

Tyringham Planning Board
Meeting Minutes – July 11, 2011
(Approved 7/25/11)

Present: Barbara Palmer, Ed Nardi, Jerry Miller, Rich Biasin, Robin Almgren, Carey McIntosh; Molly Curtin-Schaefer, Lois Jensen, Murray Hochman, Jim and Eugenie Fawcett, Dan Jocz and Kathy Bock, Mark Caldwell, Vivi Mannuzza, Tonio Palmer, Paul and Chris Haley.

(1) **Minutes for 27 June, 2011** - approved as circulated with one correction: p. 4, line 4 "Zoning Board of Appeals" not Adjustments. Thanks to Barbara for exemplary performance of a difficult job.

(2) **Public Comment** -- A number of people urged the PB to change the new Zoning Bylaw 6.7 so that the Town may get access to broadband as soon as possible. The ordinary, routine duties and job obligations of teachers, students, artists, and businesspeople are all seriously hampered by not having broadband. Airline reservations, library access, applications for jobs or for admission to schools or colleges, keeping informed of institutional schedules and current events, even ordinary day-to-day communications (and especially e-mailing photos), all depend to some extent (often, to a very great extent) on good access to the internet (Molly, Jim and Eugenie, Dan, Tonio, John).

Others recommended caution in amending 6.7. The new bylaw has been vetted by the Attorney General (in a preliminary review), by Town Counsel, and at the Annual Town Meeting; to change it before it has even been used and tried out makes little sense. The bylaw is intended to protect Tyringham from the potential negatives of telecommunications towers in general, so amending it to conform with a single company's plans is not a good idea. Furthermore, wireless has its down sides, environmental, health-related, and technological (it may soon be obsolete). Residents of Stonebridge Ways strongly oppose the site chosen by WiSpring. Shouldn't WiSpring be looking at other sites? (Paul, Mark, Lois.)

Discussion also touched on problems presented by the new bylaw itself. Hiring consultants at the expense of applicants seems onerous (but is standard procedure for other committees in many Massachusetts towns). Just what is "Adequate Coverage"? This is only one of several key terms in the bylaw that need clarification, by someone with scientific or legal expertise. Shouldn't it be the Town that decides whether it wants WiSpring or not? (this is the purpose of the public hearings required of all Special Permits.) Variances and waivers are possible, and the PB can and should place conditions on Special Permits. Since the Attorney General's office is in the process of reviewing the new bylaw, we should probably not change it until we hear from them.

(3) **ANR's and building permits** -- 2 building permits (P. Curtin, and D. Bernard), neither of which needs action from the PB.

(4) A letter from Lois Jensen with attachments has been received and will be placed on the record. The public is encouraged to write to the PB.

(5) **Status of the potential application for a Special Permit by WiSpring** -- an e-mail from Crispin arrived yesterday informing us that WiSpring's attorney is now talking with Town Counsel.

(6) **Status of the Selectboard appointing a second Associate Member** -- On June 28 the Selectboard voted not to appoint a second associate member. One reason: which of the two would vote, on what issues? However, Al told Carey that the PB did not favor a second member. Discussion showed that this is not true, given Sarah's long experience with BRPC and her many years on the PB. Moved and seconded: Ed and Carey will attend the Selectboard meeting Tuesday to correct this impression -- passed 4-1 (Jerry dissenting because that appointment belongs to the Selectboard not to us).

(7) **The PB's recommendation for the Alternate Delegate to BRPC** -- tabled.

(8) Potential modifications of new bylaw 6.7 (continued) -- On VIII. P. 3. i-ii: There are more potential sites for a wireless tower than we thought, judging by Google maps, but we could greatly enlarge the number of possible sites by reducing the distances in these two sections of the bylaw.

How to get the technical help we need to administer this bylaw? The FCC may help us find experts; and we could ask the AG office, or ask faculty at U Mass, or ask Warren CT (the source of this new bylaw). A new subcommittee was appointed to clarify technical terms: Rich, Robin, Carey.

Jerry suggested that it is time we come up with specific language to replace items in the new bylaw we may want to change. Members of the PB are asked to review the bylaw in the next few weeks and bring their suggestions for change to our first meeting in September.

(9) Rules and Regulations -- tabled.

(10) Other business -- Minutes. They are a draft until approved by the PB. The Open Meeting Law specifies that draft minutes should be available to anyone on request. However, once they are in electronic form they can go anywhere, which makes possible widespread dissemination of a narrative (or information) that is not correct. So it was decided to post a printed copy of the draft at Town Hall, but not send copies by e-mail to anyone except PB members; once the minutes are approved, they should be made available on the Town website.