

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

cc: Town of Shelburne Planning Commission
Att: Brian Precourt, Chairman
P.O. Box 88
5420 Shelburne Road
Shelburne, VT 05482

Town of Shelburne Selectboard
Att: Tim Pudvar, Chairman
P.O. Box 88
5420 Shelburne Road
Shelburne, VT 05482

Re: VTel/Shelburne Telecommunications Project Application
for Certificate of Public Good

Upon review of the above referenced application, we, Grant A. Urie and Hope Johnson, residing at 253 Air Park Road, have the following concerns regarding the inconsistencies and ambiguities in the application:

Various documents within the application list the site location as 144 or 254 or both locations or no address at all.

The "Radio Frequency-Electromagnetic Energy (RF-EME) Compliance Report and the opinion letters of Vertical Resources Group, Inc. and the state Division for Historic Preservation show location as 144 Air Park Road.

The heading of the Certification of Prefiling Requirements shows 254 Air Park Road. However, in that same document, No. 2 **Overview of the Project** text reads, "On November 8, 2013, VTel applied for a Certificate of Public Good ("CPG) to install a wireless telecommunications facility (the 'Facility') at 144 Air Park Road, Shelburne, Vermont, designated by the municipality as Parcel ID:Map 10 Lot 1-56 (the 'site' or 'property')." In fact, 144 Air Park Road is designated by the municipality as Parcel ID: Map 10 Lot 1-55. Unrelated to this issue, but also a concern, is that on page 3, William J. Dodge, Esq. has signed off as attorney for "New Cingular Wireless PCS, LLC d/b/a AT& T Mobility. What does AT&T have to do with this VTel application?"

In the ***Proposed Findings and Certificate Submitted by Applicant***
Certificate of Public Good Issued Pursuant to 30 V.S.A. 248a
first paragraph reads "It is hereby certified that the Public Service Board

of the State of Vermont...to install a telecommunications facility at 144 Air Park Rd, Shelburne,..." However, the heading under the docket number reads "Application of VTel Wireless, Inc. pursuant to 30 V.S.A. 248a, for a Certificate of Public Good to install a telecommunications facility at 254 Air Park Road, Shelburne, Vermont."

Parcel address is missing from headings in Affidavits of Brenda M. Green, and Gordon L. Mathews and Prefiled Testimony of Gordon L. Mathews and Brenda M. Green on Behalf of Applicant. In the prefiled testimony document, Page 3 lines 12 & 13, state that (2)" satisfies the requirement for reasonable co-location on an existing telecommunications facility". The facility is a monopole and not co-located.

In response to the ambiguity of the parcel in the application and to confirm its designation as a residential lot, we checked the Shelburne Grand list 2013 on-line and could not find any listing for 254 Air Park Rd. We visited the town offices on November 14th and found out that the parcel was not listed in either the active or inactive sections of the grand list.

Project Narrative and Aesthetics

We believe that the Project will have an undue adverse effect on the scenic and natural beauty of the area.

The Project is not compliant with the goal as stated in the Shelburne Town Plan under the Rural Zoning District. Its fifth objective for land use is to "strongly encourage land uses in the rural area that are resource based (such as forestry, agriculture and horticulture) and that are comprised of small scale economic units that conserve the rural landscape. Uses shall be compatible with the scale and nature of the rural area." Under Economic Development as to activities by business and non-residential enterprise, "The town will continue to work to achieve a balance between economic and other interests by clearly identifying places where different types of activities are appropriate and/or inappropriate". In our view, locating a free standing telecommunications tower on a residential lot bordered by rural and conserved land in a residential neighborhood is not appropriate land use given the goals stated above.

In the absence of a balloon float for the hangar site and site visit by the PSB, we submit simulated views to scale of the tower from abutting properties, see Photos 1-6 which used VTel elevation drawings as a reference. The scale and industrial appearance of the tower is out of context with the immediate surroundings. We find the tower to be shocking and offensive in our neighborhood. As for the scenic byway along Route 7, the stretch of land in the foreground was conserved to prevent development in the viewshed. A telecommunications tower punctuating the view of pasture, treeline and mountains violates Shelburne's standards for the viewshed.

The location to plant the arborvitae trees as screening is questionable; planting them in front of the entrance to the hangar may not leave enough room for an airplane to turn into the hangar. Trees planted more closely to the Anderson property line would more adequately screen the facility from the Anderson's property. On the site plan's General Notes, 9. "Two trees are to be cleared under the proposed project"; these two trees are not indicated on the attached VTel site plan.

Is the pole a "75' Single-carrier metal communications pole" as described in III. Findings or "A new 75' Single carrier laminated wood pole..." as described in Project Narrative, II. Project Description (Page 2)?

Also in the Project Narrative, under H. Impacts on the Environment 1. Aesthetics and Visual Effects, second paragraph, "The Project is not out of character with its surroundings...The facility is sited on a property with an existing access drive next to a municipal airport,..." and in the Findings 1. "...the property is located adjacent to the Shelburne Municipal Airport." Shelburne Airport is not a municipal airport. It is a private airport open to the public and this fact was asserted by the MaGees at one of the planning commission hearings. Under 2. Property Values, "...considering the proximity of the surrounding residences to the existing Shelburne Airport, VTel does not expect there to be any effect on property values in the area". Shelburne Airport is a privately owned airport with grass landing strip and all airport buildings (hangars, garage, office and owner's residence) are clustered in the north end of the property well away from the tower site location on the separate residential lot where the tower site is proposed. Although we are hampered by the failure of the town lister's office to correctly show the parcel as residential on the grand list, the fact is that the true context for the parcel is primarily residential. Bordered by residential properties to the north, south and east, the parcel will stand out inappropriately with a 75' telecommunications tower situated between the garage/hangar and the residence. The parcel at 254 Air Park Road has been a private residence since 1964. See attached aerial map which shows residential property and associated buildings.

Footnote 6 states "The table states that the Planning Commission agrees with certain neighbors' testimony as to devaluation of surrounding properties as a result of the facility: however, to date no evidence has been offered suggesting that properties in Shelburne have been devalued due solely to the presence of other communications facilities (e.g., residences/businesses near the existing municipal water tower/businesses near the existing lattice tower behind the library building)". However, the other, mostly co-located communications facilities mentioned are located in high density residential and/or commercial zones. The proposed project is a free standing mono-pole on a non-conforming, undersized lot and the visual impact (scale) of the tower is out of proportion to the parcels and buildings surrounding it. It is our opinion that if any of the properties with the views as shown in the simulated photos were to show their home to a potential buyer, the presence of a telecommunications tower would be an aesthetic detriment that would influence

perceived value. Since no safety fencing and gate is provided for in the Project this is a safety issue for the neighborhood and VTel's property. With fencing, however, the facility would be even more out of harmony visually with its surroundings.

Air Park Road and Road Maintenance (d.): As a result of the VTel Project, we have focused on the ownership and condition of Air Park Road. The importance of the road maintenance issue is shared by all in our neighborhood. The MaGees own Air Park Rd. and surrounding neighbors, including all named adjacent property owners in the application have deeded right of way to the road. In our previous letters to the PSB, we have documented the current state of the road's condition and the implications for safety, especially in winter, and erosion. As abutting neighbors, we have met and discussed how important a road maintenance agreement is, and all are willing to work with the MaGees to discuss proper road care and to contribute rateably based on degree of use. In order to assure proper maintenance of the road in the future and access to the tower in case of emergency, we ask that a road maintenance agreement be a condition settled before the tower is permitted. Since the road is owned by the MaGees, it is up to them to initiate and make the final decision on any road agreement. We have managed to work together on the maintenance of our right of way through our property at 253 Air Park Road and there is no reason why this same approach would not work for Air Park Road. As divisive as this telecommunications tower siting process is in pitting neighbor against neighbor, we will not let that pressure get in the way of cooperation, as we all, literally, "share the road".

Under E. Space Available on the Pole (Page 13), we are also concerned that a permanent easement without specific limitations or conditions implies future expansion or a new project application on the same site that would further threaten the residential and rural character of our neighborhood.

Summary

From the beginning of the proposal process including the 45 Day Notice and Request for Recommendation, VTel's presentations to the Shelburne Planning Commission and the present application to the PSB, misrepresentation of the site and surrounding parcels has clouded the primary context of the immediate surroundings of the proposed tower site.

Although VTel relied on the grand list to verify abutters, which unlike the tower site were correctly listed, VTel initially described Mr. Uvanni's property as belonging to the MaGees. On August 15th, we spoke with Paul Bohne, town manager, regarding VTel's statement in the original notice under B. Ability to Co-locate (Page 6) that "The current proposed location for the Pole has been reviewed and discussed in advance with the town manager..." According to Mr. Bohne, the exact location was not discussed and reviewed in advance with him, however, he qualified his statement with "unless there's something I don't remember". In an effort to find out

what might not have been remembered, we e-mailed (see copies attached) both Mr. Dodge and Ms. Green and asked them to explain what “discussed and reviewed” entailed-we received no responses to our questions.

The references to both 144 and 254 in application documents as the site of the tower blurs the separation of the two parcels in terms of use and context. Context is critical in making an aesthetic decision. Function (here, land use) is part of the context: form follows function.

We hope that the technology and services offered by VTel are not redundant or in excess of the needs that have already been met by many other providers and we won't be sacrificing our community's town plan standards and our neighborhood's character for one company's push for increased market share in mobile devices and cheap cable television.

Due to the waivers, exemptions and preemptions to state and local ordinances and zoning, we suggest in the future that tower site selection be discussed early on in the process with all neighbors so that neighbors have factual input and consideration of same for the best possible outcome for all parties.

We ask the PSB to consider our comments and requests and to defer to the Shelburne Planning Commission's conclusions.

Thank you for your attention and consideration.

Sincerely,

Grant A. Urie and Hope Johnson

