

Kensington Cell Tower Conversation

Town Meeting Schedules

Zoning Board meetings	First Tuesday, 7:30 pm	February 15, 2023, March 15, April 4
Planning Board meetings	Third Wednesday, 6:30 pm	March 15, 2023, April 19, May 17
Select Board Meetings	First & Third Monday, 6:30 pm	March 20, 2023, April 3

What Are the Issues?

A cell tower is proposed to be built at 70 Moulton Ridge Road. This tower, in conjunction with another approved tower at 184 South Road and others established or pending in N/Hampton/Falls, would create a tighter telecommunications grid – within which hundreds of small-cell 5G antennas could be deployed across Kensington, blanketing this and neighboring towns with continuous high-frequency radiation. There is plenty of evidence that conventional wireless & cellular radiation has adverse effects on health and the environment. It appears that 5G may be even more detrimental to human, animal, fish, insect & pollinator populations.

Other issues of concern are the implications of “always on” telecommunications for the town’s sense of balance regarding community, connectedness and privacy, its aesthetic values, and the way in which residents are being treated by town officials and the tower contractor, Vertex Communications.

Our goal is to *slow down the process to allow a thorough and thoughtful conversation* about the costs/benefits of this facility and the potential (often unintended) consequences of moving forward with the project.

The Telecommunications Act of 1996 limits states’ & municipalities’ ability to regulate telecom facilities

Sec 704: (Sec. 704) Preserves State or local authority over decisions regarding the placement, construction, and modification of personal wireless service facilities, but prohibits State or local regulation thereof from: (1) unreasonably discriminating among providers of functionally equivalent services; or (2) prohibiting the provision of personal wireless services. Requires State or local action on requests regarding such facilities to occur within a reasonable time, with denials of requests to be in writing and supported by substantial evidence in a written record. Prohibits State or local regulation of such facilities on the basis of environmental effects of radio frequency emissions to the extent such facilities comply with FCC regulations. Provides for expedited judicial review and petitions of the FCC for relief from adverse State or local actions.

There’s an implication that cities and towns should not *even permit* discussion of environmental issues if these cannot be the basis for a municipal denial of permits. **However, Kensington’s Zoning Ordinance** stipulates:

This Ordinance is enacted in order to establish general guidelines for the siting of telecommunications towers and antennas and to enhance and fulfill the following goals:

...Reduce adverse impacts such facilities may create, including, but not limited to: impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property and prosperity through protection of property values.

... Provide constant maintenance and safety inspections for any and all facilities.

Towns have 90 days to respond to a tower application, or the contactor can threaten to sue, using the legal muscle of the Federal government. The clock is already ticking on the Vertex application (which is why the Zoning and Planning Boards have been meeting jointly on an expedited basis). According to the March 15 PB/ZBA minutes, there are only 65 days remaining in which Kensington must make a decision.

Topics & Questions for Discussion

Public Comment/Free Speech

- Several abutters were not notified or did not receive the abutter notices in a timely manner because they were out of town for the winter. Given the significance of this issue, the town should not be scheduling this kind of decision for the winter months, when many residents are away
- Insufficient time was allowed for public comment at both the February 15 and March 15 hearings, especially considering the large number of residents in attendance. The meeting should have been handled differently, to allow adequate time for genuine dialogue
- Residents were not notified of a requirement that they submit responsive documents *ahead of* the February 15 and March 15 meetings
- Residents were not notified of a requirement that they should request time on the agenda in order to be heard at the February 15 and March 15 meetings
- Residents were told that public comment would be reopened for the ZBA decision on March 15. Instead, the ZBA vote was taken before *any* public comment was allowed
- It is very difficult to hear town officials (and even other residents) with the acoustics in the hall, and town officials have not been responsive to residents' requests to use their microphones
- The Vertex representative does not have the authority to tell town officials and residents what information they may or may not consider, or what discussions they may or may not have about this or any other issue. That would violate our First Amendment right to freedom of speech
- The Zoning Ordinance authorizes the town to consider sensitive environmental areas as well as impacts on health and safety in relation to telecommunications towers. The town is not complying with its own ordinance if it refuses to hear information pertinent to these issues – as was unfortunately the case at both the February and March meetings
- The minutes from both the February and March meetings provide a *substantially incomplete* account of residents' concerns, as well as town officials' and Vertex representatives response to them – as multiple witnesses can establish

Community Values

- Residents of Kensington, who pay taxes and support the cultural and commercial life of this town, should be involved in and treated with respect when it comes to important decisions such as this. It is imperative that all have an opportunity to learn, discuss, debate and make our opinions known, through an inclusive deliberative process. Notification of a predetermined course of action on a rushed schedule is not acceptable, or in keeping with the values of this town and state
- Very little information about the project is available on the town's website, nor is a complete copy of the Vertex application. Why was it taken down? It is a hardship for most people to make time to come to the town office during business hours to read/scan/photocopy the application, which is undoubtedly lengthy and complex
- It is unclear why there's such urgency for approval. Apparently, another tower has already been approved for Kensington and will soon be erected at 184 South Road. Why not wait to determine whether that facility addresses the issue of dropped calls and coverage gaps? Residents of the town deserve to know what is driving the supposed urgency of this application – and its connection with the other one at 184 South Rd
- The definition of "abutter" should be reconsidered, given the wide-reaching implications of modern telecommunications facilities. Although important, the potential impacts on the rest of the town go well beyond visual considerations and property values; these are not the primary concerns of many of the town's residents
- Our society has become hyper-connected, not always with one other. Many people feel that, far from enhancing human connection, technology has been alienating us from our natural communities. In larger towns and cities people lament not knowing their neighbors, but that hasn't been the case in Kensington – and it's not an inevitability.
- This is not about one more cell tower. We are confronting an "internet of things" and "internet of bodies" juggernaut in which people are beholden to their devices – and to those that control the information shared through them. Might we make a different choice? Might we prefer to be beholden to each other, to nature, and to the traditions of this town? Might we want to preserve traditions of decentralized human and natural connection, rather than a technology-driven centralization of authority?
- Are the things that 5G brings what the residents of Kensington want? Faces plastered in phones? Autonomously-controlled vehicles? The increased electricity requirements associated with continuously-connected high-energy devices? Heightened and more intrusive surveillance? Many people came to Kensington in order to enjoy the natural beauty and serenity that comes from a simpler way of life. We still don't have street lights, and yet no one seems to mind

Health and Safety

- The Telecommunications Act of 1996 limits municipal denials on the basis of health and environmental concerns *if the tower company is abiding by FCC regulations*

- However, the FCC does not require registration, much less monitoring and regulation, of towers under 200' tall. As such, there is no Federally-mandated process for inspection and testing of radio emissions, nor holding tower operators accountable for any violations of emissions standards - or the adverse health and environmental damage that might result
- Once the tower is up and running, it is completely unregulated. Local government is the first and ONLY line of defense for protecting residents from exposure to illegally excessive radiation. Moreover, the FCC's emission & exposure standards are out of date and extremely lax – well below the standards established in other advanced countries.
- The State of NH has established a public interest in investigating these issues, as demonstrated by the comprehensive 2020 [Final Report of the Commission to Study the Environmental and Health Effects of Evolving 5G Technology](#). Many notable researchers took part in the project, including Dr. Kent Chamberlin, Chair of the University of NH's Electrical & Computer Engineering Department and Frank Clegg, retired President of Microsoft Canada. The groundbreaking report is considered one of the most detailed research briefs on the subject in the U.S. and in Europe. It documents the pervasive conflicts of interest that exist between the telecommunications industry and the FCC, and highlights 15 recommendations for municipalities (a hard copy of report was provided to the Kensington Planning Board at the March 15 meeting)
- There are ways in which access to a consistent cell signal can improve health and safety, for example:
 - Ensuring timely contact with emergency personnel when one is away from home or office
- However, there are other ways in which continuous connection to telecommunications and/or exposure to high-frequency radiation can worsen health and safety, for example:
 - Risk of accidents (pedestrian & vehicular) from people glued to their phones
 - Deterioration of mental health that results from excessive technology use and the resulting social disconnection
 - The deleterious impact of continuous high-frequency radiation on the human body
 - The damaging impact of continuous high-frequency radiation on animals, birds, fish, insects, and pollinators
 - Per [Generation Zapped](#) *In less than a generation, cell phones and the Internet have revolutionized virtually every aspect of our lives, transforming how we work, socialize and communicate. But what are the health consequences of this invisible convenience? Generation Zapped reveals the dangers associated with prolonged exposure to wireless technology including health risks such as infertility and cancer.*
- There are other technologies that achieve the town's safety goals with fewer adverse impacts, such as Wi-Fi calling, fiberoptic & cable options, and satellite calling. A 911 call will connect to any tower regardless of the service provider or cell phone contract

Aesthetics/Property Values

- Cell towers DO diminish property values, as has been documented in this [Environmental Health Trust summary](#). The impact is greatest for nearby residences, but given the concerns listed above, is not limited to abutters and near neighbors.
- The balloon test is not an adequate demonstration of the visual impact of the towers, since it is MUCH smaller than the proposed antenna dimensions (at least 30' and 12' wide). If Vertex has the option to increase the tower height and width the aesthetics become much worse – it will be **very** top-heavy
- The photo demonstration of the balloon test is equally unconvincing. It is not hard to come up with a series of photos that *do not show something*; Vertex should be required to present a “worst case scenario” visual that can be established as a minimum standard for aesthetic approval
- What recourse do abutters and other town residents have if expansion of the tower or other technology “improvements” DO in fact diminish property values?
- The insurance industry recognized long ago that wireless radiation is a leading risk and so they do not underwrite coverage for liability arising from personal or property damage. Therefore, if the cell tower developer or service provider cannot pay large damage awards, cities and towns (and in some cases the planning & zoning boards) have been held responsible and required to pay awards via funds from tax payers or town bonds.
- Attorney [Andrew Campanelli created this video](#) to help town officials understand and navigate the provisions of the Telecommunications Act of 1996, in order to protect the interests of their citizens

Questions for Town Representatives

- Does this approval grant Vertex the right to substantially modify the tower and the number of antennas it supports?
- Does this approval grant Vertex the right to connect small-cell (5G) antennas anywhere in this town? Is there any connection – whether by contract or precedent – between this approval, the approval of the tower at 184 South Road, and the potential installation of antennas in other locations?
- Does the town have a plan and process to monitor & regulate emissions from these towers, in order to fulfil the health and safety standards established in the zoning ordinance?
- What is the town’s recourse if its standards are not met?
- What will happen to the tower if Vertex shuts down or walks away from its responsibilities?
- Will the town reconsider a revision of the Zoning Ordinance to more properly reflect environmental, health & safety concerns in its definition of an abutter?

- Will the town defer the application until (a) residents have had the opportunity to learn, debate and offer their considered opinions on these issues; and (b) the town has had the opportunity to evaluate the coverage improvement afforded by the installation of the tower at 184 South Road? Prudence surely is consistent with the town's responsibilities under its Zoning Ordinance, and consistent with the provisions of the Telecommunications Act of 1996.
- What has the town done to evaluate other options that address its safety concerns?

