

Article 12 General Bylaws Amendment: Dark Sky Protection

RECOMMENDED that the Town vote to Refer the Article Back to the Select Board for Further Study.

COMMENT: This proposed Article to amend the General Bylaw was proposed by a member(s) of the Select Board, in consultation with Town Counsel, for consideration by Town Meeting. The Warrant Committee was informed that the underpinnings of this proposed bylaw were drawn from a general bylaw from the Town of New Marlborough, Massachusetts. The Town of New Marlborough is a rural community approximately 138 miles from Milton. It has a population of around 1,500 and is located in the southwest corner of the state, in Berkshire County.

This is a very technical amendment to our current bylaws and sets forth very strict guidelines to all outdoor lighting in the Town including residential, commercial, and athletic. The Warrant Committee feels the Dark Skies bylaw is worth exploring, however as proposed, is not ready for implementation by the Town in its current form and must be refined prior to reconsideration.

The most significant concerns of the Warrant Committee focused on logistical implementation, monetary costs for the Town, commercial, and residential property owners, enforcement responsibility which may lead to additional staffing, and most importantly the lack of public hearings on the matter. Some of these issues are highlighted below:

- *Grandfathering of current outdoor lighting;*
 - *This bylaw contradicts itself regarding the current outdoor lighting. The bylaw as written states in some places that current lights are exempt from this bylaw, but in other sections states that all lights must be brought into compliance within two years.*
 - *Town Counsel confirmed to the Warrant Committee that the intent of the bylaw is that all lights be brought into compliance within two years.*
- *A majority of residential porch/flood lights in town are not Fully Shielded and will need to be replaced within two years to be compliant with the bylaw;*
- *The Town owns and operates approximately 3,300 streetlights which do not meet the color requirements of the proposed bylaw and will need to be replaced within two years;*
 - *These lights were purchased for \$750,000 less than 10 years ago.*
- *The bylaw refers several times to an Outdoor Lighting Permit, but gives no information about this permit, including process and appellate remedies if denied;*
 - *The bylaw does not state when the Permit is needed or what it allows*
- *This bylaw makes no exception for holiday and/or celebratory lights, which are not compliant; and*
- *This bylaw states a violation is a misdemeanor. The Town does not have the ability to create a misdemeanor violation and the purpose of this is not clear.*

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In addition, as stated, there have been no public meetings with Town residents, commercial business owners or religious and educational institutions to discuss the needs or consequences of this bylaw. Given the fact that implementation of this general bylaw has far reaching consequences for many, the Warrant Committee believes that a robust public comment period would flush out many of the above issues.

The Warrant Committee also encourages the relevant boards and departments of the Town to clarify the driving need for a Dark Sky bylaw of this type. Moreover, it has come to the attention of the Warrant Committee that many cities and towns in Eastern Massachusetts have Dark Sky bylaws with the majority being amendments to their Zoning Bylaws which allow for grandfathering of existing situations. It may be of value to review those towns to see how they approach the concept of Dark Sky bylaws being next to a major metropolitan city. We further suggest the appropriate parties hold meetings to present this subject to the public, and - if desired - re-propose a new bylaw at a future Town Meeting.