

**Minutes Rochester Planning Commission**  
**September 17, 2025**  
**Rochester Town Office and via Zoom**

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

**Guests:** Lori Church, Sharon Trautwein, Deb Scherrer, Alvina Risinger-Harvey, Regina Cahill (zoom), Jean Murray, Don Murray, Tara Murray, Jannah Murray, Tegan Murray, Deb Moore, Jake Wildwood, Bonnie Wildwood

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

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

Dan McKinley reviewed the Rochester Municipal Meeting Rules for Public Participation, a copy of which hangs on the wall at the town office (see below). He noted that as the permit process for the cell phone tower continues, emotions are likely to run high and asked that everyone remember to speak to each other with respect.

Dan said the goal of this meeting was to review the letters received by the Planning Commission, identify the issues raised in those comments, and decide how the commission would address them. He said the commission received 48 letters which raised approximately 30 different issues. For each issue, the board considered the following questions:

- *Was this issue already addressed* in some way in the advance notice comments the commission previously submitted to the Public Utility Commission (PUC)?
- If the issue was not already addressed in some way in those comments, *was it germane* to the §248a permitting process and the planning commission's role in that process?
- If the issue was not previously addressed in the advance notice comments, and not germane to the §248a permitting process and the planning commission's role in that process, *did the commission wish to reference the issue* at the end of formal comments submitted to the PUC if and when a formal petition is filed for the cell phone tower?

After a lengthy discussion, the board determined the following:

- (1) These issues were *already addressed* in some way in the advance notice comments previously submitted to the PUC:
  - Scenic byways/visibility, wetlands, stormwater, co-location requirements, flooding (issues with grade and road), endangered species, habitat, working landscape
- (2) These issues were *not addressed* in the advance notice comments the previously submitted to the PUC, *but were germane* to the §248a permitting process and the planning commission's role in that process:

- Public safety (access to emergency services and potential hazards at the proposed tower site), property values, alternative and/or obsolete technologies, tourism, coverage/propagation, environmental impacts of site and road construction, new businesses and/or residents,
- (3) These issues were *not germane* to the §248a permitting process and the planning commission's role in that process, *but could be referenced* at the at the end of formal comments submitted to the PUC if and when a formal petition is filed for the cell phone tower:
- Health effects of cell phone towers, volume/quantity of community engagement
- (4) These issues were *not germane* to the §248a permitting process and the planning commission's role in that process, and *would not be referenced* at the at the end of formal comments submitted to the PUC if and when a formal petition is filed for the cell phone tower:
- Outside corporate greed of applicant, local liability for flooding or fire, statements that community members would sue (the town, the Selectboard, the Planning Commission, and/or members), requests for town meeting or vote, whether town letters have previously stopped cell phone towers from being constructed, conflicts of interest at the Planning Commission, requests to change the permitting process, recreational access, tax revenue, greater role for citizen comments in the permitting process, setting of precedents

The board clarified their decisions on the following issues:

- *Health effects of cell phone towers* – the issue is explicitly not part of the permitting process; however, several residents have raised significant concerns, so the commission will include that topic at the end of formal comments that may be submitted.
- *Local liability concerns* – should be directed to the Selectboard.
- *Requests for town meeting or vote* – should be directed to the Selectboard.
- *Conflicts of interest at the Planning Commission* – the claim is unfounded because Julie Martin, the commission member on whose property the cell tower would be constructed, has recused herself from all discussions about/actions taken by the Planning Commission on this issue.
- *All issues taken with the permitting process* – the process is determined by state law.
- *Recreational access* – the parcel is private property.
- *Tax revenue* – should be directed to the Selectboard.
- *Setting of precedents* – is not really an issue to be addressed in any formal comments that may be submitted; however, the commission will keep this concern in mind as they move forward.

After concluding the discussion on letters submitted to the commission, Mary Fratini noted that Russ Jaquith had submitted digital photographs with one of his letters. She recommended that the board consider these photos separately from written comments in order to appropriately address the different medium. The board agreed to address the submitted photographs at the next regularly scheduled meeting on October 7<sup>th</sup>.

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

Sharon Trautwein asked if Vertex would have any liability for future damages to her property that might be caused by construction of the tower. Dan noted that concerns about flooding and erosions would be addressed in the stormwater analysis the board has requested from the state.

Regina Cahill (zoom) noted that one aspect to the issue of setting precedents is propagation; she said that if the tower is constructed and only covers a portion of town, she believed that would set the precedent for constructing additional towers to cover more areas. She also reiterated her concern that the interest of landowners close to the proposed site, but who are not technically adjoining the parcel, are not adequately addressed by or represented in the permitting process. Mary reiterated the two ways for such individuals to participate is by subscribing to get updates from the case from the PUC (at [epuc.vermont.gov](http://epuc.vermont.gov)) and by petitioning for intervention (as described in the public guide from the PUC at [https://puc.vermont.gov/sites/psbnew/files/doc\\_library/wireless-communications-facilities-section-248a\\_2.pdf](https://puc.vermont.gov/sites/psbnew/files/doc_library/wireless-communications-facilities-section-248a_2.pdf)).

Deb Moore asked if, after a petition is filed, the public would be able to see any formal comments written by the Planning Commission before they were submitted to the PUC. Dan reiterated that the Planning Commission would give the public as well as the Selectboard the opportunity to review any formal comments prior to submission.

Deb Scherrer said one issue in her letter had not been discussed, which was potential effects on water flow or private septic. Mary noted that one portion of the town plan's section on telecommunications addressed mapped public water supplies, and none were on this parcel. Dan noted that section does not address private water supplies, such as springs, but that would fall under the requested stormwater analysis.

Don Murray repeated his questions about how erosion, flooding, endangered species, and co-location would be addressed. He also requested the Planning Commission consider all of the photos Russ Jaquith submitted. He also asked about liability for fire hazards at the tower site. He also suggested the Planning Commission think about what precedent their own actions might be setting. Dan reiterated that the commission's advance notice comments requested the state conduct analyses on erosion, flooding, and endangered species, and that the applicant would be required to address co-location specifically should they file a petition. Dan repeated the commission's recommendation that any concerns about liability should be addressed to the Selectboard.

Alvina Risinger-Harvey said she was extremely concerned about increased risk of fire at the proposed location, which she said was the frequent site of lightening strikes.

Tara Murray repeated her position that, by not specifically referencing Route 100 as a scenic byway in the advance comments, the Planning Commission had failed to support the town plan. She said that a simple Google search would demonstrate that property values go down when cell phone towers are constructed. She said almost all of the tourists she has spoken to do not support the tower. She repeated her position that the Planning Commission's advance comments on wetlands were insufficient. She repeated her position that the Planning Commission members have behaved in a corrupt and unethical manner because Julie Martin did not resign from the commission, which Tara said she believed was required by the code of ethics governing civic boards. The board noted that only recusal was required, and that Julie Martin had recused herself from all conversations and actions on this issue. Dan said he would review the code of ethics.

Lori Church said she thought the advance comments took the right tone for that part of the process, but asked that the Planning Commission take a more definitive tone in any letter they submit after a petition is filed.

Bonnie Wildwood said she agreed with Alvina's concern for potential increased risk of fire, and added that she had questions about access by emergency vehicles to the tower site in the event of a fire.

Jean Murray said she thought the issue with precedent was that if the commission did not oppose the tower, that would mean the commission was not supporting the town plan, so that would make people wonder why we bother to have a town plan.

Jannah Murray said she agreed with Lori in asking for any future letters to take a more definitive tone. She repeated her agreement with Tara Murray that by not specifically referencing Route 100 as a scenic byway in the advance comments, the Planning Commission had failed to support the town plan.

Tegan Murray asked the Planning Commission to hire someone to analyze Russ Jaquith's pictures.

Jake Wildwood asked if Vertex had submitted any photo simulations from the second balloon test. Mary reminded everyone that they were included in the binder at the town office.

Dan McKinley closed the meeting by noting the following: the commission had already asked the Department of Public Service and Department of Historic Preservation for analyses of the scenic byway and aesthetics; the commission would discuss the scenic byway in detail in any formal comments, because scenic byways are specifically mentioned in the town plan; any formal comments submitted by the commission would look very different in format from the advance notice comments because it is a different document, to a different audience, that serves a different purpose.

**Adjourned:** The meeting adjourned at 8:34pm

**Next meeting:** Tuesday, October 7, 2025 at 6:30pm.



## **ROCHESTER MUNICIPAL MEETING RULES FOR PUBLIC PARTICIPATION**

Welcome to this Rochester Municipal meeting. Vermont's Open Meeting Law assures your right to attend and participate in meetings of local public boards and committees ("public bodies"). We appreciate you taking the time to be here.

Please be aware that this is a working meeting, not a meeting of the public (i.e., a public forum). Its purpose is for this public body to do its work on behalf of Rochester VT. Help us make the best use of everyone's time by following these rules:

1. If you are not part of the agenda to speak, you may only participate during the portions of the agenda reserved for "public comment."
2. If you'd like to speak, in person or on line raise your hand, by phone is \*9.
3. Once you've been called on by the chair, please tell us your name and town of residence.
4. Direct all your remarks to the chair, not to others in the room.
5. Make sure your comments are relevant to the agenda item(s) being addressed.
6. Comments under "other business" must pertain to the business of the public body only.

Help ensure that this is a meeting in which everyone feels safe to express their views, and where disruptions are minimized so that we can accomplish our community's work. Please remember:

Each person will be limited to 3 minutes of comment (which may be extended only by the chair). If you don't use all your time, the extra time cannot be reserved or yielded to another person.

Each person may only speak once on the same agenda item, time permitting, with the consent of the chair. Those who haven't been heard yet will be given priority over those who have already spoken.

Respect the orders and rulings of the chair. Irrelevant comments and interrupting others are not allowed. Disruptive people will be asked to leave and removed, if necessary.

You do not have the right to vote on agenda items.

Share your ideas, listen actively, and respect your neighbors' right to their opinions. We value your engagement. Our community offers a variety of ways to participate. If you'd like to learn more about public forums, issue discussions, and other ways to stay involved, please our town website.

**The CHAIR of any meeting can alter these rules at their discretion at any time.**