

**New Marlborough Planning Board  
Public Hearing  
April 16, 2016**

**Board Attendees:**

**Chair:** Holly Morse (HM)

**Members:** Mark Carson (CM), Patricia Hardyman (PH), James Mullen (JM), and Charlie Parton (CP)

**Other Attendees:**

<b>Name</b>	<b>Village</b>
Tara White	Southfield
John Schreiber	New Marlborough
Katrina Fassett	New Marlborough
Tom Stalker	New Marlborough
Elihu Katzman	New Marlborough
Prudence Spaulding	Mill River
Alex and Julia Ginsburg	New Marlborough
Jan Thompson-Moses	Mill River
Barry Shapiro	Mill River
Leslie Miller	New Marlborough
Michele Shalaby	Clayton
Pam Stebbins	New Marlborough
Nat Yohalem	Mill River
Jane Burke	New Marlborough
David and Maureen Hosford	New Marlborough
Martha Bryan	New Marlborough
Rebecca Schreiber	New Marlborough
Brad Wagstaff	New Marlborough
Owen Wright	New Marlborough
Wendy Miller	New Marlborough
Lance Vermeulen	South Egremont

**Call to Order:** 10:10 am

Holly Morse, Planning Board Chair, welcomed everyone and introduced all members of the Planning Board plus the Board Secretary Jane Tant. She directed attention of attendees to the two handouts provided. The first was a single sheet summarizing, in bullet format, the provisions of the proposed amendments to the Protective Bylaws scheduled to appear on the Warrant at the Town annual meeting. The second multi-page handout provided the specific language to be changed and identified format changes to be incorporated.

Ms. Morse explained the proposed change to the Protective Bylaws is a targeted single-issue amendment aimed to reduce the high number of non-conforming lots in the densely populated areas of the Town and thereby relieve homeowners of the burden of applying for special permits. She explained the Board studied data on the number and size of lots throughout the Town. It focused on the density of lots within the "village" areas, the placement of homes/buildings/lots, and the high percentage of non-conformity created by the application of a uniform standard in the existing Bylaws to all properties

in the Town. She noted the proposed amendment would still require a minimum lot size of one acre in the “village” areas but would relax setback requirements as follows:

- 20’ minimum front setback
- 20’ minimum side and rear setbacks
- Frontage minimum of 75’

She also noted the amendment calls for a maximum setback, to be determined by the setback of adjoining properties within 100 yards of the target property, but not to exceed 35 feet. Ms. Morse then directed audience attention to two bar graphs on display showing the percentages of:

- Currently non-conforming lots in each of the five villages; and
- Parcels in New Marlborough with less than 150’ and 75’ of frontage.

She added that to achieve increased conformity, the amendment necessitates creation of a boundary line to demark the new zoning area. She pointed to charts displaying the proposed zoning maps for each of the New Marlborough villages. She emphasized that the new zoning district does not change any addresses nor impact taxes.

Ms. Morse then opened up the meeting to questions which were answered by Planning Board members as indicated by initials provided:

Q1: *“Does the proposed amendment place any restrictions or limit action on historic homes?”*

HMR1: The amendment makes no change on this issue. The current Bylaw does not place any restriction on changes to homes based upon their historic nature.

Q2: *“Thank you for your hard work and listening to town residents. However, perhaps you should not try to use a ‘one-size fits all’ solution for all villages. I live in New Marlborough and want to see the character of that village maintained. It is close to RT 57 and traffic speeds through town at speeds of 50 and 60 miles per hour. A front setback of 20 feet seems to have safety issues. Did you consider that?”*

PHR2: The setback formula allows for flexibility to continue the same setback as currently exists in each village.

JMR2: I submit that vehicle speed in the villages is a law enforcement rather than a zoning issue. Other villages are likely have concerns with speed as well.

Q3: *“The boundary of the village district in New Marlborough includes a rural area on Branch Road. This seems to place a rural area in danger of additional lot creation and building.”*

HMR3: There are already 29 buildable lots in New Marlborough village district. Currently, market forces are responsible for the level of additional building in the Town. Additionally, the current situation is one standard, a rural standard, applies to all properties in the Town. The current situation is “one size fits all.”

Q4: *"While I understand a desire to preserve villages, we need to be careful in what action is taken so as not to risk blocking out future families and availability of affordable homes."*

HMR4: The next step the Planning Board has scheduled is to revise the Open Space and Recreation Plan (OSRP). A grant has already been received for that work. Updating the OSRP will position the Town to take further steps such as a Water Resource Assessment and a Housing Assessment. These will allow action to be taken on such issues.

CPR4: The Planning Board is aware that affordable housing is also an important issue for our elderly population.

HMR4: The last amendment to the Bylaws proposed by the Planning Board added provisions allowing for Accessory Apartments and Accessory Dwellings to provide improved affordable housing options for our elderly residents.

Q5: *"What will happen if there is only one house within 100 feet of a proposed new house in the village district?"*

HMR5: The provisions of proposed article 4.4.3 would apply. The 35 foot maximum setback applies.

Q6: *"What is the advantage of adopting these provisions? Have you thought about what the villages will look like in 20 years?"*

HMR6: The villages will probably look about the same. New construction would match the village footprint under the proposed amendment.

PHR6: The amendment will help preserve the traditional pattern within the villages.

Q7: *"Are you reducing the required frontage in the villages?"*

HMR7: Yes, the minimum frontage would be reduced from 150 to 75 feet, but an acre would still be required.

Q8: *"What would be the effect of reducing the minimum frontage? Would more lots become available?"*

HMR8: Yes, additional lots will become available. There are currently many lots available in each of the villages. Not all available lots are buildable.

MCR8: To build on a lot you still need to comply with Health and Wetland requirements. Many lots will not be buildable due to water and wetland constraints. Setting up a village district will help to address water source issues in the future. The change to 75 feet is to reduce non-conformance.

Q9: *"Can you make the change in the number of available lots public?"*

HMR9: Yes, we can make the change in the numbers of available lots in each village public.

Q10: *"If the original motivation was to simplify the process for owners of non-conforming lots, wouldn't it be simpler to change the process for dealing with changes to non-conforming properties?"*

HMR10: While I appreciate the creativity of this suggestion, it is outside the purview of the Planning Board to change processes of public law such as special permit provisions. What we are trying to do is reduce the situations which trigger special permitting.

Q11: *"This amendment seems to be opening the door to many changes in New Marlborough."*

HMR11: The Historical Commission was consulted on these proposed changes. It is recommended that you work with and through the Historical Commission regarding future changes.

Q12: *"I want to say 'thank you' to the Planning Board. New Marlborough [village] has changed greatly since the 1970's. It has become much more commercial and less residential. I recommend you boil down your summary of this proposal to two or three sentences."*

Q13: *"How would the proposed change have a negative impact on a homeowner in a village area?"*

HMR13: It reduces the burden of non-conformity and potential special permitting for a substantial number of such homeowners. No negative impact is foreseen.

Q14: *"I would recommend the Planning Board answer the purpose question 'Why should we do this?' to make it clear to the voters."*

HMR14: The proposed amendment corrects an issue within the villages.

CPR14: The current Bylaws are unfair to village residents. Creation of a village district decreases the burden and expense of non-conformity while still maintaining the village appearance.

There being no further questions, the meeting was adjourned at 11:15 am.