

Article 29: Petition for an update to the Charlemont Telecom By-Law, Charlemont, MA To see if the town will vote to amend line item H. in the Personal Wireless Service Facility (PWSF) By-Law in section 2. "Conditions"

Line-item H. currently reads: Any new tower or mono-pole shall not be erected nearer to a property line than a distance equal to twice the vertical height of the structure, nor shall it be allowed nearer than 800 feet to any existing residential structure;

The amended line item H. would read: H. Any new tower or mono-pole or so called "small cell" wireless installation shall not be erected nearer to a property line than a distance equal to twice the vertical height of the structure, nor shall it be allowed nearer than 1500 feet to any residential structure in the Rural Residential districts. No new towers or mono-poles shall be allowed in the Village Center district. "Small Cell" wireless installations in the Village Center District shall be at least 500 feet apart, at least 350 feet from residential structures and at least 800 feet from any school.

Background: Studies have shown that placing wireless infrastructure close to residences decreases property values.<sup>123</sup> There is a long history of cell tower fires and collapses.<sup>4</sup> 1 Koech Cheruiyot, Nosipho Mavundla, Mncedisi Siteleki, Ezekiel Lengaram (2024) Impact of proximity to cell phone tower base stations on residential property prices in the City of Johannesburg, South Africa International Journal of Housing Markets and Analysis, Volume 17 Issue 6. 2 Ermanno Affuso & J. Reid Cummings & Huubinh Le, 2018. "Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis," The Journal of Real Estate Finance and Economics, Springer, vol. 56(4), pages 653-676, May. 3 Burgoyne Appraisal Company prepared a 2017 report "Impact of Communication Towers and Equipment on Nearby Property Values" stating that "In 32 years of experience as a Real Estate Appraiser specializing in detrimental conditions, takings, adverse impacts and right-of-way, I have found that aesthetics (or rather the adverse impact on aesthetics) of externalities routinely has the largest impact on property values. As a result, proximity to towers of all types (cell, wind turbine, and 34 electric transmission) has an impact on property values. The same is true with all sorts of surface installations such as pump stations and communication equipment boxes. This would apply to new small cell and DAS equipment, although again, one would expect that the less intrusive the facility, the less significant the impact. Small cell and DAS installations can be unsightly, bulky, inconsistent, and even noisy."

4 <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/> In 2019, Shelburne voters adopted a 1500 foot setback for wireless installations of any kind and prohibited wireless infrastructure of any kind in their downtown commercial district in part in order to preserve the rural, appealing character of their village. They also chose a 3000 foot setback from schools. Given the amount of land available outside our Village Center District, there is plenty of space available for continued wireless deployments without putting the safety and property values of residents at risk. The Village Center District currently has coverage from the Verizon tower on Berkshire East. If the town was to

choose to undertake a comprehensive evaluation of current wireless service and identify any gaps in coverage, for example, in the Village Center District, this amended line item H. would still allow for further deployments through carefully chosen placements along the Route 2 corridor that would make it less likely to decrease property values. Amending the by-law as specified above would give the Planning Board an additional tool for evaluating, negotiating and responding to future applications from wireless carriers. If Verizon, AT&T, etc. found any of these setbacks inconvenient, they would simply apply for a variance as they have been doing in most of their Franklin County applications for the last decade. Our current setback for 5G small cells is 0 feet, meaning there is little to stop carriers from placing an antenna just outside your window if your house happens to be close to the street. Finally, for better or worse, due to satellite deployment the days of dropped calls are winding down. T-Mobile already has phone to satellite technology in place. Carriers continue to be motivated to place towers with the hopes of cutting into the home internet market which, in the case of Charlemont, would place our investment in municipally owned fiber at risk. Thank you for your consideration! Town Counsel determined that Article 29 was out of order because it needs to go through the Town Zoning Bylaw process. A motion was made to pass over Article 29. Passed by Majority A motion was made to refer Article 29 to the Select Board for consideration. Passed by Majority