

Town of Lenox  
Planning Board  
Meeting Minutes  
March 7, 2023  
Approved on 3-28-23

**Members present, in-person:** Tom Delasco, Susan Lyman, Kate McNulty-Vaughan, Jim Harwood

**Members present via Zoom:** Pam Kueber

**Staff present:** Gwen Miller (in-person), Joel Bard (via Zoom), David Maxson (via Zoom)

**Public:** Henry Kranz

**Documents Available at Meeting:** Meeting minutes (11/29/22, 1/24/23, 2/14/23), proposed zoning bylaw, draft communications plan, document of suggested changes from TD with comments from David Maxson

The meeting began about 10 after 6 p.m. as the Town Planner was late in setting up equipment and starting the Zoom meeting.

**Approval of minutes:**

11/29/22

KMV had suggested amendments to send to GM; PK pointed out the documents available before the meeting should be documents available at the meeting. PK moved to approve the minutes of 11/29/22, SL seconded. TD voted aye; KMV abstained; JH voted aye; PK voted aye; SL voted aye.

1/24/23

PK moved to approve; KMV seconded. TD voted aye; JH voted aye, PK voted aye; KMV voted aye, SL abstained.

2/14/23

KMV moved to approve subject to amendments; SL seconded; TD voted aye; JH voted aye; SL voted aye; KMV voted aye; PK abstained.

**Wireless Communications Zoning Bylaw and small wireless regulations**

**a. Overview of zoning bylaw, finalizing language for Annual Town Meeting**

PK suggested to TD that they switch the order of the agenda so the group could discuss any potential amendments to the proposed zoning bylaw and then discuss the communications plan, since it makes most sense to be discussing a finalized zoning bylaw. So, the group went over two documents:

- i. A document of text from the existing zoning bylaw (Section 10.3, “Wireless Telecommunications Overlay District” of the 2021 ZBL) which TD thought might be beneficial to include in new zoning bylaw with comments from David Maxson

The group reviewed the changes TD had thought might be beneficial along with input from David Maxson and Town Counsel Joel Bard. In the end they decided to not include most of the amendments, they did agree to have PK work on language for Monitoring and Compliance Evaluation.

- ii. The proposed zoning bylaw from the December 8 Special Town Meeting with suggested changes from PK and the proposed change from Ellen Jacobsen suggested at the 2-14-23 meeting.

The group reviewed changes PK suggested to make the Zoning Bylaw more palatable to certain interests in the community. PK's first suggestion was to make it clear from the beginning of the Zoning Bylaw that the term Personal Telecommunications Facilities used in the zoning bylaw refers to the 1996 Telecommunication Act Personal Telecommunications term and definition.

David Maxson suggested the best umbrella term would be Personal Wireless Services and Personal Wireless Service Facilities. The group agreed to make this the umbrella term through the proposed zoning bylaw, in part because it would be the clearest for future readers, interpreters and enforcers of the zoning bylaw language.

PK also included the change suggested by Ellen Jacobsen at the 2/14/23 meeting; KMV suggested language edits to make the sentence cleaner.

Town Counsel Joel Bard suggested this language was problematic in that it was so site specific.

PK suggested including NEPA review as one of the requirements in the Design Criteria section; David Maxson advised the group leave that out and instead reference the section of the TCA that requires compliance with NEPA.

PK also suggested language from Jason Berger of the Historic District Commission, who suggested some language to make it obvious that applicants will need HDC approval. The Board discussed what type of Certificate(s) the HDC issues and what criteria they use to review. Jason shared there are three types of Certificates and explained the decision making that goes into the granting or denial of a Certificate by the Historic District Commission.

KMV had some minor typo edits throughout the document.

In summary, the changes did not materially change the substance or policy of the Zoning Bylaw language. While some terms may change, the form and function of the proposed Zoning Bylaw remained the same.

#### **b. Question/answer w/ Consultant d. Public Comment (no more than 15 minutes)**

JH asked Town Counsel Joel Bard if the Planning Board could bring such a similar zoning bylaw back to Annual Town Meeting. Joel explained they could with a positive vote of the Planning Board.

#### **c. Communications Plan for Wireless Zoning Bylaw-- (discussion and feedback of suggested plan and first draft of materials and next steps)**

Given the late hour, the Board opted to go over the communication plan at their next meeting (3/14). They decided not to attend the Selectboard meeting on the 15<sup>th</sup>.

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Gwen Miller

3-9-23