

Board not convinced bylaw needs change

By Patricia Bertuccio
Staff Writer

ACTON — While residents want cell tower bylaws to prohibit the construction of facilities near homes and schools, Planning Board members aren't convinced a change is warranted.

At the board's Feb. 13 meeting, residents from the Newtown Road Arlington Street area said their petition to change the town's bylaws grew from concerns about students' safety and aesthetics.

Sidney Johnston, of Quaboag Road, was the neighborhood's spokesperson that evening and said the effort was not to eliminate wireless facilities but to limit them.

"It's a clear and present danger for kids to get themselves zapped," Johnston said, referring to restricting cell towers on school property. "We're protecting kids from danger so an unattractive nuisance goes away."

Johnston was joined by Will Tuffin and Jim Monahan, both of Arlington Street. Part of their petition, which was signed by 15 residents, proposed forming a committee to address cell facilities.

Federal regulations allow wireless communication companies to trump town bylaws if a gap in coverage is found. The Federal Communications Act of 1996 also prohibits health concerns as a reason for prevent cell towers from being built.

Christopher Schaffner, the Planning Board's vice-chairman, worried when the bylaw changes went to Town Meeting, that people would cite health concerns, which would invalidate the town's call for changes in the law.

"I like the idea of a town committee for the issue," Schaffner said. "It's an issue that's not studied but I think there's room for improvement [in the bylaw amendments]."

Johnston added that the fed-

eral Environmental Protection Agency and the Federal Communications Commission said cell tower radiation was dangerous if exposure to the facility was fewer than 100 feet away. He said, for this reason, Johnston and the neighborhood residents did not believe health concerns were an issue as cell towers in town are required to be at least 350 feet from abutters.

Will Tuffin said he spoke with town planners from eight surrounding towns including Concord and Carlisle. The proposed regulation changes were based on existing laws in local municipalities, according to Tuffin. The proposed amendment would mandate that wireless facilities must be set back at least 1,000 feet from school, residential and town land.

Greg Niemyski, the board's chairman, and other members

argued that a cell tower is no more dangerous than electrical structures and technology that already exists on school property.

"Kids walk around with cell phones practically attached to their heads," Niemyski said. "How do we protect them?"

Johnston said using cell phones was a personal choice, not an imposed burden on individuals. He urged the Planning Board recommend the bylaw changes to Town Meeting this spring.

The Planning Board will determine whether to approve the decision in the meeting leading up to Town Meeting. The next meeting is on Tuesday, Feb. 27, at 7:30 p.m. For the regulations to change, the cell tower amendments must receive a two-thirds vote from Town Meeting.

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