

**Attachment 14 – Correspondences Received as of October  
11, 2024**

October 4, 2024

**Re: Appeal of Proposed DISH Wireless Antenna Installation at 800 South Main Street,  
Burbank, California 91506 (Project 23-000525; Site Number: LALAX04397B)**

Dear Burbank City Council:

I am writing as a former member of the New Hampshire Commission, a formal State Commission that was convened to answer questions regarding the impacts and safety of cell towers and wireless radiation. The New Hampshire Commission was formed through bipartisan legislation ([House Bill 522](#) in 2019) that was passed by both houses of the legislature and was signed by the Governor. To ensure that the findings of the New Hampshire Commission would be credible, its membership was comprised of independent subject matter experts with backgrounds in physics, engineering electromagnetics, epidemiology, biostatistics, occupational health, toxicology, medicine, public health policy, business, and law. A telecommunications industry representative also served on the Commission.

I was asked to be on the New Hampshire Commission because of my extensive professional background in Biomedical and Radiofrequency Engineering. During my service on the Commission, I was also the Chair of the Department of Electrical & Computer Engineering at the University of New Hampshire. In my many years as a professional in the field of Biomedical and Radiofrequency Engineering, I have performed research for over 25 sponsors, including the U.S. Department of Justice and the National Science Foundation. Most of my research has involved the modeling and measurement of electromagnetic fields, which includes the siting of wireless telecommunications infrastructure and navigation antennas.

I will not go into detail about the activities of the Commission except to say that we completed a year-long in depth investigation into the impacts of cell towers and wireless radiation and we published our final report that is provided [here](#). I will say that the work of the Commission and my work in sharing its findings since, is relevant to the proposed cell tower that you are now discussing.

My understanding is that the proposed tower at 800 S. Main Street would be located within 300 hundred feet or less from people's homes, two preschools and an elementary school, which is much closer than the 1,640 feet recommended by the New Hampshire Commission. I can say as someone who has been involved in the siting of wireless systems throughout my career, that there are other engineering solutions and more

appropriate siting locations available to address any network needs that do not involve erecting a cell tower in the vicinity of where people work, live and learn.

I have found while serving on the Commission and in my work since, that the industry is significantly increasing its attempts to site cell towers close to residential areas and schools, which the New Hampshire Commission specially advises against. This practice is largely based on a business plan and not in fact on true established coverage needs. It is helpful for us to remember that this is a multi-trillion-dollar industry with a business plan and a vested interest to build out their network. This will allow them to expand into new markets; some of which will make communities much more vulnerable to security, hacking and other issues. Additionally, there are over 650 [industry lobbyists](#) in Washington DC each day securing industry business objectives; including years spent creating and preempting laws that streamline their deployment goals and take away your local control in regulating their product in your own community. This is a big business landscape and one you should keep in mind, as you make your decisions about cellular placements in your community. Cellular placements, because of their many impacts should be based on the establishment of true need and not on big business objectives.

As you can see, there are many issues you may wish to consider in making your decision regarding the appeal and administrative use permit including property values (see these reports by realtors), future expansion, and aesthetics. Significant [declines in property values](#) have been reported, and this trend will likely become more pronounced as more people become aware of the Impacts of living near a cell tower. Also to be considered is the business climate in Burbank and the resulting dynamic of pitting one business owner's interests against another. In this case the property owner who plans to lease their property to Dish profits while the owners of the preschools suffer potential significant losses of business and revenue by becoming less attractive to new parents and by losing existing families who may not be comfortable with their children attending pre-school right next to a cell tower.

And while as a municipality, your legal right to rule based on any health and safety effects of cell towers and wireless radiation has been preempted by congress at the urging of the industry, you are allowed to be aware of these effects and to know that they do in fact exist. A further discussion on this can also be found within the Commission's findings.

As you consider approving the administrative use permit, please note this is a multi-year lease (30 yr. average but they generally range in length from 15-50 yrs.) with many future implications. Please also keep in mind that you are not legally bound to do so. While there are requirements for the approval of a cell tower permit, there are no requirements that an administrative conditional use permit be approved. I appreciate the desirability of bringing in additional revenue for property owners, but I encourage you to not do so when there are better, safer solutions that do not compromise your residents, businesses and community in both significant and unnecessary ways.

You should also be aware that industry representatives sometimes make statements that are not accurate or are misleading to gain approval of a permit. For example, I have observed representatives tell municipal administrators that they do not have legal rights to regulate tower placement. They tell the administrators that the only tower placement

that will satisfy needs is the location specified in the permit application. They say that the new tower is necessary for first responders, public safety, and school safety. Significantly, they imply that they can sue for millions if the permit is not approved, although the U.S. Supreme Court has expressly ruled that they are not liable for such damages.

Although I am not a lawyer, I can assure you that you do have rights to regulate based on aesthetic concerns, zoning concerns, property devaluation concerns, National Environmental Policy Act-related concerns, historic preservation concerns, and public safety concerns, and I have seen many communities successfully utilize them. I have also seen firsthand how difficult and confusing these industry statements can be for communities who are trying in earnest to make accurate and informed decisions on this issue.

A similar situation has arisen in your neighboring California communities as well. The Carlsbad City Council, at its April 16, 2024 meeting, voted to prevent the approval of a cell tower project in Poinsettia Park during an appeal brought by residents. At the hearing, the Council stated its intentions to revise the local ordinance and to bring it into alignment with our current day technology; because, as several members of the Council acknowledged, "technology has changed." It is my understanding that this Council has expressed similar concerns regarding Burbank's own potentially outdated ordinance. I would strongly advise you to learn more about this issue and to revise/update your municipality's ordinance to ensure the responsible future deployment of wireless technologies.

Because of my professional background and experience on the New Hampshire Commission, in addition to what I have learned since serving, I strongly encourage you to protect the citizens of Burbank, your businesses and community by denying the administrative use permit that would place a cell tower near people's homes, two preschools and an elementary school. I am happy to meet with you and your colleagues, as a public service, to discuss the New Hampshire Commission findings as well as to answer any questions you might have about cell towers and wireless technologies and better, safer ways forward. I encourage you to learn as much as you can on this issue before making this important and binding decision.

Sincerely,



Kent Chamberlin, Ph.D.

Fulbright Distinguished Chair

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**Subject:** Re: Appeal Letter  
**Date:** Friday, October 11, 2024 10:50:50 AM

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Hi Amanda,

Mr. Stearcy admitted during the appeal meeting, when questioned, that they had not attempted to find a less intrusive location. In fact this is the first location they considered and mapped out future locations to maximize their footprint within the city.

While the FCC does not have a specific "least intrusive location" regulation, its rules and guidelines promote the careful consideration of environmental impacts, aviation safety, and community interests when siting cell towers. This ultimately helps to ensure that cell towers are placed in locations that **minimize their negative effects on the surrounding environment and communities.**

There are several FCC rules and guidelines that indirectly address this concept:

- **National Environmental Policy Act (NEPA) Implementation:** The FCC requires wireless facilities to comply with the National Environmental Policy Act (NEPA), which mandates that federal agencies consider the environmental impacts of their actions. This includes assessing the **visual impact, interference with wildlife, and other potential effects of cell tower placement.**

While Dish Wireless plans to “build a screen” around the tower to make it visually appealing, we would like to point out that 800 South Main Street is in violation of Burbank’s own municipal code by 10 feet. As such, is it already visually unappealing. Adding an additional 10 1/2 feet would compound this problem.

- **State and Local Zoning Regulations:** While the FCC does not directly regulate cell tower siting at the local level, it does set guidelines for state and local governments. These guidelines generally **require that local authorities consider the "least intrusive means" for filling a coverage gap when approving or denying cell tower applications. This means that local governments must balance the need for wireless service with other community concerns, such as aesthetics and property values.**

As we have previously stated, there is NO GAP IN COVERAGE. Dish is a new provider coming into a community that **already has more than sufficient coverage in that particular neighborhood.** Additionally, **property values will decline** for those homeowners and business owners next to this tower.

Here is a VERY informative video on cell tower ordinances, setbacks and zoning for wireless facilities. We highly recommend you all, as well as the City Council, watch it.

Andrew Campanelli is the leading expert on litigation based upon the federal Telecommunications Act of 1996. He offers his services, free of charge, to counsel local governments to put common sense ordinances in place.



Best,  
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