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Subject: Re: Cell Tower Siting Process
Date: Saturday, May 8, 2021 1:31:08 PM

(Again, I do not have Giana's and Richard's address)

Dear Planning Commissioners,

The preface to all that follows and what I hope you will remember in the midst of disagreeing with me or worse is that I appreciate, respect, and admire your service. I sincerely thank you.

My experience is that all of my efforts to communicate with you is just for the record. There is no back and forth etc. I understand there are practical and perhaps ethical constraints that limit that kind of exchange. Zoom doesn't help either.

In any case, I wish there could be more humus in the soil of our conversation.

In Section 4.14 of the town's *Land Use and Development Regulations* under Purposes, it states that the *purpose of this section is to protect the public health, safety and general welfare of the Town of East Montpelier while accommodating the communication needs of residents and businesses....*

Please take note of protect the public health, safety and general welfare of the Town of East Montpelier.... What does this intention to "protect" mean? Why did the authors of these regulations specifically include health, safety and general welfare given the stipulation in the Telecommunications Act of 1996 that bans municipalities and states from denying permitting of cell towers on the basis of the environmental (health) impacts of radio frequency (RF) emissions.

And why in the Purposes section was #7 written?

7) Encourage, through performance standards and incentives, the location of towers and antennas in non-residential areas and away from other sensitive areas such as schools, hospitals and childcare facilities.

What is a "sensitive area?" Is it a place where there needs to be special attention paid to health, safety, and general welfare? If so, what is the particular concern(s) as long as the tower is not in danger of falling on such sensitive areas? If so, what makes a school, hospital, or childcare facility more "sensitive" than a residence or a nursing home? Aren't there children in homes? Isn't their childcare in homes?

In Section (E) Permitted & Prohibited Locations, the regulation in #2 states *freestanding telecommunications towers or antennas over 20 feet in elevation may not be located closer than 1,000 feet horizontally to any structure existing at the time of the application which is the property of any school.*

If Lauren Gauthier and her place of residence on Jacobs Road was considered or valued by the town to be a "sensitive area," then the AT&T proposal which would have put a tower 840' from her kitchen sink would have never happened. Why isn't it sensitive? Or to be considered as such, did Lauren need to open a childcare facility in her home to qualify for the 1000' set back?

Lastly, I am sure you've noted that the Telecommunication Act of 1996 that sets radio frequency safety standards is 25 years old. Are you comfortable relying on 25-year-old technology safety standards and understandings while the rest of the developed world is relying on information 25 years advanced in its understanding?

Even if you agree with the above sentiment, I understand, as Commissioners, you are subject to the Federal law. That said, it is not clear why you could not take a principled and public stand expressed as a motion outlining concerns that the Telecommunication Act of 1996 is 25 years old and that safety standards may be dated and should be reviewed independently etc.

As a young boy growing up around my grandfather doctor, I was fascinated by his fake fingers – several on each hand. The explanation – radiation damage from X-rays before the damage was understood.

For another time perhaps, I would like to see addressed the issue of cell tower impact on property values. Does this issue not fall under the town's obligation to protect the general welfare of its residents?

Also, Section K - Tower and Antenna Design Requirements is characterized by subjective language such as - *proposed facilities shall not unreasonably interfere*. Language such as *the additional height will not cause an undue visual impact on the scenic character or appearance of the area*. There is no right or wrong with such language. There is only opinion. This is why it is so important to include all of the areas within the town that deserve some protective status.

I'll leave it there for now.

Thank you again.

Best regards,

Ron Koss

On Fri, Apr 16, 2021 at 7:08 PM Ronald Koss <ronkvt@gmail.com> wrote:

Dear Planning Commissioners (I do not have Giana's and Richard's email addresses),

I feel compelled, as a long-time resident and for the record, to keep trying to make a few points regarding the telecommunications tower siting process you are presently engaged in.

I recognize the necessity of towers (given our present technology). I recognize that some areas are poorly served. And I appreciate you and your efforts to find the right balance of protection and accommodation to those who are underserved.

The Jacobs Road AT&T application is illustrative of several key points.

- 1) Big companies start with a great advantage. They have money, organization, experience, lobbyists, legal expertise, and a head-start whenever and wherever they decide to aim.
- 2) Contrastly, residents start at a great disadvantage. They have relatively little money, organization, experience, legal expertise, and no lobbyists. And they start behind the 8-ball because the Company has already lined up their ducks months in advance of their being given notice.

Town policies, regulations and guidelines should be written, in my view, with this unfair and unbalanced starting point in mind. Otherwise, the playing field stays uneven. What does this mean?

For example:

- The AT&T proposal on Jacobs Road did not meet a zoning set-back requirement (I think related to abutter Dan Smith). The Town Plan, concerning telecommunication towers and related equipment siting, should be written such that it clearly declares upfront that it will not support such applications. The lines-in-the-sand should be clear and hard just like they are for residents seeking a variance. AT&T did not have to locate their Tower on the Fusco property. They arguably did not need to build on a non-conforming lot.
- As pointed out last night, there is already some Town specificity to the word "foreground." – ½ mile (2640'). The AT&T application declared there was a separation of 2000' from their proposed tower and Town designated scenic roadways. In fact, not enough distance to not be in the foreground. Again, I believe the Town's siting criteria should make it unequivocally clear that it will not support tower siting's that do not comply with the letter and the spirit of Town's guidelines. If this kind of clarity was in place at the time AT&T considered the Fusco property, this neighborhood may not have had to mobilize as it did and lay out \$45K.

Also, regarding the term "foreground" and the specified ½ mile distance, I question using this distance as an absolute. In the Horn of the Moon (Jacobs Road) area, ½ mile would arguably be inadequate if you were situated on Sanders Circle (near Ordway/Power residence) looking North towards Jacobs Road. I think ½ mile could be a reference distance, subject to then a site visit to make a final adjusted, as needed, distance determination representing what is the "foreground" for any given site.

Lastly, I think it is dead wrong for the Town to not be able to factor in health and safety and property values in its siting process. I understand your hands are officially tied regarding these matters, but nonetheless I take issue with the notion of your conformity here. If it is wrong, as I believe (and perhaps some of you also agree), why not take a principled stand and find a way or attempt a way to make it right. For example (and I tried to make this point last night):

- Reasonably declare private/public infrastructure facilities like cell towers, to be a unique class of Town development and requiring, as such a minimum setback of 1250' from a residence or public building. There would be no mention of health and safety or property values as a rationale for this requirement. Rather, like other Town setbacks or road frontage requirements, it would be one of the conforming stipulations required for this relatively new and unique class of development needing regulation. I do not see the logic in treating, out of a sense of fairness, radiation emitting antennas sitting on a 140' tower superstructure, the same as more typical developments and related setbacks for houses, outbuildings etc.

I am not sure why some version of the above is not possible to at least test. You may not realize that most of the safety declarations for cell tower radiation refer to thermal impact or heating. There is, in fact, a universe of concern from organizations like the WHO and the National Institute of Environmental Health & Sciences concerning the non-thermal effects of cell tower radiation.

The Jacobs Road cell tower, if built, would have been 840' from Laureen Gauthier's kitchen sink. Town planning should take a stand and find a way to protect its residence from this kind of risk. We cannot expect large corporations or quasi-public institutions to do this for us.

Best regards,
Ron Koss
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