

WRITTEN PUBLIC COMMENT

Docket Number: 1510-DDP-17
Petitioner: Crown Castle
Request: Development Plan approval of a new wireless communication service facility.

Enclosed Attachments:

1. John DuBois (08/15/16) Information received from speaker during Public Hearing on September 15, 2016.
2. Suzy DuBois (09/05/16) Letter

51969

STATE OF INDIANA) IN THE HAMILTON _____ COURT NO. _____
HAMILTON COUNTY)SS: CAUSE NO. 29001 1511 MI 9308

CROWN CASTLE TOWERS 06-2 LLC,)
)
Petitioner,)
)
vs.)
)
CITY OF WESTFIELD, BOARD OF)
ZONING APPEALS, and certain named)
Remonstrators,)
)
Respondents.)

TAMMY BAITZ
CLERK
HAMILTON COUNTY COURTS

NOV 12 PM 3:27

SUMMONS

TO: John DuBois
1719 West 161st Street
Westfield, IN 46074

You have been sued by the person named "Petitioner" in the Court stated above.

The nature of the action against you is stated in the Verified Petition for Judicial Review, which is attached to this document. It also states the demand that the Petitioner has made and wants from you.

You must answer the Verified Petition for Judicial Review in writing, by you or your attorney, within twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the Petitioner has demanded. You have twenty-three (23) days to answer if this summons was received by mail; such Answer must be made in Court.

The following manner of service of this Summons is hereby designated: **SHERIFF**
NOV 12 2015

DATED: _____

Tammy Baitz
CLERK, Hamilton Circuit and Superior Court
CLERK OF COURTS



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Attorneys for Petitioner

Received
12/16/15 PM.

51968

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TAMMY BAITZ
CLERK
HAMILTON COUNTY COURTS

NOV 12 PM 3:27

NOV 13 11:11 AM
CLERK OF COURTS

SUMMONS

TO: Suzy DuBois
1719 West 161st Street
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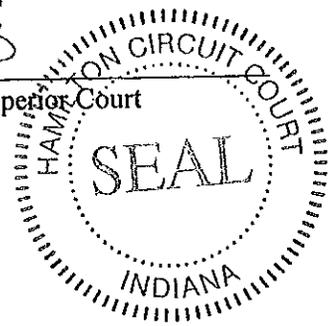
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To: Kevin Todd

From: Suzy DuBois

Petition Number:1510-DDP-17

Subject Site Address:16414 Towne Road

Petitioner:Crown Castle

Kevin,

As you are aware my husband and I both spoke out against the proposed installation of this cell tower in our area in their original BZA meeting. There were three others who remonstrated as well. The BZA listened to our testimony and denied the original approval.

Crown Castle Tower named each of us in a lawsuit as well as the BZA and City of Westfield. We were required to respond within 21 days after being served with our lawsuit paperwork that was delivered by a sheriffs deputy. Whether this was an intimidation strategy on the part of Crown Castle Towers is up for debate but it was certainly intimidating for each of us to receive the news we had been sued for speaking at a public meeting.

It should be noted that after seeking independent council, they researched the notification laws in the State of Indiana. The research showed that this is the only incident since the inception of the law that remonstrators have been notified in this fashion. This sends a chilling message to our citizens that if they chose to speak at a public meeting they may be sued. Obviously this is not occurring anywhere else in Indiana. This was so news worthy that the Indianapolis Star and Channel Six requested to cover the story.

Crown Castle Tower felt it was necessary to give us notice to the point where we were named in a lawsuit. However, when this item was returned to the BZA for additional consideration not one of us was notified. Even though we had been sued and spent thousands of dollars defending our position and the decision of

the BZA no one felt it important to contact us. Furthermore, none of our legal documentation prepared by our attorney was provided to the BZA membership. I would have provided the documentation for their review had we been alerted to the follow up proceedings. Our citizens deserve more respect in consideration than what is being shown to them.

I noticed in the staff report that there were many requirements that were compliant. However, my husband and I still have questions about how this has been proven. Item number ten states, "An Applicant for a Wireless Communication Service Facility must demonstrate that they have exhausted all efforts to locate the proposed facilities upon existing antenna support structures in the geographical area of the proposed Wireless Communication Service Facility, which shall include submitting a master plan for their Wireless Communication Service Facilities throughout the Planning Jurisdiction of the Plan Commission. The master plan should show efforts to minimize the size and number of antenna support structures throughout the geographical area, taking into consideration existing technology. "

The question was raised if the tower at Shamrock Springs Elementary had been considered which is less than two miles from the proposed site. At the time of the original BZA proceedings the tower was still under construction. I find the map provided extremely difficult to understand. Can you determine if the Shamrock tower that Crown Castle Tower does not own was considered? If not why?

I read their statement of need. We live within a mile of the proposed site and are currently Verizon clients. We experience no issues with our cell coverage nor our data usage. Where is the proof that this is required? They made a few blanket statements with little to no proof provided. Where are the second and third level questions for these large companies? They should have documentation showing customer complaints and other that should be required prior to a final decision.

The second suggestion made was to consider the water tower on 166th Street. In the past cell phone apparatus has been installed on water towers. This particular tower is owned by the same parcel owner that the new cell tower is proposed for so the revenue stream would go to same land owner. Was the water tower considered? If not why?

The third suggestion was if there clearly is a need in the area could they locate the tower in a less exposed and less visible area. Could they place the tower in the woods by the water tower? Was this considered? If not why?

Another item that was listed on your report was that, "The support structure and any antenna located on the support structure must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. "

There was also a suggestion that Crown Castle Tower was capable of constructing towers that were more complimentary of given areas. For example in Arizona they may have a tower that looks more like a cactus to fit into the environment better. Was this suggested to Crown Castle Towers by the BZA or others? What have they done to design and blend into the surrounding environment? Has anyone other than our group asked them to reconsider the tower design? If not why?

I think that given our experience that a response is warranted. Can you please answer our questions and get back with us.

Thank you,

Suzy DuBois