

Members of the Hardwick Planning Commission,

The following is a list of concerns regarding the proposed telecommunications tower on Buffalo Mountain.

A) I believe the source of the recent confusion regarding this proposal's status can be clarified by examining and comparing the applications (particularly the site plans in the 'advanced notice' and the petition's project narrative for the permit application) submitted by AT&T to the PUC. The Advance Notice filing mentions the road access 'pending town approval'. The subsequent application for the permit does not mention it, as if access had been granted. The application is deficient as it does not disclose host landowners. (See PUC filing by Suzanna Jones included as attachment in this email).

B) 30 VSA 248a(c)(2) is the state statute that governs telecom facilities at the PUC. In section (c)(2), 'substantial deference' is given by the PUC to the Town Plan, and the recommendations of both the Planning Commission and Select Board concerning the Town Plan. Each board's recommendations stand alone. The PUC also considers each board's recommendations concerning the Town's Telecommunications Bylaw (Section 4.17 of the Hardwick Unified Bylaws). Consensus, and/or approval by one board over another is not required. This was unclear at the Select Board meeting on 11/19.

C) At the Select Board meeting of 11/19, Planning Commission Chair, Dave Gross read from the Town Plan regarding protection of scenic resources (in which Buffalo Mountain is specifically cited). Select Board Chair, Eric Remick said in response that the Town Plan also says we must provide cell coverage in town. However, this does not negate the statements on the scenic resources. (See Town Plan, Scenic Resources, pg 11, 12)

Regarding Buffalo Mountain's scenic status in the Town Plan, the rulings from the Environmental Court and the Vermont Supreme Court on the Bridgman Hill tower case cite Buffalo Mountain as an important scenic resource to the town and about which there had been significant public opposition to a proposed tower on Buffalo Mountain in the past. The courts ruled in favor of the proposed Bridgman Hill project in part because of their conclusion that there was no viable alternative site because of the of the strong public opposition to a tower on Buffalo Mountain. (See attachments included, titled E Court and Rinkers).

Regarding the alleged need for coverage from a tower on Buffalo Mountain: The town's Telecommunications Bylaws (pg 44, 45) state: "The purpose of these regulations is to protect public health, safety and general welfare and scenic character of the town of Hardwick, while accommodating the communication needs of residents and businesses."

The regulations further state that the intent of these regulations is to :

"1) Preserve the character and appearance of the town while allowing adequate services and coverage to be developed.

2) Protect scenic, historic, environmental and natural resources of the town."

The word 'adequate' is defined as 'acceptable, passable, reasonable, satisfactory, tolerable, moderate, unexceptional, unremarkable, ordinary, average, not bad, middling'. Adequate service has been accomplished for the residents and businesses of Hardwick. 'Adequate' is to be defined by the town and not the applicant for a project. (There is good coverage until ½ mile south of the

last business on Rt 14 heading south. Coverage is good for residents that I have spoken to who live along that stretch as they are elevated from the road.) State officials regard full coverage in Vermont an impossibility due to the topography.

D) The Town Plan also cites the need to protect and preserve habitat for wildlife and protection of forest blocks. Buffalo Mountain is specifically cited in the Town Plan. This is also relevant to this decision. (See Town Plan, Natural Areas and Wildlife Resources, pg 23, 24) AT&T has provided no evidence that a tower on Buffalo Mountain would not disturb the required “uninterrupted forestland for (bear) breeding (and necessary) travel corridors to move from one part of their habitat to another, especially as forested areas may be subdivided and developed.” Goals in the Plan state: “Maintain and enhance the abundance and diversity of game and non-game wildlife in Hardwick.”. Policies state: “Critical wildlife habitat should be protected from development and other uses that threaten the ability of the habitat to support its species.”. “Core habitat areas and interconnecting links are to be preserved.”.

E) Based on well-established patterns of telecommunications projects state wide, I believe AT&T is not going to all this trouble to strengthen their cell signal on a small stretch of rt 14. In order to recoup their investment and profit from this facility they will be renting space on the tower to ‘others’. Who or what are those others? The simulated pictures of their proposal does not include what the tower would look like when other carriers and/or facility ‘upgrades’ are attached/constructed. *Once a tower is approved by a town and erected, municipalities have no power to decide what is done on or added to the tower. Project approval creates a trojan horse effect.*

F) Lastly, there is a difference between cell service and internet service. The fiber optic cable in the process of being installed will resolve internet connectivity issues. This AT&T proposal does not address internet concerns. There has been some confusion on this issue.

For these and other reasons, I urge the Planning Commission find that the AT&T tower on Buffalo Mountain does not comply with the Town Plan and therefore the Planning Commission does not support this proposed project.

Thank you for your consideration.

Suzanna Jones