

Draft
Planning Commission Meeting
May 6, 2015 7:00 p.m.
Carlton County Transportation Building

(1) Chairperson Ezell called the meeting to order at 7:00 p.m.

Members Present: Jim Gottschald, Erik Abrahamson, John Manninen, Chris Wagner, Byron Kuster, Sam Huhta and Jack Ezell

Members Absent: None

Ex Officio Members Present: Susan Zmyslony, County Commissioner and Heather Cunningham, Zoning and Environmental Services Administrator

Ex Officio Members Absent: None

(2) Motion by Huhta, seconded by Wagner, and supported by all yeas votes to approve the minutes of the April 1, 2015, Planning Commission meeting.

(3) Chairperson Ezell indicated there was no old business.

(4) Chairperson Ezell called the Public Hearing to order at 7:01 p.m.

(5) Chairperson Ezell read a statement that the legal ad for the requests were sent to the legal newspaper, the Star Gazette, on April 16, 2015, and published April 23, 2015.

(6) Chairperson Ezell read a statement regarding Finality of Decisions and Findings of Fact. The Findings of Fact were placed on the projector screen.

(7) **(A) Conditional Use Request #415004 Verizon Wireless – Gerald Konu**

Chuck Beisner of CB Real Estate Services, Inc., 4974 Interlachen Drive Northeast, Alexandria, MN 56308 representing Verizon Wireless has requested a Conditional Use Permit to erect a wireless communication tower and equipment storage shelter on land they lease from Gerald Konu described as the Southeast ¼ of the Northeast ¼ of Section 21, Township 46 North, Range 20 West in Silver Township (66-016-3520). The property address is 4360 Highway 73, Moose Lake, MN 55767.

Chuck Beisner was present to represent the conditional use permit request. Beisner described the project as constructing a 190 foot tower with a 9 feet lightning rod. The tower will not require lighting and it meets all setback requirements. Beisner noted that a conditional use permit was approved by Carlton County in 2009 for this same location but he thought the tower was proposed at 350 feet (*CUP #409002 was approved at 295 feet*). As the tower was never constructed the conditional use permit became void. Beisner indicated he was agreeable to all the conditions proposed by staff.

Cunningham played the video while Beisner narrated.

Manninen recalled from the 2009 conditional use permit and that there was an issue with an airport and tower height. Beisner indicated he did not permit that tower and was not aware of any issues. Manninen did not know what airport in the area would have had an issue. Beisner indicated that there were no issues with the FAA for this tower as indicated in the application.

Chairperson Ezell summarized the Development Review submitted by Cunningham, dated April 30, 2015. It was also displayed on the projector screen.

Chairperson Ezell asked Cunningham if there were any comments received. Cunningham indicated there were none.

Gottschald asked about the cell coverage in the area. Beisner indicated there was little to no coverage and this tower would fill a hole.

Chairperson Ezell asked for comments from the audience from those who were in favor of or neutral to the project. No comments were presented.

Chairperson Ezell asked for comments from the audience from those who were opposed to the project. Lyle and Judy Takkunen of 1415 Jarvis Road, Cloquet, MN 55720 indicated they own recreational property to the north and east of the Konu property. Mr. Takkunen presented a story from www.takebackyourpower.net. The title was "Real Estate Survey: Do Cell/Grid Towers Impact a Property's Desirability". Mr. Takkunen indicated the internet survey was conducted by the National Institute for Science, Law and Public Policy. The story is attached as Attachment A. He indicated the internet survey was conducted in June 2014 and completed by 1,000 respondents (*both in the U.S. and abroad*). Mr. Takkunen cited some of the results of the internet survey. He indicated that the Konu and Takkunen families have been neighbors for more than 100 years and have always been good neighbors. He indicated that Konu owns other property and should look at putting the tower in another location.

Mrs. Takkunen indicated that everyone knows that cell towers affect property values. She indicated that if they don't believe cell towers affect property values then they are like ostriches with their head in the sand. She indicated that some of the Planning Commission members are likely parents and grandparents and they would not want their children to purchase property near cell towers. She indicated that Konu owns property across the road that would be better.

Mr. Takkunen indicated that some people believe that the electromagnetic fields that cell towers produce concern people and that whether it is true or not, people think about it when looking at property.

Chairperson Ezell asked for additional comments.

Chairperson Ezell asked Beisner if he was agreeable to the conditions and he indicated yes.

Chairperson Ezell asked for additional comments from the audience or Planning Commission members. There were no additional comments.

(B) Conditional Use #415005 Verizon Wireless – Karen Mattson

Brian Kabat of Buell Consulting, Inc., 1360 Energy Park Drive, Suite 210, St. Paul, MN 55108 representing Verizon Wireless has requested a Conditional Use Permit to erect a wireless communication tower and equipment storage shelter on land they intend to lease from Karen Mattson described as the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 48 North, Range 20 West in Eagle Township (90-010-4650). An E-911 address has not been assigned to the property and is pending application approval. The property is located on County Road 21 or Swede Lake Road, not East Four Corners Road as noted on the application.

Brian Kabat was present to represent the conditional use permit request. Kabat described the project as constructing a 190 foot tower with a 9 feet lightning rod. The tower will not require lighting and it meets all setback requirements. The FAA report indicated that the proposed tower will not exceed any airspace safety issues. The tower will accommodate two additional users. The nearest existing Verizon tower is to the northwest near Cromwell and is approximately 5 miles away. The nearest tower is 3.5 miles southwest. The proposed tower will fill in a hole for Cromwell, Highway 73 and Highway 210.

Chairperson Ezell noted the before and after cell phone coverage map on pages 15 and 16 of the application.

Chairperson Ezell noted that the two towers proposed are the same size and have the same size equipment shelter.

Wagner asked if there was underlying coverage already. Kabat indicated that this tower would make it more reliable. Wagner asked about the tower not owned by Verizon. Kabat indicated it was 3.5 miles away and would not provide coverage for this area. It was too far away.

Cunningham played the video while Kabat narrated.

Gottschald asked why this site was selected. Kabat indicated that the frequency engineer determines the search area and Kabat looks for a suitable site. He indicated he was limited in this area due to wetlands.

Gottschald asked if it was possible to move the tower further back away from the road. Kabat indicated there was an operational benefit to the location. He asked Cunningham to zoom out on the site location map on the projector screen. He noted the large bog to the east was his search area and that this was the furthest west they wanted to go to get the desired coverage.

Gottschald asked Kabat to take a message back to Verizon to consider planting buffers or moving towers further from the road. He indicated that spruce trees were great but take too long to grow.

Chairperson Ezell summarized the Development Review submitted by Cunningham, dated April 30, 2015. It was also displayed on the projector screen.

Chairperson Ezell asked if Kabat was agreeable to the conditions indicated in the development review. Kabat indicated they were acceptable.

Chairperson Ezell asked for comments from the audience from those who were in favor of or neutral to the project. Karen Mattson, the property owner, indicated she spoke with the neighbors and they had no issues. They wanted better cell phone coverage.

Chairperson Ezell asked for comments from the audience from those who were opposed to the project. There were no comments.

Chairperson Ezell asked for additional comments from the audience or Planning Commissioner members. There were no additional comments.

(C) Amend Zoning Ordinance #27

Cunningham indicated that the proposed changes were presented at the April 1, 2015 Planning Commission meeting. Cunningham indicated that Carlton County Zoning and Environmental Services staff has proposed the following amendments to Carlton County Zoning Ordinance #27:

Interim Use

Interim Use language has been added to the ordinance according to Minnesota Statute 394.303. As such, Interim Use language has been added to the Conditional and Interim Use Application, Criteria for Granting Conditional and Interim Use Findings of Fact and Shoreland Alterations Interim Use Permit. The fee schedule has also been amended to include Interim Use.

Closed Landfill Restricted Overlay District

At the request of the Minnesota Pollution Control Agency, a Closed Landfill Restricted Overlay District has been added to the ordinance. If approved for inclusion in the ordinance, the Land Management Areas for Carlton County South Sanitary Landfill and Carlton County #2 Landfill will be rezoned to Closed Landfill Restricted Overland District. The request to rezone will be presented at the next Planning Commission meeting. Cunningham indicated that Deb Fideldy of the Minnesota Pollution Control Agency (MPCA) was present to answer questions as well.

Incorporate previous Amendments 27A-27F

For ease of use, previous Amendments 27A – 27F have been incorporated into the ordinance.

Cunningham displayed the proposed changes as well as the maps for the Carlton County South Sanitary Landfill and Carlton County #2 Landfill on the projector screen. Cunningham indicated that the proposed rezoning affected property owned by Carlton County.

Chairperson Ezell asked if there were comments from the audience.

Mike Schmitz of 1560 Sunshine Lake, Carlton, MN 55718 asked who owned the north landfill. Cunningham indicated that the State of Minnesota through the MPCA was going to be deeded both landfills but there are title issues. The County will likely retain both properties.

Schmitz asked about what was being done about the groundwater contamination. Fidely indicated that she would let David Oakes of the MPCA know that he had concerns. Schmitz indicated he was very frustrated with the process.

Mike Salzer of Blackhoof Township asked about the methane gas for both landfills and if it could be used for energy. Fidely indicated that the methane from landfills is very dirty and is cost prohibitive to use as energy. Fidely indicated that some landfills flare off the methane as the CO2 that is created is 20% less harmful to the environment than methane.

Chairperson Ezell asked if there were further comments before they closed the public hearing.

Mrs. Takkunen asked who monitors the conditions for the cell tower. Cunningham indicated that her office monitors the conditions. Mrs. Takkunen asked how this office would know when the tower became obsolete. Cunningham indicated that cell towers are placed on leased properties and it is in the cellular companies' best interest to remove the tower so they are not paying lease fees for towers that are not in use.

Mr. Takkunen asked if the tower was going to use a generator. Beisner indicated that they use backup batteries but if electricity is out for more than a week, they can use a generator. Kabat indicated they use a generator when the power is out and that is it periodically tested manually by Verizon personnel.

Chairperson Ezell asked if there were further comments before they closed the public hearing. There were no additional comments.

(8) As there were no additional comments, Chairperson Ezell closed the public hearing at 8:01 p.m. The Planning Commission deliberated the two conditional use permits using the attached Findings of Fact worksheets as part of the Planning Commission meeting and discussed the proposed amendments.

(A) Conditional Use Request #415004 Verizon Wireless – Gerald Konu

Motion by Gottschald, seconded by Abrahamson and supported by yea votes to recommend approval of Conditional Use Permit #415004 to the County Board in accordance with the findings of fact found and approved by the Planning Commission with the conditions as follows:

Findings

1. Is the conditional use specifically listed in the zoning district in which the property lies?
Yes.
2. The use will not be injurious to the use and enjoyment of property in the immediate vicinity for the purpose already permitted nor diminish and impair property values. *YES. The area is not developed as the surrounding land cover is mostly wetland.*

3. The establishment of this use will not impede normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. *YES. The area is not developed as the surrounding land cover is mostly wetland.*

4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided as detailed in the application.*

5. Adequate off street parking is or will be provided. *YES. Off street parking is unnecessary for this proposed use. The access road provides adequate parking for maintenance inspections.*

6. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration so that none of these constitute a nuisance. *YES. The tower should not produce any of these. No generator for this tower so noise and fumes will not be generated. No tower lighting is necessary.*

7. Adequate control of lighted signs and other lights is provided so that a disturbance to neighboring properties will not result. *YES. Use of signs is prohibited other than warning signs. No lighting is proposed or necessary.*

8. Special conditions. *YES.*

Conditions

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application.
2. The permit is invalid, or expires, if the holder has not substantially completed the business development within one year of granting of the permit.
3. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, the permit and permit conditions.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
5. The tower and equipment shelter must meet all applicable setbacks.
6. The tower shall be constructed and offered for use by at least three users.
7. When the tower becomes unused or obsolete, it shall be removed within six months.
8. The tower shall comply with all FAA and FCC requirements.

9. The tower shall not be lighted unless specifically required by the FAA. Documentation shall be provided to the Zoning and Environmental Services Office indicating this requirement.

(B) Conditional Use #415005 Verizon Wireless – Karen Mattson

Motion by Gottschald, seconded by Manninen and supported by yea votes to recommend approval of Conditional Use Permit #415005 to the County Board in accordance with the findings of fact found and approved by the Planning Commission with the conditions as follows:

Findings

1. Is the conditional use specifically listed in the zoning district in which the property lies?
Yes.
2. The use will not be injurious to the use and enjoyment of property in the immediate vicinity for the purpose already permitted nor diminish and impair property values. *YES. The area is not developed as the surrounding land cover is mostly wetland. Carrier will create a buffer by planting spruce trees.*
3. The establishment of this use will not impede normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. *YES. The area is not developed as the surrounding land cover is mostly wetland.*
4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided as detailed in the application.*
5. Adequate off street parking is or will be provided. *YES. A gravel parking area will be constructed on site for use by maintenance personnel.*
6. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration so that none of these constitute a nuisance. *YES. Other than the periodic testing of a generator, the tower should not produce any of these.*
7. Adequate control of lighted signs and other lights is provided so that a disturbance to neighboring properties will not result. *YES. Use of signs is prohibited other than warning signs. No lighting is proposed or necessary.*
8. Special conditions. *YES.*

Conditions

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application.
2. The permit is invalid, or expires, if the holder has not substantially completed the business development within one year of granting of the permit.

3. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, the permit and permit conditions.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
5. The tower and equipment shelter must meet all applicable setbacks.
6. The tower shall be constructed and offered for use by at least three users.
7. When the tower becomes unused or obsolete, it shall be removed within six months.
8. The tower shall comply with all FAA and FCC requirements.
9. The tower shall not be lighted unless specifically required by the FAA. Documentation shall be provided to the Zoning and Environmental Services Office indicating this requirement.

(C) Amend Zoning Ordinance #27

Motion by Wagner, seconded by Abrahamson and supported by yea votes to recommend approval of the amendments of Carlton County Zoning Ordinance #27 as proposed to the County Board.

(9) None.

(10) Motion by Abrahamson, seconded by Kuster, and supported by all yea votes to adjourn at 8:16 p.m.

Respectfully submitted,

Heather Cunningham
Recording Secretary

Attachment A



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Real Estate Survey: Do Cell/Grid Towers Impact a Property's Desirability?

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94% of respondents said a nearby cell tower or group of antennas would negatively impact value or interest in a property

The National Institute for Science, Law and Public Policy's survey "Neighborhood Cell Towers & Antennas--Do They Impact a Property's Desirability?" initiated June 2, 2014, has now been completed by 1,000 respondents as of June 28, 2014. The survey, which circulated online through email and social networking sites, in both the U.S. and abroad, sought to determine if nearby cell towers and antennas, or wireless antennas placed on top of or on the side of a building, would impact a home buyer's or renter's interest in a real estate property.

The overwhelming majority of respondents (94%) reported that cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it. And 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antenna.

- 94% said a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it.
94% said a cell tower or group of antennas on top of, or attached to, an apartment building would negatively impact interest in the apartment building or the price they would be willing to pay for it.
95% said they would opt to buy or rent a property that had zero antennas on the building over a comparable property that had several antennas on the building.
79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas.
88% said that under no circumstances would they ever purchase or rent a property with a cell tower or group of antennas on top of, or attached to, the apartment building.
89% said they were generally concerned about the increasing number of cell towers and antennas in their residential neighborhood.

The National Institute for Science, Law and Public Policy (NISLAPP) was curious if respondents had previous experience with physical or cognitive effects of wireless radiation, or if their concern about neighborhood antennas was unrelated to personal experience with the radiation.

Of the 1,000 respondents, 57% had previously experienced cognitive effects from radiation emitted by a cell phone, wireless router, portable phone, utility smart meter, or neighborhood antenna or cell tower, and 43% had not experienced cognitive effects. 63% of respondents had previously experienced physical effects from these devices or neighborhood towers and antennas and 37% had not experienced physical effects.

The majority of respondents provided contact information indicating they would like to receive the results of this survey or news related to the possible connection between neighborhood cell towers and antennas and real estate decisions.

Comments from real estate brokers who completed the NISLAPP survey:

Get the updates

Watched the film? SUBSCRIBE for solutions, research, and up-to date news about the movement and our collective progress:

First name: [input]
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Film awards & clips



YOUTUBE CLIPS:

- Official Trailer (2014) #1: Surveillance
#2: Break-in & bribery #3: Live blood effects
#4: Energy suppression Film launch

Arm yourself with awareness

Cornet ED78S electrosmog tester

Instantly determine and visually prove the microwave radiation intensity from "smart" meters - which emit 1,000 to 10,000x higher peak radiation than an active cell phone. Reg. price: \$169.00 \$139.95



"I am a real estate broker in NYC. I sold a townhouse that had a cell tower attached. Many potential buyers chose to avoid purchasing the property because of it. There was a long lease."

"I own several properties in Santa Fe, NM and believe me, I have taken care not to buy near cell towers. Most of these are rental properties and I think I would have a harder time renting those units... were a cell tower or antenna nearby. Though I have not noticed any negative health effects myself, I know many people are affected. And in addition, these antennas and towers are often extremely ugly -despite the attempt in our town of hiding them as chimneys or fake trees."

"We are home owners and real estate investors in Marin County and have been for the last 25 years. We own homes and apartment building here in Marin. We would not think of investing in real estate that would harm our tenants. All our properties are free of smart meters. Thank you for all of your work."

"I'm a realtor. I've never had a single complaint about cell phone antennae. Electric poles, on the other hand, are a huge problem for buyers."

Study: 21% reduction in property value if cell phone tower built

Concern was expressed in the comments section by respondents about potential property valuation declines near antennas and cell towers. While the NISLAPP survey did not evaluate property price declines, a study on this subject by Sandy Bond, PhD of the New Zealand Property Institute, and Past President of the Pacific Rim Real Estate Society (PRRES), [The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods](#), was published in *The Appraisal Journal* of the Appraisal Institute in 2006. The Appraisal Institute is the largest global professional organization for appraisers with 91 chapters.



towers-copy

The study indicated that homebuyers would pay from 10%–19% less to over 20% less for a property if it were in close proximity to a cell phone base station. The 'opinion' survey results were then confirmed by a market sales analysis. The results of the sales analysis showed prices of properties were reduced by around 21% after a cell phone base station was built in the neighborhood."

Additional comments

The Appraisal Journal study added,

"Even buyers who believe that there are no adverse health effects from cell phone base stations, knowing that other potential buyers might think the reverse, will probably seek a price discount for a property located near a cell phone base station."

James S. Turner, Esq., Chairman of the National Institute for Science, Law & Public Policy and Partner, Swankin & Turner in Washington, D.C., says,

"The recent NISLAPP survey suggests there is now a high level of awareness about potential risks from cell towers and antennas. In addition, the survey indicates respondents believe they have personally experienced cognitive (57%) or physical (63%) effects from radiofrequency radiation from towers, antennas or other radiating devices, such as cell phones, routers, smart meters and other consumer electronics. Almost 90% are concerned about the increasing number of cell towers and antennas generally. A study of real estate sales prices would be beneficial at this time in the United States to determine what discounts homebuyers are currently placing on properties near cell towers and antennas."

Betsy Lehrfeld, Esq., an attorney and Executive Director of NISLAPP, says,

"The proliferation of this irradiating infrastructure throughout our country would never have occurred in the first place had Section 704 of the Telecommunications Act of 1996 not prohibited state and local governments from regulating the placement of wireless facilities on health or environmental grounds. The federal preemption leaves us in a situation today where Americans are clearly concerned about risks from antennas and towers, some face cognitive and physical health consequences, yet they and their families increasingly have no choice but to endure these exposures, while watching their real property valuations decline."

The National Institute for Science, Law, and Public Policy (NISLAPP) in Washington, D.C. was founded in 1978 to bridge the gap between scientific uncertainties and the need for laws protecting public health and safety. Its overriding objective is to bring practitioners of science and law together to

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April 1, 2015

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May 1, 2015



Smart Meters: A surveillance and control con job revealed

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April 20, 2015



Smart meter opt-out fees rescinded in Arizona, commissioners fearing liability

April 8, 2015



Hundreds of smart meters simultaneously explode

April 1, 2015



Britain's IoT: "Smart Meters are a government IT disaster waiting to happen"

March 27, 2015



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develop intelligent policy that best serves all interested parties in a given controversy. Its focus is on the points at which these two disciplines converge.

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Commentary from ElectromagneticHealth.org:

Response to [EMF real estate survey](#) conducted by The National Institute for Science, Law and Public Policy:

ElectromagneticHealth.org suggests real estate agents and homebuyers be aware at this time that there are indeed perceived risks associated with real estate properties located in proximity to cell towers and antennas impacting both 1) interest in a given property and 2) a property's price.

Real estate agents are advised to:

1. Familiarize themselves with [AntennaSearch.com](#) to be able to find antennas and hidden antennas in a neighborhood,
2. Learn to work with an [RF meter](#) to be able to competently assess a property and neighborhood for RF electromagnetic fields from both external infrastructure sources and in-home devices,
3. Learn how real estate properties with high RF exposures can be physically [remediated or mitigated](#) (and when this is not practical),
4. Understand at what distance from cell towers and antennas research is indicating biological and health effects, including the increased incidence of cancer. (See cell tower studies in ["Some Studies Showing Cell Tower Health Impacts"](#))
5. Learn the potential health consequences of the new radiating utility meters, called 'smart meters', and be able to identify and evaluate them.
6. Understand the special importance of low RF in bedrooms, from all sources, and especially in the bedrooms of children.
7. Be able to advise clients on improving home safety from internal and external electromagnetic fields.

Given there are over 220,000 cell phone towers in the United States, over 50 million wireless networks and untold numbers of antennas on or even inside buildings, and new risks from utility meters and the wireless networks that support them, real estate agents would best be conversant in the risks, and perceived risks, of electromagnetic fields. If ElectromagneticHealth.org can be of help to real estate agents, please do not hesitate to be in touch at info@ElectromagneticHealth.org.

Sources:
<http://electromagnetichealth.org/electromagnetic-health-blog/survey-property-desirability/>
<http://electromagnetichealth.org/electromagnetic-health-blog/survey-commentary/>

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