

Testimony of Hope Johnson
to the House Commerce and Economic Development Committee
in consideration of H693-248a sunset

I, Hope Johnson, adjacent landowner to a residential property where VTel has applied to the Public Service Board for a Certificate of Public Good for installation of a free standing monopole off Air Park Road in Shelburne, VT, am here to testify as to my experience with the tower siting process, application to the PSB and the resulting PSB Order 8187 as relevant to H693.

From May through November of 2013, we had communicated to the PSB errors and omissions in VTel's 45 Day Notice and Application to the PSB for a Certificate of Public Good. These included clerical errors as well as more serious errors in assignation of adjacent property ownership, i.e., showing on VTel's map adjacent neighbor Mr. Uvanni's property as belonging to the host property owner's the MaGees. At a Planning Commission hearing, VTel's counsel started describing Mr. Uvanni's house on their map as an "airport building". After Mr. Uvanni's declaration of "That's MY property!" and his statement that he didn't want to be looking at the tower from his bedroom, VTel came back to the next meeting in June with three alternate site locations on the same property.

At the June meeting, we noted that VTel's site address, 144 Airpark Rd. (which is the airport) was incorrect. The actual site is a two acre residential parcel at 254 Air Park Road that is adjacent to the airport and was purchased by the MaGees in July of 2012. By November, in VTel's application to the PSB, both 144 and 254 were shown on several supporting documents and we noted this to the PSB in our comments letter to the PSB dated November 25th (Pages 1 and 2). VTel's explanation was that the confusion arose due to the Magee's subdivision of the airport property the same year as their application to the PSB was submitted. In our January 10th response letter (Page 2) we explained to the PSB that the subdivision at 144 in fact occurred in 2011 and had nothing to do with the separate lot at 254.

As this process unfolded, we realized that our concerns regarding safety, especially the eroded, steep slope of the shared access road (Air Park Rd), environmental impacts (stormwater runoff), and local telecommunications ordinance compliance would be made irrelevant by 30 VSA 248a legislation. We were left with the aesthetic argument so, in our November 25th letter we described in detail with maps and simulated tower photos where the pole was to be located, mostly surrounded by residential properties. Third paragraph on page 3 clearly explains the facts of the tower's location.

PSB Order 8187 was issued on January 24, 2014. Upon review of the order, in an e-mail and letter on February 1st, we brought to the attention of the PSB the factual errors, namely that the area is residential/rural and not commercial, the site is not at the airport property but on a residential lot, and the pole will be located 106', not over 200', from the nearest residence. These three errors are used as a basis for their aesthetic argument and conclusion that the tower's impact is not unduly adverse. Once again, we provided maps and simulated photos with our comments to provide evidence of the reality of the pole site.

Summary and Appeal

Since May of 2013, we have experienced and witnessed firsthand a process of VTel's sloppy documentation and lack of due diligence, and absence of serious consideration by the PSB of our comments that ultimately resulted in a Public Service Board order that does not reflect the facts of the actual tower site or our neighborhood as a whole. We knew, that with a site visit not required and with lawful exemptions from State environmental criteria, local ordinance regulation and Shelburne Selectboard and Planning Commission approval, we had to be vigilant of the process and speak to the PSB of the reality of our neighborhood. We thought the facts would speak for themselves, but we have learned facts matter only when authorities pay attention, listen and give equal consideration to evidence provided by all affected parties.

The lack of due diligence and apparent disregard of our local and individual voices in the democratic process is just as shocking and offensive as situating a free standing telecommunications tower in a residential neighborhood.

We appeal to the legislature to not repeal the sunset provision of 30 VSA 248a given the clear example of our experience where due diligence and due process were not evident in the judgement of the PSB order 8187 and the democratic process has been compromised to the point of degradation.

The process needs to be reined in, examined, reformed and parties need to be held accountable for fairness and legitimacy in the future. It may be too late for our neighborhood but we don't want to see this repeated (and wonder about factually questionable PSB orders of the past) in other communities in Vermont.

Hope Johnson
Shelburne, Vermont
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