

**The Town of Chester
Citizen Petition
For Board of Selectmen Consideration to Place A Question on Annual Town Election
Warrant**

(Citizens Petition) We the undersigned residents of Chester MA do hereby request a warrant to be on the agenda for the 2023 annual June town meeting to present the following motion for the town to vote in accordance with the provisions of Section 5 of Chapter 40A. This motion would amend the Zoning Bylaws 5.4 Wireless Communication Structures and Facilities adopted in 2005, **Zoning Bylaw Section 5.4.7 Application Process**, to state that all new Wireless Telecommunications Facilities (WTFs) applications will be deemed incomplete until the applicant provides substantial written evidence that the FCC has completed the court-mandated work from two DC Circuit rulings: Case No. 18-1129: United Keetoowah Band of Cherokee Indians v. Fed. Comm'n's Comm'n, 933 F.3d 728 (D.C. Circuit 2019) and Case No. 20-1025: Env'tl. Health Tr. v. Fed. Communications Comm'n, 9 F. 4th 893 (D.C. Circuit. 2021). Read what the D.C. Circuit judge wrote in these rulings, below.

On April 5, 2023 Children's Health Defense (CHD) petitioned the Federal Communications Commission to quit stalling and comply with a court-ordered mandate to explain how the agency determined its current guidelines would adequately protect humans and the environment against harmful effects of exposure to radiofrequency (RF) radiation. The petition states that the FCC must address the environmental impacts of RF radiation not only to comply with the 2021 court order — but also to comply with a looming deadline issued by the Council on Environmental Equality (CEQ), the federal agency responsible for developing the implementation procedures of the National Environmental Protection Act (NEPA). In 2020, the CEQ issued a set of revisions to its Protection of the Environment rules that require the FCC to consult with CEQ on the environmental impact of RF radiation and provide an opportunity for public review and comment by Sept. 14, 2023 (see <https://childrenshealthdefense.org/defender/chd-fcc-court-order-wireless-radiation-guidelines/>).

In addition, the town of Chester shall add to the Zoning bylaws:

1. A preference for wired broadband provided by either coaxial cables or fiber optic cables to all premises (FTAP), instead of wireless broadband.
2. A WTF application requirement that each WTF applicant must submit substantial written evidence of NEPA review for the proposed WTF.
3. A WTF application requirement that a WTF application must be for only one WTF at a time and not batched.
4. A WTF application requirement that each applicant must submit substantial written evidence of a significant gap in wireless telecommunications service: an actual measurement by a professional engineer that establishes that the signal strengths for all carrier-specific frequencies are below -115 dBm in outdoor areas in the WTF's target search ring.

U.S. Courts of Appeals Rulings in the D.C. Circuit; Neither Ruling Was Appealed to the U.S. Supreme Court, So They Are the Final Words on the Matters

In Case No. 20-1025: Env'tl. Health Tr. v. Fed. Communications Comm'n, 9 F.4th 893 (D.C. Cir. 2021), the ruling vacated portions of the Dec 2019, FCC Order 19-126 Targeted Changes to the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields. The DC Circuit judges ruled the following in Case 20-1025:

