

**Approved 2/14/23**  
**Town of Lenox**  
**Planning Board Meeting**  
**Minutes**  
**January 10, 2023**  
**In-person**

**Planning Board members in-person:** Tom Delasco, Kate McNulty-Vaughn, Susan Lyman

**Planning Board member via phone:** Pam Kueber

**Absent w. notice:** Jim Harwood

**Staff:** Gwen Miller

**Public:** Shawn Leary Considine, Lorri Robbins, Courtney Gilardi, Andrew Silver, Scott Barrow, Jill Dore

**On Phone:** Pam Kueber (Planning Board)

**Documents Available:**

- Application for Approval Not Required/Form A Plan, "Plan of Land Prepared for Town of Lenox, Pittsfield Road, dated 11/23/22
- Solar Photovoltaic Zoning Bylaw revision, Draft 2 prepared by Cara Farrell @ BRPC
- Proposed sign bylaw revision prepared by Mark Smith, Ariel Smith, Jim Biancolo
- E-mail dated 12/21/22 from Amy Judd to Planning Board
- Letter from Nina Esaki of 2 Yokun Brook Drive, re: McGee Automotive Special Permit/Site Plan Application to Zoning Board of Appeals and Notice of Intent filing w/ Conservation Commission
- Article from Berkshire Eagle describing 5G moratorium in Sheffield, MA

The meeting began a little after 6 p.m.

**1. Form A, Approval Not Required Plan:**

East Dugway Road--Town of Lenox acquisition from Brushwood Farm

Shawn Leary Considine and Lorri Robbins presented the Form A, explaining it was the property approved for purchase at Town Meeting on December 8th, and described the qualities of the property in general. KMV moved to endorse the plan as presented, SL seconded. PK abstained. TD, SL and KMV voted yes. There was discussion about how positive the acquisition of this land is for the Town.

**2. Approval of Minutes:**

Pam concerned minutes are not up to date and need to have a back-log of minutes reviewed, approved and posted on website. GM to work on this for next meeting, will work w/ Deanna to post approved minutes to website.

### **3. Zoning Bylaw Updates (status of work, next steps)**

**Signs:** TD said he would like to schedule the sign committee to come into the next January meeting. PK noted she and Gwen had spoken to Jason Berger who had some concerns about the proposed sign bylaw--he felt that signs were in a good place in the Historic District, and the new language would allow many signs in many places and conflicts with the goal of the HDC. PK suggested the sign group go to HDC and then come back to PB. PK and KMV suggested they would like to look at the number of signs allowed. Pam suggested solar and wireless should take priority. TD and KMV thought they could bring both solar and signs to the May Town Meeting. GM will talk to Jason Berger and ask him to submit his comments in writing.

**Solar:** The Board agreed to take this up at a February meeting; discussed next steps, decisions that they will need to make (like what percentage of a lot would be available to solar development) and what distance of setbacks.

**Wireless:** Tom explained this discussion was for the Planning Board to map out next steps. KMV was opposed to abandoning their initial approach; she noted the misinformation intentionally spread at Town Meeting and through e-mail before the last Special Town Meeting vote. She noted the current zoning bylaw does not provide adequate coverage and does not protect the town from carriers. The Town is exposed. TD thought there was language from existing ZBL that could be in new zoning bylaw version. Susan explained she realized that many of the people who said they were against antennae on the Curtis were in fact against wireless in its totality; she suggested a different framework, and revisiting the proposal should be done keeping in mind that there is a group who will remain opposed no matter what they do; the Planning Board should review the proposal to make sure it ensures maximum coverage with least effect to aesthetics, and that they need to be mindful of the FCC requirements. Sue said they had stuck their necks out by prohibiting wireless devices on the Curtis; it didn't get them the votes they needed. She suggested they don't need to keep such exclusionary tools in the bylaw; if something can patch wireless holes and be minimally invasive, that could be a good tool to include. She read recent letter to editor (Wehry, dated 1/10/23). PK said from watching the Special Town Meeting it was clear how entrenched the opponents are--they want a 1,600 or larger setbacks; they want a prohibition on small wireless near residential dwellings and they want the Town to use their lawyers/consultants.

PK said she had heard there was lots of backlash from those who thought the ZBL would pass and would have attended the meeting if they thought their votes were needed.

SL and KMV commended the work Joel Bard provided to the Planning Board, and thought the Town was very well served by his expertise and experience.

TD thought the Town was also well served by David Maxson.

SL supports members of the community coming forward and bringing forth arguments; she fully expects to do that; however, people who come to the meeting and call board members incompetent and say they are not up to the task are an outrage. She invites that individual to step up for a Planning Board seat. She said that was a disgrace. She asked why would somebody choose to serve on the Planning Board in the face of that rhetoric? She said she would not; TD said he had felt that way too.

PK said the personal attacks, including on the consultant, were very disturbing.

KMV said this has been a difficult process—KMV said night after night they take on what they are hearing and try to strike the balance.

Group discussed going forward to May Town Meeting with large scale wireless and small scale.

TD addressed the 12/21 e-mail from Amy Judd. He wondered if talking to one of the independent attorneys would help.

KMV said she was not inclined to work with new consultants; she felt they were well served by the ones the Town had engaged with to date.

KMV brought up letter to legislature she had worked on—she had a conversation with Town Manager Christopher Ketchen, who said the Selectboard would be open to a joint letter. The letter would be asking the Berkshire and Massachusetts delegation to strongly lobby for greater clarity in what aspects can be considered by localities under the umbrella of the FCC.

PK says she is going to start thinking about a communications plan—how to get the point across. KMV volunteered to help. PK asked TD to go back through wireless overlay district bylaw (current regulation) and highlight what regulations he would like to see in the new zoning bylaw. They agreed there were good restrictions in the existing language that would serve the town well in the new language.

### **Correspondence**

PB discussed 1/6/23 correspondence from Nina Esaki (2 Yokun Brook Drive)--discussed Planning Board role in the review of the car dealership proposed at the corner of New Lenox Road and Pittsfield Road.

Discussed issue with the indoor sale/outdoor question—PK suggested maybe writing a letter or memo suggesting the ZBA be very mindful of the outdoor sale/display and keep the appearance.

Discussion about Apple Tree Inn/properties that are not large enough or on water/sewer but have similar development histories—would like brief and proposed language amendment before the Planning Board March 14<sup>th</sup> meeting in relation to Historic Estates provisions in ZBL.

Jill Dore from Lenox said she was in favor of the Lenox Zoning Bylaw, offered suggestions on how to improve communication and outreach strategy for future Town Meeting. Suggested many people did not understand zoning bylaw, could use clearer explanation and show people indisputable facts, such as the coverage maps to start at the Special Town Meeting on December 8<sup>th</sup>.

**Meeting Schedule**—mapped out meeting content through March, will wrap up sign bylaw revision and discussion, take up solar and wireless in February; new business in March. Work toward May Town Meeting.

Submitted by Gwen Miller

1/23/23