

Final as approved by Planning Board on July 13, 2021

**TOWN OF LENOX  
PLANNING BOARD  
July 6, 2021 Minutes**

In attendance: Pam Kueber (PK), Tom Delasco (TD), Kate McNulty-Vaughan (KMV), Lauryn Franzoni (LF)

Absent without notice: Jim Harwood (JH)

Meeting was recorded on zoom.

Documents:

- Agenda for June July 6 meeting
- Wireless telecommunications - 2 bylaw drafts and 2 drafts design & procedures (all dated July 2)
- Updated consolidated list of questions for Cityscape
- Minutes June 22

**Minutes for June 22, 2021** – LF moved to approve, KMV seconded. LF, KMV, and PK voted to approve as amended.

TD arrived late to meeting due to internet connection problems.

**Review/discuss updated documents and next steps in work on Wireless Communications bylaw work –**

The Board focused on questions related to the two bylaws, which need to be completed by early August in order to hit deadline to post notice for an early September Public Hearing. They completed discussion of various questions related to Wireless Communications Facilities, which LF will consolidate for relaying to consultant Lepore. The Board had several questions for consultant Lepore to clarify: (1) the Basic Use Permit and ZBA process for that approval, including with relation to abutter notification; and (2) screening

language which TD will forward. Board agreed that next step was to work to finalize questions related to Small Wireless Facilities in Right-of-Way and get any new questions related to this bylaw to LF for consolidated discussion at next meeting July 13. After completion of bylaws, Board will then focus on the 2 design & procedures drafts, which are not technically part of the public hearing process although we will want to have them ready by then. PK noted that she had spoken with DPW Superintendent Bill Gop giving him the heads-up that we were about ready to review all the documents including Town administrative requirements with him. Board agreed to wait until we complete both bylaw documents, presumably on July 13, and then connect with him in person.

Board discussed consultant Anthony Lepore's suggestion that a member attend meeting next week at the Curtis, where a proposed antenna installation will be discussed. Board decided to pass, feeling it was premature and a potential conflict given the work we have under way. PK expressed concern that as she read the current Wireless bylaw, the Curtis proposal would require a Use Variance, and that Use Variances are prohibited in our current bylaw. She said that the Use Variance issue in general has come up before, and that the ZBA sometimes grants them while in other cases, such as with two issues that have come up at the Planning Board in the past few years, potential applicants are being told that Use Variances are not legal in Lenox. PK has a proposal to address the issue, and the Board agreed to put this on the next meeting's agenda. The Board also agreed that given these issues, it could be recommended that the Curtis proposal be put on hold until bylaw changes are considered in November.

### **Discuss agenda for July 13**

Board will continue work on Small Wireless Devices in Right-of-Way bylaw, and consider draft Use Variance language.

Meeting ended at approximately

Respectfully submitted,

Pam Kueber

July 7, 2021