



COMMONWEALTH OF MASSACHUSETTS  
TOWN OF CHESTER  
2023 ANNUAL TOWN MEETING WARRANT

HAMPDEN, SS.

To any of the Constables in the Town of Chester in the County of Hampden:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Chester qualified to vote in Town affairs to meet in the **Chester Town Hall, 15 Middlefield Rd, Chester, MA on Monday, the 12th day of June, 2023, A.D. at 7:00PM**, then and there to act on the following articles:

**ARTICLE 1: APPOINTMENTS**

*To authorize the Board of Selectmen to appoint such other Town Officials as are not required to be chosen by ballot, or to take any other action relative thereto.*

**Majority vote required**

**John Baldasaro accepted the article as read, Andy Sutton seconded. No discussion.**

**0-No Votes 43- Yes votes**

**43-Registered Voters present. Article approved.**

**A True Copy, Attest**

*Tim M. Dan*  
Town Clerk  
6/20/23

**ARTICLE 2:**

**COMPENSATION**

*To see if the Town will vote to fix the annual salaries of all elected officials for the period of July 1, 2023 to June 30, 2024 as indicated below, or to take any other action relative thereto.*


Elected Official's Salary	FY2023	Proposed FY24
Selectboard Member	\$2,408	\$2,480
Selectboard Member	\$2,408	\$2,480
Selectboard Member	\$2,408	\$2,480
Water Commissioner	\$700	\$700
Water Commissioner	\$700	\$700
Water Commissioner	\$700	\$700
Town Moderator	\$200	\$200
Health Board Member	\$1,500	\$1,545
Health Board Member	\$1,500	\$1,545
Health Board Member	\$1,500	\$1,545

**Majority vote required**

**John Baldasaro accepted the article as read, Andy Sutton seconded. No discussion.**

**0-No Votes    43- Yes Votes    Article approved.**

**A True Copy, Attest**

  
**Town Clerk**  
6/20/23

**ARTICLE 3:**

**FY2024 OPERATING BUDGET**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum \$3,496,380 to defray charges and expenses of the Town, including debt service (principal and interest) and to provide a Reserve Fund, for the period July 1, 2023 to June 30, 2024 and further, to hear the report of the Finance Committee and act thereon, or to take any other action relative thereto. (Please see separate budget sheet)*

**Majority vote required**

**John Baldasaro accepted article as read, Andy Sutton seconded.**

**Brief Discussion: Lowest budget increase 1.2%**

**Jason Forgue felt that contract services for highway should have been increased by more than \$5000.00 and why not 4 workers? Jill Strong and Carl Baldasaro agreed.**

**John Baldasaro responded, staying with 3 workers for now, if we need to increase contract services we will review in the fall and have a STM if needed.**

**Jason Forgue asked about why still having accounting services, thought we were trying to move away from them.**

**Andy Myers responded yes we are trying to get local people to be accountant and treasurer but not finding anyone and can't do it yet .**

**Sister Judith asked why website hours have not been updated for Town Admin office, Don Humason responded they have been updated.**

**Article was voted on.**

**0-No Votes      48- Yes Votes      48- Registered Voters present      Article Approved.**

**ARTICLE 4:**

**REVOLVING FUNDS**

*To see if the Town will vote to set FY2024 spending limits for each of the Town's previously established revolving funds that have been authorized under Chapter 44, Section 53E1/2 of the Massachusetts General Laws as indicated below, or to take any other action relative thereto:*

<i>Board of Health</i>	<i>\$8,000.00</i>
<i>Building Inspector</i>	<i>\$30,000.00</i>
<i>Plumbing Inspector</i>	<i>\$3,000.00</i>
<i>Wiring Inspector</i>	<i>\$2,000.00</i>
<i>Tax Collector</i>	<i>\$2,000.00</i>
<i>Deputy Collector</i>	<i>\$1,000.00</i>

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**Town Clerk**

*6/20/23*

Police Detail Fees \$15,000.00

Majority vote required

John Baldasaro accepted the article as read, Andy Sutton seconded.

Brief Discussion:

Carl Baldasaro- This is caps on accounts? Not spending limits? Funded by Tax dollars?

John responded yes caps on accounts required by the state, funded by fees and fines not tax dollars.

0- No Votes 49- Yes Votes 49- Registered Voters present Article is approved.

**ARTICLE 5: FY2022 INVOICES**

To see if the Town will vote to authorize payment from Free Cash of the following invoices from FY2022, or to take any other action relative thereto.

Gateway Farm & Pet-Town Hall Expenses	\$17.99
Berkshire Springs-Town Hall Expenses	\$33.40
WB Mason-Town Hall Expenses	\$654.47
WB Mason-Police Dept.	\$177.85

Four fifths vote required

John Baldasaro accepted the article as read, Andy Sutton seconded. No Discussion

0- No Votes 49- Yes Votes 49- Registered voters present Article is approved

**ARTICLE 6: GATEWAY REGIONAL SCHOOL BUDGET**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,606,927 for the Gateway Regional School District for the period July 1, 2023 through June 30, 2024, or to take any other action relative thereto. (Last year's number \$1,572,329).

Majority vote required

John Baldasaro accepted the article as read, Andy Sutton seconded. No Discussion

0- No Votes 49-Yes Votes 49- Registered Voters present Article is approved.

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Town Clerk  
6/26/23

**ARTICLE 7:**

**VOCATIONAL TUITION AND TRANSPORTATION**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$209,307 to pay for vocational tuition (\$168,000) and transportation (\$41,307) for Chester students for the period July 1, 2023 through June 30,2024, or to take any other action relative thereto. (Last year's figure – \$193,307).*

**Majority vote required**

**Krisen Broman accepted the article as read, Avril Willemain seconded. No discussion.**

**0- No Votes    49- Yes Votes    49- Registered Voters Present    Article is approved.**

**ARTICLE 8:**

**ACCEPTANCE OF CHAPTER 90 FUNDS**

*To see if the Town will vote to accept and expend without further appropriation funds being provided by the Commonwealth of Massachusetts under the provisions of Mass. General Laws Chapter 90, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, with such funds to carry over from year to year until expended by the Town, or to take any other action relative thereto.*

**Majority vote required**

**Carl Baldasaro accepted the article as read, Richard Holzman seconded.**

**0-No Votes    49-Yes Votes    49- Registered Voters present    Article is approved**

**ARTICLE 9:**

**CMELD OPERATIONS**

*To see if the Town will vote to appropriate the income from the sale of electricity to private consumers, municipal building and jobbing for the Municipal Electric Light Department, for the fiscal year beginning July 1, 2023 to June 30, 2024, and to authorize that the whole be expended under the direction and control of the Board of Electric Light Commissioners and Manager, or to take any other action relative thereto.*

**Majority vote required**

**John Baldasaro accepted the article as read, Richard Holzman seconded.**

**0- No Votes    49-Yes Votes    49- Registered Voters present    Article is approved.**

**A True Copy, Attest**



**Town Clerk  
6/20/23**

**ARTICLE 10: CHESTER WATER DEPARTMENT ENTERPRISE FUNDS**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to operate the Chester Water Department Enterprise, or to take any other action thereon.*

*That the following funds be appropriated for the Chester Water Department Enterprise:*

<i>Water Department Salaries</i>	<i>\$65,765</i>	
<i>Commissioners Stipends</i>	<i>2,100</i>	
<i>Operation Expenses</i>	<i>45,150</i>	
<i>Contract Services</i>	<i>25,200</i>	
<i>Debt</i>	<i>29,479</i>	
<i>Budgeted Surplus</i>	<i><u>13,083</u></i>	
<i>Total</i>	<i>\$180,777</i>	<i>Last Year's Total \$153,384</i>

*and that the \$180,777 be raised as follows:*

<i>Enterprise Receipts</i>	<i>\$151,298</i>
<i>Tax Levy</i>	<i><u>29,479</u></i>
<i>Total</i>	<i>\$180,777</i>

**Majority vote required**

**Avril Willemain accepted the article as read, Rich Holzman seconded.**

**Brief Discussion:**

**Is the \$65,000 for multiple salaries? Yes**

**Are the salaries shared? Yes but this is Chesters portion**

**How many years left on debt? 12 Years left**

**0- No Votes 49- Yes Votes 49- Registered Voters present. Article is approved.**

**ARTICLE 11: HILLTOWN AMBULANCE REPLACEMENT FUND**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, \$2,825.29 to cover the Hilltown Ambulance Replacement Fund assessment, or to take any other action relative thereto.*

**Majority vote required**

**Duane Pease accepted the article as read, Avril Willemain seconded. A True Copy, Attest  
0-No Votes 49- Yes Votes 49- Registered voters present Article is approved**

*Tom M. Dan*  
**Town Clerk**  
*6/20/22*

**ARTICLE 12:**

**FIRE TRUCK CAPITAL FUND**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, \$25,000 to the Fire Truck Capital Fund, or to take any other action relative thereto.*

**Majority vote required**

**Avril Willemain accepted the article as read, Tracy McPheron seconded.**

**Elaine Gilmore asked how much is in the fund? Andy Myers responded this will bring account to \$100,000.00**

**0-No Votes    49- Yes Votes    49- Registered Voters present    Article is approved.**

**ARTICLE 13:**

**COUNCIL ON AGING FLOOR**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, \$6,000.00 to maintain the floor in the Council of Aging room in the lower level of Town Hall, or to take any other action relative thereto.*

**Majority vote required**

**Richard Holzman accepted the article as read, Tom Huntoon seconded.**

**Discussion :**

**Ann Daley said the floor needs to be replace or covered , lots of cracks and they used glue with asbestos so that gets in the air when cracked. More cost effective if covered and entrance way by COA door will be repaired also.**

**No the glue has not been tested for asbestos, where they even using asbestos back 15 years ago? If so rest of floor in downstairs was replaced at the same time shouldn't that be covered as well?**

**Ann received 5 quotes for the work 6000.00 was average \$**

**9- No Votes    38 – Yes Votes    Article is approved.**

**ARTICLE 14:**

**STABILIZATION FUND TRANSFERS**

*To see if the Town will vote to approve the transfer of \$10,000 from the Town Building Stabilization Fund, and \$20,000 from the Town Roads Stabilization Fund to the Stabilization Fund, or to take any other action relative thereto.*

**Two-Thirds vote required**

**Duane Pease accepted the article as read, Brian Forgue seconded.**

**0- No Votes    49- Yes Votes    49- Registered Voters present    Article is approved.**

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**Town Clerk**  
11/20/22

**ARTICLE 15:                    TRANSFER OF FREE CASH TO STABILIZATION FUND**

*To see if the Town will vote to approve the transfer of \$275,000 from Free Cash to the Stabilization Fund, or to take any other action relative thereto.*

**Majority vote required**

**Duane Pease accepted the article as read, Brian Forgue seconded.**

**0- No Votes    49- Yes Votes    49- Registered votes present. Article is approved.**

**ARTICLE 16:                    INSURANCE REVOLVING ACCOUNT TRANSFER  
TO STABILIZATION FUND**

*To see if the Town will vote to eliminate the Insurance Revolving account and transfer the balance of \$19,819.45 to the Stabilization Fund, or to take any other action relative thereto.*

**Two-Thirds vote required**

**Duane Pease accepted the article as read, Avril Willemain seconded.**

**1- No Vote    48- Yes Votes    49- Registered voters present. Article is approved.**

**ARTICLE 17:                    REAL ESTATE SALES TRANSFER TO STABILIZATION FUND**

*To see if the Town will vote to transfer \$7,500 from Real Estate Sales to the Stabilization Fund, or to take any other action relative thereto.*

**Majority vote required**

**Ann Daley accepted the article as read, Duane Pease seconded.**

**0- No Votes    49- Yes Votes    49- Registered Voters present. Article is approved.**

**ARTICLE 18:                    VACANCIES IN OFFICE OF SELECTMEN (Petition Article)**

*"To enact a bylaw that if the selectman office is vacated by one or more members and there is more than 100 days left of said term, an election must be held within 70 days."*

**Majority vote required**

**John Baldasaro accepted the article as read, Ann Daley seconded.**

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**Need to amend article to read "within 70 days of occurrence of the vacancy"**

**Duane Pease asked can a citizens petition be amended? No one knew the answer.**





Ann Daley made a motion to accept the amended article , Richard Holzman seconded.  
1-No Vote 46- Yes Vote Article is approved.

**ARTICLE 19: SHORT TERM RENTALS AND GLAMPING**

*To see if the town will vote to amend the Zoning Bylaws by adding a new Section 3.5: Short Term Rentals and Glamping; amend Section 3.0, Table 1, Chester Schedule of Use Regulation, bylaw number 3.0.7, Business; and amend Section 7.1, Term Definitions, as follows:*

**3.5 SHORT TERM RENTALS**

3.5.1 General

A homeowner or lease holder may rent all or a portion of their dwelling(s) to overnight guests on a short-term basis.

3.5.2 Registration and Taxes

The homeowner or leaseholder must register annually with the Board of Health. The homeowner or lease holder must register as a short-term rental business with the Commonwealth of Massachusetts and collect and remit all short-term room taxes required by the Commonwealth of Massachusetts and the Town of Chester.

3.5.3 Public Health and Safety

An annual inspection and/or approval from the Board of Health is required.

3.5.4 Location of Rental Rooms

Rental rooms must be within the homeowner's or leaseholder's dwelling.

3.5.5 Meals

The rental may, or may not, include breakfast.

3.5.6 Glamping

See section 7.1 Term Definitions for "Glamping" for requirements and section 3.0.7 under "Business" for zoning requirements.

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Town Clerk

6/20/23

7.1 TERM DEFINITIONS:

Accessory Use: The use of a building or premises for a purpose customarily incidental to the main or principal use permitted in the district. Violations of the permitted use standard are subject to penalties as set forth in the town's bylaws.

Glamping: Permitted with or without a primary residence. Must have bathhouse or dedicated sanitary facility with domestic hot and cold water which will include shower, toilet and at least one kitchen sink separate from hand washing sinks. Maximum of three glamping sites on any parcel, based on current zoning requirements (see section 3.0.7), more would require special permit. Follow same set back requirements as current zoning regulations. Property manager would have rules and regulations for their specific property subject to annual review per Board of Health. Liability insurance required of property owner for facility. Provide off street parking for all vehicles. Permit to be issued by Board of Health annually (July to June). Types of structures allowed are to be made of high-quality, durable materials: a. Tents with platforms b. Cabins c. Yurts or similar with platform d. Anything other by Special Permit.

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*Lu M Dan*  
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6/20/22

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6/20/23

<u>BY LAW NUMBER</u>	<u>LAND USE CLASSIFICATION</u>	<u>STANDARDS &amp; CONDITIONS</u>	<u>R</u>	<u>AR</u>	<u>B</u>	<u>I</u>
3.0.7	<u>BUSINESS</u>					
	Open-Air Movie Theater		N	SP	N	N
	Office		N	N	Y	Y
	Bank		N	N	Y	Y
	Newspaper or Job Printing Establishment		N	N	Y	Y
	Hotel, Motel		N	N	Y	Y
	Bed and Breakfast Home	<p>The owner must submit an approved Title V inspection to the Board of Health for review to ensure that the existing sewage disposal system is adequate for the proposed alteration to the existing building.</p> <p>A Bed and Breakfast use must comply with the following standards:</p> <p>a. The rooming units shall not include individual kitchens.</p> <p>b. The use must not change the single-family character of the dwelling.</p> <p>c. Transient occupants are prohibited from staying more than 60 days in a one-year period.</p> <p>d. The exterior appearance of the structure shall not be altered from its single-family character.</p> <p>e. violations of the standards are subject to penalties as set forth in the town's bylaws</p>	Y	Y	Y	Y

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*Tom M. Deane*  
 Town Clerk  
 6/20/23

<u>BY LAW NUMBER</u>	<u>LAND USE CLASSIFICATION</u>	<u>STANDARDS &amp; CONDITIONS</u>	<u>R</u>	<u>AR</u>	<u>B</u>	<u>I</u>
3.0.7	<u>BUSINESS (CON'T)</u>					
	Bed and Breakfast Establishment	Must comply with the Standards & Conditions Requirements for a Bed and Breakfast Home	Y	Y	Y	Y
	Bed and Breakfast Establishment With modifications	If modifications are made to the dwelling, such as an addition to the dwelling or detached or temporary structures (tents, outbuildings, cabins, etc.), a special permit is required as well as meeting the Standards & Conditions Requirements for a Bed and Breakfast Home Above, with the exception of item e.	SP	SP	SP	SP
	Short Term Rentals	The dwelling cannot be connected to another dwelling, or share well or septic systems with another dwelling. No additions or external modifications may be made to the property for lodging use.  Short Term Rentals must comply with the requirements of Section 3.5, Short Term Rentals	Y	Y	Y	Y
	Short Term Rentals With modifications	The dwelling cannot be part be connected to another dwelling, or share well or septic systems with another dwelling. If additions or external modifications are to be made to the property for lodging use, a special permit is required.  Short Term Rentals must comply with the requirements of Section 3.5, Short Term Rentals	SP	SP	SP	SP
	Glamping	Permitted with or without a primary residence. Minimum ten acres, maximum three sites, anything over will require special permit. Any less than ten acres will require a special permit.	SP	SP	SP	SP

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*Tu m Dan*

Town Clerk

*6/20/23*

**Two-Thirds vote required**

Liz started discussion by asking to make a amendment to page labeled 3-6, following Glamping that should read all Y not SP under standards and conditions, for the zoning categories.

Ann Daley made a motion to accept the amended article, Carl Baldasaro seconded.

Amended article passes.

Discussion on amended article:

Liz Massa -no current bylaw for glamping , short term rental bylaw made

No building permit needed if less that 200sq ft, but would need electrical pewrmits, plumbing etc.

Ton Huntoon- Why 10 acres? Need to revisit acreage, not fair to people with less that 10 acres

Liz- if less than 10 acres then they can apply for a special permit

Carl Baldasaro moved to accept amended article as read, Avril Willemain seconded.

11- No Votes 38-Yes Votes Article is Approved.

**ARTICLE 20: CHESTER WATER ASSET MANAGEMENT PROJECT**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, the total project cost of \$113,500 to fund the Chester Water Asset Management Project, such sum to be comprised of a grant from the 2023 Drinking Water State Revolving Fund in the amount of \$68,100, which amount will be used to reimburse the Town by MassDEP and the Massachusetts Clean Water Trust in two payments of \$34,050 each (one at 50% of project completion and the other at 100% completion), with the balance to be furnished by the Town in the form of in-kind services valued at \$26,105 and a cash contribution of \$19,295, or to take any other action relative thereto.*


**Majority vote required**

Avril Willemain accepted the article as read, Rich Holzman seconded

Discussion: Jason Forgue -where is \$19,295 coming from, Lyle answered ARPA funds.

0-No Votes 49- Yes Votes Article is approved.

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6/20/23

**ARTICLE 21:**

**TOWN HALL INTERNET SERVICES START UP COSTS**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum up to \$2,800 for one time start-up costs associated with Town Hall internet services, or to take any action relative thereto.*

**Majority vote required**

**Avril Willemain accepted the article as read, Rich Holzman seconded.**

**Discussion: This is to change the provider from NEIT to Novus, Novus was recommended by PVPC.**

**0-No Votes 49- Yes Votes Article is approved.**

**Article 22:**

**HIGHLANDS FOOTPATH EASEMENT**


*To see if the town will vote to grant an easement to Highlands Footpath, Inc. on town property, Map 406, Parcel 4 (a land locked parcel of approximately 128 acres on Gobble Mountain, off Middlefield Road). The easement to be 50 ft width from the boundary of Nature Conservancy land to the West Branch of the Westfield River, approximately 4,000 ft in length. If approved, the easement will be attached to the town deed to the property. The easement to be used for a hiking footpath.*

**Majority vote required**

**John Baldasaro accepted the article as read, Rich Holzman seconded.**

**0- No Votes 49- Yes Votes Article is approved.**

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**Town Clerk**  
9/20/21

**ARTICLE 23: WIRELESS COMMUNICATIONS BYLAW CHANGE (Petition Article)**

*To see if the Town will vote to amend the zoning bylaws or take any action relative thereto.*

(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. Commc'ns 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:

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“we grant the petitions in part and remand to the Commission to provide a reasoned explanation for its determination that its guidelines adequately protect against harmful effects of exposure to radio-frequency [microwave] radiation. It must, in particular, (i) provide a reasoned explanation for its decision to retain its testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines, (ii) address the impacts of RF radiation on children, the health implications of long-term exposure to RF radiation, the ubiquity of wireless devices, and other technological developments that have occurred since the Commission last updated its guidelines, and (iii) address the impacts of RF radiation on the environment.”

In Case No. 18-1129: United Keetoowah Band of Cherokee Indians v. Fed. Commc’ns Comm’n, 933 F.3d 728 (D.C. Cir. 2019) the DC Circuit mandated that the FCC also complete the following work. The ruling in Case No. 18-1129 vacated portions of the FCC Order 18-30 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Second Report and Order :

“We conclude that it impossible on this record to credit the claim that small cell deregulation will ‘leave little to no environmental footprint.’ Order ¶ 41. The FCC anticipates that the needed ‘densification of small deployments over large geographic areas,’ *id.*, could require 800,000 deployments by 2026, FCC, Declaratory Ruling & Third Report & Order, FCC 18-133 ¶ 126 (Sept. 26, 2018). The FCC failed to assess the harms that can attend deployments that do not require new construction, particularly the cumulative harms from densification. . . We conclude that the FCC fails to justify its conclusion that small cells ‘as a class’ and by their ‘nature’ are ‘inherently unlikely’ to trigger concerns. By ignoring the extent to which it had already streamlined review, the Commission overstated the burdens of review . . . The Commission fails to explain why the categorical exclusions in place did not already minimize unnecessary costs while preserving review for deployments with greater potential environmental impacts . . . We hold that the Order’s deregulation of small cells is arbitrary and capricious because its public-interest analysis did not meet the standard of reasoned decision making.”

### **Two-Thirds vote required**

**Moderator- Town consul requested we take no vote on this article at this moment.**

**John Baldasaro requests that the town vote to hear it out. Since they wrote it up and had a public meeting on it.**

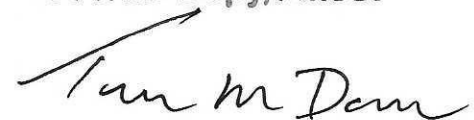
**Moderator agreed Rules vote Yes to pass over article as recommended a no Vote would allow them to review it.**

**21- Yes Votes    15- No Votes**

**Article passed over.**

**John Baldasaro made a motion to adjourn, Andy Sutton seconded, Meeting adjourned at 8:55pm.**

**A True Copy, Attest**



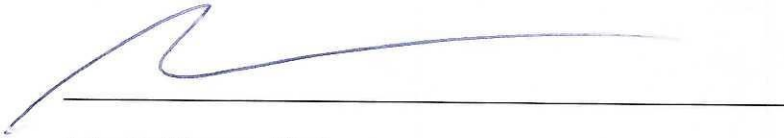
**Town Clerk**

*6/20/22*

You are hereby directed to serve this Warrant by posting true and attested copies thereof, in three public places within the Town of Chester, seven (7) days at least, before the day and hour of holding said meeting.

Therefore, fail not and make due return of said Warrant with your doing thereon to the Town Clerk of the Town of Chester, at or before the day and hour of holding said meeting.

Given under our hands at Chester, this 5<sup>th</sup> day of June, 2023



John Baldasaro, Chairman



Richard "Andy" Sutton, Clerk

As per instruction in this Warrant, I have posted same, this 5<sup>th</sup> day of June 2023 in three public places, Chester Town Hall, Chester Post office, Chester Center.



Chester Police

**A True Copy, Attest**



**Town Clerk**

**6/20/23**