



LIGHT AIR NOISE (LAN) Bylaw Committee

Remote Meeting Minutes

January 20, 2022

7:00 - 9:00 PM

Meeting came to order at 7:00 PM.

Attending: Harvey Serreze, April Healey, Mark Little, Renee D'Argento, Ron Karr, Sherrill Rosoff, Michael Veit

Announcements: Sue Edwards was assisting Chuck Walkovitch regarding his initiative to "Educate Don't Regulate." Apparently, his efforts to launch this campaign have not materialized and Sue has ended her efforts to assist him. She has gotten IDA brochures and distributed them to the library, and given Sherrill the rest. Sherrill noted that the Planning Board was working on lighting design standards that are non-binding; the committee should have received this document (which was written by NMCOG). Tim has provided input but there is still confusion around definitions and terminology. We should send our comments to the Planning Board.

Due to Mark Little needing to jump on to another call, the committee focused on the language in the After hours Operation section. The issue is that any commercial or industrial entity could declare that their operation ran 24/7 and therefore the bylaw's restrictions would not be applicable. Mark Little stated that he wanted to exclude "or one hour before closing" as that language could create a possible loop hole. He suggested that we try to have a lawyer look at this particular section and provide some language to close the loophole.

Ron Karr: There are uses permitted by right in the industrial zone so that means the Planning Board wouldn't be involved unless the situation required a special permit. Typically business hours are not regulated; we have had businesses that operated 24 hours and he was not aware that they had to go to the town for permission to do that. They set their hours. The bylaw's intention is that if they're not operating, we want them to shut off their lights - most businesses in town don't operate within 11 - 6 am - right? He recommends that a lawyer write the language in this section - "normal and legal operating hours" - as he's not clear what this means? Toxic dirt is not the only possibility of an industry that would operate 24/7 - another example would be a gravel pit.

Michael Veit: He stated that determining the hours a business can be open is not within our purview. That would be problematic. Maybe the way to do this is not through a light bylaw but some other means.... Do we have access to a resource that can help us with these one or two sentences?

RK: maybe other ways that municipalities can do that - need to find someone who really knows Mass municipal law.

Sherrill Rosoff: She knows a neighbor who's an attorney; he owns a signage company and deals with lighting issues a lot. He might have an opinion on this and how we might deal with the language. She will also touch base again with Tim to review how he came up with this language.

Michale Veit: what about town counsel? Can they do this for us?

Ron Karr noted that minor changes can be made at town meeting in the form of amendments. If we think that the Select Board will balk, we could go the route of a citizen's petition to place it on town meeting. The committee then reviewed suggested edits in an effort to make the Bylaw's wording more direct.

Discussions included sections:

1.1 - went back to the original wording

1.1.4 - kept the original language

Harvey Serreze pointed out in the foot candle definition that we shouldn't use the word "saturate" which is an entirely different phenomenon; instead use "uniformly illuminate".

Conversation turned to next steps. Renee D'Argento is to pass the document off to Michael for final formatting; then send to Tim for his comments. The committee must send the document to the Select Board (will this require a presentation?). As soon as the Select Board approves articles for town warrant they are sent to Counsel for final review.

April Healey then asked the committee to think about the town meeting presentation and general marketing of the bylaw. She discussed the key issues: safety, health, costs. It's essential to limit what you say - a big long list is less effective - must figure out what your essential message is - and how are we going to do that? What forums will we use to get the message out? Civic engagement night? Cable?

Harvey Serreze: the average person will not be concerned about the pollinators or dark skies - they'll be more concerned about their pocket book. We must clarify to them that this does not effect them at all.

Renee D'Argento: Protecting our rural character is important to people.

Michale Veit: let's identify the key areas, and then categorize them - simplifies it for everybody and we won't get into too much detail.

April Healey: You want them to read the bylaw but you're just keying in on the big messages.

Michale Veit: We have to do a better job getting the people who support the bylaw to the meeting. (Harvey Serreze: the anti-toxic dirt folks never showed up. Renee: D'Argento: It's not just toxic dirt but it's an Amazon warehouse coming to you.

Sherrill Rosoff: Some people feel more safe with a lot of bright light around their homes and we shouldn't forget that. She's asked Tim for the latest NASA information. She and Renee have taken measurements over the last several months and their data shows that the streetlight retrofit hasn't had a measurable impact reducing light pollution levels in town. Agree with April that we have three buckets and a couple messages in each bucket but we also have to be quick on our feet in the Q&A session. We need to think about addressing some of the fear about changing some key parts of folk's lifestyle.

Ron: We also have to take on the “educate don’t regulate”. Education is not a cheaper or easier response to light pollution - just the opposite. People who support this position are not really serious about making their argument because they won’t pay for it.

Michael Veit: Vince Premus had a great observation: if you have an industry coming in town, no matter how much you try to educate them, they will do what’s best for their bottom line and will ignore what you’re saying. It’s a great comeback to the “educate don’t regulate” folks.

SR: our focus should be on getting out the vote. At our next meeting we should finish the bylaw reorganization and focus on the messages for town meeting. My concern is that the toxic dirt list is probably not up to date, and how we can access it.

Michael Veit: He will compare the original copy with the current version.

Motion to adjourn: April Healey made a motion to adjourn, Harvey Serreze seconded. Motion passed unanimously.

Meeting adjourned 8:45 PM.