

Minutes  
Planning Board Meeting – April 12, 2022  
Approved April 26, 2022

Board Members in attendance: Pam Kueber (PK), chair; Tom Delasco (TD), vice-chair; Kate McNulty-Vaughan (KMV), Jim Harwood (JH), Sue Lyman (SL).

Also attending: Town Planner Gwen Miller (GM), Land Use Clerk Jes Cote (JC), Mark Smith (MS), Ariel Smith (AS).

The meeting was held on Zoom. It was recorded by the Town.

1. Updates and discussion:

- a. Wireless Communications Master Plan – GM updated we had (1) received price quote on streamlined proposal from Diamond Communications, which earlier had submitted a different proposal not quite in line with our RFQ, TD – inclined to stay away from companies in the business of selling towers; and (2) after reaching out to additional possible companies, also received response from Isotrope. From reading proposal and background info provided, members noted that Isotrope has done and is doing work for a great number of municipalities in the Commonwealth, including some more than once; that fees were comparable to or less than other proposal; that company seemed flexible to our needs; and that company has done work for Lenox before. JH – we don't have a ton of choices as we are a small town with few proposals submitted. JH - Recognizing that this needs analysis will demonstrate need, separately he wants to understand the limits of our ability to regulate; TD – once we have data it will be up to us to construct bylaw accordingly. JH -- to maximize coverage while minimize impact – where do we have holes, what are the impacts, what are we actually allowed to regulate. PK – may be advised to get a 2<sup>nd</sup> opinion of what we can and cannot regulate, but though that would come after this needs analysis/master plan step. KMV – at beginning of proposal Isotrope says it will make recommendations that minimize regulation, so company is close to what we're asking for; in affiliations – there are quite a few, including worked on health and safety issues so presumably the company will understand what we can and cannot do accordingly. SL – taken by number of municipalities Isotrope has worked for.

It was agreed for GM to follow up with Isotrope to further clarify their experience, qualifications, technical capabilities, and proposed plan of action, including the ability to assess coverage across all carriers, and to model different solutions involving the different types of wireless communications facilities and mix-configurations.

PK related correspondence (phone conversation) with Scott Barrow, which was instigated per prior meeting instructions to connect regarding his recommendation to connect with a source (turned out to be Atty. Campanelli) to see if he knew of a

company that could do needs analysis etc; attorney did not, SB said. Also noted that individual tower applications must show need. Whether we must approve 5G coverage if we already have 4G coverage came up; JH – we want to understand how to provide maximum benefit with minimum intrusion; would be good to find out who is leading proactive figure in providing guidance on this.

- b. Niagara Mill project – Phone call tomorrow with president of company that owns Niagara Mill, GM, JH, and TD will participate to discuss how we can work with them to assist in moving any redevelopment forward. Discussion of goal for meeting, to have owner leave the meeting know they have a willing partner to do what we can to help with solutions including being a facilitator and catalyst and easing obstacles to redevelopment. Will also let owner know of studies that have been done. GM -- BRPC can provide more DLTA for this, so they will be on the call. GM incorporated board member comments submitted by April 4 deadline into background document.
  - c. ANR instructions – PK shared with team the new explanatory box at the top of the criteria, and there were no changes from any board members. Land Use office will provide to applicants in addition to normal application materials.
  - d. Correspondence – Scott Barrow discussed above; Shawn Leary Considine wrote about short-term rental and the phenomenon in some states of large companies buying up rental (long-term) housing; asked about STR enforcement in Lenox; GM – enforcement is complaint driven – written complaint needs to be submitted, the Town has a list of registered hosts (as per General Bylaw), and Town also has a list from the state of those who submit taxes to state and that list is bigger than our local list of registered hosts, Town not actively working to get our registration list to match state list. GM - State also making movement on inspection requirements for Short Term Rentals to make it an explicit code in the building code, which could influence enforcement efforts in the future, but state work could take a year. Also asked in correspondence, PK – inn owner cannot convert entire facility to STRs because our bylaw allows for just one STR per address. GM noted the option to direct some of the STR revenues to affordable housing, if the Town so chooses.
  - e. April 26 meeting with Town Counsel on Dover Amendment and ANR access questions – minutes from our prior discussion on questions were shared with the board, PK will organize for the discussion itself so we make sure our questions are answered. SL notes she will not be available on the 26<sup>th</sup>.
2. Continued discussion of and joint work on proposed amendments to Sign bylaw using latest draft provided by sign teams.

Respectfully submitted,

Pam Kueber  
April 22, 2022