New Marlborough Planning Board
Meeting Minutes --
Wednesday, October 5, 2011

Called to Order 7:10 PM

Attendance: J. Mullen, P. Hardyman, H. Morse, and Brian Domina (BRPC)

Minutes of September 21st minutes were not available. Approval was tabled until the next meeting.

Mike Parsons of Kelly, Granger, and Parsons & Associates, Inc. presented a Form A for a plan of land surveyed for Nicholas J. and Laurie B. Pshenishny located on County Road. Lot 2 was split into two parcels; parcel 2A was surveyed to include 3.495 acres and parcel 2B was surveyed to include 4.821. As both parcels were assessed to have at least 150' of road frontage and one acre, the Form A request was signed by the Board. A check for $150, for the Form A fee, was collected.

Mr. Domina opened the discussion of the table of permitted uses for the Village District bylaw.

As a preliminary point, Ms. Morse questioned whether the village district bylaw should shift the Special Permit Granting Authority (SPGA) from the Select Board to the Planning Board. Brian noted that although the default SPGA is the Select Board, several Berkshire County towns have shifted the SPGA to the planning board to centralize the review of land use and development.

Mr. Domina indicated that prior to considering the specific permitted uses for the Village and Rural Residential Districts, three questions regarding permitted uses delineated in the current bylaws should be resolved Re:

1. Accessory dwelling - Should an accessory dwelling, either new construction or modification of an existing freestanding building constructed after May 5, 2003 be subject to the requirements of Section 5.4? The Board agreed that, as the current bylaw stipulates that accessory dwellings constructed prior to May 5, 2003 are subject to the requirements of Section 5.4/Section 5.3, the bylaw should stipulate that all accessory dwellings be subject to the same set of requirements.
2. Section 3.4.2.8.1 as a sub-category of Section 3.4.2.8. The Board indicated that Section 3.4.2.8.1 should be independent and added as a separate item (to be #6) in Section A of the table of permitted uses for the revised bylaw.
3. Non-conforming Structures, Uses and Lots – Section 3.5.5 is not included in the current NM bylaws as posted on the national web site (www.ordinance.com) for municipal ordinances. The decision was to re-insert the section 3.5.5 regarding non-conforming lots of records in the by-law.

Having resolved these general questions, the Board turned to a review of the permitted uses regarding Residential; Municipal, Non-Profit, Religious, and Education Uses; Agricultural; Commercial; and Miscellaneous listed in the current NM bylaws to determine whether the respective uses should be permitted by-right, subject to approval of the SPGA, or not-permitted within the Village Center District (VCD) and/or the Rural Residential District (RRD). The central questions for each of the uses were whether the use should be encouraged within the Town of New Marlborough and if so, was the use appropriate for the VCD and/or RRD in order to preserve the rural historic nature of our community. On completion of the review of the current NM permitted uses, the Board shifted its focus to uses permitted in other local small towns (e.g., Otis and Sheffield) to determine if there were any additional

permitted uses that the Board sought to delineate for the VCD and RRD, respectively. The Board worked its way through the Residential, Exempt, and Institutional Uses listed by Sheffield. As the hour was late, the Board only partially completed its consideration of Sheffield's commercial uses. Mr. Domina will research for the next meeting, the size requirements and definitions for markets, retail, drive-thru bank/restaurants, child/family day care, etc.

The next meeting date was tentatively set for October 19th. Mr. Domina will attend to complete the review of the permitted uses.

Meeting Adjourned: 9:38 pm