

From: [Ronald Koss](#)
To: [julianapotter@yahoo.com](#); [kwatson@stone-env.com](#); [zsullivan@gmail.com](#); [Scott Hess](#); [cwcutler@gmail.com](#); [siutip@gmail.com](#); [marconhh4@myfairpoint.net](#); [Kristi.flynn@yahoo.com](#); [Bruce Johnson](#); [LAUREEN GAUTHIER](#); [Andrea Colnes](#); [Kate Ruddle](#)
Subject: Re: Cell Tower Siting Process
Date: Friday, April 16, 2021 9:03:06 PM

Hi All,

I am re-sending my earlier email with the correction regarding the direction from the Ordway/Power residence. I mistakenly typed North instead of SOUTH.

Apologies,
Ron

Dear Planning Commissioners,

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 un-even. 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 layout \$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 South 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 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

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
201 Taylor Road
East Montpelier, VT