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6/17/2010
Citizen Comment
Julia R

Comments to the City Commission regarding cell tower construction (061710)

In the near future you may be asked to amend the current zoning of Westside Park to include a wireless communication facility (i.e., cell tower) as a permitted use. There are several reasons to oppose the requested amendment change, but the purpose of my comments concerns the impact of a cell tower that has been built adjacent to our neighborhood.

In the spring of 2005 a special use permit, vehemently opposed by the neighborhood, was granted by the city plan board that permitted construction of a speculative tower in a conservation zone just to the east of our neighborhood. Broadly the conditions included reduction of the requested 130' height to 110'; specific vegetative screening; noise attenuation; no lighting; and, most importantly, that "the proposed use/development would have general compatibility and harmony with the uses and structures of the adjacent and nearby properties".

Since then, the tower has been constructed, but it is now June 2010 and it is not operational. Has the owner complied with the conditions of the permit? It appears not. The gate to the tower pad and the tower itself was left unlocked for 10 months, creating an attractive nuisance. The height appears to be in violation; using laser technology, we measured it at 118' rather than 110'. We sent a note in April of this year to the planner in charge to have the city check the height. As far as we know, this has not been done. While it is unclear when the clock for the 9-month period of non-use begins, this tower, constructed in May 2009, has exceeded the nine months. It is time for it to be removed.

The failures of this tower company are an example of what can happen if the city continues to permit towers within or adjacent to sensitive public areas, i.e., neighborhoods, parks, conservation zones. There does not appear to be an effective enforcement system to make these industrial uses compatible with non-industrial, non-commercial ones. The city needs to replace the case-by-case permitting of towers with a master plan, as the county has done, that would install cell phone transmission units on utility poles, avoiding tower construction in incompatible areas.

Regarding the tower adjacent to our neighborhood, I ask that you, the City Commission, refer the enforcement of the special use permit to the planning or code enforcement staff with a date certain for a response back to the Commission at a public meeting.

Thank you very much.