

Minutes of 8/5/19 meeting

Attending; Ron Karr, Sherrill Rosoff, Margaret Scarsdale, Harvey Serreze, Renee D'Argento, Tony Beattie, Joe Radwich.

Absent: Pat Keneally, Casey Campetti, Vince Premus, Tim Brothers

Meeting came to order at 7:08 PM.

Minute corrections: Montesanti not Montisanti - check margaret name's spelling at end - typo.

notes from 7/22/19 - correction: Harvey Serezze.

HS moved to approve with corrections: Harvey, Tony, Mark, Margaret - ayes.

Regarding action items. We will be at BOH 8/6/19. Margaret, Sherrill, Harvey, Joe, Tony will attend.

SLR synopsised the 7/22/19 meeting. harvey: the people who enforce it don't want the responsibility - ML: don't want to dumb the thing down bc they don't want to enforce it.

MS: do you feel that the synopsis is too dumbed down? ML: I won't vote for it.

Tony asked Kalene whether the BOH would vote to approve tomorrow night? How long it is, how complicated it is - do you have to worry about that? You can put it on the shelf and pull it out when you need it. Kaolin understood the argument. TB: if we can frame this in a simple way, verbally, at a public hearing - we can test that case in a public meeting - then its his opinion that the public will be okay with it.

MS: we can still do a public meeting for a general bylaw, but can't make a zoning bylaw deadline.

HS: regulation - don't need a full fledged bylaw quickly, but then we can shoot for the town meeting next spring we can put everything in there, but at least we have something to cover us in the meantime.

ML: Kalene is an employee, she's not here to dictate to us what she should do. We're responsible to the citizens of the community, not an employee.

MS: to HS point, she doesn't see this as being an either/or - BOH can adopt this regulation, but it doesn't preclude us for going for the home run.

HS: at that meeting they were strongly pushing a zoning bylaw...and regulation.

RD: we have noise regs in our bylaws already.

MS: we have only a nuisance bylaw, not a noise - and the nuisance relates to animals.

RK: site plans would be relevant for multiple housing developments, not single residential. If you do zoning bylaw, all the enforcement would be the building inspector. Would not be BOH - a general bylaw would be the BOH.

RD: we're fashioning this under public health, getting stricter under BOH regulations - and if we go to zoning, that would leave out the nuisance part of it, and the health part of it.

RK: the Building inspector is the zoning enforcement officer - previous BI's have thought of zoning as a secondary part of their job - more about enforcing state building codes. When start getting into noise - unless its a new use (e.g. commercial establishment) - building inspector might be reluctant to be the enforcer.

Can you go in both directions? Could have a zoning bylaw and a general bylaw. We're trying to protect against threats that we don't know where they're going to come for - its a proactive thing. That's why for a lot of folks, they think zoning is the way to go.

HS: Couldn't a combination of a regulation and zoning bylaw be sufficient to address our concerns?

RK: a strong maybe, because we don't know what the threat will be - want to have enough enforcement to either forbid it, or mitigate it.

RD; and because it's a public health issue, the mitigation can be swift - more so than zoning.

RK; agree - zoning does a better job with structures than with uses - that gets dicier. Uses can strain the definitions of what is suitable and allowable under zoning. General bylaw says that now these are the standards you have to meet - overrides grandfathering allowed by zoning. Courts allow quiet enjoyment of your property and might sustain a general bylaw that would be invoked over and above zoning. When we approved the Dunkin Donuts, there was a situation where the planning board had to give approval - traffic was much worse than anyone had anticipated, but despite that, owner said that's too bad about the traffic - but willing to work with the town that created the snake entry into the DD. General bylaw gives the town more latitude to say that noise, light, etc are unacceptable.

MS: had andrew send a letter to town counsel - did not talk directly - could go either way, either zoning, or general - should not be appreciably more strict than state code.

If you can't be more strict than the state, then why bother? - HS.

ML: could they take our bylaw and call it a regulation? Yes!

HS: Had the impression that they didn't like the length of the draft (Marge LaFleur)

RK: the town meeting cannot take the power of the BOH - can't do health regulations - can pass a bylaw.

Grover Pillsbury is the new BOH member.

TB: he thinks Kalene would be okay with the longer draft. Are they going to stand up at town meeting and say that its too complicated? He doesn't think they're in a position to make that statement.

MS: Light bylaw draft is further behind than the Noise. Been vetted far less than the noise...

TB: it's all about sales - at town meeting

RD: we should be working in parallel with the public so that we aren't so stymied with town administration dragging their feet.

SLR: going to the public has its merits - launch a public campaign.

MS: anyone involved with Sherwood Forest, Kinder Morgan, toxic dirt - have all those people involved at public meeting.

RK: if its a general bylaw, there won't be any recommendation at the town warrant - BOS, BOH, PB - no comments. It will be a citizen's petition. Only recommendations are FinCom or Planning Board. We could go to the BOS, they appointed us, they should be obligated to support us. BOH,s reputation has never been particularly good; but police has been highly regarded, not Planning Board. If Police Chief gets up and says has no problem with the general warrant, that would have a lot of weight at the town meeting. Historically, BOS don't play much of a role at town meeting. In other town's Selectmen are very active, but not ours.

RD: So, if we do a good presentation at town meeting - broken down in sections, and bring good examples - that would work.

ML: stakeholders - get the pulse now. We need thumbs up or thumbs down. Because votes can be used against other departments.

RK: at town meeting, you don't want to be surprised - so we need to listen to all the departments so that we're prepared with all the answers. And be prepared to make some changes at town meeting - a Board that's well prepared will get its way - if you're not prepared, often fail. That's why he thinks the meetings are important.

TB: we have a manure management regulation due to objections 15 years ago. So, Kalene drafted a regulation on trial for a year - as an enforcement choice - and then after the one year trial, they approved it.

HS: if the BOH were to issue a regulation, what do they need to do? They can do it completely without public meeting, town meeting. If we have it adopted as a regulation - we can go to town meeting and say that there's already a regulation, and we want to strengthen it even more. They've been doing this, and we want to strengthen.

RD: at BOH - agree to a trial period? Could put a sunset language in the regulation - two years trial period prior to approval at town meeting. Sunset it for a couple of years - if they approve the regulation in full.

MS: she votes for listening at the BOH; go for the sunset idea.

RD: if its accepted that way, do we hold public hearings?

Outdoor Lighting bylaw: has Planning Board as enforcement - Ron Karr made the point that the PB is not an enforcement board - only building inspector.

HS: light can learn from noise - so we should have noise reach some reasonable resting point, then move on to light.

Discussion about differences between the light and noise bylaws- and the difference in urgency between the two. Consensus is that we'll go to the BOH listen to comments, address concerns, and recommend that they adopt our full noise draft as a regulation. If there is hesitancy about adopting it, then offer the compromise of a two year sunset clause. Bring up the manure bylaw as an example. If they say no, we then say we would like to have the public weigh in before we ask Vince Premus's summary.

We will still do public meeting on noise to educate the public - not to try to make the Fall town meeting. To get some ammunition for and support of our work.

BOH meeting: Margaret, Harvey, Tony, Sherrill, Ron. Meeting is at 6:30 in Conference Room A.

Do we bring up light with BOH - no - but we could plant a seed.

RK: work with the PB to strengthen site plan review with noise language. All these things can work together - keeping Pepperell quiet. So we approach PB with noise language to strengthen noise - traffic study could be beefed up with a sound testing - pull out language relevant to PB from our noise bylaw - and go to the PB. So, we follow a multi-prong approach - and then we have more flexibility as to points of resistance.

TB: PB busy writing bylaws for hemp, solar - so they're in the mood for bylaw reviews.

MS: did weigh in with Pat Keneally - will ask if she wants to continue.

Our next meeting: 8/22/19.

meeting adjourned: 8:38 PM.