

LOCAL

Will they stay or go? Dewey Beach residents take fight over oceanfront 5G poles to court

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UPDATE: Verizon has agreed to not install any more utility poles or other support structures in the state rights of way on or near the beach and dunes in Dewey Beach until the court makes a final ruling. Vice Chancellor Samuel Glasscock signed this stipulated temporary restraining order on Thursday, July 1. The lawsuit still stands.

As summer weather brings more tourists into town, Dewey Beach's fight against 5G poles is heating up.

Dewey Beach residents Alex Pires, Diane Cooley and John Snow filed a lawsuit last week against Verizon, requesting that the court prohibit the wireless company from installing any more 5G poles on or near the ocean-side sand dunes in an effort to protect what they say are now obstructed views of the beach and ocean.

At the same time, the same residents filed a motion for a temporary restraining order that would prevent Verizon from installing any more poles until the court makes a final decision regarding the fate of these poles. The hearing for that temporary restraining order is slated for Tuesday morning at Delaware's Court of Chancery.

This legal action follows ongoing frustrations among town residents and officials who have said they often felt like they had no voice in where wireless companies were installing these new poles over the past year.

The most predominant complaint? They argue that the poles, which are mostly at beach entrances, block their oceanfront views.

The recent lawsuit echoes these concerns, adding that "the Cell Towers disrupt the Plaintiffs' enjoyment of their homes and potentially lower the value of their homes."

Pires and Cooley, who are married, live on Dickinson Street, and Snow lives on Bellevue Street – homes that are both within a block of a 5G pole, according to the lawsuit. The plaintiffs also have an investment in the community since Pires and Snow are partners in Highway One Group, which owns several music venues, bars and restaurants, including Bottle & Cork, The Rusty Rudder and northbeach.

But even as these residents set out to make their case to a judge, it appears that Verizon may already be working on a solution.

'Who cares about 5G at the beach?': Dewey residents still concerned despite new ordinance

In an email statement, Chris Serico, consumer public relations manager for Verizon, addressed one alternative that town officials have discussed repeatedly: Why can't Verizon just install this equipment on existing utility poles or light fixtures?

“While not every existing structure is appropriate for small-cell equipment, our preference is to collocate on existing poles when they meet safety, logistics and coverage standards,” Serico said.

He said the wireless company has recently learned that two Delmarva Power poles – which he said were not available previously – can now be used for small-cell equipment in Dewey Beach.

“We'll continue to research and collaborate to see if additional local options meet those crucial standards,” Serico said.

Sen. Ernie Lopez, R-Lewes, said Verizon has agreed to move some poles as early as the fall after negotiations and urging from House Speaker Pete Schwartzkopf, D-Rehoboth Beach, and himself.

“We are pleased with the responsiveness of Verizon to bring meaningful resolution to end this dispute,” Lopez said in a statement to his constituents. “While this first step is an important win for the restoration of our precious dunes, we remain committed to working with Verizon, towards full relocation of the most egregious poles and ensuring that this does not happen again.”

And that desire to keep fighting appears to be strong in Dewey Beach.

The town itself has worked over the past several months to gain more control over the

of Transportation – the agency that manages almost all the public rights of way in the town.

BACKGROUND: How Dewey Beach became a surprise haven for 5G poles. What the town plans to do about it

Now, residents are stepping up to see if they can spark action.

What the lawsuit says

The newly filed lawsuit addresses five wireless communication poles that Verizon has installed in the sand dunes or at beach entrances in Dewey Beach.

The residents argue that Verizon constructed three poles without building permits, and two with permits, which they say “were not validly applied for or obtained,” according to court documents.

The town of Dewey Beach received and ultimately approved two applications for building permits on behalf of Verizon last fall, according to the lawsuit.

One application requested to move a utility pole, and one outlined plans to construct a new 35-foot pole in the public rights of way on Cullen Street and St. Louis Street.

Because these poles were proposed in the public rights of way, then-acting Town Manager Jim Dedes said the town seemed to have “no say in the matter” once DelDOT gave approval.

While the reason that town staff approved these two permits is unclear, the lawsuit claims that Verizon pressured Dewey Beach to approve these poles “in an expedited fashion.”

“Dewey Beach town management was misled by Verizon regarding urgency and necessity of placing the Cell Towers on the sand dunes, as opposed to adjacent to other utilities on Route 1,” the lawsuit says.

It also outlines ways that Verizon may have not followed procedure during the application process, including not posting a notice of the permit at the construction site.

Beyond lacking valid permits, though, the lawsuit claims that Verizon has created a “public nuisance” and negatively affected the rights of property owners to enjoy the views from their homes.

Because of that, the lawsuit hopes to ultimately force Verizon to remove the existing poles and prevent the wireless company from installing any more along the beach.

Meanwhile, other residents continue speaking out against the "eyesores" that the lawsuit describes.

On Tuesday, a group of volunteers known as the Save Dewey Beach Foundation plan to lead a protest in town to raise awareness and push for the relocation of 5G poles away from the beach.

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