

**Small Wireless Facility Committee
Meeting Minutes
Monday, December 5, 2022 at 12:00 PM
Virtual Meeting**

Members Present:

Daniel Carty, Select Board Member
Janie Dretler, Select Board Vice Chair

Also Present:

Maryanne Bilodeau, Interim Town Manager
Adam Duchesneau, Director of Planning and Community Development
David Maxson, Consultant and CEO, Isotrope, LLC

Confirmation of Quorum:

The statutory requirements as to notice having been compiled with, the meeting was convened at 12:03 P.M. via Zoom telecommunication mode. Select Board Vice Chair Janie Dretler announced the recording of the meeting and other procedural aspects included in the meeting. Ms. Dretler took a roll call and all members were present. Ms. Dretler volunteered to take minutes.

1. Review and discuss policy draft document and materials

Dan Carty provided a recap of the previous meeting. Maryanne Bilodeau provided the group with a draft of David Maxson's draft bylaw document for review. Ms. Dretler read through the suggested edits with the group. Ms. Dretler asked Adam Duchesneau to provide a summary of the Planning Board's November 30 discussion about the proposed draft bylaw.

Mr. Duchesneau stated the Planning Board was generally supportive of what this subcommittee has been discussing regarding the creation of a small wireless facility general bylaw. The Planning Board thought it made sense to amend the existing wireless services overlay district bylaw and to have a separate general bylaw for the public rights of way. The Planning Board will need to adjust the wireless services overlay district so that there is not a conflict between the two bylaws. Further, Mr. Duchesneau stated that the Planning Board would not be ready to bring a revised wireless services overlay bylaw forward to the May 2023 Annual Town Meeting and that a date beyond May of 2023 would be preferable. The Board preferred to have the two bylaws presented at the same Town Meeting to avoid any confusion by the public. In addition, the Planning Board wanted to make sure that no new additional poles could be installed for small wireless facilities and suggested that the bylaw should be written so that facilities were only placed on existing poles or replacement poles.

Ms. Dretler summarized that the Planning Board is asking the Select Board not to move forward with the general bylaw at the 2023 Annual Town Meeting and the Planning Board's preference is to present both the general bylaw and the amended zoning bylaw at the same Town Meeting, possibly in 2024. Mr. Carty stated this was his understanding of the Planning Board's request as well.

David Maxson joined the meeting at 12:27 PM.

Mr. Carty stated that he was still unclear about the jurisdiction of Route 20, a state highway and whether a general bylaw would have any power. David Maxson stated that a bylaw provides additional controls for the Town and that the Select Board could apply conditions to the grant of the application. Ms. Dretler stated that the applicant could accept the Select Board's conditions, or they could appeal them. Mr. Carty stated that approach sounded reasonable to him on the surface.

Ms. Bilodeau stated the Select Board could create a regulation as a stop gap measure until a general bylaw was presented at a future Town Meeting. She stated that Attorney Jon Witten had previously been concerned that a regulation would not be as strong as a bylaw. Ms. Bilodeau asked for clarification as to whether a regulation could be modified to a bylaw and stated, if so, then it could possibly be ready for a 2023 Fall Town Meeting. Consensus of the subcommittee members was affirmative. Mr. Maxson stated that the draft document could stand as a regulation rather than a bylaw and that other towns he has worked with have implemented regulations.

The group reviewed Mr. Maxon's suggested edits to the bylaw document and agreed that the document should be revised to be a regulation and sent for legal review.

2. Discuss next steps:

David Maxon will make edits to document and submit to Maryanne for submission to Town Counsel for review. The SWF subcommittee will request time on an upcoming Select Board agenda.

3. Review timeline for 2023 Annual Town Meeting Warrant submission

There was no discussion on this item.

4. Public comment:

No members of the public were present.

5. Upcoming agenda items/next meeting planning:

Discussion with full Select Board possibly on December 20.

Adjournment:

Ms. Dretler asked for a motion to adjourn. Mr. Carty motioned, and Ms. Dretler seconded. The meeting was adjourned at 1:30 PM by roll call vote.