

To: State of Vermont Public Utilities Commission  
From: Alvina Risinger-Harvey  
Date: 1/12/2026

These are among many of my concerns about the proposed cell tower installation at 1030 Rt 100 South.

1. Access to Farm

Potential Road & Culvert damage on Riverbend Rd.

There are two sizable long culverts and the road would be adversely affected by the potential heavy equipment usage required to build the proposed cell tower.

ROW: See letter of 12/21/2025 from Putnam & Menard.

I have NOT given consent for Vertex to use the Martin ROW.

2. Potential blasting necessary to set poles, to bury power through ledge.

Potential damage to private wells and buildings in the neighborhood.

Will Vertex replace and repair all damages incurred? No time limit on getting these evaluated?

Act 250 & Violation of Town Plan

3. This portion of the Farm has been in LUA for over 30 years. As part

of a large forest block continuum, this area is used by deer, bear,

bobcat, moose, fox, coyotes, mink, porcupine, opossum, fisher cats,

turkeys, various hawks and owls, songbirds, bald eagles, snakes,

mice, bats, amphibians, insects and other species. HISTORICALLY,

These woods were managed for HABITAT IMPROVEMENT, NOT

IT'S DESTRUCTION. Hikers, bikers, hunters, snowmachiners,

X-country skiers and those of us who just get out to enjoy the

beautiful natural surroundings as they have done in the past.

*Those of us that use this land, use it lightly and with respect.*

*Most critically, it is important as a soil sponge for the water.*

**Working landscapes are an important part of our town.**

Violation of our Town Plan.

4. In technological developments in the last 13 years since the antenna was installed in the church steeple, other less damaging technology- environmentally and healthwise, have been developed and are in use In Vermont and nationwide. Why would the Town want to encourage the outdated cell tower technology? Why should we be a regressive Community? People do not come to Rochester just because we have cell phone coverage, but exactly the opposite They realize they need quiet and healthy recreation (no extra radiation exposure) our Town provides them. For those of us who work from home, we have already found alternative solutions.  
Violates our town plan.

I feel that there are many areas of this proposal that need to be brought to the PUC's attention.

**Prefiled Direct Testimony of Martin J. Lavin dated 11/19/2025**

Pg 2, In 9 50'x50' compound with 12' h chain link fence. Specs 6'high.

Pg 3, In 22 co-location (SnowBowl) not shown on map provided.

**Prefiled Direct Testimony of Scott S. Adams, P.E. dated 11/21/2025**

"Compound enclosed by 6'high chain link fence. P2 In 11. References a 12' high fence. Testimony of Martin Lavin 11/19/2025 P2 In 9

Pg 3, In 11-14, Pg 5 In 3-8 Diesel fuel tank not shown on specs Above or below ground and size. Not on Specs or SA-2. Also exhibit SA-2 shows specs for a Generac generator and the specs reference Kohler generator.

Pg 3, In 18-19 As the access for underground power & telecommunication lines will be crossing ledge as per Sheet Z-1.1 Concerned about blasting disrupting the private wells and structural damage to homes. Violation of Town Plan.

Pg 4 In 22, Pg 5 In Construction waste removed? How disposed of?

Pg 5 In 12 -23, Pg 6 In 1-23, Pg 7, In 1-9

Page 2

Vertex lowered the tower from 170' to 140' in an effort to reduce its accountability to the Town and the PUC. As evidenced by Exhibit SA-4 Photo Simulation Package of a 3' diameter dark red balloon which blends in with the landscape. Please see the comparison table below of this document. **The tower would be very visible along Scenic Rt 100 and many of the other roads in Rochester disturbing the view shed of the ridgeline. Especially at night when it would be *lighted*.** A violation of Scenic Byways and the Town Plan.

SA - 4 PHOTO SIMULATION PACKAGE

Vertex	Local Observations
1 N	1 N
2 N	2 ? O
3 N/O	3 Y
4 N/O	4 Y
5 N	5 Y
6 Y	6 Y
7 Y	7 Y DUPLICATE
8 Y	8 Y DUPLICATE
9 N	9 Y
10 N	10 Y
11 N	11 Y
12 N	12 Y
13 N	13 Y TREE - CAMOFLAGE
14 O	14 Y
15 N	15 Y
16 Y	16 Y DUPLICATE
17 N	17 N
18 N	18 ? O DUSK
19 O	19 Y
20 N	20 Y DUSK, DIRECTION & CAMO
21 N	21 N

Possible 8 of 21 in agreement. Some pictures taken purposefully with vegetation blocking the view of the balloon. Moving slightly, the balloon was

visible. Excellent choice of size & color to camouflage the balloon by Vertex. **Should have been larger and a light color for easier identification.**

There are wetlands on the proposed site, as well as many vernal pools which were not identified but provide critical habitat. The description of wetlands does not match forested conditions. As well as being prohibited locations. Again, another violation of the Town Plan.

Pg 11 In 8-12, 15-16, & 19-20 Significant areas of the Town Plan

Talcville is a historical district in Rochester eligible for listing on state registers. As the talc mine operation was south of the proposed location, the whole area of the farm that the tower encompasses is in an eligible historical district. Rt 100 is a state recognized Scenic Byway. Private drinking water supplies may be adversely affected by the proposed tower construction. Violation of the Town Plan.

Pg 13 In 1-5 Clearing on Z-3 in excess of 60'x60' contributes to forest fragmentation. Bats' elocution abilities will be diminished due to the proposed tower.

Pg 14 In 12 What survey is referenced and the sponsor?

Pg 17 In 8-13 No comparisons shown. Will range increase significantly (not to USFS Corporation) Soon to be obsolete. Health hazard for many In the community. Town did not ask for this cell tower. Several residents refused Vertex's approach. Vertex is doing this proposed Tower for their own PROFIT not for the greater good of Vermont!

## M - 2 EXISTING TOWER ANALYSIS

- #5 1610 Town Line Rd, Rochester—NO TOWER AT LOCATION
- #8 6888 Rt 125, Snowbowl, Hancock— Mountains obstructing
- #9 15 N Main St, Federated Church, Rochester—physical restraints

This tower provides adequate coverage.

Other towers shown are out of town and are obviously not applicable.  
What other sites in town have been considered?

Have other technologies been considered that DO NOT require a tower?  
If not, why not? Tall tower technology is becoming obsolete. So why install it?

The town did not ask for this tower. Coverage range not significantly increased. Health hazard for many in the community. Vertex approached several residents and was refused as well as by the previous owner of the proposed site. PROFIT MOTIVATED!!!

## SA 1 REVIEW

- C-1 SURVEY NOTES: #10 See attached comments from the Rochester Town Clerk. No such Bk & Pg.
- Z-1.1 No ROW on Riverbend Rd  
Compromises bank in State ROW by new barn.  
3600 sq. ft. leased area does not include clear cut area
- Z-2.1 No ROW from Martin lot to farm.
- Z2.2 Road & power 25' ROW, 10' seems narrow for OHW
- Z-2.9 & Z-5 Access path 12' vs 15' log road why difference?
- Z-3 No generator fuel storage shown, Safety precautions for fuel.  
Safety precautions for lightning strikes are not shown.
- Z-5 Limits of clearing: 50x50 or 60x60? (pg 2 ln 11) Excess clearing, steep slope. No specs on turn around areas
- Z-8 Fence notes: # 6-Barbed wire to be installed. NOT shown on Drawing.

Appendix A Submitted by EBI/Vertex

Figure 1 Street Map—**Wrong location**

Figure 2 Topographic Map—**Wrong location**

Appendix B Submitted by EBI/Vertex

Photographs 1-28

- 12 Not near road
- 16 Not near road, wrong direction
- 17 Not near road,
- 20 Not near road, 17 & 20 not identified as wetlands on specs
- 24 & 25 Duplicate pictures Wetlands not identified on specs Believe to be along Rt 100
- 27 Same wetland as 24 & 25 not identified on specs
- 28 Picture of wrong location, not near proposed easement

SUMMARY:

The duplicity that is evident in the prepared materials that were submitted to the PUC is disgraceful! With proper review this proposed project should never go through!!!

In conclusion, the proposed cell tower will greatly impact my property as well as decrease its value. The proposal does not meet the Rochester Town Plan or Two Rivers Ottaquechee Regional Commission Plan in many areas. As such, the request for a Certificate of Public Good should be denied.

Respectfully submitted  
Alvina Risinger-Harvey  
118 Riverbend Rd.  
Rochester, VT 05767  
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Attachments:

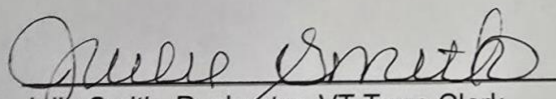
Town Clerk Certification  
Letter from Putnam & Menard

Attachments: Town Clerk Certification 1 of 1

January 6, 2026

I, Julie Smith as duly elected Town Clerk of Rochester, VT, certify  
that the Town of Rochester Vermont Land Records do not contain a  
Book 3161 Page 2520.

Attest:

  
Julie Smith, Rochester, VT Town Clerk

1/16/2026  
Date

**PUTNAM  
& MENARD, PLC**  
ATTORNEYS AT LAW

BENJAMIN W. PUTNAM, ESQ.  
AMY R. MENARD, ESQ.  
JUDSON E. HESCOCK, ESQ.

December 21, 2025

Alvina Risinger-Harvey  
118 River Bend Road  
Rochester, VT 05767

**Re: Right of way issue - Rochester, Vermont**

Dear Alvina:

You have asked me to analyze the scope of the right of way affecting your property at 118 River Bend Road in Rochester. Specifically, you have asked whether the developer of a proposed communications tower would have the legal right to use the right of way for access to the tower site, which would be located on the adjoining property owned by Julia and Charles Martin. For the reasons set forth below, it appears to me that such use of the right of way would not be permissible without your consent.

Based on the documents I have reviewed, the pertinent background facts are as follows:

1. Richard and Mary Harvey originally owned the three parcels of land labeled as Lots A, B, and C on the map attached as Exhibit 1.
2. In 1988, Richard and Mary conveyed Lot A to Julia and Charles Martin via the Quitclaim Deed attached as Exhibit 2. Included in this conveyance was "a right of way from Route 100 to Grantees's dwelling over lands retained by Grantors to be used in common by Grantees, their heirs and assigns and Grantors, their heirs and assigns."
3. Mary subsequently passed away, leaving Richard as the sole owner of the properties in question.
4. In 1995, Richard added you to the title of Lot B via the Quitclaim Deed attached as Exhibit 3. This is the parcel where you now live. The deed to Lot B stated that it was subject to the right of way granted in the 1988 deed to Martin.
5. In 2019, Richard conveyed Lot C to Julia and Charles Martin via the Quit Claim Deed attached as Exhibit 4. No right of way language was included in this deed.
6. A communications tower has been proposed for construction on Lot C. The preliminary site plan shows an access road beginning at Route 100 and crossing Lots B and A, then entering Lot C.

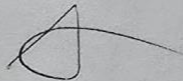
Alvina Risinger-Harvey  
December 21, 2025  
Page 2

Based on the documents I have reviewed, I do not see any evidence that an owner or lessee of Lot C would have a legal right to cross your property (Lot B) to access the proposed tower location. The conveyance of Lot A to the Martins included an appurtenant right of way which, by its terms, provided access to the dwelling on Lot A but not to any other lands or structures.

When a right of way benefits a particular parcel of land, it can only be used for access to that parcel, and cannot be expanded to benefit additional parcels without the agreement of the landowner whose property is burdened by the right of way. Thus, if the tower developer wished to cross your property to access the proposed tower location or any other location on Lot C, they would need to reach an agreement with you to convey a new or amended right of way benefiting Lot C. I am not aware of any reason why the developer of Lot C would have a unilateral right to use the right of way without your consent.

Thank you for allowing me to assist you with this matter. If you have any further questions, please feel free to contact me.

Sincerely,



Benjamin W. Putnam, Esq.  
[benj@pmlawvt.com](mailto:benj@pmlawvt.com)

BWP/II



Lot C (Martin)

Lot A (Martin)

Lot B (Risinger-Harvey)

VT Route 100 S