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**Town of Lenox**

**Planning Board**

**Meeting Agenda**

**November 15, 2022**

**6:00 p.m.**

**MEETING AGENDA**

*Hybrid Meeting*

Physical meeting: Town Hall

Join Zoom Meeting

<https://us02web.zoom.us/j/82311352869?pwd=Uk5CVUlqdEFhT3JKd0VPVUE4WjRvdz09>

Meeting ID: 823 1135 2869

Passcode: 087466

**1. Form As:**

379 Housatonic Street

70 Bramble Lane

**2. Wireless Zoning Bylaw Amendment:**

- a. Discuss mapping work conducted by the Town's consultant, Isotrope LLC; discuss location preferences and draft bylaw language to prepare for a Special Town Meeting in December (12/8/22); discuss wireless bylaw content; discuss zoning bylaw amendment public hearing schedule for Special Town Meeting.
- b. Public comment/questions

**3. Approval of Minutes**

- October 25<sup>th</sup>
- July 26, August 9, September 13 pending completion

**4. Adjourn**

A meeting packet is available on the Town of Lenox Planning Board webpage. It will be available no later than Tuesday, November 15<sup>th</sup>: <https://www.townoflenox.com/planning-board>

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## **How to Use Zoom**

<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Zoom-meeting>



SURVEY OF LAND  
in  
LENOX, MASSACHUSETTS  
Prepared for  
**CAROLINE ROCHE PRATT**  
**JUSTIN W. PRATT**  
**ELLEN I. ROCHE**  
November 11, 2022

BEING THAT LAND DESCRIBED IN  
MIDDLE BERKSHIRE REGISTRY OF DEEDS:

**LOT 1**  
BOOK: 1035 ~ PAGE: 793  
GRANTOR: W. David Roche Jr.  
GRANTEE: Ellen I. Roche  
DATED: August 11, 1980

**LOT 2A & LOT 2B**  
BOOK: 3493 ~ PAGE: 233  
GRANTOR: Caroline Roche Pratt  
GRANTEE: Caroline Roche Pratt  
DATED: April 10, 2006

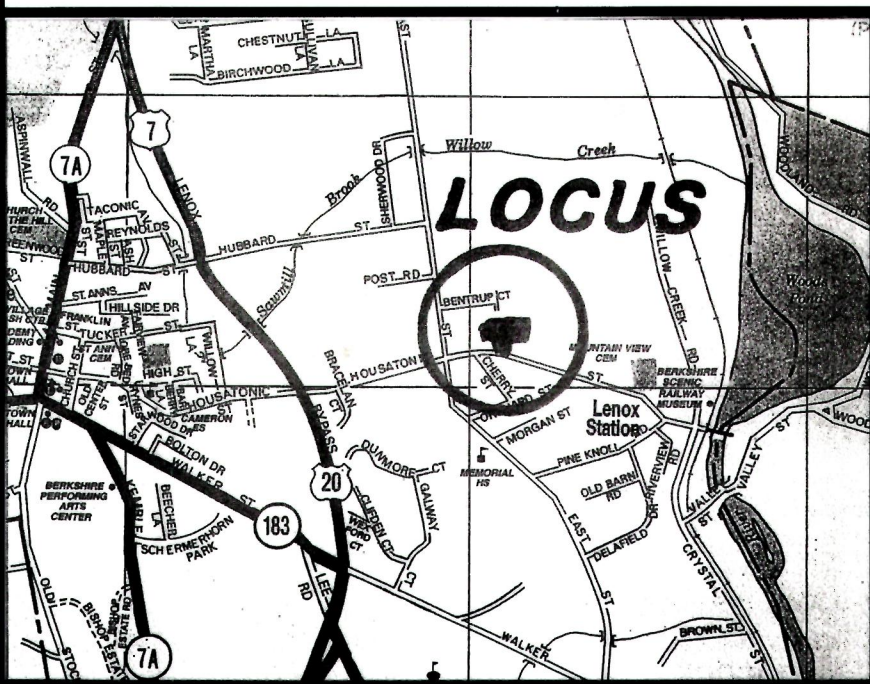
**TAX MAP INFORMATION**

LOT 1 IS TAX MAP B, LOT 95  
LOT 1 IS KNOWN AS 375 HOUSATONIC STREET  
LOT 2A & LOT 2B COMPRISE TAX MAP B, LOT 95-1  
LOT 2A & LOT 2B ARE KNOWN AS 379 HOUSATONIC STREET

**ZONING INFORMATION**

LOT 1 & LOT 2A & LOT 2B ARE ZONED: R-1A

LEGEND	
	IRON PIPE SET OR TO BE SET
	IRON PIPE FOUND
	FIELD STONE WALL FOUND
	REMAINS OF FENCE FOUND
	GRANITE MONUMENT FOUND
	OUTLINES PERIMETER OF SURVEY
	UNMONUMENTED COMPUTED POINT
<b>NTS</b>	NOT TO SCALE
	SURVEY TIE COURSE
	ABUTTER LINE OR STREET LINE
	UTILITY POLE
	NOW OR FORMERLY
	TREE LINE



PLANNING BOARD ENDORSEMENT DOES NOT IMPLY  
THAT LOTS SHOWN HEREON ARE BUILDABLE, NOR  
DOES IT IMPLY THAT THEY MEET THE MASSACHUSETTS  
WETLAND PROTECTION ACT, TITLE 5, OR TOWN BY-LAWS.

APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW IS NOT REQUIRED

CHAIRMAN:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DATE: \_\_\_\_\_

TOWN OF LENOX  
PLANNING BOARD

**TACONIC LAND CONSULTANTS**  
LAND SURVEYORS & GEOLOGISTS  
ENVIRONMENTAL CONSULTANTS

44 IMPERIAL STREET  
LANESBOROUGH, MA 01237  
(413) 499-9976 - 499-1512 FAX

JOB NUMBER: 22-196-3  
COMPUTED BY: PMM  
FIELD CREW: PMM & MJB  
DRAFTED BY: PMM  
EQUIPMENT USED: NIKON NPL 632 - 2" TOTAL STATION & STEEL TAPE

CHECKED BY: PMM  
DEED RESEARCH BY: PMM  
FIELD NOTE BOOK: JOB FOLDER  
DATA DISK: 22-196

**SURVEYOR SEAL**



MASSACHUSETTS LICENSED  
LAND SURVEYOR

**SURVEYOR CERTIFICATIONS**

I declare that this plan conforms to the Rules and  
Regulations of the Register of Deeds.

DATE: NOVEMBER 11, 2022  
MASSACHUSETTS LICENSED LAND SURVEYOR

**TABLE OF COURSES**

#	BEARING	RADIUS	LENGTH	ARC LENGTH
L1	N57°39'09"W		82.17'	
C1	R=7.20'		L=14.38'	
CHORD	= N00°28'43"W		12.10'	
C2	R=25.00'		L=24.06'	
CHORD	= N84°16'23"E		23.14'	
C3	R=25.00'		L=24.06'	
CHORD	= S29°07'07"W		23.15'	
C4	R=25.00'		L=28.65'	
CHORD	= S89°31'12"W		27.10'	

Note: all parcels are subject to and with the benefit of  
all rights, conditions, restrictions, easements, leases,  
encumbrances and appurtenances on record as well as those  
unrecorded.

NOTE: SURVEY TIE COURSES AND ABUTTER LINES ARE NOT  
PROPERTY LINES BEING VALIDATED BY THIS SURVEY.

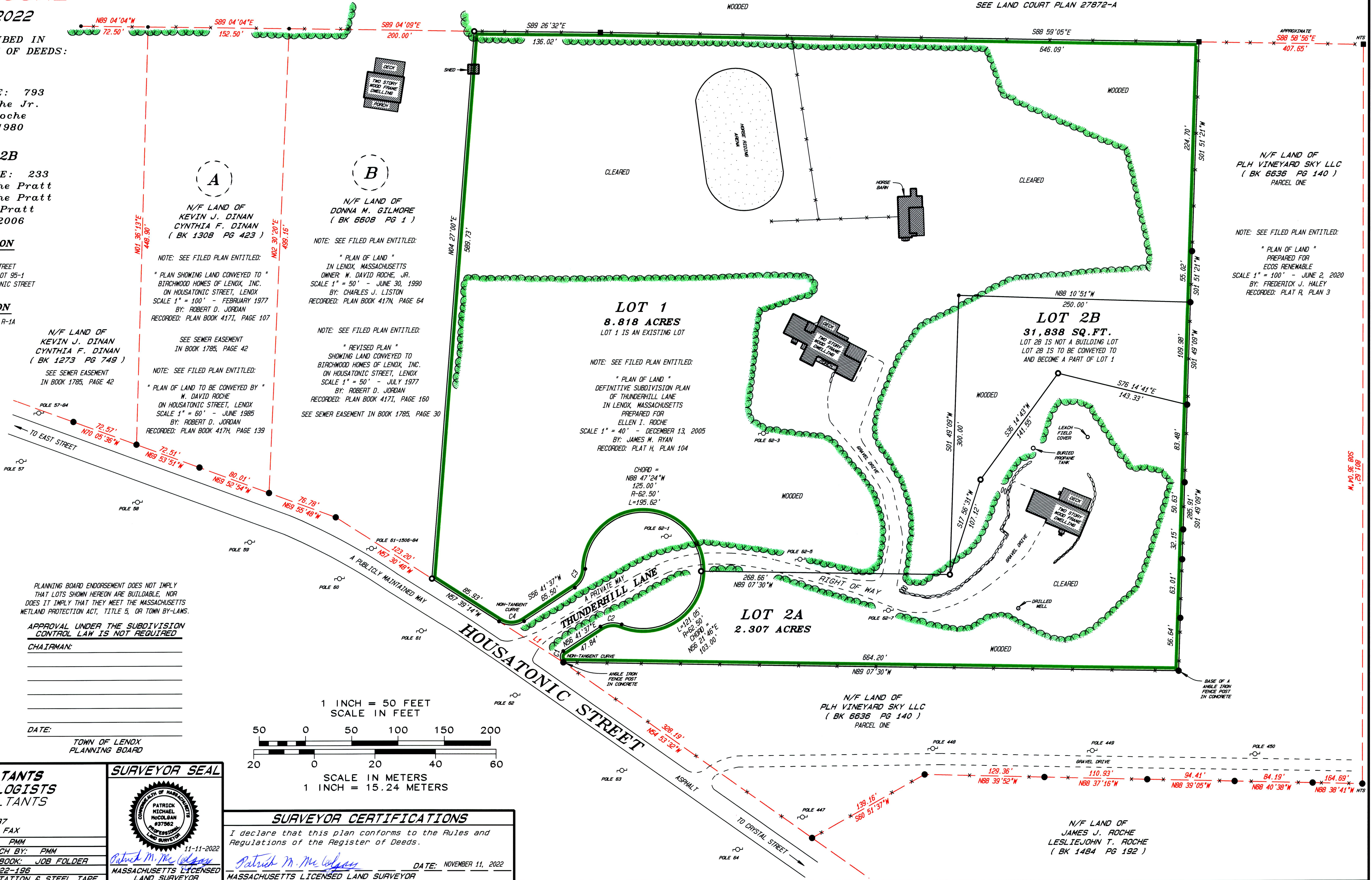
N/F LAND OF  
RONENDRA K. MUKHERJEE  
KATHRYN M. MUKHERJEE  
(BK 38 PG 153)  
LAND COURT: CERTIFICATE 8158  
SEE LAND COURT PLAN 27872-A

REGISTRY USE

N/F LAND OF  
PLH VINEYARD SKY LLC  
(BK 6636 PG 140)  
PARCEL ONE

NOTE: SEE FILED PLAN ENTITLED:

"PLAN OF LAND"  
PREPARED FOR  
ECOS RENEWABLE  
SCALE 1" = 100' - JUNE 2, 2020  
BY: FREDERICK J. HALEY  
RECORDED: PLAT R, PLAN 3





Note: all parcels are subject to and with the benefit of all rights, conditions, restrictions, easements, leases, encumbrances and appurtenances on record as well as those unrecorded.

NOTE: SURVEY TIE COURSES AND ABUTTER LINES ARE NOT PROPERTY LINES BEING VALIDATED BY THIS SURVEY.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ATTORNEY'S ABSTRACT OF TITLE AND / OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENT OF FACTS SUCH AS ABSTRACT OR REPORT WOULD HAVE REVEALED. THIS PROPERTY WAS SURVEYED BY THE POSSESSION LINES FOUND AT THE TIME THE SURVEY WAS MADE.

## TABLE OF COURSES

#	BEARING RADIUS	LENGTH ARC LENGTH
L1	N14 41'21"W	10.00'
L2	S14 43'09"E	10.00'
L3	S14 43'09"E	9.74'
L4	S78 11'18"W	1.97'
L5	S74 07'27"W	8.90'
L6	N14 41'21"W	9.97'
L7	S78 11'18"W	20.03'
L8	S14 43'09"E	9.74'

## SURVEYOR'S NOTE

THE BRONSTON FAMILY TRUST ALONG WITH THE DANIEL G. HAJJAR LIVING REVOCABLE TRUST AND THE MADELYN C. HAJJAR LIVING REVOCABLE TRUST SHALL CONVEY THEIR INTEREST IN LOT 3 TO DARREN & CAROL A. CAMPILI AND LOT 3 SHALL BE COMBINED WITH THEIR LOT 1. FURTHER DARREN & CAROL A. CAMPILI AND THE BRONSTON FAMILY TRUST SHALL CONVEY THEIR INTEREST IN LOT 4 TO THE DANIEL G. HAJJAR LIVING REVOCABLE TRUST AND TO THE MADELYN C. HAJJAR LIVING REVOCABLE TRUST AND LOT 4 SHALL BE COMBINED WITH THEIR LOT 2. LOT 5 SHALL BE CONVEYED FROM DARREN & CAROL A. CAMPILI TO THE DANIEL G. HAJJAR LIVING REVOCABLE TRUST AND THE MADELYN C. HAJJAR LIVING REVOCABLE TRUST AND BECOME A PART OF THEIR LOT 2.

## SURVEY OF LAND

in  
LENOX, MASSACHUSETTS

Prepared for  
**DARREN & CAROL A. CAMPILI**  
November 2, 2022

BEING THAT LAND DESCRIBED IN  
MIDDLE BERKSHIRE REGISTRY OF DEEDS:

### LOT 1 & LOT 5

BOOK: 5436 ~ PAGE: 1  
GRANTOR: Anne C. Stephens  
GRANTEE: Darren & Carol A. Campili  
DATED: September 10, 2014

### LOT 2

BOOK: 5073 ~ PAGE: 62  
GRANTOR: Daniel G. & Madelyn C. Hajjar  
GRANTEE: Daniel G. Hajjar Living Revocable Trust  
GRANTEE: Madelyn C. Hajjar Living Revocable Trust  
DATED: February 16, 2016

TITLE TO LOT 3 & LOT 4 AS PER MASSACHUSETTS  
GENERAL LAWS CHAPTER 183, SECTION 58  
THE FEE IS OWNED BY THE ABUTTERS  
SEE SURVEYOR'S NOTE

### TAX MAP INFORMATION

LOT 1 & LOT 5 ARE TAX MAP 1, LOT 4B  
LOT 1 IS KNOWN AS 70 BRAMBLE LANE  
LOT 2 IS TAX MAP 1, LOT 47  
LOT 2 IS KNOWN AS 69 BRAMBLE LANE  
LOT 3 & LOT 4 ARE PORTIONS OF BRAMBLE LANE  
THAT ARE TO BE DISCONTINUED AS A WAY  
WITH REVERSION RIGHTS TO THE ABUTTERS

### ZONING INFORMATION

LOT 1 THRU LOT 5 ARE ZONED: R-1A

REGISTRY USE

Filed Plan Meridian

Plat File J, Plan 72



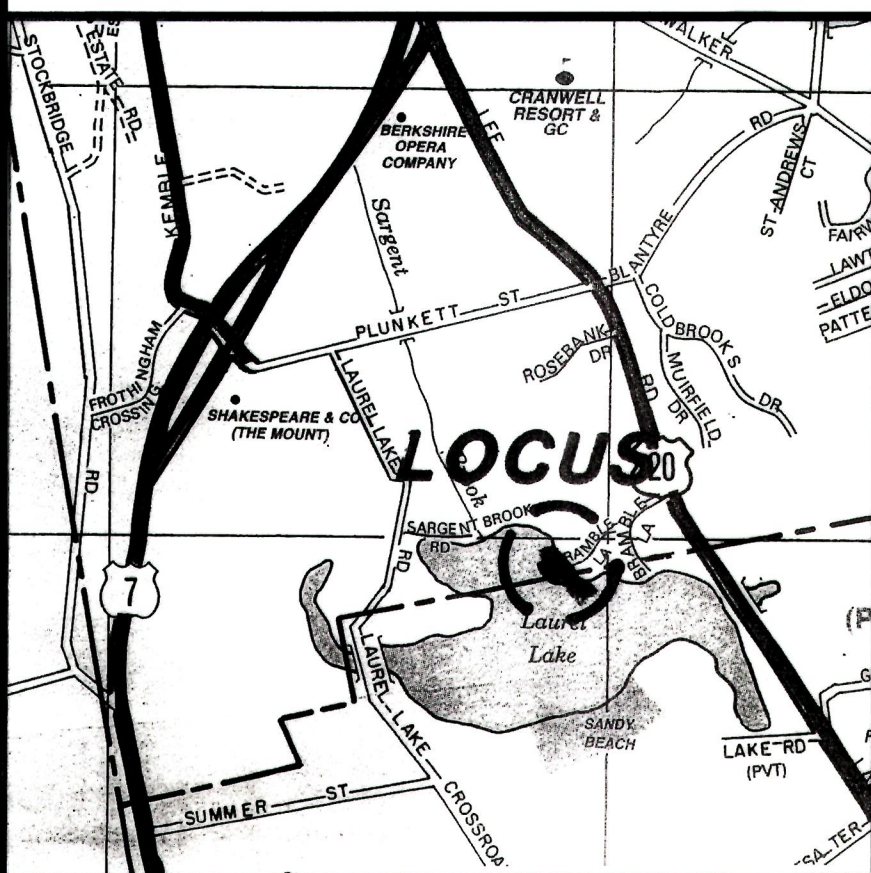
PLANNING BOARD ENDORSEMENT DOES NOT IMPLY THAT LOTS SHOWN HEREON ARE BUILDABLE, NOR DOES IT IMPLY THAT THEY MEET THE MASSACHUSETTS WETLAND PROTECTION ACT, TITLE 5, OR TOWN BY-LAWS.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

CHAIRMAN:

DATE:

TOWN OF LENOX  
PLANNING BOARD



LOCUS MAP

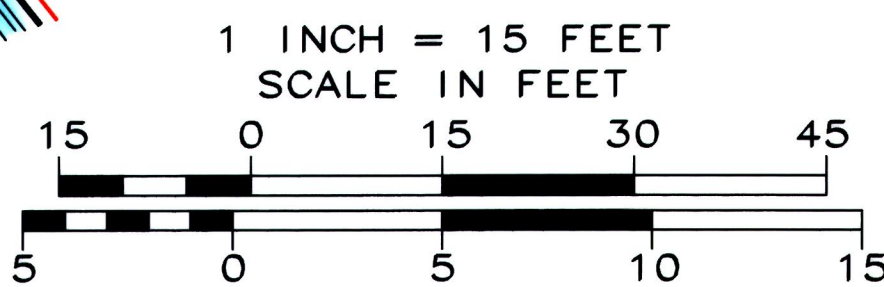
NOTE: SEE FILED PLAN ENTITLED

"SUBDIVISION 'A'"  
LAUREL LAKE ASSOCIATES, INC.  
PROPERTY AT  
LAUREL LAKE  
LOCATED IN LENOX AND LEE - MASS.  
FEBRUARY 1949 - SCALE 1" = 100'  
BY: ELIOT G. PEASE  
RECORDED: MAP BOOK 417-B, PAGE 16

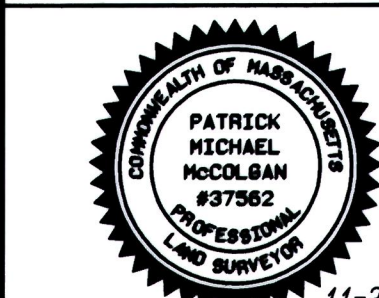
### DIMENSIONAL REQUIREMENTS

#### ZONED R-1A

LOT AREA	1 ACRE
LOT FRONTAGE	150.0'
LOT WIDTH	150.0'
FRONT SETBACK	35.0'
SIDE SETBACK	25.0'
REAR SETBACK	25.0'
BUILDING COVERAGE	20%



### SURVEYOR SEAL



MASSACHUSETTS LICENSED  
LAND SURVEYOR

### SURVEYOR CERTIFICATIONS

I declare that this plan conforms to the Rules and Regulations of the Register of Deeds.

DATE: NOVEMBER 2, 2022

## LEGEND

○	IRON PIPE SET OR TO BE SET
●	IRON PIPE FOUND
—	FIELD STONE WALL FOUND
—	REMAINS OF FENCE FOUND
■	MONUMENT FOUND
—	OUTLINES PERIMETER OF SURVEY
—	UNMONUMENTED COMPUTED POINT
NTS	NOT TO SCALE
—	SURVEY TIE COURSE
—	ABUTTER LINE OR STREET LINE
—	UTILITY POLE
N/F	NOW OR FORMERLY

NOTE: SEE FILED PLAN ENTITLED

"PLAN OF LAND"  
IN LENOX, MASSACHUSETTS  
SURVEYED FOR  
MARK ALIMANSKY  
NOV., 1988 - SCALE 1" = 20'  
BY: JOHN M. CAMPETTI  
RECORDED PLAT FILE B, PLAN 210

FROM PLANBOOK 417D, PAGE 6

(16) & (17)  
N/F LAND OF  
BRONSTON FAMILY  
NOMINEE TRUST  
(BK 1587 PG 772)  
NO CHANGE IN AREA AND FRONTAGE  
STILL EXCEEDS ZONING MINIMUMS  
AFTER THE PROPOSED CONVEYANCES

NOTE: SEE FILED PLAN ENTITLED

"REVISION OF PART OF"  
SUBDIVISION "A"  
LAUREL LAKE ASSOCIATES, INC.  
PROPERTY AT  
LAUREL LAKE  
LOCATED IN LENOX - AND LEE, MASS.  
NOW OWNED BY WALTER WILSON AND BRUNO ARON  
AND  
BENJAMIN H. AND SARA DELSON  
REVISED SEPT. 1954  
BY: ELIOT G. PEASE  
RECORDED: MAP BOOK 417-D, PAGE 6

NOTE: SEE FILED PLAN ENTITLED

"SURVEY OF BRAMBLE LANE"  
IN  
LENOX, MASSACHUSETTS  
PREPARED FOR  
HALE H. & PENELOPE B.  
CAREY  
DECEMBER 2, 2010 - SCALE 1" = 60'  
BY: PATRICK M. MCCOLGAN  
RECORDED: PLAT FILE J, PLAN 72

BRAMBLE LANE

## SECTION 3

PLAT FILE J, PLAN 72



**Town of Lenox**  
**Planning Board**  
**Wireless Communications Bylaw**  
November 14, 2022

Zoning Bylaw Amendment for Special Town Meeting, 2022



## **8.18 Wireless Communications Facilities**

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### **8.18.1 Purpose**

The purpose of this bylaw is to establish general guidelines for the locating of wireless communications facilities, including without limitation, wireless communication towers, antennas, ground equipment, and related accessory structures. The intent of this bylaw is to:

1. Accommodate the growing need and demand for wireless communications services.
2. Establish review procedures to ensure that applications for communications facilities are reviewed for compliance with federal, state, and local regulations and acted upon within a reasonable period of time as required by applicable state and federal regulations.
3. Minimize the impacts of wireless communications facilities on surrounding land uses by establishing standards for location, and compatibility.
4. Encourage the placement of wireless communications facilities on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, or effects upon the natural environment and wildlife.
5. Respond to the policies embodied in the Telecommunications Act of 1996 and subsequent FCC regulation of wireless facility placement in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.
6. Protect the character of the Town while meeting the needs of its citizens to enjoy the benefits of wireless communications services.

### **8.18.2 Application and Permits Required**

To install, modify or operate a wireless communications facility on property other than a public way shall require a Special Permit (BA) (ZBL 3.4) or Administrative Approval (AA) Completion of a Lenox Wireless Communications Facility Application form available from the Land Use department is required for each wireless communications facility being requested. Application processing fees for wireless communications facilities shall be paid at the time of application in accordance with the Town of Lenox Fee Schedule.



**Use Table**

<b>Zoning District</b>	R-1A	R-3	R-15	R-30	C	C-1A	C-3A	I
<b>Collocation</b> (unless the collocation qualifies as an Eligible Facility)	BA	BA	BA	BA	BA	BA	BA	BA
<b>New Tower</b>	BA	BA	N	N	N	BA	BA	BA
<b>Substantial Changes</b>	BA	BA	BA	BA	BA	BA	BA	BA
<b>Eligibility Facility Request per 47 USC §1455</b>	AA	AA	AA	AA	AA	AA	AA	AA

AA = Administrative Approval; BA = Special Permit; N = Not Permitted



### 8.18.3 Determination of Need

1. **Demonstration of Need:** All applications for special permits for wireless communications facilities (except eligible facilities requests) shall be accompanied by a demonstration of the need for the proposed facility. Demonstrations of need shall include at a minimum an evaluation of existing coverage and the combined effect of existing and proposed coverage, including coverage maps and an accompanying narrative explaining the maps and the need. When the stated need for the proposed facility includes claims regarding network capacity, applicants shall include information (such as network statistics) demonstrating the capacity need quantitatively.
2. **Determination of Alternatives:** All applications for special permits for wireless communications facilities (except eligible facilities requests) shall be accompanied by a demonstration of a lack of less impactful solutions composed of one or more alternative facilities.
3. **Findings:** To approve such applications, among other findings, the Zoning Board shall find that there is a demonstrated need for the proposed facility that cannot be addressed with a solution composed of one or more alternative facilities that have a lesser impact on the community.
4. **Applicant Assertion of Federal Rights:** If the application involves a project that the applicant asserts federal rights over, the applicant shall provide a brief outline of the relevant law and the applicant's standing, and include such substantial evidence as is necessary to demonstrate applicant's claim. Examples of such rights are: claims of effective prohibition or discrimination if denied, or assertions that a design qualifies as a Small Wireless Facility or an Eligible Facilities Request.

### 8.18.4 Facility Impacts

#### 8.18.4(a) Qualitative Criteria

The selection of location and design of WCFs shall conform to the following qualitative criteria:

**Review criterion:** The Zoning Board, in its review, shall engage with the applicant to assess the following preferred qualitative factors, each of which shall be given substantial consideration in deliberations to approve the proposal, or to examine alternative sites.

**Application submission criterion:** The applicant shall provide substantial evidence why and how they meet or cannot meet each of these objectives and define why and how their proposal is demonstrably better:



- New Personal Wireless Service Facilities shall not have an undue adverse impact on historic resources, scenic views, residential property values, natural or man-made resources.
- Ideally, a new wireless communications facility shall be located on an existing structure (including an existing tower) in a manner that does not materially increase its impact on the community.
- The preferred locations for each new Tower is along commercial and industrial corridors or in suitable municipal locations or other quasi-public sites where the settings, other structures and intensity of uses already in place are more compatible with the industrial nature of wireless facilities. Remote locations on largely undeveloped areas may be acceptable if the result is a new tower that is generally not visible to the public.
- While setback requirements are included in this bylaw, it is preferred that New Towers be located as far from residential lot lines as possible to avoid detrimental visual impacts and adversely affecting property values, and to preserve the privacy of adjoining properties.
- New Towers may be acceptable when they do not diminish the quality of experience of Lenox such as by piercing valuable scenic and historic skylines, or unduly compromising the look of traditional land development and use.
- Personal wireless facilities shall be constructed and maintained in compliance with applicable safety and environmental codes and regulations, including without limitation radio frequency energy safety, hazardous materials, noise, building, electrical, and Americans with Disabilities Act.

#### 8.18.4(b) Quantitative Criteria

As a complement to the Qualitative factors and at the discretion of the Zoning Board, new wireless communications facility types shall be considered in accordance with the below preferences.

Where a lower ranked alternative is proposed, the applicant must provide in its application relevant information demonstrating:

1. that diligent efforts were made to adhere to the established hierarchy within the search area, and
  - that higher ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communications facility, and/or



2. that the impact of the proposed facility is demonstrably better than any available higher priority solutions.

Location preferences are as follows:

First preference	Concealed collocation, or Attachment to existing tower (not a substantial change), or
Second preference	Camouflaged collocation
Third preference	Collocation (not concealed or camouflaged) except substantial change <sup>1</sup> to existing base station or tower
Fourth preference	Substantial change to existing base station or tower (i.e. not an Eligible Facilities Request)  New camouflaged or concealed tower
Fifth preference	New tower

In addition to the foregoing, before any New Tower is approved, the applicant must demonstrate that it is not feasible or effective to locate their facility on an existing tower or building. Before a new tower is proposed in a residential district, the applicant must also demonstrate that it is not feasible or effective to locate the facility in other districts or on municipal facilities.



### 8.18.5 Collocations

Wireless communications facilities may be mounted onto a building or support structure that is not primarily constructed for the purpose of holding wireless communications facilities or as an attachment to an existing tower, subject to the following standards:

1. **Antenna Setbacks:** An antenna array attached to any structure that is not a tower is exempt from the setback requirements for the zoning district in which the existing structure is located. An antenna array attached to the side of such a structure may extend up to five feet horizontally from the side of the structure, provided that the antenna array does not encroach upon an adjoining parcel.
2. **Height extensions:** The top of an attached antenna shall not extend more than fifteen (15) feet above the structure other than a tower to which it is attached. Notwithstanding this provision, the height of the antenna shall not extend more than eight (8) feet above the maximum allowed height for such a structure in the zone in which it is located. These height limitations may be waived to accommodate the height of an architecturally appropriate concealment structure.
3. **Stanchion and pole extensions:** Additional height may be allowed on power transmission stanchions and utility poles to accommodate the minimum safety separation necessary from electrical lines, as required by the National Electrical Safety Code and the utility provider. For the purposes of classifying an application for the replacement of an existing utility pole, a replacement pole with up to 5 feet greater height above ground (including attachments) is considered a replacement pole and is subject to collocation requirements of this Zoning Bylaw. Replacement utility poles that will be more than 5 feet above ground (including attachments) taller than the pole being replaced will be considered new poles.



#### 8.18.6 New Towers

Mailed Notice to Neighbors. All new towers shall require that mailed notice, in addition to meeting the standards of M.G.L. C. 40A, Section 11, be sent to all property owners within 600 feet of the property subject to the application.

##### 8.18.6(a) Height Limitation

1. New towers shall not exceed the minimum height necessary to provide adequate coverage for the personal wireless service facilities proposed for use on the tower.
2. In working with the applicant to determine approved height, the Zoning Board will consider the following as part of the Special Permit process:
  - Balancing test:
    - The Personal Wireless Service Facility shall be designed to accommodate multiple users to the maximum extent technologically practicable in order to reduce the number of Personal Wireless Service Facilities that will be required to be located in the Town.
    - However, at its discretion, the Zoning Board may reduce the capacity for multiple facilities (typically by a decrease in height or width) if the Board finds that it is preferable to risk the need for a second tower than approve one taller facility.
3. The Zoning Board may allow height greater than necessary for the allowable height if such height does not materially increase the impacts of the proposed facility.

##### 8.18.6(b) Setbacks

New freestanding towers shall be subject to the setbacks described below:

1. The minimum setback distance to the nearest residential property line shall be 250 feet.
  - As part of the Special Permit process, the Zoning Board by supermajority vote may reduce this setback to no less than 1.5 times the tower height based on the following findings:
    - a. This does not materially increase the impact of the proposed tower on its surroundings in comparison to satisfying the full setback, or
    - b. There is no viable location on any parcel in the subject area from which to provide the necessary service that would comply with the full setback, or
    - c. This results in a design that is fully compatible with the purpose and intent of the Zoning Bylaws.



2. In the C-1A, C-3A, and Industrial Zones the minimum setback from parcels in commercial and industrial zones shall equal the height of the new tower. The Zoning Board may allow a shorter setback if the shorter setback provides adequate safety and aesthetics.



### 8.18.7 Design Criteria for All Wireless Communications Facilities

1. A Wireless Communications Facility should not significantly impact viewsheds and views from nearby locations and should be architecturally compatible with respect to such views.
2. Monopole tower designs are preferred over lattice and guyed towers.
3. Concealment or camouflage shall be used when appropriate for mitigating visual impacts. For example (and not a recommendation) a faux carillon tower artfully placed on an institutional parcel or a unipole inconspicuously placed near the rear of a lot might provide satisfactory visual mitigation in some situations. Other options that may be proposed for concealment include mimicking a manmade or natural object that is consistent with the surrounding landscape; for example, field light stanchions for athletic and recreational facilities or developed park areas, clock tower for commercially developed areas, fire watch tower or “monopine” evergreen tree native to Berkshire County for rural or undeveloped areas. With respect to “monopine” designs, they are notorious for being poorly executed and being placed in awkward locations. Care should be taken to consider monopine designs only when they are compatible with the dominant points of view of the tower.
4. Landscaping and existing vegetation shall be employed to minimize visual impacts.
5. Antennas, cables, associated equipment and mounting apparatus should be enclosed, concealed, screened, or obscured so that they are not readily apparent to a casual off-site observer, except that a facility may be approved with exposed antennas and associated equipment if concealment or camouflage would not mitigate any visual impacts and no less visually impactful alternative locations or designs are available.
6. Signage: Commercial messages shall not be displayed on any WCF. Required noncommercial signage shall be restricted to FCC Antenna Structure Registration Number (when required), information about the facility owner/operator, and any additional security and/or safety signs as applicable.
7. Lighting: Lighting shall be prohibited on all WCFs unless required by the Federal Aviation Administration (FAA). Applicants shall demonstrate efforts to avoid FAA lighting requirements, such as reduced tower height or alternative locations. If lighting is required, night lighting shall be red and employ luminaires with the lowest practicable beamspread toward the earth.
8. Noise: Sound levels contributed by facility operations including generators shall not exceed 40 dBA at the property lines of the parcel containing the wireless communications facility and operations when no generator is running shall not exceed 30 dBA at said property lines. Emergency generators are permitted and are exempt from noise requirements during emergencies.



Routine generator tests shall be conducted between 8 AM and 5 PM on business days except holidays.

9. Equipment Compound and Cabinets: When practicable, equipment cabinets should be installed inside existing structures. If installed outdoors, equipment should not be visible to the public and neighbors or be screened behind an architecturally appropriate enclosure., behind a screen on a rooftop, or on the ground with landscape screening as required below. Equipment compounds shall not be used for storage. Equipment compounds shall be subject to the setback requirements of their underlying zone.
10. Parking: WCFs shall include at least one parking space for personnel accessing the facilities in addition to any parking minimums for other uses on the parcel.



### 8.18.8 Eligible Facilities Request

1. The Zoning Board of Appeals is the Administrative Approval Granting Authority and shall grant Administrative Approval of an Eligible Facilities Request. Applicants with Eligible Facilities Requests shall submit application materials and undergo a review process that shall be conducted in a manner consistent with federal limitations. The Zoning Board shall verify that the application for an Eligible Facilities Request is bonafide and may apply conditions that are not otherwise preempted by the FCC.
2. The design of an Eligible Facilities Request shall maintain the appearance intended by the original facility and shall comply with any conditions of prior approvals for wireless facilities on the site, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.

3. *Administrative Approval: Explain steps of Administrative Approval.*

### 8.18.9 Tower Replacement

1. Existing towers may be replaced pursuant to this Section 8.18, provided that the replacement accomplishes a minimum of one of the following:
  - a. Increases the number of wireless service providers the tower can support or otherwise materially improves the provision of wireless service in Lenox;
  - b. Contributes to the reduction of the proliferation of new towers in Lenox;
  - c. Replaces an existing tower with a tower with less impact on the town, such as reduced height or improved appearance (by camouflage or concealment).
2. Landscaping: At the time of replacement or upgrade, the tower equipment compound shall be brought into compliance with any applicable landscaping requirements as required by the Wireless Communications Facilities Specification and Design Manual.
3. Setbacks: A replacement of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound do not increase the existing nonconformity.



## 8.18.10 Application

a. All Applications shall include:

1. Plans: One set of plans at 24" x 36" and 5 sets of plans at 11" x 17" and an electronic original (not scanned) of plans that constitute a customary package of "Zoning Drawings," including, without limitation, locus information, area parcel plans showing abutting lots and a 300 and 600 foot radius, details including property line and other relevant setbacks, proposed easements, utilities, driveways, site improvements, etc; and detailed site plans as necessary to illustrate site development, wetland/river buffers, landscaping, tree cover, etc; elevation drawings and details about the ground equipment and the tower-mounted equipment; any other information the applicant or the Town determines is appropriate for showing the proposed development.
2. Photosimulations: Applicants shall provide photosimulations with their application to demonstrate visual impacts. Photos should have the field of view of a 50-55 mm focal length lens with respect to a standard full-frame 35 mm camera. Photosimulations should be provided showing (a) the impact on viewsheds and neighboring uses as described above and (b) how the design, including concealment, landscaping, topography, existing cover, etc. contribute to minimizing visual impacts. Photos shall be taken from representative locations where the tower is or is expected to be visible or partially visible in any season. Before the photos are taken, applicants shall consult with the Land Use Department to identify sensitive locations that should be added to the photographer's list of locations to photograph. To produce photosimulations for new towers, applicants shall conduct such field testing (such as a balloon/crane test) at their convenience prior to filing the application and notify the Town of the scheduled date and time of such testing.
3. Design: Applicant's zoning drawings shall include details of the concealment or camouflage design.
4. Radio Frequency Emissions Analysis: Applicant shall provide an analysis of radio frequency energy emissions for the proposed and potentially collocating WCFs based on the methods outlined in FCC Office of Engineering and Technology Bulletin 65, demonstrating compliance with applicable safety standards.
5. Noise Analysis: Applicant shall provide a noise analysis of the proposed facility prepared by a qualified professional, demonstrating compliance with the Commonwealth's Department of Environmental Protection regulation of noise and with any noise restrictions of the Town of Lenox.
6. Applicant shall provide a narrative and additional exhibits as necessary to demonstrate fulfillment of and compliance with the criteria outlined in all sections of this bylaw 8.18 including, as per the type of application, Sections:
  - 8.18.1 Purpose
  - 8.18.2 Application and Permits Required

- 8.18.3 Determination of Need
- 8.18.4 Facility Impacts
- 8.18.5 Collocations
- 8.18.6 New Towers
- 8.18.7 Design Criteria
- 8.18.8 Eligible Facilities Request
- 8.18.9 Tower Replacement

7. A report and supporting technical data shall be submitted, demonstrating the following:

- a. All potential antenna attachments, collocations, and alternative antenna configurations on existing elevated structures, including all usable utility distribution towers within the proposed service area have been examined, and found unacceptable.
- b. A technical report by a qualified professional, which qualifications shall be included, regarding service gaps, service expansions, and/or system capacity or other evidence of need for the Wireless Communications Facility (Section 8.18.3 Determination of Need and accompanying exhibits including coverage and other maps, graphics, charts and calculations to support the claims in the report.
- c. The application shall include a written narrative and exhibits describing how the proposed facility's coverage or capacity benefits cannot be substantially achieved by the use of one or more of any higher ranked alternatives (Section 8.18.3 Determination of Need) and alternatives ranking section (Section 8.18.4 Facility Impacts).
- d. No existing towers or WCFs located within the geographic area meet the applicant's engineering requirements without increasing the height of the existing tower or structure or otherwise creating a greater visual impact, and why.
- e. Existing towers cannot physically accommodate the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
- f. Other limiting factors that render existing wireless communications facilities unsuitable.
- g. Demonstration of satisfaction of FAA hazard to air navigation requirements, including as applicable, a professional technical evaluation indicating FAA requires no notification and no lighting will be required, or an FAA Determination of No Hazard.
- h. Balloon/Crane test for new Towers.



- i. During the hearing and to be considered part of the application, applications for new towers the Zoning Board shall require the applicant to conduct a publicly noticed balloon/crane test. If the proposed site is accessible by crane, a crane test is preferred. The applicant shall arrange to raise a red or orange colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within twenty-five (25) horizontal feet of the center of the proposed tower. A second balloon 20 feet below the first (or at some other height requested by the town) shall also be raised.
- ii. A three-foot by five-foot (3' by 5') sign with lettering no less than three (3) inches high stating the date, time, and location, including alternative date, time and location, of the balloon test shall be posted at a site or sites determined in consultation with the zoning board of appeals.
- iii. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather, including wind speed and direction during the balloon test. Photographs taken of the balloon test shall be timed to capture the balloon at its apex during wind-induced motion. The height of the balloon shall be measured, and tether length shall not be relied upon to determine height.

#### **8.18.10(b) Eligible Facilities Requests**

Eligible Facilities Requests shall not be required to meet the requirements of 8.18.10(a), 8.18.10(a)(2), 8.18.10(a)(6), 8.18.10(a)(7).

Eligible Facilities Requests shall be accompanied by evidence demonstrating eligibility under federal law, addressing all points in the federal definition including such information, exhibits and calculations necessary to support the claim and demonstrating compliance with applicable state and local safety codes. Applications for Eligible Facilities Requests are not required to provide documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

#### **8.8.11 Employment of Outside Consultants**

Pursuant to MGL Ch 44 Sec 53G, the Zoning Board shall engage outside consultants at the expense of the applicant to assist the Zoning Board's review of an application under this Wireless Communications Facilities Bylaw.

#### **8.18.12 Decision**

Special Permits: In addition to the findings required by the Bylaw in Section 3.4, the Board of Appeals shall, in consultation with the Independent

Consultant(s), make all of the applicable findings before granting the Special Permit as follows:

**8.18.12(a) Special Permit Findings**

1. The Zoning Board of Appeals shall evaluate the application in light of Section 3.4 of the Zoning Bylaw and make findings and apply conditions as appropriate.
2. The Board also shall make findings that:
  - a. The application meets all the Application Criteria 8.18.10 or is granted waivers to specific application requirements.
  - b. The applicant has/has not met the burden of demonstrating the need for the proposed Wireless Communication Facility Section 8.18.3.
  - c. The application satisfies the Qualitative and Quantitative Criteria for Facility Impacts Section 8.18.4
  - d. The application meets the performance criteria for Collocation (8.18.5), New Tower (8.18.6), or Tower Replacement (8.18.9) as applicable.
  - e. The application is an acceptable Design and meets Design Criteria 8.18.7.
  - f. The application and any waivers granted are consistent with the Purpose 8.18.1 of this Bylaw.

**8.18.12(b) Administrative Approval / Eligible Facilities Requests Finding.**

Eligible Facilities Requests 8.18.8 shall be granted Administrative Approval consistent with findings based on requirements and application in this bylaw 8.18.

**8.18.13 Post Construction RFR Study**

Any time after the installation of an approved wireless communications facility, the Town may require operators of such facilities to demonstrate compliance with FCC regulations regarding the safety of all relevant radio frequency emissions from the site (47 CFR 1.1310). As appropriate to the situation, such demonstrations of compliance may require either the conduct of a field survey of emissions and/or by production of calculations consistent with FCC OET



Bulletin 65, as directed by the Town. The Town may require the operator(s) to reimburse the Town for such analysis independently commissioned by the Town. In the event the results demonstrate that the wireless communications facility is not in compliance with the applicable rules, the applicant shall immediately bring the facility into compliance, including by cessation of operations if necessary prior to implementing changes.

#### **8.18.14 Abandonment (Discontinued Use)**

1. Towers, wireless communications facilities, antennas, and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use.
2. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Town may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the Town may give notice that it will contract for removal within 30 days following written notice to the owner either with the Owner's permission or pursuant to a court order. Thereafter, the Town may cause removal of the tower with costs being borne by the owner.
3. Upon removal of the tower, wireless communications facility, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal. At the Town's discretion, the foundation may be abandoned in place if reduced to below finished grade.
4. All applicants shall, upon grant of Administrative Approval or a Special Permit, furnish a performance bond or irrevocable letter of credit naming Town of Lenox as beneficiary in an amount to be determined by the Zoning Board of Appeals ("Performance Bond") which shall state, inter alia, that it is for the purpose of assuring the removal of the permitted wireless communications facility in the case of abandonment as contemplated herein.

#### **8.18.15 Exempt Facilities**

The following are exempt from the standards for wireless communication facilities notwithstanding any other provisions:

1. Satellite earth stations used for the transmission or reception of wireless communications signals with satellites that are one (1) meter (39.37 inches) or less in diameter in all residential zones and two (2) meters or less in all other zones.
2. A temporary wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town designee; except that such facility must comply with

all federal and state requirements. No communications facility shall be exempt from the provisions of this Section beyond the duration of the state of emergency.

3. A government-owned wireless communications facility erected for the purposes of providing communications for public health and safety.
4. A temporary wireless communications facility for the purposes of providing coverage of a special event, and subject to federal and state requirements. Said communications facility may be exempt from the provisions of this Section up to one week before and after the duration of the special event.
5. Amateur radio towers solely used for licensed amateur services up to 70 feet in height, or at such additional height as approved by informal application to the Zoning Board of Appeals.



## 8.18.16 Definitions

The following definitions are used exclusively in the Wireless Communications Bylaw:

***Antenna*** – a device consisting of exposed elements or of an enclosure containing one or more elements that transmits and/or receives electromagnetic radio frequency signals. Two or more antennas operated by one carrier/owner at one site constitute an antenna array. In context, a single enclosure that contains multiple antenna elements connected to multiple electrical ports that provide for any of the following is considered an antenna herein: multiple frequency bands, multiple input/multiple output arrays, transmit/receive isolation, polarization and space diversity.

***Camouflaged (facility/antennas)*** – the use of materials added to an installation, including when applicable added to existing architecture, to render a facility or antennas less noticeable.

***Collocation*** - to install a Wireless Communications Facility on an existing structure, including but not limited to an existing tower, building, or other structure (such as water or fire tower, pole, etc.).

***Concealed (facility, antennas)*** - a wireless communications facility or portion thereof that is designed in a manner that it is not visible to the public, typically through the use of radio frequency transparent materials integrated with existing architecture; any Tower that is designed to conceal the antennas is considered a concealment.

***Eligible Facilities Request*** – an application for a type of modification to an existing approved Wireless Communications Facility as defined in 47 CFR 1.6100.

***FCC*** - the Federal Communications Commission of the United States.

***Person*** - an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

***Substantial change*** a type of modification to an existing approved Wireless Communications Facility as defined in in 47 CFR 1.6100

***Tower*** - A structure constructed on the ground for the sole or primary purpose of supporting antennas and their associated equipment.

***Wireless Communications Facility (WCF)*** – an installation of equipment and utilities for the provision of personal wireless services to link remote user equipment to a communications network,

***Personal Wireless services*** – personal wireless services as defined in the National Wireless Telecommunications Policy, 47 U.S.C. 332(c): “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.” Note: This covers telecommunications services offered to the public or a subset thereof using a network of base stations to link remote subscribers to the telecommunications network.



Gwen & Planning Board Members,

I'm proposing the following changes and would like these to be openly discussed at the planning board.

- Priority should be to locate wireless away from residential neighborhoods. A neighborhood should be a last resort if no other zone is feasible.
- Eliminate the first priority for wireless facility as existing structure. First priority should not be a building which humans live inside.

Lenox's bylaw to include-

- A. the intention to protect people's property values, quality of life, safety and welfare (the way Stockbridge, Great Barrington and other Berkshire towns do.)
- B. Protect the scenic, historic, environmental, and natural or man-made resources of the community.
- C. Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of Personal Wireless Service Facilities.
- D. Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify Personal Wireless Service Facilities.
- E. Preserve property values.
- F. Locate Towers so that they do not have negative impacts, such as, but not limited to, visual blight, attractive nuisance, noise and falling objects, on the general safety, welfare and quality of life of the community.

(These are all standard in other communities and are not in the revised Lenox bylaw.)

Lenox's bylaw to include like Great Barrington's wireless zoning bylaw has a radio frequency RF safety clause.

The bylaw to include exclusion zones-

- 5. No towers within 1000 feet horizontally from any school buildings, playgrounds and athletic fields;
- 6. No towers within 1640 feet horizontally from any residential structure.

We still haven't seen the maps with those setbacks to see where those towers could be placed- can you please provide them?



We would also like the planning board to discuss the addition of the following-

- Local governments can specify preferred locations (e.g., industrial or commercial areas) for antenna placement and require that applicants submit documented proof that such locations will not provide coverage of the area before considering other locations.
- Local governments can require that applicants post conspicuous notices at proposed antenna locations prior to a public hearing on the application. (not just posting in the legal notice section of the paper but physical signage on the property. If this happened in Pittsfield we would have not been blindsided) And to post for small cells as well as macro cells.
- Local governments can specify that the municipality has the right to hire its own RF engineer to conduct random, unannounced emission testing of any antenna location, paid for by the antenna owner. (Lenox tests it's water, it's lakes, it's wastewater treatment plant, everything is measured, monitored and mitigated if needed. Towers are no different.)
- Local governments can require that aggregate emissions of all co-located equipment be within FCC human exposure guidelines. (This has been talked about at the planning board)
- Local governments can require applicants and antenna operators to document possession of commercial liability insurance against health claims related to radiofrequency radiation exposure, naming the local government as additional insured. (Lenox requires every gas station, camp owner, restaurant and business owner to have insurance, why are they not requiring it for the wireless companies? If they don't require insurance, Lenox bears the liability for injury.)
- Local governments can define "adequate coverage" as occurring when a wireless carrier's coverage is such that the vast majority of its customers can successfully use carrier's personal wireless service most the time, in most locations within the municipality. Gwen- is this how Lenox defines adequate coverage?
- Local governments can require the submission of verified and certified drive tests and official dropped call reports to verify the need for the antenna, and that the proposed location is the least obtrusive to obtain adequate coverage. We are still waiting on any dropped call logs- so far none have been provided.
- Local governments can require the applicants to certify that the company is subject to all local state and federal laws, including the Americans with Disabilities Act, and that the operation of the antennas will not jeopardize the health and well-being of any citizens. This should be a given



- Local governments can prioritize fiber broadband to the premises, which is faster than wireless, more environmentally friendly (less energy consumption than wireless), safe, secure and future proof.

These are just a few of the options available to local towns seeking to exert some say in the deployment of wireless facilities in their communities. These provisions are not automatically granted to the local government: they must be expressly reserved in the zoning code. We would like each of them to be discussed openly at the planning board as a group- not just one board member and Maxson discussing.

The bylaw also shouldn't assume the TCA is implied, that should be included. Last meeting it was removed to condense the document, but it should be expressed.

Gwen, thank you for allowing the planning board to carefully consider and discuss each of these options.

Also, can we have a discussion about what is the recourse and process if a tower is proposed in an area that people object to?

If you have questions, we have experts standing by with answers.

With gratitude,

Courtney

On Tuesday, October 25, 2022 at 01:55:15 PM EDT, Gwen Miller <gmiller@townoflenox.com> wrote:

Hi Courtney,

The public can suggest changes to the draft bylaw any time before the Town Meeting vote.

Thanks,  
Gwen

Town of Lenox

Planning Board

Notice of Public Hearing

Notice is hereby given that the Lenox Planning Board will hold a public hearing in accordance with Mass. General Law Chapter 40A, Section 5 on the topic of its Wireless Communications Facilities zoning bylaw to be considered at a Special Town Meeting scheduled for December 8, 2022. The public hearing will be held in-person at Lenox Town Hall located at 6 Walker Street, Lenox, Massachusetts and via Zoom on November 29<sup>th</sup> at 6:00 p.m. Zoom information for those needing a hybrid option will be posted at least 48 hours in advance of the hearing.

If you are unable to attend this public hearing, you may submit written correspondence to the Planning Board via [gmler@townoflenox.com](mailto:gmler@townoflenox.com) or Lenox Planning Board, 6 Walker Street, Lenox, MA 01240.

A copy of the proposed Wireless Communications Facilities zoning bylaw is available on the Town of Lenox Planning Board website or in the Lenox Town Clerk's Office during regular business hours (8:30 a.m. to 4:00 p.m.) for review.



Town of Lenox  
Planning Board Minutes

October 25<sup>th</sup>, 2022

Present in person: Planning Board, Tom Delasco (Chair), Kate McNulty-Vaughn, Susan Lyman, Jim Harwood, Gwen Miller (staff), Deanna Garner (staff), David Maxson of Isotrope LLC, Jack Magnotti from Foresight Land Services, Scott Barrow, Sonya Bykosfky, Amy Judd, Courtney Gilardi, Phil Gilardi, Andrew Silver, Jane Kavanaugh, Trilby Miller, Susan May, Christine (Bonnie) Berube, Lisa Tobin, Ellen Mendel, Marybeth Mitts, Gary LeBeau, Georgia Watrou, Suzanne Smith, Robert Peliciotti, Robert Asplund, Amelia Asplund, Phil Gilardi, Tammis Coffin

Present via Zoom: Planning Board member Pam Kueber; Jeff Lynch, Steven Seltzer, Ellen Jacobson, Sandy Panzella, Susan Forestor, Karen Crewes, Jackie Adelson Salvage, Ani Grosser, Sally, Sonya Bykosfky, Christi Davis, Janet Fitzgerald, Karen Beckwith

Documents available for meeting: Meeting Packet for 10/25, including agenda, minutes, maps prepared by David Maxson of Isotrope LLC, correspondence

1. Form A: 390 Housatonic Street

The engineer from Foresight Land Services stated that Mr. Seltzer owns 5 acres, and that they were conveying Parcel A of .61 acres to a neighboring parcel also owned by Mr. Seltzer. The remaining land will not be a building lot and it is noted on the plan.

KMV moved to endorse the plan as presented; JH seconded. KMV, JH, SL and TD voted in favor; PK abstained since she was not present to see the plans in person.

2. Approval of minutes

- October 11: PK, KMV, TD and JH approved; SL abstained.
- October 18: PK offered amendment on page 2 about her statement regarding cell coverage in Lenox; also suggested minutes note correspondence received in advance of meeting. JH moved, KMV seconded; PK, TD and KMV approved while SL and JH abstained.

Wireless bylaw discussion

TD explained the Planning Board would have a working session with David Maxson for about an hour and a half and then open the floor to questions or comments. TD started by looking at the two Table of Uses in the draft zoning bylaw. He suggested a universal setback of 250', and a Special Permit for everything, and suggested excluding small wireless from R-15 and R-30 zoning districts because they are the densest in terms of population. KMV asked how they would treat the C district. PK said the co-location of facilities is allowed in the proposed bylaw language in those districts. KMV asked if they wanted a "NO" in the C district. TD clarified that a small wireless facility could be a free standing, 50' tall pole. DM suggested the Table of Uses wasn't relevant, explained in further detail what can constitute a small wireless facility.

JH had questions about definitions—PK explained they had pulled out specific language of the draft zoning bylaw to avoid redundancy. JH said they should keep small wireless facilities out of residential districts. JH asked what Tanglewood had done at Tanglewood to improve wireless service. DM said that

Verizon had placed a booster on an existing utility pole in the public Right of Way. JH asked what was keeping a tower out of the village. DM said setbacks. DM suggested that an area above the Kennedy Park water tank would be 300' from the nearest residence and provide coverage to the village. KMV reiterated the point is to find a sweet spot—she questioned if the infrastructure is a commercial use, public use or an essential service. PK said that solving the challenge of marginal coverage in Lenox with a bunch of smaller sites may not be satisfying to people either.

The group went back to discussing the Use Tables in the draft zoning bylaw. JH again suggested they rule out the R-15 and R-30 zones. DM cautioned against that, noting the unintended consequences of having a blanket prohibition in distinct zoning districts. SL thought the goal was to provide maximum coverage with minimum devices. The group went back and forth about how much discretion and flexibility it takes to empower the Zoning Board of appeals with, and whether waivers should be contemplated in the zoning bylaw. DMs suggested the Planning Board could be the SPGA (Special Permit Granting Authority).

The group discussed the requirement that the SPGA be allowed to engage an outside expert to review applications. They agreed the language should be a requirement—so must or shall.

They discussed the administrative approval or special permit process for eligible facilities. GM asked DM to explain what a substantial change to an eligible facility may entail. DM explained it could be an increase of 20' in height and width and could also apply to the base station. There was some discussion as to how the zoning bylaw would handle administrative approval—what would the rights of enforcement be? What would the appeal process be? DM, PK and GM agreed to discuss this w/ Town Counsel later in the week.

Next the group discussed collocation—which could be a concealed antenna, or a new carrier on an existing tower.

They amended the proposed table of uses, opting for the more granular table of uses that specifically allows or prohibits the distinct categories of wireless facilities.

They agreed to make collocation a Special Permit in every zoning district. New towers will need a special permit in the C-1A, C-3A, I, R-3A and R-1A zones. They will be prohibited in the R-30, R-15 and C zoning districts.

At 8:17 the board concluded their working session and opened the floor to questions and comments.

Mr. Gilardi asked what is wrong with the existing Zoning Bylaw.

Dr. Andrew Silver talked about using health and safety standards used in Northern Europe.

Scott Barrow asked if the FCC bases their measurements off of capacity—there might not be capacity in Lenox for everybody to walk around streaming Netflix on their phones, but most people can make calls.

DM suggested that robust wireless coverage, from a planning perspective, is a societal good, and noted the FCC standards are coverage and capacity agnostic.

PK referenced a court case from Flower Hill in New York state, explaining that the community had ample coverage and wireless facilities so were in a more defensible position compared to Lenox which has marginal coverage and few facilities. DM explained the Telecommunications Act of 1996 which regulates phone coverage; another act handles data and streaming.

Robert Pelicotto of 32 Old Stockbridge Road asked why he had such good service with his low cost, used iPhone all over Lenox.

Susan May of 40 Old Stockbridge Road asked why setbacks are being applied to new towers and not colocation. She was unhappy with the process to date and feels that citizens haven't gotten their fair share of input. She worried about the health impacts of an antenna on the Curtis and accused the Town of listening to information from a consultant also working for the telecom industry when working with the former consultant, Cityscape.

Trilby Miller of 6 Main Street also expressed frustration with the process and concern about the health impacts of wireless infrastructure.

Courtney Gilardi shared a list of suggested changes to the draft zoning bylaw, suggested they hear from her preferred attorneys.

Karen Beckwith reiterated her concern about the aesthetic impacts of new wireless infrastructure in Lenox, and the health impacts of the infrastructure. She cautioned the Planning Board to not give away their power and was very against the FCC and its standards.

Debbie West from West Street shared information about a lawsuit lost by the FCC in which they ignored evidence about health impacts to children.

Susan Foster called in from Boulder County, Colorado. She has done research about the health and neurological impacts of wireless infrastructure on firefighters; and she noted some fires have been caused by wireless facilities. She said school and residences should have large setbacks.

TD suggested the Planning Board convene again on November 1<sup>st</sup> and November 8<sup>th</sup>.

The meeting adjourned at\_\_.