

**STATE OF VERMONT**  
**PUBLIC UTILITY COMMISSION**

**Case No. 25-2931-PET**

**Application of Vertex Towers, LLC and  
Bell Atlantic Mobile Systems, LLC d/b/a  
Verizon Wireless, for a Certificate of Public  
Good, pursuant to 30 V.S.A. § 248a,  
Authorizing the construction of a  
Telecommunications Facility in Rochester, Vt.**

**INTERVENOR'S SUPPLEMENTAL REPLY TO RESPONSE OF  
PETITIONERS TO MOTION TO INTERVENE**

NOW comes Tara Murray and R. Thomas Jaquith and with this supplemental reply. We the undersigned filed a response on Friday February 6, 2026 and made the statement that we intended to file this additional supportive document narrative.

We respond that we have a particularized interest which cannot be represented by the Town or the other intervenors and we wish to retain the right to intervene and to speak to all of the relevant issues with respect to this proposed tower.

**Background**

We, Tara Murray and R. Thomas Jaquith are residents of Rochester and our property (home and rental) abuts 1030 Route 100 South, the property where the petitioner has proposed the cell tower. Our town of Rochester is our home and we have put our everything into this town and this valley. Our home at 64 State Garage Road and rental house at 96 State Garage Road are a stones' throw from Scenic Byway 100 and part of the group of homes so close to the proposed tower site. Our rental property houses at 233, 235, and 237 South Main Street are on the Scenic Byway and the tower would be very visible as a backdrop above the roofline.

**Preliminary statement**

We, as property owners in Rochester, have particularized interests that cannot be represented by any of the other residents who have also filed Motions to intervene, nor by the Town of Rochester. We are property owners and live in our home that abuts the property where the proposed tower would be built. The properties include three different lots with 5 buildings/homes, housing 12 households (totaling 21 residents of Rochester), as well as two businesses. Verizon has filed a petition to develop a 140 foot cell phone tower on the abutting property to our home and we must stand up for our constitutional right to represent our specific particularized interests with regard to the properties for which we are stewards.

Verizon's statement through its attorney, W. Cooper Hayes of MSK Attorneys, states in their response, many misleading and untrue statements. This is just merely a continuance of the misleading and non-factual statements made by Verizon throughout this whole process.

We as parties with a pending Motion to intervene, request that our Motion be allowed in full without stipulations that bar us from fully protecting our rights. Further, we request a hearing in accordance with this Commission's Rules of Procedure and the Vermont Administrative Procedures Act on any issue with the PUC hearing officer in any way limiting our/or any other intervener from being interveners, or in any way limiting the scope of the issues that we feel we must bring that pertains to our particularized situation.

### **Facts:**

In Verizon's response dated 1-23-26, their attorney states, "*Tara Murray and Thomas Jaquith live at 64 State Garage Road. The concerns they raise mirror those raised by the Town.*" We respond that the Town cannot possibly represent our interests as the Town represents all of the interests of the residents of Rochester, not merely the interests of us, residents who abut the land where the tower is proposed.

Further, Verizon continues, "*As to their protected interests, they do not articulate that they will be able to see the Tower from 64 State Garage Road...*" This is patently false. Please see our Motion to intervene where we stated, "*The proposed tower would be visible from our property and would have great impact on us.*" Again this is an example of the tactics used by Verizon.

As far as our property at 233, 235, and 237 South Main Street in Rochester, Verizon again made misleading statements about a proposed tower looking, "*minimal and distant.*" Verizon goes on to make the argument that our standing is no different than that of the general public. We wholeheartedly disagree. The tower would be in plain site and be extremely visible and would permanently change the backdrop and the character of the view, the ridgeline, and the whole area.

### **Historic issues**

On pages 3 and 4 of the Petitioner's response dated 1-20-26, they state that there is no impact on historical buildings in the town. However, the petitioner failed to even assess the proper places.

They also make false claims that the only thing of historic concern is nearby Talcville which is over a half mile away. This is false, misleading and likely done purposefully to circumvent the 1/2 mile limitations of structures, such as towers, being located. The proposed tower as GPS coordinated supplied by Vertex at: 43°51'35.4"N 72°47'53.4"W is less than 2000 feet from the center of Talcville.

Talcville is historic mining village, with the Williams Mine located East of the proposed tower and accessed off what is now Route 100 and runs just south parallel to Rogers Brook. This is shown on a 1915 Map of Rochester. Source: [https://commons.wikimedia.org/wiki/File:Rochester\\_1915\\_1-62,500\\_-\\_PCL\\_Map\\_Collection\\_-\\_txu-pclmaps-topo-vt-rochester-1915.jpg](https://commons.wikimedia.org/wiki/File:Rochester_1915_1-62,500_-_PCL_Map_Collection_-_txu-pclmaps-topo-vt-rochester-1915.jpg)

(R.B. Marshall, Chief Geographer. Control by U.S. Coast and Geodetic Survey. Surveyed in 1915).

This above map shows both the Peavine Railroad before it was destroyed in 1927 Flood, the mine Railroad to the Williams Mine departing from Peavine / Route 100 area eastbound, and many of these

old historic buildings in the village of Talcville - most of which are still standing today. It shows 12 houses / buildings on the east side of what is now Route 100, and our own home at #64 State Garage Road - which has been described as built in 1800, 1850, and officially in the Town of Rochester as "1900" which they record when it's at least 1900 or older construction and exact date unknown. The tower would be visible from our historic 10.5 acres of land and home. This will impact our unspoiled mountain views which is why we purchased this property, and would severely impact the aesthetic enjoyment and appeal of our property. These buildings have survived the devastating 1927 flood and Hurricane Irene. There were also several structures that were submitted as Historic sites at 135 State Garage Road in the 1970s

(Source: [http://accdservices.vermont.gov/ORCDocs/Rochester\\_HistoricSurvey\\_\\_SurveyForm\\_00000003.pdf](http://accdservices.vermont.gov/ORCDocs/Rochester_HistoricSurvey__SurveyForm_00000003.pdf))

The petitioner, through it's attorney states in it's 1-20-26 filing that the tower would only "barely" be visible on the sunniest of days from the center of town. This is totally untrue and misleading. The petitioner goes on to state about it's photo simulations. The problem is that, we as property owners and abutters, must fervently defend our rights because Verizon has attempted to mislead all of us with misleading statements about photos and visibility. We must be diligent to keep setting the record straight which is why we ask to retain our right to our constitutionally granted ability to defend our properties.

Further, as owners 64 and 96 State Garage Road and 233, 235, and 237 South Main Street, we can state that we completely disagree with the statements made by Vertex in their responses dated 1-20-26 and 1-23-26: The tower would be visible and negatively impact our every day existence of all of our houses.

Further as far as being residents of this town, the historic characteristics of the village center, and the historic buildings and properties around it, would be unduly and adversely affected by a tower as would our specific properties. As far as being a resident of this town and having 13 tenants in town, we all utilize the Town Park and a tower would be totally visible. The visual impact would be extreme. One cannot fully appreciate the historic properties around the Park with the tower in place. Vertex claims that it would be a common modern thing such as a utility pole! This is absolutely untrue and shows either total ignorance or else corporate greed that will stop at nothing including making false statements.

### **Aesthetics**

The proposed tower would be visible from our property and would have great impact on us. The tower would also for visible for our tenants on our adjacent abutting property as well for all 12 tenants on our property on South Main Street. As far as the Scenic Byway, we purchased properties on and in sight of the Scenic Byway with the clear understanding that this designation meant something, that the road had particularized aspects ad protections.

### **Town Plan**

While we are aware that the Town intervened, we are also aware that the Town Plan must itself be given deference by the PUC. Therefore as Town residents, we assert our right to speak to the Town Plan. This plan was written for all residents for the wellbeing and good development of the town. Therefore, we make the case that we do not and cannot be forced to rely on the Town to stand by the Plan. The Town could negotiate, give up, or otherwise not speak to our interests. We as residents have

the right to speak to the municipal and Town Plan.

### Scenic Byway

One fact remains: Route 100 through Rochester is a Scenic Byway as designated by our state. We are very familiar with what towers look like. The placement of this proposed tower is the issue: it simply violates the Town Plan and would be extremely detrimental to our properties. In Vertex's 1-20-26 response they stated that, for example, south of the project site, in Stockbridge, the PUC approved a 180' tower that is visible from Route 100, in another section classified as a scenic byway. To clarify what the PUC and Verizon is well aware, in the Stockbridge case, there were no interveners that asserted a Town Plan. The PUC must give deference to the Town Plan. And again, we purchased property on the Scenic Byway. Therefore we assert that we have standing to bring an argument on the Scenic Byway and Town Plan.

### Wetland:

The petitioner asserts that a Class III Wetland is not jurisdictional. However, the PUC must give deference to the Town Plan and our Town Plan states:

***Prohibited Locations:*** *Because of their distinctive natural, historic or scenic value, telecommunication facility development shall be excluded from the following areas:*

- ***Wetlands*** as indicated on Vermont State Wetlands Inventory maps or identified through site analysis.

The development proposal goes through a wetland. Period. Just because it is a Class III Wetland does not mean it is not a wetland. It is a designated wetland. Our Town Plan states, "Wetland," and does not differentiate or exempt a Class III. The Regional Plan also has the same statement about wetlands. *This Tower, as proposed, does Not conform with our Town Plan.* Our Town Plan does not say, we can forget it if it is a certain type of wetland. We again assert our right to speak to this issue as residents of Rochester.

### Telecom Bylaws:

Also on Page 16 of the Town Plan:

- 4) *Zoning Compliance: New telecommunications facilities shall be sited in accordance with municipal zoning regulations.*

This is important to note as the Zoning Bylaws state on Page 8,

***"b) Power generation, storage, and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Utility Commission. Such facilities, however, shall conform to policies and objectives specified for such development in the Town Plan.***

***d) Networked telecommunications which are regulated under 30 V.S.A. § 248a by the Vermont Public Utility Commission. Such facilities should conform to the policies and objectives specified in the Town Plan.***

Town Plan, Page 16, still under, "Telecommunications:"

7) *Site Selection: Site review should not be limited to the telecommunications facilities; other elements required of the facility need to be considered as well. These include **access roads**, site clearing, onsite power lines, substations, lighting, and off-site power lines.* Here the Town Plan is stating that the access road is part of the entire issue.

So the Town Plan states that the the Zoning Bylaws be followed and the Zoning Bylaws state that the Town Plan shall be conformed to. Therefore, it seems fair to say that we must follow the Town Plan IN ORDER to comply with the Zoning Bylaws. Again we assert our right to speak to the Town Plan and the Telecom Bylaws.

### **Natural resources**

In order to enjoy our properties that we purchased, we must be allowed to speak to the issues that affect them. This includes visibility while at our home, on our property, hiking, biking, swimming, etc. Also we assert the right to speak to issues that effect us such as health water, flooding, etc.

### **Health:**

On pages 2 and 3 of the Town Plan, it states, that the plan is to “....*Support the health and wellness of community members.*” And “*The Plan must serve to promote the health, ....*” Therefore we assert that we have the right to speak to the issues of health in our town. The Federal Communications Commission (FCC) was court-ordered in 2021 to review the safety of RFR/EMF based on extensive research demonstrating physical / biological harm. As of now, the FCC has ignored the federal court order. Since that ignored court ruling in 2021, we believe that we can comment on possible harm from a proposed tower and that the PUC should consider such information and argument. I have suffered from many issues and have neurological injury and am in the midst of IVF in order to have a family. Therefore, we assert that based on the Town Plan and the ruling, we have the constitutional right to speak to health.

### **Legal argument:**

Just because the Town has weighed in and just because other residents have, does not mean that we should be barred. We are residents with particularized interest. We should not be forced to limit our interests or have one person represent us all. That would unduly burden one of us and would limit our ability to stand against a large corporate company with unlimited resources.

As abutters, we have particularized interests in aesthetics, potential erosion, the natural environment, impacts to water supplies, also impact to our property and its value. We request recognition of our U.S. Constitutional First Amendment Right To Free Speech. The Vermont Constitution, Chapter 1, Article 13, even more firmly that the U.S. Constitution First Amendment, acknowledges the right of Vermonters to comment on acts of public governance, stating: That people have a right to freedom of speech, and writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of press ought not to be restrained At Chapter1, Article 6, the Vermont Constitution assures the accountability of government to the state’s residents. That all power being originally inherent in and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants; and at all times, in a legal way, accountable to them.

As parties with a pending Motion to intervene, we have particularized interests that no other party can protect. The only way to protect our interests is by allowing us to participate in this proceeding.

Therefore, we ask that our Motion to Intervene should be granted in full.

Respectfully submitted this 9<sup>th</sup> day of February, 2026 in Rochester

by /s/ *Tara Murray and R. Thomas Jaquith*

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