Jannah Murray reiterated her desire that the Planning Commission conduct their own analysis of issues rather than asking state agencies for assistance. She also reiterated her objection to referring to projects in other towns when making decisions.

Jean Murray said she was glad to hear the board was concerned about the 30% grade. She noted that she was personally opposed to the tower because she has health concerns and objects to someone living elsewhere making a profit at Rochester's cost.

Tegan Murray asked for clarification about individuals submitting photographs of the second balloon test. The board said that individuals were welcome to submit photographs to the Planning Commission as part of their written comments by August 25, 2025. The board asked that anyone submitting photographs include not only their name and address, but also as much identifying information about the photographs as possible, including but not limited to: name and contact information for the photographer, date, time, location, focal length/equipment used. The board said they would consider those photographs along with other written comments at the regularly scheduled meeting on September 2, 2025. They said that if anyone had questions about or technical problems with submitting photographs, to send an email to: rochestervtplanningcommission@gmail.com.

Adjourned The meeting was adjourned at 8:54pm.