

**MOUNTAIN LAKES DISTRICT  
PLANNING BOARD SPECIAL MEETING  
At the District Office and via Zoom  
January 24, 2023  
\*UNAPPROVED\***

**Call to Order:** Acting Chair Don Dubrule opened the meeting at 6:24 pm.

**Roll Call:**

- **Board:** Don Dubrule, Mike Roberts, and Mike Bukowski were present and Don Dubrule declared a quorum. Board member John Acker and Zoning Officer Courtney Lantz were absent.
- **Public Present In-Person:** Mark Johanson **Public Present via Zoom:** Mike Bonanno and Planning Consultant Tara Bamford.

**Approval of Agenda:** Mike Roberts moved to approve; Mike Bukowski seconded and the motion passed.

**Review of Public Comments Received on Proposed Zoning Ordinance Amendments:**

- **Proposed Amendment No. 1 – Clean Up on Lots When Cleared:** The Board discussed public comments received questioning “clean-up” definitions. Don Dubrule made a motion that the amendment was clear about contractor debris because that would be included in the described vegetative and other debris. Mike Roberts seconded and the motion passed. Don Dubrule made a motion to recommend the article be presented for voter approval at the MLD March Annual Meeting. Mike Roberts seconded and the motion passed.
- **Proposed Amendment No. 2 – Telecommunications Facilities:** Don Dubrule led discussion about the suggestion received at the public hearing that the telecommunications owner/operator be required to guarantee at least one carrier for any tower constructed. Don Dubrule said he spoke to Christine Fillmore-Johnston, MLD’s legal counsel, and she did not recommend requiring one or more guaranteed carriers. She advised that the courts would not uphold such a restriction due to fair business competition and open access issues. After discussion, Don Dubrule made a motion not to include a guaranteed carrier requirement and to retain the current language as presented at the Jan. 12 public hearing. Mike Bukowski seconded and the motion passed.

The Board then discussed other suggested changes to the amendment. There were two simple corrections – a typo and a spelling correction – which could be made without a further public hearing and the Board agreed to do so. Christine Fillmore-Johnston suggested adding a definition of “collocation” in Section 902 and adding a paragraph M under Section 904 that detailed collocation requirements. The Board discussed the changes and agreed they were substantive revisions which would require another public hearing. Don Dubrule made a motion to include the suggested changes in the amendment; Mike Roberts seconded and the motion passed. The Board then set Monday, Feb. 13 at 6:15pm for the new public hearing. Tara Bamford said she will contact the District Office to set up the meeting and have the required notices published.

Mark Johanson shared information he recently received from a telecommunications provider he is working with on behalf of MLD. The company representative suggested adding a paragraph F under Section 902 to read something similar to: “Telecommunications facilities located on properties owned or controlled by MLD shall be subject to the approval of the Board of Commissioners by right permitted use.” After discussion, the Board agreed it was not necessary to include the statement in the amendments. The Board discussed other input from the telecommunications provider, but agreed not to make any changes based on that input due to concerns about favoring one provider over another.

**Adjournment:** Mike Roberts moved to adjourn; Mike Bukowski seconded. Motion passed and the meeting adjourned at 7:06pm.

Respectfully submitted by,  
Kristi Garofalo