



Rochester Town Office

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Case #25-2931-PET: Proposed Telecommunication Tower at 1030 Route 100S, Rochester, Vermont

This document is the response by the Rochester Planning Commission (PC) to the applicant's initial and supplemental responses to the PC's public comments. The PC's comments were submitted on 12/30/2025. The applicant's initial response was submitted on 1/20/2026. The applicant's supplemental response was submitted on 2/17/2026.

Habitat, Rare/Threatened/Endangered Species, Invasive Species

If the Agency of Natural Resources (ANR) has reviewed and confirmed the findings asserted by the applicant in a revised Exhibit SA-5 that correctly locates the project, and the applicant follows the practices requested by ANR on 1/12/2026, then the project would not violate Sections 4B.6, 13E, or 13F of the Town Plan.

Drinking Water Supplies (Section 4B.3)

We concede there are no public drinking water sources. We just ask that a blasting plan consider private wells on the adjacent properties.

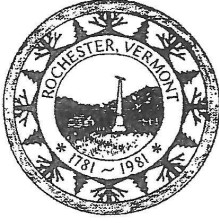
Wetlands (Section 4B.2)

That Vermont ANR does not claim jurisdiction over Class III wetlands does not preclude the Town from protecting all wetlands.

The applicant argues that relocating the road to avoid the wetland will be a greater disturbance than destroying the wetland. We disagree. The small wetland is a unique habitat whereas the adjacent hardwood forest that would be disturbed is extremely common.

Fluvial Erosion Hazards and Stormwater Management (Sections 4B.2, 4C, 12, 13C, and Appendix B)

In their initial response to our comments, the applicant claimed that "the concerns raised about the project affecting flood risks have no tether to reality" and that "there is little impervious surface to create additional runoff" and that "there is no basis whatsoever to conclude the project has any flood impact" (1/20/2026, 8). Our concerns about fluvial erosion hazards and stormwater management are tethered to the textual reality of our Town Plan, the scientific reality of stormwater management best practices, and the historical reality of our community's lived experience during Tropical Storm Irene.



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The Town's primary issue with mapped fluvial erosion hazard (FEH) areas stemmed from the fact that the applicant mis-labeled an intermittent stream as Rogers Brook, which is a watershed greater than 2 square miles and would have an FEH buffer of 50 feet where development is highly discouraged. We have asked that ANR reevaluate the status of the watershed labeled as Rogers Brook to determine if it requires an FEH buffer; if it does, then the project would violate Section 4B.2 of the Town Plan.

Regarding erosion, the claim that the applicant can build a hardened road nearly a mile long with only one stormwater retention area at the top of the road without increasing surface runoff runs counter to the typical assessment that gravel roads are considered impervious. In fact, the applicant claims they will *increase* permeability. Two Rivers Ottauquechee Regional Planning Commission (TRORC) has raised this issue as well. The access road design shows almost no effort to manage/retain runoff from a mile of gravel road on steep terrain. We repeat our request that ANR require a detailed stormwater design and road maintenance plan beyond the standard Construction Stormwater Discharge Permit. We also repeat our request that ANR reassess the need to replace the existing 28" culverts prior to failure.

In addition to the referenced sections of our Town Plan, Rochester's 2010 Subdivision Bylaws include land divided for "lease" (Section 1.4, page 4). We assert that this project may be subject to those bylaws, which include the requirement for a 30'-wide access right-of-way that allows for emergency vehicle access and turn-around, with the determination of sufficient access to be determined by the town.

Coverage – site selection and propagation (Sections 4B.7)

We agree with the applicant that existing sites for co-location are not appropriate.

We reject the applicant's assertion that we have no authority in the Town Plan to request information about service goals, alternative sites, or alternative technologies. As discussed in the sections below, evaluating whether a proposed site attempts to avoid adverse impacts on things like historic sites, scenic byways, and more is exactly what the Town Plan requires.

We requested that the applicant provide clear definitions about their service goals, evidence of alternative sites and/or technologies considered, and reasons for rejecting them in order to evaluate whether they have made *a reasonable attempt to avoid* specific areas or consider preferred/less preferred locations, as required by Section 4B of the Town Plan. The plan specifically identifies three preferred and three less preferred locations; the applicant referenced none of these.

We again point the applicant to the materials submitted for PUC Case #23-4087 as examples of what would constitute an appropriate quality and quantity of information in this area, specifically: the direct pre-filed testimony of Martin Lavin and related exhibits, and the pre-filed joint testimony of David Archimbault and Jeffrey Dellicolli and related exhibits.



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Historic Resources (Section 4B.3)

Section 4B.3 of the Town Plan requires the applicant to take the following steps, in this order:

1. Identify historic districts, landmarks, sites and structures listed, or eligible for listing, on state and national registers.
2. Site and design the project to avoid those areas.
3. If no reasonable alternative exists that would avoid those areas, minimize or mitigate adverse impacts.

In the initial petition, the applicant failed to complete any of these steps.

1. They did not identify all the relevant historic resource areas.
2. They provided no evidence of attempts to site and design the project to avoid those areas (which, having not identified such resources accurately in the first place, would be difficult).
3. They provided no evidence of attempts to minimize or mitigate adverse impacts to historic resources (which, having not identified such resources accurately in the first place, would be difficult).

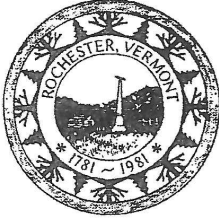
Comments submitted by the PC on 12/30/2025 provided no fewer than four (4) different resources for the applicant to consult in remedying these failures:

- Section 7F of the Town Plan / Scenic Byway Corridor Management Plan
- Section 13H of the Town Plan
- Historic Preservation Report submitted to the PUC in 2008 for Case #8548
- National Register of Historic Places

In their initial and supplemental responses our comments, the applicant seems to acknowledge their failure to complete step 1 by addressing some of the specific historic sites listed in the resources we provided.

However, they seem to argue that changing the tower height from 176' to 140' constitutes completing steps 2 and 3. We disagree. They have not provided any evidence of alternative sites considered or rejected (step 2). And their claim that the change in height constitutes an attempt to minimize or mitigate adverse effects on historic sites is not supported by their own documentation:

1. Communication with the State Office of Historic Preservation (SHPO)
 - a. In their initial response to our comments, the applicant suggested the Planning Commission "misunderstood" the level of review conducted by the State Office of Historic Preservation (SHPO), attaching communications between the applicant and SHPO (1/20/2026, 3). There is no such misunderstanding. The applicant's argument implies that the height of the tower was reduced from 176' to 140' *in response* to



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concerns about potential adverse impacts to historic sites. However, the submitted communications do not support this inference as SHPO did not request nor reference any specific tower height or change therein.

2. Communication with the Town of Rochester

- a. In the original petition and their supplemental response to our comments, the applicant claimed that they changed the tower height “following the public information session” (2/17/2026, 11). To the best of our knowledge, this is inaccurate. At the initial presentation to the PC meeting on September 3, 2024, the proposed height was 176’. At the first public information session hosted by the PC in Rochester on October 24, 2024, the proposed height was now 140’.

The applicant says “it is unclear why the Town is taking issue with this mitigation measure while simultaneously raising concerns about the potential visual impact” (2/17/2026, 11). Our issue is with the applicant asserting the lower tower height as evidence of their good-faith efforts to minimize or mitigate the visual impact as opposed to the equally plausible strategy (one that is no more or less supported by the timeline and documentation) that an applicant would propose more than they need and then dial back as a show of mitigation.

As we requested, the Department of Public Service (DPS) has agreed to hire an aesthetics consultant to evaluate the impact of the project, so we are not responding here to the applicant’s specific claims about the visibility of the tower under different weather conditions, comparison to utility poles, sufficiency of existing forest screening, or rate of travel. However, we argue that this work should have been completed by the applicant as part of the original petition, rather than supplemented at taxpayers’ expense.

On a related note, the applicant argues that, because the Planning Commission and Selectboard have not offered specific mitigation measures, we have “take[n] the position that not building the tower is the only acceptable mitigation” and that, “if either the Selectboard or Planning Commission would ever offer tangible and reasonable additional mitigation measures the Petitioner would be open to those measures” (1/20/2026, 6). We have made no such statement, we reject the applicant’s description of how our position “appears” to them, and we believe it is the applicant’s responsibility—not the Town of Rochester—to identify and propose specific measures for mitigating and minimizing adverse effects. If and when they choose to do so, we will consider them in good faith, as we have done with the project thus far.



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Scenic Byways, Public Parks and Trails (Section 4B.3)

Section 4B.3 of the Town Plan requires the applicants to follow those same steps – identify, avoid, minimize/mitigate – adverse impacts to scenic byways and public parks and trails. As with historic sites, in the initial petition, the applicant failed to complete these steps.

The applicant implies that visibility and aesthetics is not an issue because the tower is not on the ridge and that the tower placement was a design measure to reduce visibility. While this is difficult to assess from the balloon test map or the design plans, the GPS coordinates clearly show the tower on the ridge at an elevation 1585 feet. The low point on the Roger's Peak ridge running east to west is 1400 feet. Whether the applicant's claim is accurate or not is irrelevant because the tower is visible from both sides of the ridge, including but not limited to: Route 100 from the north and the south; Rochester Village; Rochester Recreation Area; Lion's Park Peavine Trail; and Creamery Run Trail.

We believe our concerns here will be addressed by DPS's aesthetics consultant, but reiterate that the onus for this work should be, and should have been, borne by the applicant and not the town or state.

General Visibility (Section 4B.7-Site selection)

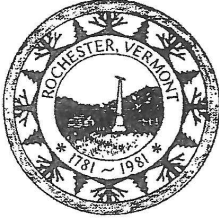
This section of the Town Plan requires that site review address specific issues other than the telecommunications tower itself, including: access roads, site clearing, onsite power lines, substations, lighting, and off-site powerlines. It requires that those elements minimize any negative impacts. It specifically requires designers to "mitigate the impact on natural, scenic, and historic resources" in order to "improve the harmony with their surroundings" (Town Plan, 16).

Our comments noted that the petition failed to provide sufficient information regarding efforts to mitigate the visual impacts of the telecommunications facility and related infrastructure, therefore we could not evaluate whether the proposal complied with or violated the Town Plan.

In response to comments by the Two Rivers Ottauquechee Regional Planning Commission (TRORC) the applicant has since agreed to do the following:

- Bury utility lines to the compound in order to minimize tree cutting and breaks in the tree canopy.
- Restrict logging activities within fifty feet of the access road to ensure that a tree canopy can grow over the road.
- Restrict logging activities where existing trees will screen the compound and base of the telecommunications mast.

Given this additional information and commitments by the applicant, we determine that the project will not violate Section 4B.7 *in terms of mitigating visual impact or improving harmony with the*



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surrounding areas. In regards to the preferred sites for telecommunication towers described under Section 4B.7, please refer to our sections on coverage and scenic byways.

Compliance with the Town Plan

In their initial response to our comments, the applicant claims that neither the Planning Commission nor the Selectboard “cites to any provisions of the plan which the project violates or offends” (1/20/26, 11). This is false. Our comments clearly state that the project as proposed *violates* the Town Plan in Sections 4B.2-Prohibited Areas (wetlands and fluvial erosion) and Section 4B.3-Significant Areas, and that *the applicant had failed to provide sufficient information to evaluate compliance* for other elements in Section 4B.3 or Section 4B.7 sections 7F (12/30/2025, 16-17). We provided significant, relevant, and accurate support for our positions. That the applicant disagrees with our arguments is neither evidence nor justification for this claim that we did not cite provisions from the plan.

Other – “quality of life”

The applicant’s initial response to the comments submitted by the Planning Commission and the Selectboard including the following assertion:

Both the Selectboard and Planning Commission state that the project will negatively impact the “quality of life.” This statement is hyperbolic and unreasonable. (1/20/2026, 10).

The Selectboard and the Planning Commission made no such argument; in fact, the phrase “quality of life” does not appear in the public comments submitted by either board. We have not been, nor are we being now, either hyperbolic or unreasonable.

Respectfully submitted,

Dan McKinley, chair, Rochester Planning Commission