

Approved at 3-7-23 Meeting

Town of Lenox

Planning Board

Meeting Minutes

February 14, 2023

Documents Available at Meeting: Agenda, minutes of 11/29, 1/10, and 1/24; Selectboard small wireless procedure, Town of Lenox proposed small wireless regulation, Town of Burlington example small wireless regulation and application documents, solar bylaw revision

Members in person: Tom Delasco, Kate McNulty-Vaughan, Susan Lyman

Absent with notification: Pam Kueber, Jim Harwood

Staff: Gwen Miller

Public: Ellen Jacobson, Amy Judd, Scott Barrow, Courtney Gilardi, Kathryn Levin

1. Approval of Meeting Minutes:

- January 24, January 10, November 29

Tabled 1/24/23; Tabled 11/29/22, Approved 1/10/23

2. Wireless Zoning Bylaw and Small Wireless Regulation Language

- **Discussion of small wireless regulation--**

a. Existing language adopted by Selectboard in 2018

b. Example regulation from Burlington, MA

c. Lenox draft language as of 2021; questions and decisions to make

d. Public Comment—limited to 15 minutes total.

Kate, Tom and Susan discussed the timing of approving a new small wireless policy. Kate wondered if it would be confusing to bring small wireless forward while also working to bring a zoning bylaw to May Town Meeting. Susan was curious about the timing of the Selectboard policy adopted in 2018, and if the Planning Board had been involved in its development and how much they had known of it when doing the early wireless work beginning in 2020. Gwen clarified the Burlington materials were shared to see how they handled small wireless as a Selectboard regulation. KMV noted that Burlington, Massachusetts is a very different community than Lenox.

In terms of large wireless, Tom had some definitions to add from the existing zoning bylaw into the proposed zoning bylaw, including the definitions for adequate coverage and minimum coverage, along with some other language. The group agreed to check in with the Town's consultant on why these weren't included in the proposed zoning bylaw, and if it makes a difference to include them in the proposed zoning bylaw.

During public comment, Kathryn Levin from SAFE shared some information related to 5G infrastructure and coverage, and shared her interpretation of the Telecommunications Act and a recent court case from the DC Circuit Court. She told the Planning Board they can adopt regulations to protect people, and went on to say she had not actually read the proposed zoning bylaw when asked by KMV if she had the opportunity to see what is in the proposed zoning bylaw.

Ellen Jacobson shared language she had hoped to suggest as an amendment at the December Special Town Meeting, that would have explicitly prohibited colocation of wireless equipment on the Curtis at 6 Main Street in Lenox.

Sonya Bykofksy shared that she hoped the Planning Board would not try to bring the same zoning bylaw proposal to May Town Meeting, as she believed the December vote was resounding and would be repeated in May. She suggested the Planning Board work with the SafeCell group and their preferred consultants.

Scott Barrow suggested that the changes before Special Town Meeting in December so close to the meeting itself made it difficult for his group to retract statements or information they had shared with the public in advance; he also suggested the Planning Board work with their preferred consultants to make a zoning bylaw that will pass May Town Meeting.

Courtney Gilardi said she was not against wireless infrastructure. She told the Board that she had initially purchased her home in Pittsfield with a full view of a nearby cell tower—the one on top of Bousquet. She said this did not dissuade her from purchasing her home and provided sufficient cell coverage. It was the new tower built 500' from her home that was the issue. She said she could be supportive of well sited infrastructure that is safe to residents.

The Board tabled solar work until after wireless bylaw work is completed.

After public comment, the Board discussed a plan for clear communication and information sharing in advance of the May Town Meeting to help people understand the benefit of the proposed large wireless zoning bylaw, and how it will help the Town improve cell coverage for all users and do so in a way that gives the Town discretion and choice in siting and appearance of wireless infrastructure.

Respectfully submitted,

Gwen Miller

2/22/23