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WESTFIELD, MA 01085  
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MICHAEL PILL

SUSAN L. MILES  
RAYMOND W. ZENKERT, JR., OF COUNSEL\*\*  
DAVID C. KUZMESKI (Dec.)  
BRIAN L. BLACKBURN (Dec.)  
\*ALSO ADMITTED IN CONNECTICUT  
\*\* ALSO ADMITTED IN OHIO & MICHIGAN

December 9, 2024

Town of Charlemont Selectboard  
Charlemont Town Hall  
57 Main St,  
Charlemont, MA 01339

Re: **My Clients:** Jonathan Mirin and Godeliève Richard  
**Clients' property addresses:** 224 Avery Brook Road  
**Subject property address:** 224 Avery Brook Road and additional property across the road.  
**Applicant:** National Grid  
**Subject:** Opposition to the application for utility pole installation and replacement on Avery Brook Road ostensibly pursuant to M.G.L.A. 166 § 22

**Memorandum in Opposition to the Application of National Grid Ostensibly Pursuant to M.G.L.A. 166 § 22 four Utility Pole Installation and Replacement on Avery Brook Road Special**

**I. My clients and Their Property**

First, I want to apologize for the late filing of this memorandum; I have just been officially retained on this matter today. I represent Jonathan Mirin and Godeliève Richard (“my clients”). My clients own an 18+ acre piece of property on the east side of Avery Brook Road where their home is located. They also own a 17+ acre piece of property on the west side of Avery Brook Road directly across the street from their home. Attached hereto as **Exhibit A** is a GIS map depicting my client’s property which is highlighted in yellow.

The property on the west side of the road contains a large barn structure. My clients are the co-founding Artistic Directors of the Piti Theater Company, Inc., a not-for-profit company which has been serving people in our area for more than 20 years. The Piti Theater Company now holds a 20-year lease on the referenced barn. My clients are converting the barn into an indoor/outdoor theater space and educational center. The Company has received many generous donations and a \$125,000 Cultural

Facilities Grant from the Massachusetts Cultural Council to enable them to move forward with the theater project. They hope to open the doors in the summer of 2025.

## **II. National Grid Utility Pole Installation and Replacement application and my Clients' Objection**

National Grid has applied to this Board, ostensibly pursuant to M.G.L.A. 166 § 22, to have this Board grant an easement over the Town's Road to add new utility poles and to replace certain utility poles. A copy of National Grid's plans for the area near my clients' two properties is attached hereto as **Exhibit B**. I have highlighted in yellow the general location of my clients' two properties on a separate plan which is attached hereto as **Exhibit C**.

My clients object to this application in its present form. While we do not deny that National Grid has the right to distribute electricity by way of an easement over the road, there are compelling reasons why this Board should endeavor to have National Grid place their services underground for the area near my clients' properties.

If the Board find itself compelled not to endeavor or is otherwise unable to have National Grid install the service underground in this area, then and only then, my clients request this Board allow the use of the service by way of utility poles but:

1. Specifically mandate that this Board's grant is contingent upon there being no wireless equipment on the poles in the area. This mandate would cover not only National Grid but any other entity using the poles in this area. This mandate would only confirm email communication received by my client from Ms. Jean Charles, Senior Specialist, Stakeholder Management of National Grid on September 27, 2024, wherein she said, "there are no plans to install any wireless equipment along your section of Avery Brook Road." A copy of the pertinent portion of the email communication is attached hereto as **Exhibit D**; *and*
2. Grant the application with the condition that National Grid: (a) *not* move utility pole P26 to the new proposed location; (b) replace the existing utility pole P26 with a new utility pole at the current location of that pole; and (c) not approve a new utility pole installation designated as P26-50. The grounds for this proposed condition are based upon my clients' interaction with a licensed surveyor and are set forth below.

### **III. Grounds Justifying Objection.**

Generally, my clients have multiple grounds for objecting to National Grid's application. Firstly, my client, Ms. Richard, has been diagnosed with a severe case of electromagnetic Radiation Syndrome which is also known as "electric hyper-sensitivity." Therefore, my clients object to any installation or utilization of any wireless equipment on the subject utility poles, which are extremely close to my client's home. Placing the utility service underground in the area of my client's home is the best way to protect her.

My clients have other objections based upon the aesthetics of the new, much larger utility poles and their effect on my clients' property values and their effect on the not-for-profit theater property which is trying to create a natural setting theater environment. Finally, there are legal and survey issues which National Grid should address.

#### **1. Electromagnetic Radiation Syndrome**

In 2021 Dr. Stephanie McCarter, M.D., diagnosed Ms. Richard as having a severe case of electromagnetic radiation syndrome. Dr. McCarter's written diagnosis is attached hereto as **Exhibit E**. I ask you to review the diagnosis as it explains, in detail, what Ms. Richard is going through. As a result of having this medical ailment, Ms. Richard is to avoid wireless communication signals. Placing utility poles with wireless equipment on those poles would greatly exacerbate my client's condition. There is no reason to do this if this situation can be avoided.

Please realize certain of these utility poles will be extremely close to my client's house. It is my understanding that at a recent town meeting, Charlemont voted to amend your zoning bylaws on cell towers to require a minimum distance of 750 feet from structures. The distances from the utility poles in question to my client's home are but a fraction of this distance.

I understand that my client's illness is little understood, and some individuals are skeptical of the diagnosis. There have been recent studies regarding the ailment. University of New Hampshire, Prof. Kent Chamberlin, PhD, Professor & Chair Emeritus, Fulbright Distinguished Chair President, Environmental Health Trust has written a letter to this Board pertaining to the most recent studies and analysis pertaining to cellular towers and illnesses like my clients. His letter is attached hereto as **Exhibit F**. Again, I ask you to review the letter as the professor can far better explain the situation than I can in summary.

## **2. Aesthetics and property values**

My clients are trying to create a naturalistic setting for their theater which will be frequently utilized by local schoolchildren and other local citizens. People have generously donated to this endeavor, and they have received a Massachusetts Cultural Council grant for this endeavor. Replacing the existing poles with much larger, industrial looking poles would only hurt the aesthetics of the natural setting they are trying to create. By placing the utilities underground near my clients' property, the aesthetics of the location would be more fitting for what they are trying to accomplish, and it would support the generous individuals who have donated to them and the Commonwealth agency that also trying to help them in this endeavor.

In fact, the newer larger utility poles are so industrial looking and obtrusive they will actually affect the value of my clients' property. In fact, Ms. April West an associate broker at Delap Real Estate has looked into this matter and while not giving a dollar figure for the diminution in value, based upon the placement of the new utility poles, she has said unequivocally:

It is my professional opinion that replacing the existing power poles with twice as many 45' high utility poles will decrease the marketability and value of the *Avery Brook Road* properties and in particular properties like 224 and 225 *Avery Brook Road* where you have a combination of building lots with southeastern views looking down the road and the brand new center for Arts & Ecology.

A copy of her report is attached as **exhibit G**.

## **3. legal and surveying issues**

National Grid is ostensibly seeking an easement from this Board pursuant to M.G.L.A. 166 § 22. That statute is entitled "Consent of municipal officers to construct or alter lines." The statute empowers local governments to grant easements utilities to use their roadways. A copy of the statute is attached hereto as **Exhibit H**. The statute is fairly old and it only references giving utilities easements for utility poles and similar conduits. There is no reference in the statute for local authority giving a utility company the power to place wireless communications equipment on the subject utility poles. In other words, on the face of the statute it is not clear that this Board has the power to grant National Grid the ability to use wireless facilities on their utility poles. National Grid's personnel or attorneys should address this issue.

Finally, my client was concerned as to whether all of the subject utility poles were actually located on the Town's right-of-way or whether some or portion thereof were on my client's property. My client retained well respected surveyor Emily Holmberg to examine this issue. She

reviewed the pertinent plans and went in-person to look at the property.

Ms. Holmberg did not find that any of the current poles appear to be on my client's property. However, she did see that there could be a problem with the new location for utility pole P28. In an email communication with me she said:

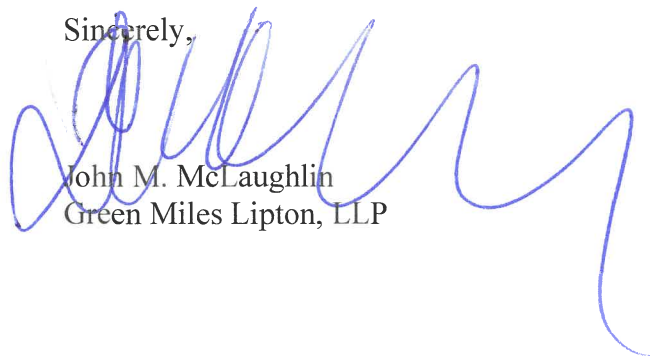
There is a question regarding the new location of the proposed P28 and especially the proposed pushbrace as shown on the Petition Sketch. The slope at that location and the apparent wetlands at the bottom of the slope make it appear that it would be difficult to place a pushbrace within the layout and without disturbing the wetlands. It may not be impossible, but without the details of the exact location and design of the pushbrace, it definitely looks like it would be difficult. Any brace would very likely need to be actually placed outside the layout line.

Again, this is something that should be addressed by National Grid's surveyors. This is also why my clients have suggested the changes with reference to P28 referenced above.

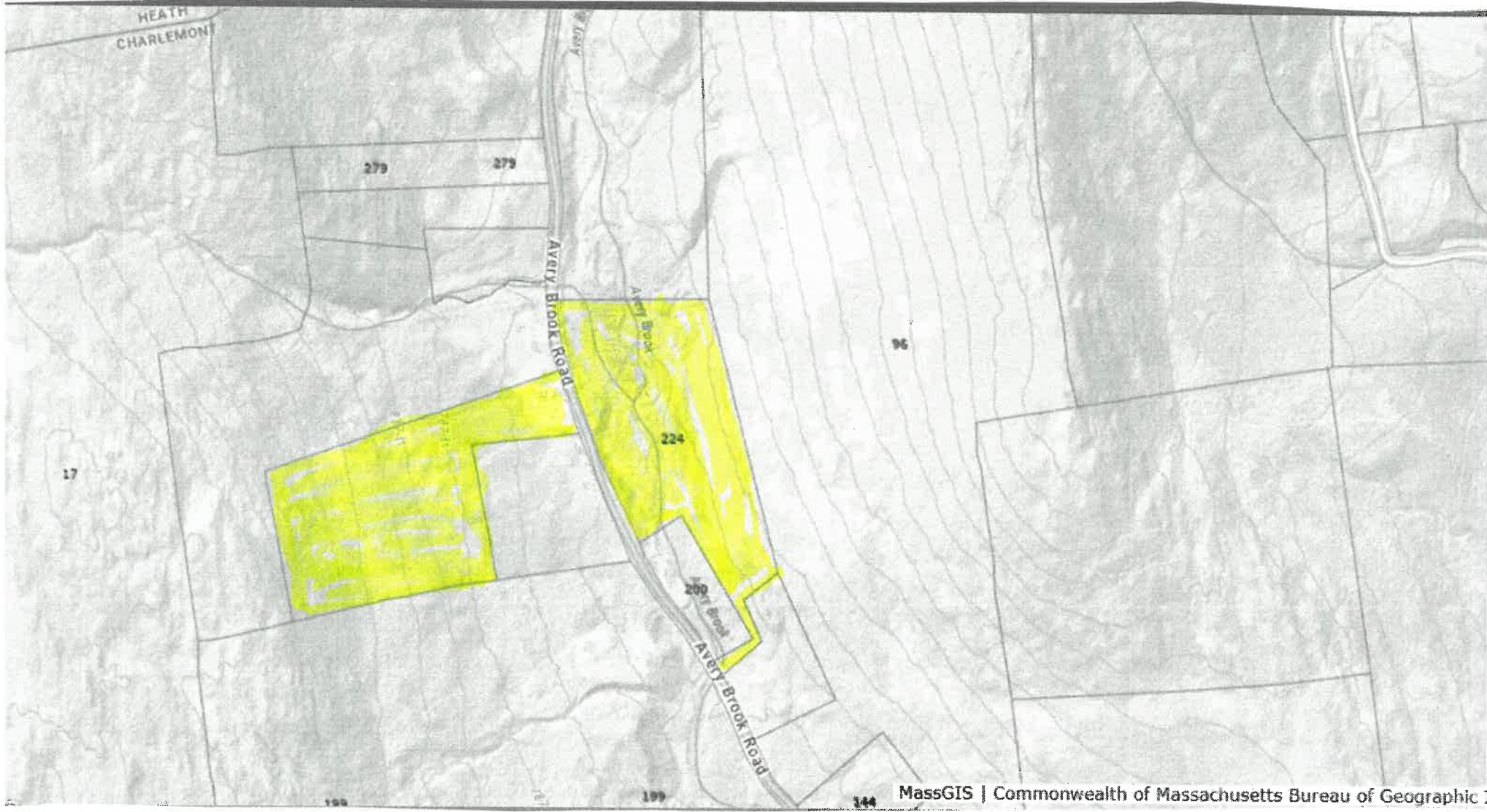
#### **IV. Conclusion**

Based upon all of the above, I request that you either accept my clients' objection as detailed above or you should continue this hearing and require National Grid to answer the questions raised by this memorandum. Additionally, National Grid should give a realistic cost for the placement of their lines underground in the area of my clients' property as this is relevant information this Board should have when considering this matter.

Sincerely,



John M. McLaughlin  
Green Miles Lipton, LLP

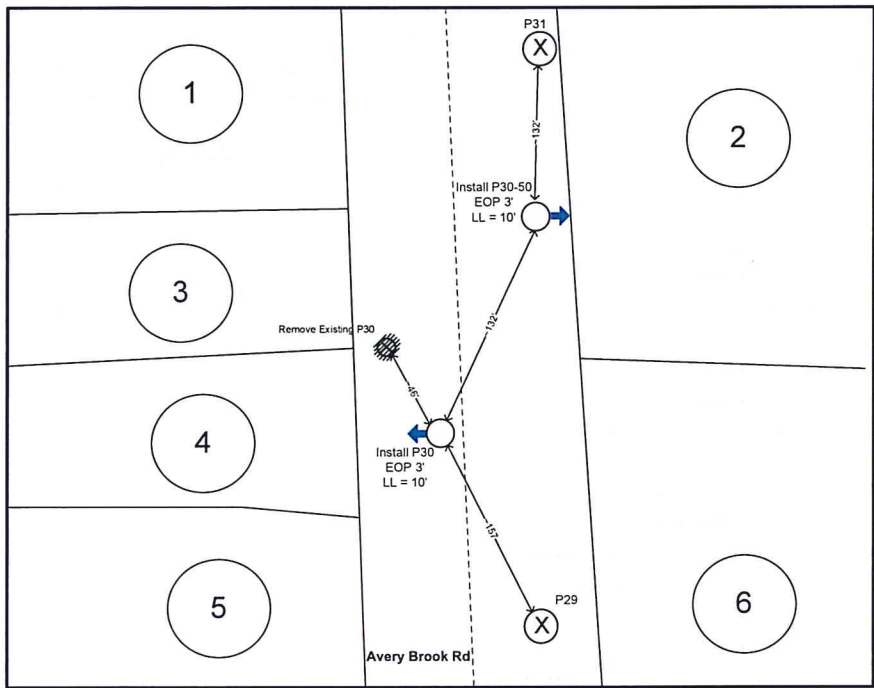


PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY



**Legend**

- Proposed JO Pole
- Existing JO Pole
- Remove JO Pole
- Remove SO Pole
- Proposed Anchor
- Replace Anchor
- Proposed Pushbrace
- Replace Pushbrace
- Center Line
- Property Line
- Driveway



- ① 279 Avery Brook Rd  
Owner: Town of Charlemont  
Book, Page: 6013, 317  
Property ID: 528
- ② Avery Brook Rd  
Owner: Moseley Steven G  
Book, Page: 6160-279  
Property ID: 533
- ③ Avery Brook Rd  
Owner: Town of Charlemont  
Book, Page: 6013, 317  
Property ID: 527
- ④ Avery Brook Rd  
Owner: Town of Charlemont  
Book, Page: 6013, 317  
Property ID: 526
- ⑤ 225 Avery Brook Rd  
Owner: Rheinheimer, Jacob W. & Totino  
Book, Page: 6013, 317  
Property ID: 225
- ⑥ 224 Avery Brook Rd  
Owner: Mann, Jonathan & Richard, God  
Book, Page: 7867, 321  
Property ID: 224

The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.

**ControlPoint**  
TECHNOLOGIES  
Designer: Alberto Flores  
aflores@cpteng.com  
ControlPoint Technologies, Inc.  
200 Ledgewood Place, Rockland, MA 02370

**nationalgrid**

**PROPOSED POLE INSTALLATION**  
**BURRINGTON RD, CHARLEMONT, MA**












Not To Scale Distances are Approximate	Drawn By: AF	WR # 30933367	DATE 06/11/2024
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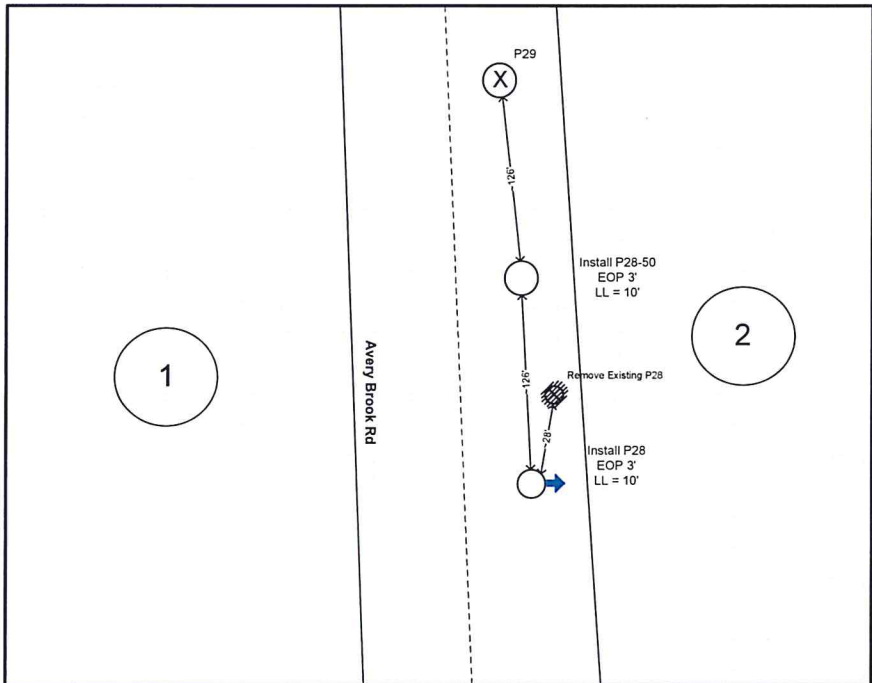
SHEET  
1 OF 1

PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY



**Legend**

-  Proposed JO Pole
-  Existing JO Pole
-  Remove JO Pole
-  Remove SO Pole
-  Proposed Anchor
-  Replace Anchor
-  Proposed Pushbrace
-  Replace Pushbrace
-  Center Line
-  Property Line
-  Driveway



- ① 225 Avery Brook Rd  
Owner: Rheinheimer, Jacob W. & Totino  
Book, Page: 6013, 317  
Property ID: 225
- ② 224 Avery Brook Rd  
Owner: Min, Jonathan & Richard, God  
Book, Page: 7867, 321  
Property ID: 224

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**nationalgrid**

**PROPOSED POLE INSTALLATION  
BURRINGTON RD, CHARLEMONT, MA**

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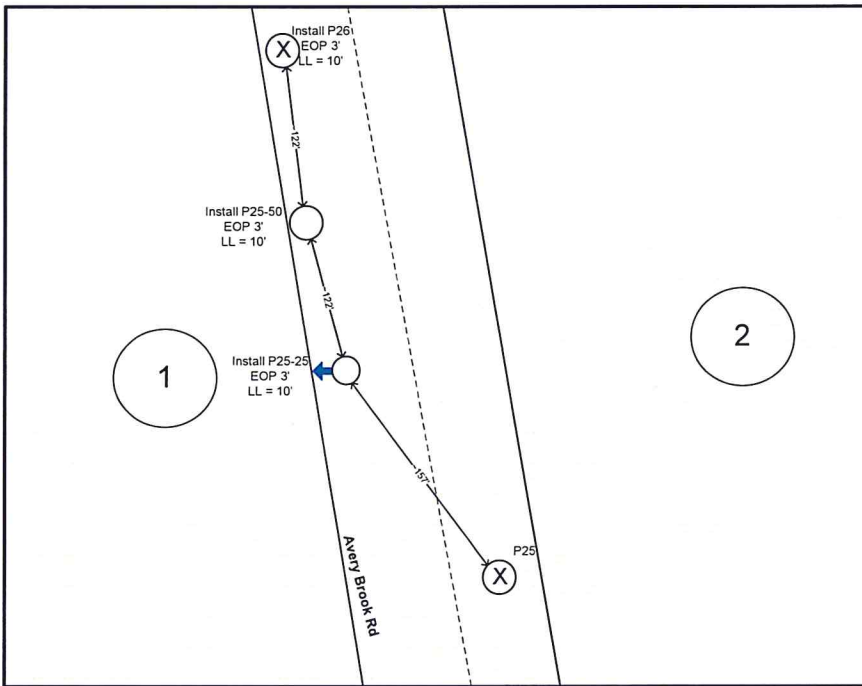
SHEET  
1 OF 1

PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY



**Legend**

	Proposed JO Pole
	Existing JO Pole
	Remove JO Pole
	Remove SO Pole
	Proposed Anchor
	Replace Anchor
	Proposed Pushbrace
	Replace Pushbrace
	Center Line
	Property Line
	Driveway



- ① Avery Brook Rd  
Owner: Rich, Leonard Estate  
Book, Page: 1242, 381  
Property ID: 157
- ② 224 Avery Brook Rd  
Owner: Minn, Jonathan & Richard, God  
Book, Page: 7667, 321  
Property ID: 224

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**PROPOSED POLE INSTALLATION  
BURRINGTON RD, CHARLEMONT, MA**

SHEET  
1 OF 1

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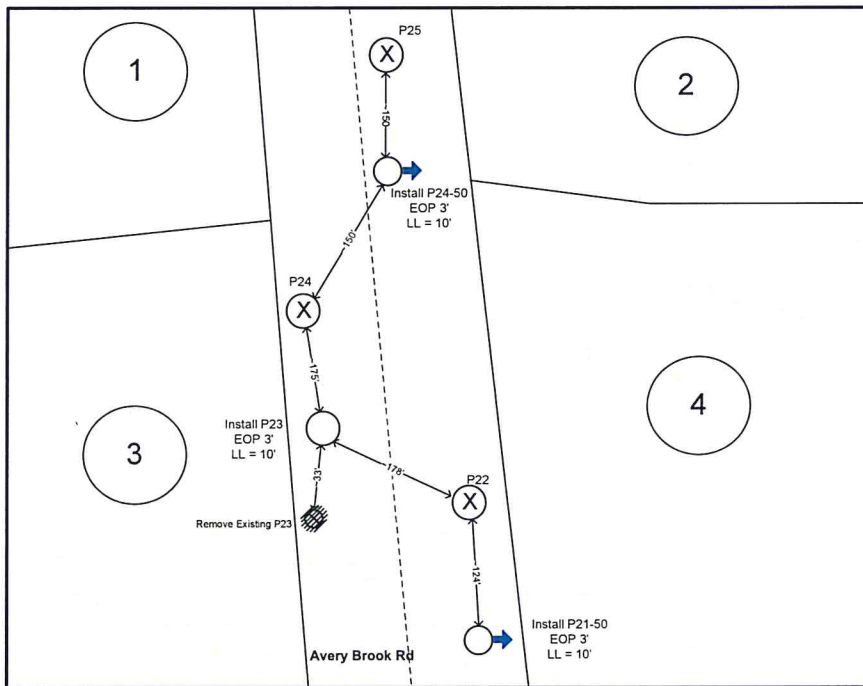
PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY



P26

Legend

- Proposed JO Pole
- Existing JO Pole
- Remove JO Pole
- Remove SQ Pole
- Proposed Anchor
- Replace Anchor
- Proposed Pushbrace
- Replace Pushbrace
- Center Line
- Property Line
- Driveway



- ① Avery Brook Rd  
Owner: Rich, Leonard Estate  
Book, Page: 1242, 381  
Property ID: 157
- ② 224 Avery Brook Rd  
Owner: Mirin, Jonathan & Richard, God  
Book, Page: 7867, 321  
Property ID: 224
- ③ 199 Avery Brook Rd  
Owner: Cashin, Thomas James, & Jacqueli  
Book, Page: 4367, 281  
Property ID: 158
- ④ 200 Avery Brook Rd  
Owner: Maynard, Justin H.  
Book, Page: 6916, 203  
Property ID: 162

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**PROPOSED POLE INSTALLATION  
BURRINGTON RD, CHARLEMONT, MA**

SHEET  
1 OF 1

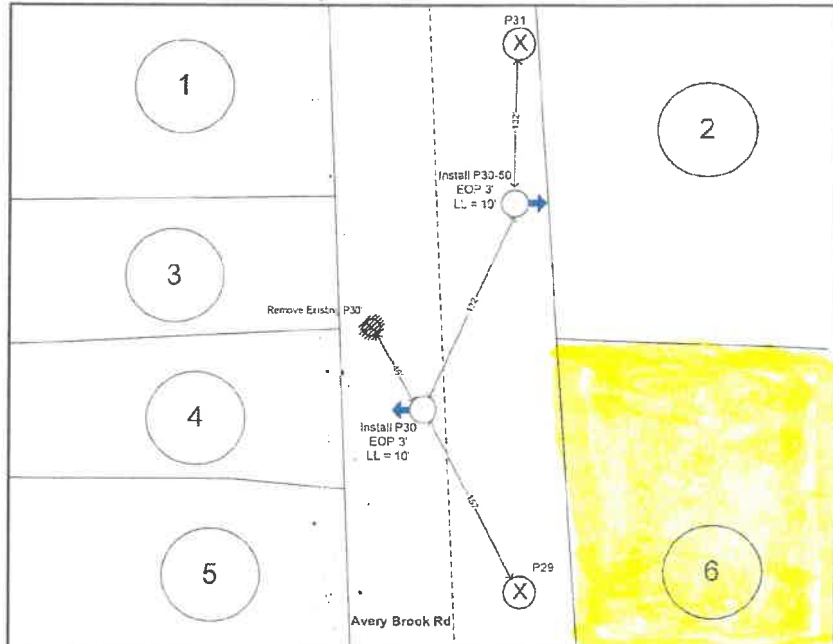
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**EXHIBIT**  
**C**

**PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY**



- Legend**
- Proposed JO Pole
  - ⊗ Existing JO Pole
  - ⊘ Remove JO Pole
  - ⊘ Remove SO Pole
  - ➔ Proposed Anchor
  - ➔ Replace Anchor
  - ➔ Proposed Pushbrace
  - ➔ Replace Pushbrace
  - Center Line
  - Property Line
  - Driveway



- 1 279 Avery Brook Rd  
Owner: Town of Charlemont  
Book, Page 6013, 317  
Property ID: 528
- 2 Avery Brook Rd  
Owner: Nooley, Steven G  
Book, Page 8169-279  
Property ID: 533
- 3 Avery Brook Rd  
Owner: Town of Charlemont  
Book, Page 6013, 317  
Property ID: 527
- 4 Avery Brook Rd  
Owner: Town of Charlemont  
Book, Page 6013, 317  
Property ID: 526
- 5 225 Avery Brook Rd  
Owner: Rosenkammer, Jacob W, & Torina  
Book, Page 6013, 317  
Property ID: 525
- 6 224 Avery Brook Rd  
Owner: Mirm, Jonathan & Richard God  
Book, Page 7657, 321  
Property ID: 224

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**nationalgrid**

**PROPOSED POLE INSTALLATION  
BURRINGTON RD, CHARLEMONT, MA**

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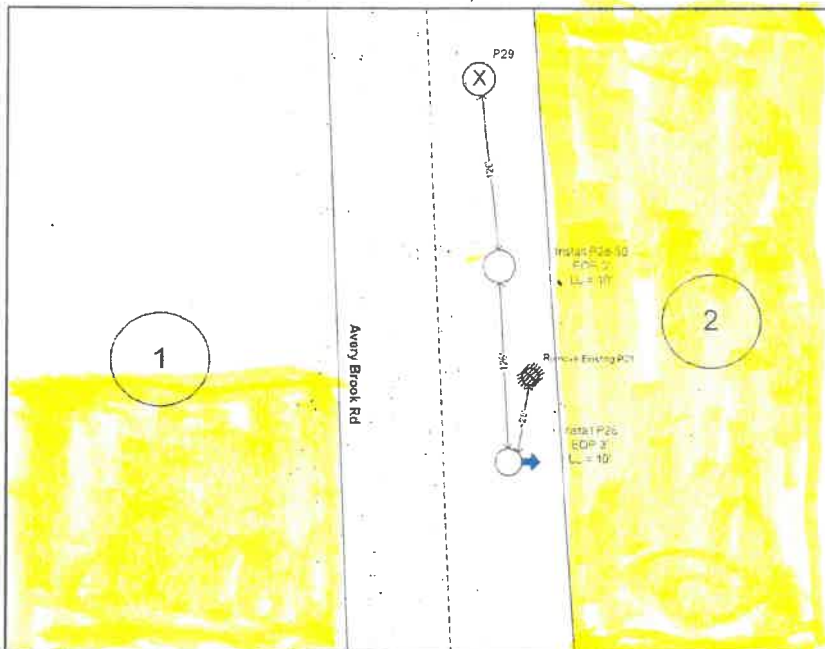
SHEET  
1 OF 1

PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY



**Legend**

	Proposed JO Pole
	Existing JO Pole
	Remove JO Pole
	Remove SO Pole
	Proposed Anchor
	Replace Anchor
	Proposed Pushbrace
	Replace Pushbrace
	Center Line
	Property Line
	Driveway



- ① 225 Avery Brook Rd  
Owner: Rheinhermel, Jacob W & Teure  
Book, Page 6013, 312  
Property ID 225
- ② 224 Avery Brook Rd  
Owner: Men Jonathan & Richard, God  
Book, Page 7667, 321  
Property ID 224

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BURRINGTON RD, CHARLEMONT, MA**

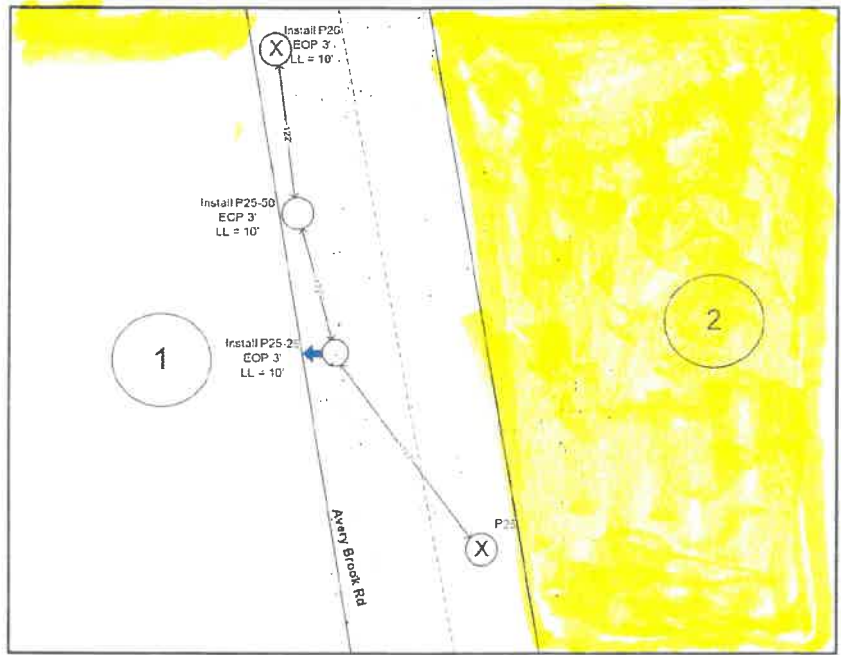
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SHEET  
1 OF 1

PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY



- Legend**
- Proposed JO Pole
  - Existing JO Pole
  - Remove JO Pole
  - Remove SO Pole
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  - Replace Anchor
  - Proposed Pushbrace
  - Replace Pushbrace
  - Center Line
  - Property Line
  - Driveway



- ① Avery Brook Rd  
Owner: Rich, Leonard Estate  
Book, Page: 1242, 381  
Property ID: 157
- ② 234 Avery Brook Rd  
Owner: Alan, Jonathan & Richard, God  
Book, Page: 757, 321  
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**nationalgrid**

**PROPOSED POLE INSTALLATION  
BURRINGTON RD, CHARLEMONT, MA**

Sheet 1 of 1

Not To Scale Distances are Approximate	Drawn By: AF	WR # 30933367	DATE 08/11/2024
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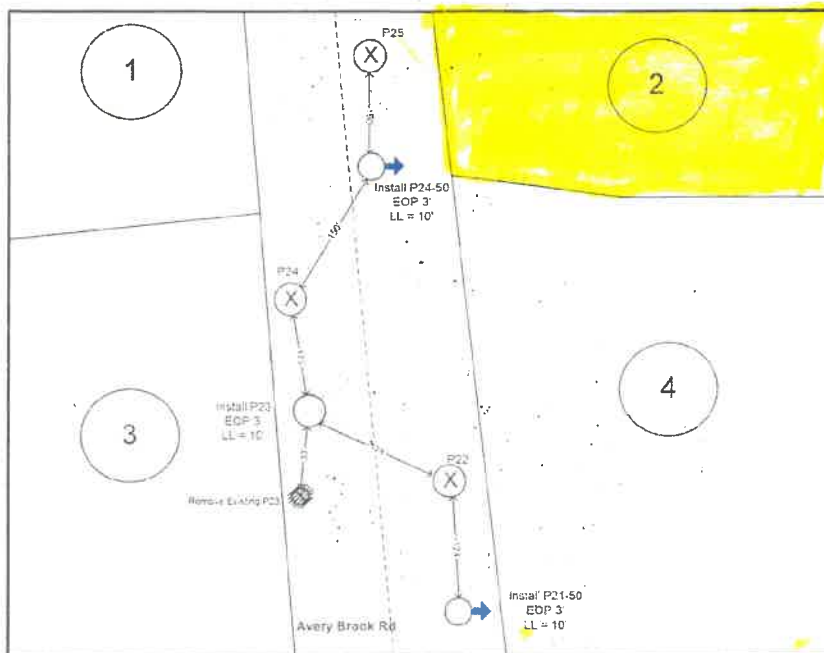
PETITION SKETCH  
TOWN OF CHARLEMONT  
FRANKLIN COUNTY



P26

**Legend**

	Proposed JO Pole
	Existing JO Pole
	Remove JO Pole
	Remove SO Pole
	Proposed Anchor
	Replace Anchor
	Proposed Pushbrace
	Replace Pushbrace
	Center Line
	Property Line
	Driveway



- ① Avery Brook Rd  
Owner: Rich, Leonard Esquire  
Book, Page 1242, 331  
Property ID 157
- ② 224 Avery Brook Rd  
Owner: Minn, Jarathan & Richard God  
Book, Page 7917, 321  
Property ID 224
- ③ 159 Avery Brook Rd  
Owner: Cashen, Thomas James, & Jacquelin  
Book, Page 4367, 281  
Property ID 158
- ④ 200 Avery Brook Rd  
Owner: Maynard, Justin H  
Book, Page 6916, 203  
Property ID 162

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**nationalgrid**

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BURRINGTON RD. CHARLEMONT, MA**

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SHEET  
1 OF 1



Sent with [Proton Mail](#) secure email.

On Friday, September 27th, 2024 at 9:49 AM, Jean Charles

<[Jean.Charles@nationalgrid.com](mailto:Jean.Charles@nationalgrid.com)> wrote:

I think there was a misunderstanding. I confirmed with the project team that there are no plans to install any wireless equipment along your section of Avery Brook Road. Due to the lack of service in the area, the team plans to use fiber to connect any new equipment that requires telecommunications.

Please let me know if you have any other questions.

-Jean

**Jean Charles**

Senior Specialist, Stakeholder Management

(508)-613-5627



**Nationalgrid**



# Environmental Health Center – N. Texas

8345 Walnut Hill Lane - Suite 220, Dallas, Texas 75231 • Telephone: (214) 368-4132 – Facsimile: (214) 691-8432  
 Website: www.ehcd.com E-mail: contact@ehcd.com

Elizabeth R. Seymour, M.D.

A.B.F.M., F.A.A.F.P

Board Certified in Family Medicine

Certified in Functional Medicine

Stephanie McCarter, M.D., A.B.I.M.

Board Certified in Internal Medicine

Richard G. Jaeckle, M.D.

FAPA, FAACAP, FAAOA, FAAEM

Board Certified in Child/Adolescent Psychiatry, ABPN

Board Certified in Psychiatry, ABPN

Board Certified in Environmental Medicine, ABEM

Ron Overberg, Ph.D., C.C.N., R.D., L.D.

Nutrition

Carolyn Gorman, M.A.

Patient Education

July 21, 2021

To Whom It May Concern:

**RE: Godelieve Richard**

This patient is under my care and medical supervision. She has been diagnosed with Electromagnetic Field Sensitivity.

We have undertaken a multiphase single and double-blind study to find an effective method to evaluate electromagnetic field sensitivity. This involves setting up controlled testing conditions, electromagnetic field challenges both in single and double-blind situations and rechallenging of affirmed positive patients. The study confirmed the presence of electromagnetic field sensitivity and there was a 100 percent non-reaction to placebos in the different phases of the test. It is clear that electromagnetic field sensitivity is a real phenomenon for environmentally sensitive patients. It is evident that electromagnetic field testing is at a rudimentary stage and further studies are needed to document this. This is a condition that should be considered and not ignored in the overall treatment of this patient. Medical citations associated with the effects of electromagnetic fields on human health are included in this letter.

Many patients exhibit health problems and experience symptoms when exposed to electrical stimuli. This is due in part to the patient's bodily response to incitants.

The body functions through cellular and intracellular changes in electrical parameters. Electrical impulses originate in the sino-atrial node of the heart and initiate heart muscle contractions. Cells assimilate and excrete through osmotic changes created by differences in electrical potential. The brain communicates and functions through electrical impulses carried from one nerve synapse to another. This intricate function of the body can be affected by exposure to coherent electromagnetic fields created by power transmission and usage. In sensitive individuals, exposure to exceedingly low frequencies can create disruption in homeostasis.

Since the 2011 WHO/IARC classification of electromagnetic wireless radiation as a possibly carcinogenic, thousands of published studies show biological and health effects from electromagnetic fields. These include DNA damage, cancers, infertility, short term memory loss, increased dementia and autism, chronic fatigue, learning disabilities, and behavioral issues. We now know one mechanism that can explain these effects. The mechanism is a function of the electromagnetics of each cell—not solely about heating effects from the radiation (on which

Richard, Godelieve  
July 21, 2021  
Page Two

present FCC guidelines are based). Oxidative stress has been shown as another effect contributing to the effects from wireless radiation.

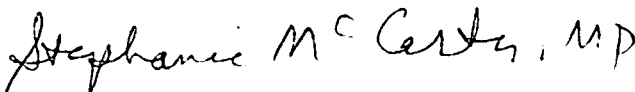
Individuals who in the past may have experienced chronic or low-level electromagnetic exposure or acute high-level exposure may exhibit symptoms resembling a feeling of shock, muscle spasms, or seizures. Others who have sensitivities to pollen, molds, and foods may experience symptoms related to the problems of electrical stimulation such as a change in the pulse rate.

Power frequency electric and magnetic fields are produced by power lines, power stations, electricity distribution faults, Wi-Fi routers, electrical appliances in the home or workplace, house wiring, cables, cars, trains, television, lights, computers, laptops, cell phones and towers, etc.

The treatment for this condition involves environmental controls, avoidance of unnecessary or excess electromagnetic stimulation, and management of inhalant and food sensitivities.

If you have any questions, please call my office at (214) 368-4132.

Sincerely,



Stephanie McCarter M.D.

SM/tp/eh

## EMF REFERENCES

### Health Effects:

- Neil Irvine (November 2005) "*Definition, Epidemiology and Management of Electrical Sensitivity*". Health Protection Agency Publications, Vol 10.
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December 7, 2024

**Re: Input from New Hampshire Commission Relating to Future Cellular Infrastructure on Proposed Power Lines for Averybrook Road**

Dear Charlemont Select Board,

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 Commission was formed through bipartisan legislation that was passed by both houses of the legislature and was signed by the Governor. To ensure that the findings of the Commission would be credible, its membership was comprised of independent subject matter experts, and I was asked to serve on the Commission because of my background in Bio-medical 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 professionally in the field, I have performed research for over twenty-five sponsors, including the Department of Justice and the National Science Foundation. Most of my research has involved the modeling and measurement of electromagnetic fields which included the siting of communications 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 cellular infrastructure that has been discussed for the proposed new power lines that you are now discussing.

My understanding is that the proposed power lines that would accommodate the future cellular infrastructure on Averybrook Road would be located within 15 feet or less from people's homes, which is much closer than the 1,640' setback recommended by the New Hampshire Commission. As someone who has been involved in the siting of wireless systems throughout my career, it can be safely stated that there are other engineering solutions and more appropriate siting locations available to address any network needs that do not involve installing cellular infrastructure in the immediate vicinity of where people live.

I have found while serving on the Commission and in my work since then that the industry is significantly increasing its attempts to cite cell towers close to residential areas which the Commission has advised against. This practice is largely based on a business plan and not in fact on truly established coverage needs. It is to be noted that telecom 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, and in doing so they will make communities more vulnerable to security, hacking and other issues. Additionally, there are over 600 [industry lobbyists](#) in Washington DC securing industry business objectives. Their activities include creating and preempting laws that streamline their deployment goals and take away your local control in regulating wireless facilities in your own community. This is a big business landscape and one that should be considered 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.

One argument that is often raised to support the siting of cellular infrastructure is that it might be needed to provide communications in the event of an emergency. Without going into too much detail here, there are many reasons why cell phone communication may not be the best option in emergency situations. In my own work with the Department of Justice, I was asked to look at alternative means for providing communications in emergencies because cell towers have been known to fail during times of high usage.

Another cybersecurity issue relating to wireless connections is that they are far more easily hacked than wired connections. The primary reason that they are more vulnerable is that wireless signals can be received over a large region around the wireless device, making people's transmissions available to hackers. By having access to those transmissions, the encoding being used to secure the signal can be decoded over time. While all wireless communication is vulnerable to hacking, [5G networks are particularly vulnerable](#).

One more aspect of wireless communication that is not well known is that they can all be easily jammed. While jamming signals is not legal, devices that can jam those communications are relatively inexpensive and [are readily available](#). These devices can not only be used to stop cell phones from working but can also be used to stop all wireless security devices (e.g., cameras, window, door, and motion sensors) from functioning, enabling burglars to ply their trade undetected. We are currently seeing this playing out around the country as some of the transnational gangs target neighborhoods for robbery employing this [methodology](#). The only way to achieve robust security is to install wired devices. These are some of the reasons that fiber to the home is far superior, secure and safer in residential areas.

I should also note that the telecommunications industry is actively citing cellular infrastructure where it is not needed, often where no proven gap of service has been demonstrated to exist and where their own online coverage maps are showing good service. There are other safer and better engineering solutions which are not being pursued due to the industry's business plan to expand and become a one stop for home internet products. When cellular infrastructure is placed in residential areas it is the industry that profits while the local residents and community bear the burden of increased security issues, reduced property values, impacts to aesthetics and biological and environmental harms.

As you can see, there are many issues to consider, including significant [declines in property values](#). This trend will likely become more pronounced as more people become aware of the impacts of living near cellular infrastructure. Also to be considered is the dynamic of putting big business interests over the interest of the residents and the kind of community climate this creates.

Additionally residential areas are not usually zoned for cellular infrastructure and thus rely on special zoning permits and variances for a placement to be allowable. There are other more appropriately zoned locations in the community for cellular infrastructure that are more far reasonable in terms of security/biological/environmental impacts and in preserving community character, aesthetic and property values.

And while your legal right to make decisions upon cellular infrastructure in the community based on any found biological and environmental health and safety effects of cellular infrastructure and wireless radiation has been preempted by the US Congress as a result of the efforts of the telecommunications industry, you are allowed to be aware of these harms effects and to know that they do in fact exist. A discussion on this can also be found within the [New Hampshire Commission's findings](#).

Also important and worth mentioning is that cellular infrastructure leases agreements and contracts are typically multi-year (often 30 years or more) and legally binding for the duration of the contract. This remains true regardless of what more we learn between now and the end of the contract about the biological and environmental impacts of the Radio Frequency Radiation emitted from this infrastructure.

It is noteworthy that telecom industry representatives will often tell communities that they do not have legal rights to regulate cellular infrastructure, and they will claim that there are no placements or engineering solutions other than the ones being proposed that will satisfy networking needs. You may also be told that cellular infrastructure is needed for first responders, public or school safety, and that if you don't approve, they can sue. All of these claims are largely untrue or are misleading. Although I am not a lawyer, I can assure you that you do have rights to regulate, and I have seen many communities successfully exercise those rights. 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 important issue.

In this letter, I have focused on the security and other significant community impact issues relating to cellular infrastructure and wireless communication which I hope will provide you with more awareness and greater incentive for other available solutions with regards to this infrastructure. Fortunately, the fiber you currently have is a superior substitute for wireless communication. It is far safer, secure, faster, energy efficient, and does not expose people and the natural environment to excessive wireless radiation. Like your community, a number of other municipalities, such as [Chattanooga, Tennessee](#), have implemented fiber optics and have achieved highly successful results. Fiber systems are the way of the future, and they align with our best practice, public and environmental safety and future proof sustainability. All this should be taken into serious consideration by communities as they look towards the placement of their cellular infrastructures.

With this in mind, should you approve the new power lines on Averybrook Road, I would very highly recommend that you do so with the provision that they will not be used for the placement of cellular infrastructure due to their proximity to a residential area.

I hope that you find the above information useful, and I would be happy to meet with you to go over questions that you might have about it. I am also happy to provide a formal presentation on the New Hampshire Commission's findings as a public service as it relates to the above-mentioned considerations.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Chamberlin". The signature is fluid and cursive, with a prominent initial "K".

Kent Chamberlin, PhD  
Professor & Chair Emeritus  
Fulbright Distinguished Chair  
President, [Environmental Health Trust](#)



158 N King Street, Northampton, MA 01060



RE: National Grid Proposed Three Phase Power Upgrade via 45' Poles  
Avery Brook Road  
Charlemont and Heath, Massachusetts

Dec.7, 2024

To Whom It May Concern:

I am a licensed full-time Real Estate Broker and a member of the Pioneer Valley, Massachusetts and National Boards of Realtors. I have 40 years of experience in the field and have sold hundreds of properties in Franklin, Hampshire and Hampden counties. As part of my job, I am required to disclose material facts, deficiencies and environmental hazards that I am aware of on every property. Over my career, I have had many Buyers walk away from homes located near power lines, cell towers, transmission stations and large scale solar fields. I am always having conversations about current market value and potential resale in the future.

As my career continues, more and more Buyers are asking questions about the environmental and potential health risks associated with being close to the infrastructure that transmits electromagnetic frequency and power. While we all appreciate the increasing technologies that require more power and faster speeds, there are negative consequences that come with upgrades. For example, large 45' poles where three to four poles are required to replace one existing pole. On a country road like Avery Brook and the rural nature the properties offer, it seems that spoiling the landscape with oversized poles will reduce the value of each landowners parcel. The National Association of Realtors has provided some academic research for value impacts in the South of 2.65% to 7.6% depreciation in value for properties impacted by electric grid infrastructure. In the Northeast, I believe the impact is much higher, between 10% to 20% in market value. Lenders also require appraisers to give an opinion of the future marketability for properties they are extending mortgages on. There are specific questions on the surrounding area and any impact from power grid equipment on the appraisal form. Lending institutions are concerned about the long term value effects when lending a 30 year mortgage.

Every upgrade to infrastructure comes with costs that typically will be passed along to the end user, the property owner. The utility bills will increase and the property taxes will increase to cover the cost of moving the broadband wiring. It seems to me that there would be a positive valuation impact if the existing poles were removed and utilities were run underground.

This upgrade also impacts the current marketability of the properties on the street as this proposed power grid upgrade and the changes to the landscape will have to be disclosed by anyone looking to sell their homes or land.

National Grid could be a **trend setting** utility that is looking toward the future with less long term cost as the cable, fiberoptic and wiring are protected from the weather and climate change. Underground utilities would add value to the impacted properties along Avery Brook Road which will in turn add tax revenue to the town and offset the costs of moving the broadband wiring.

It is my professional opinion that replacing the existing power poles with twice as many 45' high utility poles will decrease the marketability and value of the Avery Brook Road properties and in particular properties like 224 and 225 Avery Brook Road where you have a combination of building lots with southeastern views looking down the road and the brand new center for Arts & Ecology.

Sincerely,

April West  
Associate Broker  
Delap Real Estate