



Town of Sudbury

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**Sudbury Select Board
Small Wireless Facility Subcommittee
Minutes
Wednesday, November 16, 2022
12:00 PM
Via Town Zoom Conference Call**

Core Members Present: Daniel Carty, Janie Dretler

Guests: Interim Town Manager Maryanne Bilodeau, David Maxson (Consultant, Isotrope LLC), Town Planner Adam Duscheaneu (arrived 12:20)

Confirmation of Quorum

The statutory requirements as to notice having been complied with, Dan Carty as convened the meeting at 12:02 PM. Dan Carty made an announcement that this was a public meeting, and the meeting was being recorded and shared live via Zoom. He took roll call and noted a quorum or members were present.

Selection of Clerk

Dan volunteered to take meeting minutes.

Goals and Deliverables

Members Dretler and Carty agreed that the goal was to deliver a draft bylaw to the Select Board for review in time to make the 2023 Annual Town Meeting. Maryanne Bilodeau noted that materials had been sent to the subcommittee in advance for review today. David Maxson asked if the bylaw would be strictly for the for the public way or broader. He then noted that some towns include a clause regarding small wireless facilities so that they can do it under a special permit process. Janie stated it was her understanding that this was about the public right of way and that we leave the private parcels to the Zoning or Planning Boards. Dan asked if we currently have coverage on private parcels and what would happen now if a provider wanted to drop one in on a private parcel. David stated it was a small wireless facility and would be covered under our current bylaws – a small wireless facility that meets the twenty-watt criterion is as of right in any zoning district. Dan questioned if this approach left any gaps in coverage and why we were not involving the Planning Board. Maryanne stated she had discussed with Adam and that the Planning Board should be involved.

Janie shared her screen which displayed a document from KP Law marked up with comments from David Maxson. David noted that we had the opportunity to create a small wireless overlay district. He also noted that the Planning Board was working on a zoning bylaw. Janie clarified that this bylaw would give guidance on where small wireless facilities would be visible in the public way. David stated that carve-outs could be made for historic districts, for example. Janie replied with one way would be all or nothing in a public way or else an overlay district which would carve out specific areas in town. David noted there would be potential conflict that if you wanted this by law to cover zoning as well as public ways and suggested that we stick with just public ways.

Discussion ensued about free standing structures vs. shared structures. Janie asked what poles we had in right of ways that currently were not utilized by utilities. David stated that utilities must allow wireless companies to attach to their utility poles, it doesn't say towns must allow wireless companies to attach to their lamp posts.

Adam joined the meeting at approximately 12:20pm. Janie told him that we were trying to get a handle on whether this should be coverage for public ways or an overlay district. Adam stated that David and his team are working on the planning board to examine the current wireless overlay district by law, and there may be changes coming out of that, specifically the removal of the public rights of way. The permitting regulation would fall entirely to the Select board as he thought would be odd to have two different boards regulating small cell wireless within public right away throughout town, in different locations. Janie agreed and stated that it makes it cleaner if we just deal with the public right of way.

Adam and David then discussed specifics of wording in the draft bylaw. Dan asked about how the work this subcommittee, and thus the Select Board, related to that being done by Planning, and would Planning's work be ready for Spring town meeting. Adam stated it would not be ready for this coming town meeting. Discussion ensued, and Adam then noted that the current bylaws only reference properties and not rights-of-way. The discussion then pivoted to the existing bylaw that states that new developments must put wires underground. Dan questioned how we can enforce if our bylaws applied to properties and not rights of way. David thought that we would be pretty well protected in areas where you already have undergrounding.

Janie asked the group what we wanted to accomplish in the next 15 minutes as our time was expiring. Dan asked that we come to consensus on what problem we were trying to solve. Specific locations were discussed as examples of whether our current bylaws covered or not. David reminded the group that utility infrastructure was subject to a different set of rules. Janie noted that our time was expiring. David offered to clean up the document for further discussion in our next meeting. Maryanne stated she would forward to legal council for review. Adam thought this public rights of way approach and not just route 20 was appropriate but would review with the Planning Board. Janie asked that we refer to a fee schedule rather than actual dollar amounts within the bylaw text. David discussed aspects of existing poles vs replacement poles as well as pole height. Dan asked that this be written to accommodate changes in technology so that this did not become obsolete in the short term.

Next Meeting, Adjournment

Janie stated that we should work to have this complete by mid-December. The next meeting was schedule for noon on Monday, December 5. Janie volunteered to draft an agenda. She called for public comment and there was none. Janie asked for a motion to adjourn. Dan motioned, Janie seconded, and the meeting was adjourned at 1:06PM by roll call vote.