

**Minutes Rochester Planning Commission
October 7, 2025
Rochester Town Office and via Zoom**

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

Guests: Barb DeHart, Nancy Vadnais, Chuck Rowan, Tara Murray, Jean Murray, Deb Moore

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

Public Hearing re Nancy Vadnais application for a Minor Subdivision of property at 1962 Maple Hill Road

Greg White recused himself.

Nancy Vadnais owns two adjoining parcels on Maple Hill Road; this application included moving the property line between the parcels and dividing the parcel at 1962 Maple Hill Road into two new parcels, resulting in three lots: Lot 1, ~3.8 acres; Lot 2, ~14.2 acres, Lot 3, ~ 3.1 acres.

Sandy Haas moved that the board approve the minor division of property on Maple Hill Road as shown on the survey map by Brad Ruderman and Associates, dated August 25, 2025, on the condition that the final map show the description, bearing, and distance from point 2 to point 7 on the line table. Julie Martin seconded the motion. The board voted unanimously to approve the application.

Barbara DeHart pre-subdivision (sketch plan) review

Greg rejoined the board.

Barb DeHart asked for a review of her plan to subdivide a ~137-acre property at 146 Colonel DeHart Stand into two parcels – Lot 1 would be ~76-acres and Lot 2 would be ~60 acres. The board confirmed that the new Lot 2 would have a deeded ROW, that the application would include a finished map showing the entire property as well as the proposed subdivision, and that once all material was included with the application, the subdivision could be warned, at the earliest, for the November meeting.

Permit inquiries, if any

Randy Andrews asked for feedback on a proposal to divide a ~24-acre parcel at 1037 Jerusalem Hill Road into two new lots of ~5-acres and ~19-acres, prior to submitting the whole application. The board said his proposal seemed to meet the necessary requirements.

Administrative Officer Report: Building and Zoning Applications

Harlen Houghton, 11 Overlook Lane – had applied for a permit to build a garage that was within the setback requirements. Pat Harvey noted that the property has other buildings within the setback that are grandfathered in, so after a site visit and conferring with Sandy, approved the permit because it would not increase the degree of nonconformity with zoning regulations.

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

Julie Martin recused herself from this agenda item and stepped away from the table.

Dan McKinley noted that the proposed cell phone tower project remains in the advance notice phase; as of tonight's meeting, Vertex still had not filed a petition with the Public Utilities Commission (PUC).

Dan reported that he had followed up on several questions raised during the board's previous review of comments submitted in writing, specifically:

- *Applications to modify existing or permitted towers* – confirmed with the Vermont League of Cities and Towns (VLCT) that if a tower receives a permit as a project of limited size and scope, and then wishes to raise the height of that tower after construction, that would not fall under the *de minimis* permits, but rather trigger a new 248a process.
- *2024 10-Year Telecommunications Plan* – discussed with the Director of Telecommunications at the Vermont Department of Public Service (DPS) the definition of and possibilities for “small wireless facilities” as described in the state's 2024 10-Year Telecommunication Plan. These facilities are basically 50' or lower poles; each transmitter requires its own pole; they are not generally installed on existing power poles; are not suitable for co-location; do have the potential to connect cell phone service through corridors such as along Route 100; would not generally provide service to people up in the hills; and are an alternative technology that can be raised.
- *Co-location/alternative site requirements for applications* – discussed with the Director of Telecommunications at DPS the requirement for applicants to consider alternatives, such as small wireless technology, co-locating on the existing antenna in the church tower, or other sites in Rochester. The director recommended that we ask Vertex to demonstrate what other sites they considered and rejected, including asking for propagation maps and the number of households that would be served in different alternatives.

The board had extended discussions about the following issues remaining from the board's previous review of comments submitted in writing, specifically:

- *Photographs submitted by Russ Jaquith* – Russ Jaquith had requested that his photographs of the second balloon test conducted in November of 2024 be submitted to the PUC with any comments the Planning Commission might submit during the 30-day comment period, should the proposed cell phone tower move from the advance notice phase to a formal petition. The board confirmed that Russ Jaquith and Tara Murray are abutting landowners to the proposal, and therefore would have party status by right, and therefore be able to submit the photographs to the PUC independently. Tara objected to this possibility because she said she felt that placed too much of a burden on her and Russ. After a brief discussion, the board agreed that they would consider submitting some of these photographs with any comments the Planning Commission might submit during the 30-day comment period, should the proposed cell phone tower move from the advance notice phase to a formal petition. The board also agreed that each member of the Planning Commission should identify which, if any, photographs they would consider including, as well a short explanation of why they would include them, and those

recommendations will be considered by the full board if the proposed cell phone tower should ever move to a full petition.

- *Claims that the board had violated codes of ethics* – the board noted that, as one of the landowners of the proposed cell phone tower, Julie Martin had a clear conflict of interest. However, the board also noted that Julie had recused herself from all discussions about the proposed cell phone tower from the beginning of this process in 2024, and therefore neither she nor the board had violated municipal or state codes of ethics. The board thanked Julie Martin for her continued service on the Planning Commission and for clearly abiding by the rules regarding conflicts of interest. Speaking as a member of the Selectboard, Pat Harvey noted that even if Julie had offered to resign, Pat would have refused her resignation because Julie has and continues to perform her other duties as a member of the Planning Commission well.

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

Julie rejoined the board at the table.

The board had a brief review of and discussion about the draft Regional Future Land Use Map first presented to the Planning Commission in April by the Two Rivers-Ottawaquechee Regional Commission (TRORC). Two Rivers has asked the board to provide feedback on these drafts by the end of 2025. The board discussed several areas of concern, including but not limited to: representing the floodplain on the map; identifying the reason for revising/function of the maps; differences between the town zoning bylaws and this draft, especially regarding the definitions and locations of zones; and how/why this draft extended village designation to Talcville. The board agreed that Sandy will forward to the whole board materials TRORC presented in April so that members of the Planning Commission can review the information and come to the November meeting with a list of concerns.

Approval of minutes – The board approved minutes from the meetings on September 2, 2025 and September 17, 2025.

Public Comment -- limited to 3 minutes each

Dan asked that comments be separated by topic, beginning with all comments pertaining to the cell phone tower, so that Julie could recuse herself.

Julie recused herself and stepped away from the table.

Deb Moore repeated her comments from the previous Selectboard meeting that, although the Planning Commission had agreed that health concerns about cell phone towers were not germane to the guidelines of the permitting process, she thought they were germane to the Town Plan, and should, therefore, be addressed in any comments submitted by the Planning Commission or the Selectboard. She said the town should apply the “precautionary principle” to the proposed cell phone tower, especially regarding potential health risks and potential fire risks. She also noted that the balloon test does not adequately represent the visibility of a full tower, including aspects such as reflectivity.

Alvina Risinger-Harvey said she thought it was critical for Russ Jaquith's photographs to be included in any comments submitted by the Planning Commission. She said she thought the tower would be visible from Route 73 as well as Route 100.

Tara Murray repeated her position that participating in the permitting process as an abutting landowner would be an unfair burden on her. She noted that a proposed tower in Tinmouth had recently failed to receive a permit. She again repeated her claim that the board had inadequately addressed Julie Martin's conflict of interest. Dan said the board had addressed that concern and he considered the matter resolved.

Jean Murray said she thought she had heard about cell phone towers along a ridge north of Rochester than had been denied permits. She did not know where or when that had happened.

The board was not able to hear from members of the community participating remotely on the new platform for the hybrid meeting – Microsoft Teams instead of Zoom – so Sandy asked those individuals to email any comments they would have made during the public comment period and the board would read those into the minutes at the November meeting. That email address is:
rochestervtplanningcommission@gmail.com.

Julie rejoined the board at the table.

Adjourned – The meeting was adjourned at 8:20pm.

Next meeting: November 4, 2025 at 6:30pm