

January 10, 2014

Mr. James Volz, Chairman
Vermont Public Service Board
112 State Street, Drawer 20
Montpelier, VT 05620

Re: Response to VTel Wireless, Inc.'s Response to the Town of Shelburne
Planning Commission and Adjoining Landowners
VTel Site Name: Shelburne-01

Dear Mr. Volz,

We, Grant A. Urie and Hope Johnson, as abutters to the Shelburne tower site, have serious concerns upon review of VTel's response document named above. As with previous VTel Notice, Supplement and Application documents there are errors that need to be addressed before a final decision can be made based on the truth.

Under Factual Background:

On page 2, they refer to "50' tall evergreen trees to the east,..."
The trees are actually, in fact, to the north. The aesthetic implications for this fact are twofold; the tower is exposed to the entrance to our property and the lack of screening to the east does no favors for the ridgeline view along the scenic byway on Route 7.

Also on Page 2, "The facility location was chosen after extensive work was completed to consider alternative existing support structures, as well as alternate properties for a new tower". How many alternate properties for a new tower were considered? What about the suggested Pond Rd. property that had previously been vetted by another utility company with a willing landowner in the past?

On page 3, VTel refers to the Department of Public Service Comment Letter that concluded that the Project will not adversely impact 248a criteria. In that letter, consideration of the Town of Shelburne Planning Commission intervention letter is acknowledged, yet there is no mention of review of our or our neighbors' comment letters to the Public Service Board. The deadline for submission of comments was December 2nd and the DPS comment letter is dated December 2nd. All comments were filed before December 2nd by letter and/or e-mail. Were our concerns about the errors and aesthetic and safety issues in VTel's application ignored by the DPS? Should we have sent a copy of our comments directly to the DPS as well as the PSB?

Under III. Johnson/Urie Comments:

On Page 6, in the first paragraph, A. Discrepancies, there is a discrepancy. They state "If anything, the Johnson/Urie Comments illustrate the difficulties in relying on 911 addresses and tax map designations where a subdivision of land occurs in the same year a filing is made with the Public Service Board, as occurred here, ..." The subdivision, in fact, occurred in 2011, two years ago, and had nothing to do with the tower site lot. 254 Air Park Road has always been a separate lot. The "difficulty" is a lack of due diligence.

Under B. Aesthetic Effects:

On page 7, "VTel has consistently asserted that the longstanding presence of the airport itself...strongly suggests that the agricultural/horticultural goals for the area do not line up with an achievable reality". The airport, with its single grass airstrip, immediately bordered by conserved land and residential properties was established in the rural area before the town plan was formalized. The agricultural/horticultural goals for the area are achievable, even under conditions of development pressure, but not if we start erecting utility towers in spite of our town plan.

Under C. Property Value Devaluation

In the first paragraph, the Johnson/Urie comments also seem to indicate that a safety fence/gate would exacerbate the aesthetic impacts of the Facility, while in the same paragraph criticizing the absence of fencing, yet ignoring the vegetative buffer VTel is proposing to preserve (to the east) and plant (to the south) of the Facility to provide screening and security." Again, the trees are to the north not the east and trees do not provide security as does fencing. VTel is proposing to install a utility tower with no fencing in a residential neighborhood.

Under D. Air Park Road and Road Maintenance/Space on the Pole

On Page 7, in the first paragraph, VTel acknowledges that "The Urie/Johnson Comments contain no offer of proof that a Road Maintenance Agreement exists for Air Park Road..." This is our point; Air Park Road is at present, and has a history of, erosion and poor conditions that make for unsafe conditions including difficulty for emergency service vehicle access, especially in winter. As we have stated before, our neighbors rely on our right of way through our property as an alternate route to access their homes to the south of the tower site. This is the same driveway/right of way from which we will have an unobscured view of the tower with no trees to the east. This is a significant issue for us, in that we could close our right of way and plant evergreens close enough in our sight line to mitigate the aesthetic detractor of the tower as well as preserve our property rights. However, we do not want to jeopardize the safety of our neighbors while Air Park Road remains in a deficient state. This is why we feel Air Park Road needs to be upgraded BEFORE a tower installation. This is a safety issue and our desire to enter into a road maintenance agreement has everything to do with safety, aesthetics and improving our neighborhood.

In the second paragraph, "Ms. Johnson and Mr. Urie's desire to enter into a road maintenance agreement with the Magees and Vtel seemingly runs counter to the overall tenor of the Johnson/Urie Comments, but nevertheless represents an encouraging sign that the facility may at some level be acceptable to the commentors." We in no way, or on any level, find the tower acceptable mainly due to the context of the location, especially as it is defined in our town plan. Our initial research (see list and photos attached) on past PSB orders and location maps to date approving free standing towers of limited size and scope (less than 140' tall) include no sites directly in residential neighborhoods outside of a municipal facility (*Colchester site is at fire station located near pre-existing towers).

Another site needs to be found in Shelburne for this project otherwise an unwise precedent will be set for locating towers in the future in residential neighborhoods.

Over the last eight months, we have been discouraged and/or galled by VTel's counsel's lack of attention to the detailed facts of our neighborhood, clerical errors in legal documents that suggest a lack of careful review on their part, disregard for our requests of information on the siting process, and divisive tactics aimed at our cooperative relationship with our neighbors as when counsel informed us that Mr. Anderson planned on installing a wind tower, which, in fact, is untrue. All of these issues are documented on VCAM video of planning commission hearings. What are we to make of this approach? How do we trust the parties and the process when this has been our experience?

We respectfully ask the Public Service Board to seriously consider our comments in making their decision.

Thank you for your time and attention.

Sincerely,

Grant A. Urie and Hope Johnson

By e-mail: Mr. Dean Pierce, Town of Shelburne Planning Commission
Mr. Paul Bohne, Town of Shelburne Selectboard