

**Minutes Rochester Planning Commission - August 19, 2025**  
**Rochester Town Office and via Zoom**

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

**Guests:** Lori Church, Ben Falk, Deb Moore, Steve Hoffman, Tegan Murray (zoom), Regina Cahill (zoom), Sharon Solomon (zoom), Tara Murray, Jannah Murray, Don Murray, Jean Murray, Russ Jaquith (zoom)

**Call to Order:** Dan called meeting to order at 6:30pm

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

Dan McKinley reviewed board member action items from the previous meeting and confirmed their completion, which included by were not limited to:

- post notice on deadline for comments to the Herald (8/21/25 edition) and to Front Porch Forum
- draft advance comments for board to review, revise, and vote upon at today's meeting
- review rules for stormwater permits
- review remaining sections of the town plan – 8F, 8G, Appendix B, selected quotes

*Review draft comments, including review of stormwater rules*

The board reviewed a draft of advance notice comments to submit through the ePUC system. After lengthy discussion, including but not limited to adding a paragraph about co-location and specifying our questions about stormwater rules, Sandy Haas made a motion to approve the revised advance notice comments. Greg White seconded the motion. All board members present voted yes. See end of minutes for the final comments that will be submitted.

The board agreed that Mary and Dan will coordinate submitting those comments through the ePUC system; although material uploaded through ePUC is automatically shared with all parties, the board agreed to also send the comments directly to the relevant state agencies, just to be sure.

The board agreed to ask to be added to the Selectboard agenda for September 8, 2025 to provide updates on this process.

The board reiterated the following statements about the §248a permitting process:

- the proposal for the cell phone tower is still in the advance notice phase;
- the next step in the process will be if/when the applicant files a formal petition with the Public Utility Commission (PUC) requesting a certificate of public good;
- the applicant can file their formal petition at any time now (because the minimum requirement of 60 days since filing the advance notice has passed);
- if a formal petition is filed, the PUC must declare it to be administratively complete;
- when the PUC declares a petition to be administratively complete, they will notify all parties of that fact and set the deadline for the 30-day public comment period; they will also close the advance notice docket (25-1056-AN) and open a new case (will have suffix PET)

The board reiterated the following statements describing the process by which they will draft, revise, and vote on comments to submit during the 30-day comment period:

- deadline for written comments to the Planning Commission has been set and publicized as 5pm on Monday, August 25, 2025;
- all written comments received by that time will be available to all members of the Planning Commission both digitally and via hard copy; comments will also be available for public reference as hard copies in the binder at the town office;
- at the next regularly scheduled meeting on September 2, 2025, the board will review arguments made in written comments and at properly warned meetings of the planning commission;
- when the board has a draft of comments to submit during the 30-day comment period, they will share that draft with the Selectboard and the public for comments and feedback;
- the board will review comments and feedback from the Selectboard and the public;
- the board will revise and vote on the comments to submit during the 30-day comment period.

The board noted that the precise dates for these last four steps are unknown at this time for reasons that include, but are not limited to:

- if/when a formal petition is filed;
- deadlines that will be set by the PUC after the petition is declared administratively complete;
- what additional information the board may receive following their advance notice comments;
- what additional information the board may receive following the filing of a formal petition.

#### *Discussion of remaining parts of town plan*

The board agreed that sections 8F, 8G, Appendix B, and selected statements from the town plan might be useful for providing context for comments that they may submit during the 30-day public comment period following an application being declared administratively complete, but did not need to be addressed in the advance notice comments.

The board also agreed that flooding (Section 12) remains a key area of concern. Dan noted again that there is no proposed development in the special flood hazard area, which is the 100-year flood plain. He said that fluvial erosion hazards (now known as river corridors) include a 50 ft buffer within which the state recommends no development. He noted again that the river corridor is drawn on Rogers Brook and no part of this project goes inside of the 50 ft buffer on that brook.

Dan said his questions about fluvial erosion with the intermittent stream remain, noting that, according to the USGS watershed delineation tools online, the drainage from this project goes partly into Rogers Brook and partly into the intermittent stream. He noted again that this was the reason the board was seeking clarification about whether this is stream or a wetland.

Dan noted that some community members had expressed concerns about flooding downstream and on the property. He noted that Ben Falk had posted an analysis on Front Porch Forum and in a letter to the Planning Commission, but that in conversation with Ben about those numbers, had discovered some errors. Specifically, Ben's calculation of the road acreage was off by a factor of 10; instead of the 1.8 million gallons of additional stormwater conveyance, the number in the letter based on his calculations should have been 180,000 gallons. Dan noted that this is a complicated issue, including, but not limited to, the fact that stream discharge and flood risks are generally discussed in terms of flood stages or cubic

feet/meters per second, not gallons. Dan noted that the road affects about two acres of the two-square mile/1280 acre watershed, or about 1.5%, so his sense was that the additional contribution would not contribute to catastrophic flooding. However, he also said this is why the board's advance notice comments have asked for assistance from state agencies with expertise in watershed analysis and flows.

### **Public Comment -- limited to 3 minutes**

Sharon Solomon (zoom) said that she had been informed that questions posed by the Planning Commission and Selectboard during the advance notice period would be addressed by the applicant when they file. She said that there are other ways the Planning Commission and the Selectboard can enhance cellular and internet services, as they are directed to do by the town plan, rather than this proposed tower. She suggested co-location in the church steeple and expanding use of rectangle boxes on telephone poles that relay cellular signals. She said that those measures would allow Verizon to provide service to their customers without building the tower.

Alvina Risinger-Harvey asked if individuals were allowed to submit comments directly to the PUC, when could they do so, and was it restricted to adjoining landowners. The board said that yes, all individuals were allowed to submit comments directly to the PUC during both the advance notice phase and the 30-day public comment period following an application being declared administratively complete. Mary recommended consulting the public guides to participation created by the PUC and available on their website.

Alvina said she was concerned with the project's potential effects on road and drainage. She said she had been told by Vertex last fall that they were only going to improve the road and then would take everything out again when they were done. She said she thought this would put the logging road at a greater risk for erosion and destruction. She noted that the survey referenced in the town plan is 13 years old and said that it should be less relevant because technology has improved significantly since then. She said she thought the tower will be obsolete even before it is constructed. She said she was also concerned about wetlands and water, but would save that for later since she had used up her time.

Lori Church said she thought the town should focus on the town plan and not be concerned with other guidelines such as the PUC. She said she would like the town's comment to focus on making declarative statements. She said she was unhappy that the advance notice comments were voted on tonight without public input. She said she thought comments submitted by the Planning Commission should reference specific sections in the town and regional plans. She said she would like the Planning Commission to look at sections of the town plan that may not directly address cell phone towers, but that she thinks are relevant, such as the section on energy development on page 44. She said she saw a significant parallel between the concern for construction over certain grades described on page 44 and the proposed project. She said she thought the language in Section 4B.3 was sufficient for rejecting the tower because it says "all telecommunications facilities *shall* be sited and designed to avoid or if no other reasonable alternate exists, to otherwise minimize and mitigate adverse impacts to the following", that one of those items is state designated scenic byways, and that Route 100 is a designated scenic byway. She said she thought the minutes submitted by the Selectboard for the Public Information Session #2 on July 22, 2025 were insufficient. She said she had sent a transcript of the ORCA recording to the Selectboard and would like the minutes to be revised. She said she thought the Planning Commission should also have taken minutes at that public information session.

Regina Cahill (zoom) agreed with Alvina that the cell phone tower technology will soon be obsolete, adding that she thought satellite technology such as that used by TMobile is better because it does not leave any dead zones. She said she was concerned about limited space on the local Green Mountain Power substation and that the proposed tower would make that space less available for other residents and projects. She said that, although she is not technically an adjoining landowner, she would like the potential effects of runoff on her house and other houses at the foot of the mountain to be addressed.

Tara Murray said she believe the Planning Commission and their process has been unprofessional, including but not limited to, that she was not able to share her comments over zoom at the last meeting. She said she felt like there was a concerted effort being made by the town to silence people who were opposed to the tower.

Tegan Murray (zoom) said she was opposed to the tower because she believed it does not follow the town plan. She repeated her question from an earlier meeting about what tax benefits the town might receive from this project. The board suggested that question might be better directed to the Selectboard.

Ben Falk said he thought the Planning Commission's job was to support the town plan. He said he thought that if Planning Commission had taken up this work last year or months, then they would not be under any time pressure. He said he thought that Mary had harangued and silenced people at the outset of tonight's meeting. He said he thought there were multiple times in the past where citizens' input was not allowed and stifled by the planning commission, or not solicited, or not recorded and published to the public as on other topics. He said he thought it was reasonable for people to have concerns about being heard. He said that he and others will not be silenced by anything, including the Planning Commission's process. He said he thought they had all been perfectly reasonable and had not required an undue amount of time from the Planning Commission at this or any other meeting. He said that permeable substrate can be tested. He said that permeability has a lot to do with steepness. He asked how the permeability will be tested. He said he thought the town plan requires co-location with any other infrastructure, not just telecommunications facilities. He said he thought the spirit and intent of the town plan was to co-locate all industrial infrastructure. He said he thought this project was an example of the opposite of that spirit because it will build the power grid up into one of the wildest parts of town, on grades up to 30% or more, through prime deer habitat. He acknowledged that the calculations in his previously submitted letter were incorrect. He said the error was due to a conversion from square feet to acres. He said he thought the overall point of that previous letter about watershed analysis remained sound. He said that overall point was to compare the existing lightly used forest access road to an industrial access, and that his conclusions remain the same: that the new road will result in at least four times as much stormwater than the existing road. He said his assessment did not include the tower site, so he thought the amount of water and increased impermeability would be even greater. He said he thought it was clear that anything increasing stormwater conveyance and decreasing flood resilience is the opposite of the goals stated in the town plan. He said that he thought the town plan does not say anywhere that we should trade increasing flood hazards for some cell phone reception for out-of-staters or anyone else.

Joan Murray said she objected to the tower because she thought it was obviously against the town plan. She said she thought there were other alternatives. She said she thought the tower would allow one person to profit at the cost of other people's health and other objections.

Russ Jaquith (zoom) asked if his photographs and comments had been received by email. Mary confirmed that they had. He described those comments as illustrating six sites through town where the 2<sup>nd</sup> balloon test was visible: 28 South Main Street, 169 South Main Street, 176 South Main Street, the high school, and the baseball fields. He said he also included establishing shots and that all the photos had identifying information permanently embedded with the photos. He said that Vertex's claim to visit 20 sites and only have visibility from 4 seemed unlikely since he could see it everywhere.

Jake Wildwood asked if Vertex had considered any other locations. Mary said that Francis Parisi had previously stated that they had considered other locations, but had not specified which ones. She said she would look back on those minutes to see if there is more information.

Jannah Murray said that the town plan says to ask for other sites. She said she did not believe the drafted advance comments included anything about other sites. She said she thought the advance comments were not specific enough because, for example, they only described being concerned about things like wetlands and did not specifically cite Route 100 as a scenic byway. She said the advance comments should have specifically said that the proposed project violates the town plan.

Don Murray said he was opposed to the tower for many reasons. He said he would like to yield the remainder of his time to other people. Dan McKinley said that action is not permitted at our meetings.

Sharon Solomon (zoom) said that she and Lori Church had also driven around during the 2<sup>nd</sup> balloon test and that at some sites the balloon initially appeared to be not visible because of the light, but when they looked later, after the light had changed, the balloon was visible. She said that if Vertex does another balloon test, we should suggest they visit the same spots at different times of day to see if the angle of the sun affected visibility.

Alvina Risinger-Harvey said she thought Vertex's photographs misrepresented the effects of the 2<sup>nd</sup> balloon test because she also went up and down Route 100 during the test and saw the balloon. She said she also saw the balloon from Route 73 and the Hollows.

Tara Murray said she thought the tower was visible from more places along Route 100 than it was not visible. She said she thought the pictures were an example of why she didn't trust Vertex. She said she thought the proposed tower violates the town plan because it is a threat to her home, her livelihood, and her health. She said that many people were so concerned that they are feeling like they are going to hold all parties legally accountable if the town plan is violated. She said the request for a bond for removal at the end of the advance comments implied that the Planning Commission supported the tower.

Deb Moore said that she thought it was incredibly important to remember that Verizon and Vertex have industrial concerns, that their whole motive is to make money. She said she thought that they are not here to help us, and the planning commission is not here to help them. She said she thought that perspective was important to keep in mind.

Lori Church asked the board to reconsider the vote they had just taken on advance comments in order to incorporate tonight's comments from the public. The board declined to reconsider that vote.

Dan said comments made by community members to the Planning Commission will be considered as part of the formal response prepared for the 30-day comment period following an application being declared administratively complete. He reiterated that any formal response prepared by the Planning Commission would be made available to the Selectboard and the public for comments and feedback prior to being revised, voted on, or submitted to the ePUC by the Planning Commission. He asked that anyone submitting comments be specific—not just that someone supports or opposes the tower, or even that it violates or aligns with the town plan, but how and why an item might or might not cause an undue adverse effect.

Sandy noted that the Planning Commission was submitting advance comments on the advice of Annette Smith from Vermonters for a Clean Environment, whom Lori had specifically asked the Planning Commission to listen to. Sandy noted that the advance comments describe in general terms the issues about which the board is concerned in order to put the applicant on notice and get expert help from the state. She said this was a preliminary step to get the board's concerns on the record.

**Adjourned:** Meeting was adjourned at 8:30pm.

**Next meeting:** September 2, 2025 at 6:30pm



## Rochester Town Office

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August 21, 2025

William Cooper Hayes  
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RE: PUC 25-1056-AN – Vertex Towers, LLC (“Vertex”) and Bell Atlantic Mobile Systems, LLC  
d/b/a Verizon Wireless (“Verizon”) Construction of a Wireless Telecommunications  
Facility, 1030 Route 100 South, Rochester, VT 05767

Dear Mr. Hayes,

After a review of the documents filed by the applicant in PUC 25-1056-AN in relation to our Town Plan, the Rochester Planning Commission has the following initial questions and concerns:

*Forests* – The Planning Commission may request specific mitigation measures in the forest management plan, including but not limited to: prohibiting any future clear cuts adjacent to the tower that might increase the tower’s visibility; and requiring a buffer of 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 Planning Commission will ask the Agency of Natural Resources 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. In addition, on page C1 of the site plans, there is an intermittent stream mislabeled as Rogers Brook.

*Habitat and species* – It is unclear if or how the project will affect habitats, especially for rare/threatened/endangered species. The Planning Commission will ask the Agency of Natural Resources 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.

*Flooding* – It is unclear how the project will impact erosion and flood risks, especially in vulnerable areas not specifically included in mapping on river corridors or flood maps. Because both the town plan and the drafted Local Hazard Mitigation Plan 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 Planning Commission will likely ask the Agency of Natural Resources for a complete stormwater analysis.



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*Roads and drainage* – The Planning Commission has questions about compliance with stormwater rules, the steepness of the slope, and the characterization of the aggregate substrate as permeable. The Planning Commission will ask state agencies for assistance with this, possibly as part of but not limited to, a complete stormwater analysis. The Planning Commission will also likely request a detailed final road plan, including measures for erosion control and long-term maintenance.

*Visibility and aesthetics* – Given the expressed concerns of community members about the visibility of the project from Route 100, the Planning Commission may request additional studies from the Department of Public Service and/or the Department of Historic Preservation to determine if the project will have an undue adverse impact on aesthetics and historic sites, and recommend measures to minimize or mitigate those, if so.

*Colocation* – The advance notice includes no evidence of any efforts by Verizon to collocate its telecommunications facilities.

*Bond for removal* – The town of Rochester will ask that the applicant be required to post a tower, structure, and equipment removal bond.

Sincerely,

Dan McKinley, Chair  
Rochester Planning Commission

cc: Holly Anderson, Clerk, Vermont Public Utility Commission  
Sarah Amatruto, ANR Office of Planning and Legal Affairs  
Elizabeth Peebles, Vermont Division for Historic Preservation  
James Porter, Director of Public Advocacy, Vermont Department of Public Service  
Bryan Kovalick, Planner, Two Rivers Ottauquechee Regional Planning Commission