

Tyringham Planning Board Approved Meeting Minutes  
March 25, 2013

Present: Ed Nardi, Christina Alsop, Barbara Palmer, Jerry Miller  
Public attendance: Sarah Hudson, Jim Curtin

Chair Miller called the meeting to order at 7:05 pm  
Minutes of 3-11 meeting were reviewed. A few changes were suggested, and with Robin Almgren absent, Christina motioned to table meeting minutes. Ed and BP approved, JM abstained. Jerry suggested that as the next meeting is the public hearing on the proposed bylaw, we will have public portion first, then board business.

No mail. No ANR.

Public comment: Sarah Hudson came to tell us about BRPC issues of regional planning. We should think about signage. Sarah brought a BRPC presentation on sign bylaws. Lee is having signage problems. Medical marijuana is coming up as an issue. Towns can't prohibit siting of dispensaries. A lot of towns are putting moratoriums on this decision. Solar power is another issue. The planning board might consider a bylaw about industrial siting.

Jerry pointed out that unlike wireless, solar and wind are not covered under a federal law that requires that a town permit it. Applications can come in under current special permit regulations. The town does not need a bylaw for solar and wind power, though it might be a good idea to have one.

Sarah reported that there is a possibility the Tyringham Road project may slide up in priority. The board thanked Sarah for her report.

Jim Curtin asked about the bylaw (Chapter 4 section 10) that requires all permits to be held in cases where a resident owes back taxes to the town. He asked if the PB had drawn this up. Since this bylaw is administrative, not land use related, the PB members did not think it originated with the PB. Jim questioned whether people should be allowed to hold public office if they are in arrears on taxes. The board thanked Jim for his comments and suggested he check with the Select Board about this.

Jerry noted that Tyringham has a sign bylaw.

Public comment closed.

Old business: Proposed Wireless Bylaw. The official hearing process has started with the legal notice in last Friday's Berkshire Eagle. Notice is posted and the draft bylaw is accessible.

At the hearing we will follow the format as outlined in the administrative rules. First town officials, then residents can comment. Jerry reviewed his approach: he will tell history of bylaw, AG comments, why split into two. He will send board members an outline in advance.

Jerry mentioned that he has had a hard time getting a response to questions from town attorney Jeremiah Pollard. Mr. Pollard has not responded in a timely manner to questions we needed

answered regarding the draft bylaw. Mr Pollard has sent the bylaw for a preliminary review to a contact at the AG's office.

Molly will draft the warrant for the hearing. Jerry will ask Molly to forward it to the PB for prior review.

New business: Jerry mentioned that he had been contacted by Mr. Duane Gerenser about a possible proposal for a special permit for a property on Brace Road. Jerry has let Mr. Gerenser know that he cannot discuss preliminary plans with an applicant outside of a PB meeting. He advised him to inform the public about his plans in advance.

Jerry is concerned that the board cannot begin a new special permit application before the town election, since the clock begins when an application is accepted. A special permit needs to be decided by 4 out of 5 board members. Jerry has asked Jeremiah Pollard if we can accept an application by the current board and then hold the hearing with new board members taking the place of two retiring members.

The board then discussed revising our rules and regs to require submission of applications in advance of a meeting. We will get clarity about the rules regarding the beginning of the clock.

Ideally we would ask for the following:

All documentation is required to be submitted to the town offices 14 days before the date of the planning board meeting at which the application will be reviewed for completeness.

The board will review this at a future meeting.

Jerry will contact town clerk John Curtin about advertising the two PB positions. There is general desire for more openness and information about town elections.

Meeting adjourned at 8:20 pm

Respectfully submitted,  
Barbara Palmer