

January 29, 2026

**To: Rep. Kathleen James, Chair
House Energy and Digital Infrastructure Committee**

**From: Alice Peal
Planning Commissioner, Waitsfield, VT**

Concerns with existing Act 248a statute, issues not addressed and suggested changes

Areas of concern regarding site selection for Telecommunications Cell Phone Towers

- Application Process, PUC Review and Substantial Deference
- Municipal Town Plans - LAND RESOURCE GOALS, OBJECTIVES, AND STRATEGIES
 - Wetlands, Water, Habitat and Siting - Not considered by Act 248a
 - Cell Tower Siting and engineering design, stormwater, groundwater and streams
 - Project conformance with an RPC Regional Plan

Each area of concern has issues that should be reviewed for the appropriateness of Cell Tower Siting

- Application Process - a Cell Tower Provider can apply for a Letter of Common Good to either a Town Development Review Board (DRB) or directly to the Public Utility Commission. This should not mean that the Town's Town Plan, Zoning ByLaws or any Telecommunications ByLaws be disregarded. Towns have Party Status and Substantial Deference should be acknowledged by the PUC and the Town's Goals considered.

- **In my opinion, the biggest issue with Act 248a is the disregard for environmental issues. Wetlands, Water Quality, Habitats, Stream Alterations and critical Forest Habitats should always be identified, reported by the Cell Phone provider to the Agency of Natural Resources (ANR) and the PUC.**
- Any 248a does not address environmental issues as Act 250 does. This needs to change, else we are giving a free pass to the Cell Tower companies to build in sensitive areas and in effect destroy important Land Resources.
- It bothers me a great deal that there is a dearth of understanding or willingness to learn and accept knowledge of Land Resources and the environment. I think it is too convenient for the Cell Tower companies and the PUC to accept the facts and importance of the environment.
- **All Cell Tower Company Projects should be required to do due diligence with ANR and the Department of Fish and Wild Life to determine the appropriateness of the chosen site.**

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