

*(Minutes approved as amended at the 5/20/15 meeting)*

Planning Board Minutes  
May 6, 2015

Present: Michael Fitzgerald (Chair, MF)  
Alan Rice (AR)  
Ken Miller (KM)  
Lauren Preston-Wells (LPW)  
Jim Cutler (JC)  
Barbara Miller, substitute scribe (BM)

Absent: Jean Cherdack (JC) Scribe

Guests: Chris Gray (CG)  
Judy Haupt (JH)

Meeting was called to order at 7:37 PM.

MF asked for nominations for the board, as this is the first meeting after the annual town meeting.

- LPW nominated AR for the clerk position. KM seconded, all in favor (5-0).
- KM nominated MF for chair, AR seconded, vote was 4-0, MF abstained

Review of minutes from the April 15, 2015 PB meeting and the Public Hearing – MF commented that the task was twofold – to review the minutes for accuracy, and be efficient in the process, i.e., any prospective changes to the bylaws will be captured after the review and corrections.

- Motion to approve the minutes as amended by AR, seconded by LPW, all in favor (5-0).

AR brought up an administrative issue regarding the available funds in the PB account. He had submitted a bill for \$50 and found out that there was only \$22 left in the account. MF indicated that he was aware of the issue and records are currently being checked for a mis-posting.

### **Telecommunications Bylaw revisions**

MF started the discussion by referring to the additions to the bylaw and suggesting that the language in “Add to section IV” be struck in its entirety. The reasoning was that this would be onerous and require setbacks for structures such as fences, which is not intended. Any structure over 50’ would need a special permit in any case.

A discussion ensued that noted that anything under 50’ tall is exempt from the provision. The current statute exempts church steeples and silos (agricultural structures), but the town would like more control over telecommunication monopoles, hence the bylaw.

AR noted that the original intent of the clause in question was to address a falling structure. MF agreed, indicating that similar language is in other comparable bylaws. LPW commented that a neighbor could still be affected by a tower between 25' and 50'. She further stated that anyone can construct a structure under 50' with a 25' setback. Fences can be placed on property lines. Side note from MF – trees are potentially more dangerous than towers, but are not regulated and can be planted with no setbacks. More discussion about structures and the “looming effect”, but generally agreed to strike the provision mentioned above. AR noted that this can be amended in the future if necessary.

JC questioned the statement in VI: F. 2. M. regarding camouflage, seeing it as ambiguous and therefore, not effective. MF countered that it is very effective in that it gives the PB the ability to determine what the “most appropriate camouflage” will be.

LPW asked CG if towers might be built for repeaters that CG might be providing. CG said yes, but they must be reasonably close to an existing utility pole. He later commented that this is more for visual impact rather than any technological reason and repeaters cannot be placed on primary power poles. CG further noted that the setbacks identified in the bylaw are for buildings, not structures. Poles are not buildings and can be located closer to boundaries than the setback would indicate.

This led to a discussion about the difference between buildings and structures as it affects setbacks. MF indicated that both terms, buildings and structures, are in the definitions of the bylaw, then the reference changes to just structures. This could raise legal questions. After several minutes of discussion, MF suggested that the issue be tabled for tonight to allow for further thought.

CG requested a change in the definitions of section II concerning Telecommunication Facilities. In the sentence beginning “Not included”, he suggested replacing the word “antennas” with “facilities”. This prompted MF to note that the “residential use” clause also needs clarification. (The buildings vs. structure confusion.)

AR questioned the intent of F. 2. n. regarding setbacks from schools, parks, etc., as to whether this means setback from a building or a boundary? Same question for a residence. He suggested that members ponder what the intention is for a future discussion.

JC noted that the language in F. 2. n. needs to be corrected regarding the historic district.

## **Senior Housing**

MF provided some thoughts on presenting the senior bylaw to voters. From the comments at the public hearing, he noted that a smaller district would be more agreeable. He suggested that when the bylaw is brought to town meeting, two bylaws are presented – one that is more generic and encompasses the entire town, and one that is more specific and includes only Main Street. This will give the voters the opportunity to decide. KM and LPW noted that they heard a resounding interest in including the entire town in the ‘district’. MF noted that a bylaw that would be

applicable to the whole town would not be appropriate for the village. This could be addressed separately, if necessary.

AR moved to adjourn the meeting, KM seconded. All in favor (5-0).

Meeting adjourned at 9:26 PM.

Respectfully submitted,  
Barbara Miller