

**Planning Board
Minutes for May 10, 2022**

Approved 6/14/22

Members in attendance: Pam Kueber, chair (PK), Tom Delasco, vice chair (TD), Sue Lyman (SL)

Absent with notice: Jim Harwood (JH)

Attended late via phone: Kate McNulty-Vaughan (KMV)

Also attending: Land Use Clerk Jes Cote, Mike Gigliotti

Documents:

- Agenda
- Draft minutes for April 26, 2022
- Updated institutional uses bylaw
- ANR materials for 212 Old Stockbridge Rd.; Board instructions on approving ANRs
- Correspondence: Emails from SL on Pittsfield BOH cease & desist to Verizon and Verizon follow-up federal lawsuit v. Pittsfield BOH. Email from BOS Chair Marybeth Mitts re puppy mill, including correspondence from residents Veronica Fenton, Geanne Belton, and Keith Belton sent to BOS. Email from Casey Brownell of VaporSafe regarding cannabis odor monitoring services offered with sample Santa Monica RFP for such services included.
- Town Counsel's PPT presentation on Dover Amendment from April 26 meeting.

ANR for 212 Old Stockbridge Road, Christian Selke owner –

- Mike Gigliotti, presenting for surveyor – Proposal is to subdivide the long narrow parcel located at 212 Old Stockbridge Road into two lots, creating parcel 1 and parcel 2 shown on the plan. The “new” Parcel #1 has frontage on Old Stockbridge Road is in Lenox and has adequate frontage for R1A zone; while the “new” Parcel #2 is in Stockbridge; Gigliotti noted Stockbridge has already approved the plan. TD move to approve as presented, SL second. Roll call vote: PK, TD, and SL – aye. KMV – abstained.

Solar bylaw discussion –

- Will take place next meeting. PK mistakenly put it on this agenda.

Updates –

- Wireless Communications Facilities needs analysis and master plan – Drive test completed last Thursday, consultants now getting info on the existing wireless infrastructure in town.
- Niagara Mill project – Last planned phone meeting did not take place due to scheduling conflicts. Tom to take lead for Planning Board working with Town Planner to continue moving this project forward. He will provide further updates.

Correspondence --

- Puppy mills – BOS Chair Mitts asked Planning Board to look into this bylaw issue -- citizen petition at recent town meeting had requested banning sale of puppy mill dogs, cats and rabbits at retail locations; the citizen petition was tabled at town meeting. Discussion about whether this issue is best handled as general bylaw or zoning bylaw. TD explained that citizen petition that was presented at Town Meeting was presented as a general bylaw and he had informed Chair Mitts as such. Further discussion of where this appropriately falls, PK to ask Town Planner and Chair Mitts to ask Town Counsel for guidance on how best to regulate puppy mills – could be done as either – do we want to dedicate time as a municipality to do it? SL did not see it as a zoning bylaw as presented – did not relate to land, asked for policing of sale of animals, a different thing beyond our authority. PK recalled that if citizen petition on zoning bylaw must have public hearing first with Planning Board. KMV – what do other towns do; is this typically a zoning or town bylaw; seemed simple as titled but more complicated as questions came up. PK – solving a problem we don't have. TD – concern in crowd from people who raise small animals legitimately... such as, at what point does a 'breeder' become a 'puppy mill.'
- Cannabis – received contact from company that does odor abatement at cannabis facilities; relayed to Town Planner for future reference if needed.

April 26, 2022 meeting minutes. KMV thanked PK for taking good record of Town Counsel points on Dover Amendment uses and for sharing PPT in packet.

- TD move to accept minutes, PK second. KMV had a few amends. TD: as amended. Roll call vote: ayes – PK, TD, KMV. SL – abstain.

Institutional Bylaw draft –

Board reviewed elements of the bylaw again and some of the key takeaways from Town Counsel presentation, with discussion. At this point, rather than move forward with draft bylaw, KMV and SL will work to identify other bylaws from other municipalities and how they handle. They will reach out to Town Planner to ask via planner listserv, ask knowledgeable acquaintances, check with law library, BRPC, land court attorneys, etc. It was agreed that in future instances where we are working on revising bylaws, we shall reach out first for examples of how other municipalities handle the issue.

Next meeting –

Need to elect chair and vice chair for next term. PK expects to be participating remotely for about half the year as such cannot be chair and unless there is a real hybrid solution (not just phone remote) for meetings, long-term membership may not be possible. Congrats to SL and KMV for being elected/re-elected. Minutes can transition back to Land Use Clerk; we want them to continue to be detailed “overcommunicate” especially on issues like wireless where there is a lot of public interest and very complicated law; SL – can we get transcription software, PK to investigate / ask Town Planner. It was also discussed that if when we take on projects we really think we need to ask for money to invest in a consultant to lead the effort, as with housing bylaw grant coming up.

Respectfully submitted,
Pam Kueber
May 22, 2022