

## Approved at 3-7-23 Meeting

### Lenox Planning Board Public Hearing

November 29, 2022

#### Meeting Minutes

##### Documents at Meeting:

- Recommended Wireless Communications Facilities zoning bylaw draft (on website, in Town Clerk's Office),
- correspondence from Jason Berger (Chair of Historic District Commission)

**Planning Board Members present:** Tom Delasco TD, Jim Harwood JH, Sue Lyman SL, Pam Kueber PK (via Zoom)

**Absent with notification:** Kate McNulty-Vaughan

**Others Present:** Gwen Miller (Staff), Deanna Garner (Staff); Marybeth Mitts, Selectboard; Amy Judd, Phil Gilardi, Diane Sheldon, Kathy Owen, Bonne Berube, Wendy Chmura, Richard DeFazio, Rose (?), Robert Pellicotti, Eric Federer, Sonya Bykofksy, Daniel Schenker, Susan May, Susan Foulds, Tom and Dianne Romeo, Scott Barrow, Tara Rhakola, Karen Beckwith, Trilby Miller, Kathryn Levin, Dawn Lefty, Courtney Gilardi, Tonya DeFries

The hearing opened at 6:08 p.m. as TD Read notice of public hearing. TD went over the structure of the meeting and an overview of the presentation. The full zoning bylaw was summarized and presented by TD with additional details for clarity.

JH and PK had comments—JH suggested a revision to section 8.8.14, and PK read a portion of the text omitted from the slide show.

TD opened the floor to public comment

Amy Judd, 6 Main Street— expressed concern that there is not protection for the public and the new bylaw is going to hand the town over to telecom industry.

Wendy Chumera, 33 Tucker Street--read a passage from Children's Health Defense Fund/Trust regarding health concerns and the FCC.

Susan May of 40 Old Stockbridge Road – expressed that she has asked that the board address the antennas on the Curtis building, health issues from radiation, vulnerable populations, and collocation on residential buildings.

Trilby Miller, 6 Main Street-- appreciates the work that went into the bylaws she asked the board to err on the side of caution.

Robert Pelicotti, Old Stockbridge Road feels the consultants were not appropriate and the bylaw is amateurish.

Kathryn Lavine from Hindsale brought up health concerns and she mentioned that she did a study to look at gaps in Lenox cell service. She warned against small cells in populated areas.

Scott Barrow 14 Old Stockbridge Road asked about section 8.18.4; asked who is responsible for the preferences (ZBA) confirmed that the ZBA would be interpreting the bylaw.

Karen Beckwith, 14 Old Stockbridge Road asked the board to remove residential collocation and min 1,500 ft setbacks and expressed her concern over loopholes in the bylaw in regards to setbacks, feels the bylaw is lax.

Sonya Bykofsky, 225 Main Street, talked about her neighbors and her concern about safety. Asked to write an exemption for the Curtis for having any cell towers attached to it. Read a letter from Cecelia Doucette.

Phil Gilardi, 14 Pine Knoll cited that NH uses 500 meter/1640 ft setbacks and talked to the health concerns and collocations.

Tanya deFriest, 82 West Street-- discussed health issues related to 5G and read from an article.

Courtney Gilardi, East Street Lenox talked about her experience with the tower near her property in Pittsfield. Asked that the bylaw be reviewed by a different consultant.

Diane Sheldon, 32 Old Stockbridge Road-- asked if Town was considering fiber optic connection.

TD said this was not the Planning Board's purview at this time.

Olga Weiss, 180 West Street-- expressed her appreciation and then discussed concerns over health effects and FCC regulations.

Susan Wolf, Shaylor Hill-- thanked the board and GM for the thorough job. She thinks it will bring reliable cell service to town and expressed her support for the bylaw.

Anne Gosser, 715 East Street said that the meeting was not understandable due to audio challenges. GM offered a transcription and recording of the meeting to be posted.

Jason Berger, Housatonic Street, HDC Chairperson, thanked the board and said he had changes to suggest. He requested that the board make 3 additions: sharing a collocation among providers, would like the board to expand the historic resources review section of the bylaw. Suggested adding residential setbacks for collocation at least 100 ft.

Paul Gee, 62 Harrison Avenue, Sausalito CA--encouraged the community to vote against the bylaw and cited that the current bylaw is more appropriate.

Tom Romeo, Reynolds Street-- expressed his appreciation and stated that the current bylaw does not give the protection it needs.

Phil Gilardi asked if substantial changes can be made before the town meeting.

Olga Weiss asked if there could be more time to review

Phil Gilardi was advised his rude behavior was grounds for being asked to leave the meeting; he chose to leave on his own volition.

JH made a motion to close the public hearing. All in favor.

SL asked if it is legal to exclude specific locations from consideration, such as schools or multi-family residential buildings.

JH discussed Jason Berger's comments to the bylaw, which included:

Changing wording to reflect antenna can be antennae.

The group discussed tower height and multiple provider capacity site sharing.

The group discussed review of historic structures relative to wireless facilities.

PK suggested they add the historic and environmental considerations to the application section of the bylaw. David Maxson recommended language that would cover the review the TCA already requires, to make it explicit in the proposed language.

There was discussion about adopting a setback specific to schools and specific to multi-family residential properties. The Planning Board adopted a setback specific to schools and residential buildings, and excluded colocation on subsidized multi-family residential buildings of twenty units or more.

The meeting adjourned close to 10 p.m.

Submitted by Gwen Miller

January 20, 2023