

Town of Tinmouth
Select Board and Planning Commission
515 North End Road, Tinmouth, VT 05773
802-446-2498
tinmouthtown@vermontel.net

September 9, 2025

Re: 25-1679-PET

Applicant - 08/08/25: Industrial Tower and Wireless, LLC

Or 02/12/25 Applicant: Industrial Wireless Technologies, Inc.?

Regarding: Proposed telecommunication tower on 402 Route 140, Tinmouth, VT

This communication is the Town of Tinmouth's recommendation in response to the Petition filing by Industrial Tower and Wireless, LLC for a Certificate of Public Good on August 8, 2025. We would like to bring to the attention of the Public Utility Commission (PUC) that the filing of Advance Notice was received from Industrial Wireless Technologies, Inc. being dated by them at February 12, 2025, *not* Industrial Tower and Wireless, LLC. Therefore, the Petition filed by Industrial Tower and Wireless, LLC was not preceded by an Advance Notice, but was sent from a different legal entity. Should not the applicant be the same in both instances?

This project proposes to erect a 160 foot radio communication tower with an additional 13 feet of antennas on its top located at 440 Route 140 in Tinmouth. It is located in the Conservation District identified in the Tinmouth Zoning bylaws, just outside the Protection District. Our Town Plan and bylaws provide clear written community standards for projects in the Conservation District and telecommunication sections. **Description:** Conservation areas contain lands that are sensitive to development. These include large regionally connected forested blocks, steep slopes (often with shallow soils), high elevations, wetlands, stream banks and wildlife corridors, as well as areas of scenic, ecological, cultural, or historic significance. Its **Purpose** includes: To preserve the physical, natural, and scenic characteristics of lands in the district. This proposal would not be able to obtain a permit as they cannot meet the conditions.

The Tinmouth Select Board and Planning Commission voted at a special meeting held on June 26, 2025 to find this project does not comply with the Tinmouth Town Plan or its Telecommunication bylaws and recommended that the applicant not move forward with this tower application to the PUC for this location. That decision has not changed. Given that this project is opposed by the Select Board, the Planning Commission and all public commentators, with no support and not serving the public good, substantial deference should be given to the recommendation of the Town Select Board, Planning Commission and Town Plan and the project/application should be denied without the need of a hearing.

But if it cannot be denied without a hearing, then the Town requests a hearing as there are substantive issues raised including:

The Town's determination of non-compliance and *the applicant's dismissal of that finding.*

From the application –

10. State Telecommunications Policy – *current lack of coverage* – a recent demonstration from a local communications company regarding radio transmission for the Town’s road crew clearly demonstrated their ability to provide townwide coverage with no problem. The proposed tower does not provide a societal benefit.

Criterion 5 - Highways - *no unsafe conditions* – The entrance to the gravel pit (and proposed access road) is located at the top of a hill with a bend in the road and is already a difficult spot to meet another vehicle. A driver gawking at the tower which will be located around 150 feet from the road could easily be distracted with an accident resulting.

Criterion 8 - Scenic Beauty, Historic Sites and Natural Areas –

Lack of concern for visitors to our historic cemetery – As the cemetery is immediately south of the tower, anyone visiting the graves of loved ones, people of historical importance such as Nathaniel Chipman, lawyer, US Senator, Chief Justice of the Vermont Supreme Court and one of those instrumental in the getting Vermont admitted as the 14th state, lies in rest, under a monument erected by State will see the industrial tower, quite close up and totally out of character with the area. The proposed facility would tower over the entire cemetery, which is unacceptable.

Lack of concern for the largest Class I wetland in the state – The proposed location is near the southern end of Vermont Fish & Wildlife’s Tinmouth Wildlife Management Area, which encompasses over 1200 acres in the belly of our valley, and is the largest Class I wetland in the state. Most of this wetland is owned by the State of Vermont, a public investment, that the tower would harm with its presence. The Tinmouth Channel winds its way through this vast area – when one is in a canoe it is like being in a world apart – only one dwelling is visible. A tower during and at the end of your trip up the Channel would destroy that enchantment – clearly an undue adverse aesthetic impact. One puts their canoe in the water at the north end of the Wildlife Management Area on North End Road – over two miles as the crow flies - and paddles south – the Channel runs north becoming the Clarendon River once it crosses the town line. The tower immediately south of the southern end of the Channel would be offend the sensibilities of the average person.

Lack of concern for the Town’s scenic vistas – Our town has many scenic vistas, including Route 140 as it winds its way across the valley into the center of town. This facility would tower above anyone approaching it. Tinmouth first adopted a Town Plan in 1974. The vision then and now is to maintain the rural aspects of the town including active productive farms, open meadows, substantial forests, and scenic mountain vistas. Objectives of the original Plan continue to this date, including preserving the rural character of Tinmouth; protecting and preserving scenic and historic features, open spaces, fragile and wildlife habitats and other natural resources; and prohibiting incompatible and uncoordinated development activity. This proposal does not preserve the rural and scenic qualities that so many residents and those from away appreciate. The intersection of Route 140 and the East Road are identified as a Scenic Resource in our Town Plan. The tower would be visible from the most scenic portion of East Road, harming the aesthetics of residents and travelers as they head north to the intersection with Route 140, and would be out of character with the area.

Conformance with Local and Regional Plans – *intent of the plan, business development-* Tinmouth has many home-based businesses – made possible with the fiber optic provided by VTEL since 2014, which also provides WiFi and cell service to every resident. The intent of the

plan is to preserve the rural character of the town – and the intent of Tinmouth inhabitants, who have conserved nearly one third of the property in town to protect it from development.

Tinmouth Zoning Bylaws - *towers are allowed as conditional uses* - Conditional Use permits are only granted if the applicant meets the conditions. The applicant clearly admits they cannot do that, but as it is for a “good cause”, they claim it should be allowed. The Town disagrees.

Telecommunication bylaws are part of our zoning bylaws which were adopted to implement the policies of the duly adopted Town Plan. Objectives therein include preserving the rural character of Tinmouth; protecting and preserving scenic and historic features, open spaces, fragile areas and wildlife habitats and other natural resources; and requiring that public utilities be located in such a way that they will not have an undue adverse effect on the scenic quality and land values of the town.

Wireless Telecommunications Facilities – Section 409 C. Location- *the proposed location is not on land ‘not ordinarily suitable for subdivision’*, the Conservation District’s minimum lot size is 25 acres – so this parcel cannot be subdivided.

Height – 130 feet not acceptable- The requirements include protecting scenic qualities and minimizing visual impacts, and requirements include limiting the height to 130 feet and no more than 20 feet above the average tree line. The Board of Adjustment has no authority to deviate from the requirements contained in the regulations – they cannot change the minimum lot size for instance.

Bulk- slate grey lattice – ITW’s clear intent to seek and allow co-locaters for cell communications would greatly change its appearance.

Co-location – *no suitable existing tower*; the Town disputes this as other providers are already able to provide coverage.

Speculation – Not mentioned in the application, **Section 409 B.11** states a permit shall not be granted for facilities to be built on speculation. ~ ITW admits it has no current customers - which suggests this is being built on speculation.

Mitigation – The applicant has made no effort to mitigate the impacts of the proposed tower.

IV. Discussion – ITW is proposing 2-way radio service, one wonders how many businesses are in the Tinmouth area needing that service? There is no need for radio service for emergency service providers who are currently adequately served. At the public meeting, ITW responded to a question about line-of-sight to other towers/antennas and indicated that they have no plans to put up towers that this tower/antenna would communicate with. The location and purpose of this tower are puzzling.

There are a couple of confusing items – in the third paragraph why is the Mt. Ascutney Regional Commission included? And it states that the Tower is outside the Conservation Zoning District – so what district is it in?

Conclusion from the Town –

This proposal does not comply with the Tinmouth Town Plan or its Telecommunications bylaws.

The increasing number of satellites will soon negate the need for land-based towers.

While ITW staff advised attendees at the public meeting and town officials that any cell carrier would also have to apply to the PUC to co-locate and go through the same process, their draft CPG Findings, gives them permission to co-locate antennas and other equipment belonging to other carriers. Town officials are aware that once a tower is up, adding antennas from different carriers provides for no meaningful public process, but may involve the addition of a generator with fuel storage and additional unduly adverse aesthetic and environmental impacts.

Tinmouth adopted its first Town Plan in 1974. The vision then and now (50 years later) is to maintain the rural aspects of the town including active productive farms, open meadows, substantial forests, and scenic mountain vistas. Objectives of the original Plan continue to this date, including preserving the rural character of Tinmouth; protecting and preserving scenic and historic features, open spaces, fragile and wildlife habitats and other natural resources; and prohibiting incompatible and uncoordinated development activity. Many landowners have conserved their property helping to preserve Tinmouth's rural character. Including the State's Wildlife Management Area, nearly one third of the town is protected.

Telecommunication bylaws are part of our zoning bylaws which were adopted to implement the policies of the duly adopted Town Plan. Objectives therein include preserving the rural character of Tinmouth; protecting and preserving scenic and historic features, open spaces, fragile areas and wildlife habitats and other natural resources; and requiring that public utilities be located in such a way that they will not have an undue adverse effect on the scenic quality and land values of the town.

During the Advance Notice phase, The Town of Tinmouth municipal legislative body and municipal planning commission recommended to ITW not to move forward with a Petition based on the failure to comply with the Town Plan and Telecommunications bylaws. We are disappointed that ITW is choosing to ignore the clear written community standards and recommendation to deny this tower which is required by statute to be given substantial deference. The proposed tower in this location will not promote the general good of the state.

For all the above reasons, we recommend that the PUC deny the Petition without a hearing. However, if that is not possible, we request a hearing based on the substantive issues raised by this proposal.

Respectfully submitted this 9th day of September in Tinmouth,

/s/ Gail Fallar

Gail Fallar, *pro se* representative
Tinmouth Select Board
Tinmouth Planning Commission
515 North End Road
Tinmouth, Vermont 05773
802-446-2498
tinmouthtown@vermontel.net