

Stop proliferation of towers

By Dorothea Neiman

JAMES CITY

Two cell tower companies submitted plans for two camouflaged 120-foot towers "by right" in the middle of Kingsmill. However, they did not produce any studies to determine where service was needed, and under "by right" they were not required to give any verifiable evidence, and they chose not to do so.

County ordinances have specific criteria governing "by right" camouflaged towers, and the plans submitted by Verizon and AT&T failed to meet these. Even though residents alerted the county planner to the shortfalls, he approved the plans anyway.

Some Kingsmill residents appealed. They wanted improved cell phone service, but also wanted other solutions to be considered. A hearing was held by the Development Review Committee, and it came out that the proposed towers would not necessarily improve service to as many as 30% of community residents and that there were no plans to protect historic artifacts at the site as required by law.

ESSAY

Having insisted for 18 months that co-location was not a possibility, the attorney representing Verizon "discovered" that he could, after all, co-locate at the county office center. He also "discovered" that a tower, built at the far end of Kingsmill on brewery property, was possible.

The three Development Review Committee members present voted to allow the towers. The residents retained legal counsel and went to the Board of Zoning Appeals, which took up the issue, and finally the facts were considered properly. The Planning director admitted that he had "eye-balled" the crucial measurements that did not meet county ordinances. Also, he had ignored reports from professionals that had been provided to

him. After a detailed hearing, the BZA concluded that the proposed towers did *not* meet county ordinances.

Now Verizon, AT&T, KCSA, Busch Properties and James City County have appealed the BZA decision. Verizon and AT&T continue to be wedded to the cell tower approach. It apparently makes no difference to them if the tower is to be located in sparsely populated countryside or in a residential neighborhood.

The other appeals are more unusual. Although there are many nuanced legal arguments, the county attorney's position basically is that the BZA did not give sufficient weight to the Planning director's original decision. It apparently doesn't matter that it was incorrect and would have far-reaching negative impacts on the county.

The Board of Supervisors has apparently taken the same position, but added a new twist — that the county has no legal obligation to provide legal support to the BZA, one of its own boards.

The KCSA board, which has more Busch employees on it than non-affiliated residents, has failed to try to come to grips with this important issue and decided, in a closed meeting, to spend residents' money to support Busch Properties.

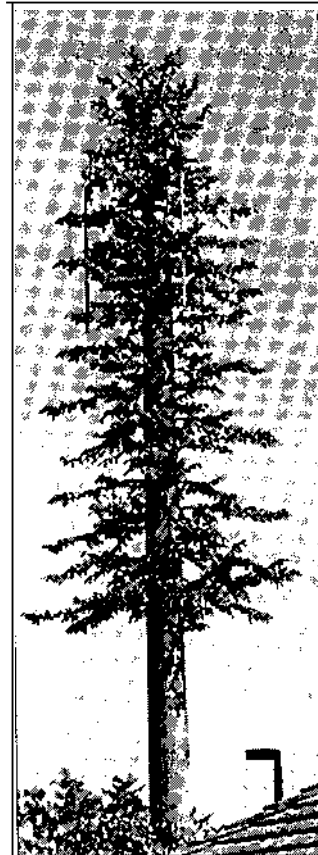
Busch Properties could stop this circus immediately by refusing to lease land to the carriers and by energetically pursuing solutions that would improve community wireless service without creating an

eyesore. They could honestly investigate the Distributed Antenna System that has been installed elsewhere, the use of a Verizon FiOS system modified to handle wireless, or (one of the original suggestions) the installation of four smaller towers that could be hidden in the wooded areas of the development. However, Busch appears to demur to Verizon and AT&T, as well as willing to give African-American historic artifacts at the proposed tower site very short shrift.

A major point in all this is a red alert for *all* James City residents. If this decision is reversed, it will open residential areas of James City to similar towers. If a developer owns land in your community or a neighbor wants to lease land for a cell phone tower, there may be absolutely

nothing that you can do about it. A reversal will send a clear message that James City does not enforce its own ordinances, and there will be a marked increase in the number of poorly camouflaged towers that do not meet regulations.

Citizens should support the BZA decision as an important step toward preventing the proliferation of unsightly towers in all neighborhoods. James City residents deserve county officials who are capable professionals who adhere to the regulations and work in the best interests of residents.



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