

**Town of Lenox
Planning Board
Minutes for October 19, 2021 6pm meeting by ZOOM
APPROVED NOV. 30, 2021**

Attending: Chair Pam Kueber (PK), Tom Delasco (TD), Jim Harwood (JH), Kate McNulty-Vaughan (KMV).
Also: Clarence Fanto (Eagle Reporter), Robert Pelliciotti, Ellen Jacobson, Susan May.
The meeting was not recorded by the Board (technical difficulties), but recorded by C. Fanto.

Documents available: Minutes of Aug. 24 and Sept. 14 meetings;
Wireless Communications DRAFT Scope of Services

1. Minutes Aug. 24: motion by KMV to approve as amended, 2nd by TD.
Rollcall vote: Ayes: PK, TD, KMV, JH. Minutes approved.

Minutes Sept. 14: motion by KM to approve as amended, 2nd by TD:
Rollcall vote: Ayes: PK, TD, KMV. JH abstained (absent from meeting). Minutes approved.

2. Update on appointment of new Board member: Oct. 20 – joint meeting with Select Board.

PK noted that 3 Planning Bd. members must be in attendance on Wed., Oct. 20 to vote, and all 4 current Bd. members are available to attend. PK suggested that members read candidate Susan Lyman’s letter of interest.

3. Wireless Communications:

1. PB members discussed who might be willing to take on Lauryn Franzoni’s role and track versions of the documents since her departure. Perhaps the new member and TD can divide up this task.

2. TD reminded the Board that the usual procedure is to modify or work with a “boilerplate” version for the RFP: either RFP proposals (bids) or RFP qualifications. PK indicated that Town Mgr. Chris Ketchen had suggested that an RFP was unnecessary and recommended a Scope of Services approach. PK has looked at a Colorado plan and noted that the wireless study would be useful in crafting the bylaw specifics. JH noted that the issue of a conflict of interest might be resolved by avoiding someone “conflicted” and considering 2 sets of information, one of which would be a peer review of the bylaw recommendations so far.

There was consensus that the Scope needed to be clear on exactly what information we want to help in our decision-making, including the following:

- needs analysis or gap analysis;
- map that serves as an inventory of infrastructure the town has now;
- so-called “propagation mapping” – coverage and capacity gaps going forward;
- recommended solutions or options and how they fit together – what’s possible and available today.

TD suggested that the Scope should not be so specific that something important but unmentioned gets left out. The consequences or impact of Town preferences: ex., for small wireless only or limited towers, need to be better understood by Board members and the public. Members touched on whether Town ownership of wireless services or infrastructure, or fiber in the public ROW, can provide options. Whether a hybrid plan could deliver desired services; identifying locations, co-location and town property sites, and setbacks that could be workable: how macro level signals could get down to the home level.

TD emphasized the need for clear deliverables: maps, reports that summarize scope items, hard copies or digital, etc.: detail on the “ask” without precluding something important. JH commented on the importance of wireless communications for business and jobs, with agreement from Board members that the goal is to create a bylaw that allows for the best publicly acceptable coverage with minimal impact. PK will follow-up with Land Use Director Gwen Miller and Wylie Goodman (BRPC) who is assisting the Board with the Scope, noting the Board’s desire to move forward on this.

3. Draft congressional letter:

KMV has drafted a letter which the Board will discuss at another time. KMV noted the importance of making a specific proposal for action by the recipients, needing discussion and consensus of Board members.

4. & 5. Correspondence & Public Comment:

PK noted that there has not been much recent correspondence. Susan May asked about the status of the inquiry about the Town’s consultant and a possible conflict of interest. JH informed the Board that he had spoken with Tn. Mgr. Ketchen and the AG’s office, and that the consultant should be in discussion with the state ethics folks. PK said that she has referred the question to Town Manager Chris Ketchen to resolve with the consultant because the Town entered into the contract. It was noted that the Open Meeting law requires that discussion of this issue must be noted on the agenda and we would also want to ensure the consultant notified, so that he might attend.

PK asked if there were any comments on the Scope of Services discussion. Ellen Jacobson spoke of her appreciation that citizens are being listened to – especially their concerns about EM frequency danger to their health. Robert Pellicciotti also has sensed a shift in how wireless communications facilities are being discussed, and recommended that Board members look at work being done by Att’y. Andrew Campanelli in Woodstock, NY, who has litigated cases and may offer some insight into how to get what the Town wants – with no fear of FCC repercussions. Susan May inquired about a copy of the draft RFP, and was assured that it – and the draft of the Scope – would be available on the town’s website: Land Use/Pl. Bd.

4. Prioritize next bylaws to work on (in addition to signs):

PK informed the Board that LU Assistant Jes Cote has received a Subdivision Preliminary Plan which needs the Board’s immediate attention. JH suggested that the Board get an outside expert opinion and/or boilerplate language and to align Subdivision, Inclusionary Zoning bylaws and Multifamily Housing bylaws. KMV reminded the Board that ZBA members and others have wanted a review of the Inclusionary and multi-family housing bylaws. TD noted that the solar bylaw is out-of-date – and should be reconsidered to make it less prohibitive. Work on changes to Religious, Educational, and Institutional Uses needs completion as well.

5. Niagara Mill – Local Technical Assistance study; updating Population and Demographics chapter of Master Plan with 2020 Census data:

PK will discuss the Niagara Study and update of Master Plan with LU Dir. Gwen Miller and report back.

6. Next meetings:

Oct. 20: joint meeting with Select Bd. to vote on new PB member.

Oct. 26, 5-8pm meeting on signs in Town Hall – members should prepare. PK will resend the documents.

Nov. 9: meeting with applicant to discuss subdivision preliminary plan.

Planning Board meeting is adjourned at 7:34pm.