

**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 - Industrial Tower and Wireless, LLC

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

This is an additional communication from the Town regarding the Town of Tinmouth's recommendation in response to the Petition filed by Industrial Tower and Wireless, LLC for a Certificate of Public Good on August 8, 2025.

Pursuant to 30 V.S.A. § 248a(c)(2), before the Commission issues a certificate of public good under this section, it shall find that:

(2) Unless there is good cause to find otherwise, substantial deference has been given to the plans of the affected municipalities; to the recommendations of the municipal legislative bodies and the municipal planning commissions regarding the municipal plans; and to the recommendations of the regional planning commission concerning the regional plan.

Section 248a(b)(5) defines "substantial deference": "Substantial deference" means that the plans and recommendations referenced under subdivision (c)(2) of this section are presumed correct, valid, and reasonable.

Section 248a(b)(3) defines "good cause": "Good cause" means a showing of evidence that the substantial deference required under subdivision (c)(2) of this section would create a substantial shortcoming detrimental to the public good or the State's interests in section 202c of this title.

The Town of Tinmouth's plans and recommendations are correct, valid, and reasonable. The applicant has demonstrated no good cause to find other than to give substantial deference to the Town's recommendations regarding the municipal plan.

As the PUC found on August 3, 2023 in Case No. 22-2120-PET in its decision denying a tower in Enosburgh that was upheld by Vermont Federal District Court, the petition was denied because the Project does not comply with the recommendations of the Planning Commission regarding the Regional Plan and therefore does not qualify for a CPG under 30 V.S.A. § 248a(c)(2).

In the Enosburgh case, the Hearing Officer found that "Because I recommend finding that the Project fails to comply with 30 V.S.A. § 248a(c)(2), and because that recommendation, if accepted by the Commission, is dispositive, I have not made recommendations addressing the other Section 248a criteria." See *In re Application of Derby GLC Solar, LLC*, 2019 VT 77,

¶19, 211 Vt. 144, 221 A.3d 777 (holding that in Section 248 proceedings where all relevant criteria must be met, when the Commission finds “that a project fails to satisfy one or more criteria,” that finding “is fatal to the project,” and there is therefore “no need” for the Commission to address any other criteria).

Therefore, the PUC can deny the Tinmouth tower without further process.

We respectfully request that the PUC follow its own precedent and deny this petition.

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. Given that this project is opposed by the Select Board, the Planning Commission and all public commentors, with no support and does not promote the general good of the state, 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.

Respectfully submitted this 9th day of September in Tinmouth,

/s/ Gail Fallar
Gail Fallar, *pro se* representative
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