

**New Marlborough Planning Board  
Wednesday July 13, 2016**

**Attendees:**

**Vice Chair:** Charlie Parton

**Members:** Mark Carson, Patricia Hardyman

**Other attendees:** Nat Yohalem (Town Selectman)  
Mari Enoch (Town Administrator)  
John DiCara (DiCara Land Surveying)  
Jane Tant (secretary)

**Call to Order:** 6:55 pm

**Public Comment/Surveyors:**

Mr. DiCara representing Sanford and Kristen Panitch presented a drawing of lot numbers 1057 and 1143 fronting on Hartsville-New Marlborough Road. Mr. DiCara explained the owners wish to change the boundary line between the two lots so that each lot would contain one of the two houses now both included in lot 1057 and he desired input from the Planning Board prior to beginning any survey. Members informed Mr. DiCara that both parcels would need to be surveyed, new drawings prepared, and adjustments to the deeds registered with the Registry of Deeds.

**Continuing Business:**

Mr. Parton requested the Board discuss the new layouts for Hadsell Street, Umpachene Falls Road and a segment of Canaan Southfield Road adjacent to the Hadsell Street bridge developed by Massachusetts Department of Transportation (DOT). Ms. Enoch explained that Ms. Tant had not yet signed a license agreement regarding the milk shed that will fall within the new right-of-way for Hadsell Street. Ms. Tant's attorney had not been able to attain clarity on language for the license agreement with the Town Counsel and Ms. Enoch due to vacation schedules. Ms. Tant explained she desires clarity on permitted maintenance (e. g., roof or siding replacement) and potential future demolition. Mr. Yohalem stated the SelectBoard desires to permit maintenance and potential demolition provided the structure is not enlarged. Ms. Enoch clarified the use of the word "historic" with regard to the structure saying the term had been used to persuade DOT engineers to allow the structure to remain but no official historic designation had been made. Ms. Tant stated she would be amenable to a license agreement with the provisions outlined by Mr. Yohalem. With that clarity obtained Mr. Carson made a motion to approve the DOT layouts for Hadsell Street, Umpachene Falls Road and Canaan Southfield Road with a license agreement to Ms. Tant permitting maintenance and demolition, but not enlargement, of the structure falling within the right-of-way.

Ms. Hardyman made a motion to amend Mr. Carson's motion by identifying the DOT layouts as the "Plan of Land Showing 'Existing' Right of Way in the Town of New Marlborough, Berkshire County, Mass." dated May 9<sup>th</sup>, 2016 and May 17<sup>th</sup>, 2016 prepared by Chappell Engineering Associates. Mr. Parton seconded the motion to amend and the motion to amend

was approved. Mr. Carson then restated his motion to include the amended language. He moved to approve the "Plan of Land Showing 'Existing' Right of Way in the Town of New Marlborough, Berkshire County, Mass" dated May 9<sup>th</sup>, 2016 and May 17<sup>th</sup>, 2016 prepared by Chappell Engineering Associates with a license agreement to Ms. Tant permitting maintenance and demolition, but not enlargement, of the structure falling within the right-of-way. Ms. Hardyman seconded the motion and it was approved.

**Review of Minutes:**

Minutes of the June 22, 2016 meeting were approved as amended.

**Review of Mail:**

Town of Monterey Notice of Decision by the Board of Appeals denying the special permit application of Kevin S. and Jill T. Brenner at 42 Elephant Rock Road.

Town of New Marlborough SelectBoard letter advising of a Special Town Meeting to be held on July 25, 2016 to approve a revised Town budget for fiscal year 2017 and the "Plan of Land Showing 'Existing' Right of Way in the Town of New Marlborough, Berkshire County, Mass." dated May 9<sup>th</sup>, 2016 and May 17<sup>th</sup>, 2016 prepared by Chappell Engineering Associates.

Berkshire Regional Planning Commission (BRPC) letter requesting appointment of a delegate from the Town of New Marlborough to the Commission.

Ms. Hardyman noted she had received an appointment letter as the alternate delegate to the BRPC from the Town Clerk of New Marlborough so was not sure why a delegate was being sought. She stated she would follow up with BRPC.

**New Business:**

Mr. Parton moved to nominate Ms. Hardyman to serve as chair of the Planning Board for the coming year. The motion was approved and Ms. Hardyman assumed chairmanship of the meeting.

Mr. Parton informed the members present that he had tendered his resignation from the Planning Board effective July 14, 2016. Ms. Hardyman requested he reconsider his resignation overnight and consider continuing to serve on the Planning Board without the burden of chairmanship. She also thanked Mr. Parton for his service on the Board.

**Further Continuing Business:**

Mr. Parton provided Ms. Hardyman with copies of the official requests he had submitted on June 23, 2016 to the Accounting Officer of the Town of New Marlborough to carry forward unexpended 2016 funds from the two Planning Board accounts to 2017. The amounts to be carried forward were \$500 in account 10175.00 and \$423.41 in account 10175.01. Mr. Parton noted there is an unexpended grant balance which remains on the books. Ms. Hardyman thought that Ms. Morse had filed to spend that balance on matting of maps for the

public hearing held in April 2016. She indicated she would check with the Town Accounting Officer on the matter.

Mr. Parton also provided to Ms. Hardyman a letter from the Town Clerk reporting that a total of \$300 was collected for approval for Form A's during 2016.

Ms. Hardyman read into the Minutes an email received from Mr. Mullen as follows:

"Charlie,

Please accept my regrets but I will be unable to attend tonight's meeting. However, I would like to enter into the public record under old business, my support for continuing the Planning Board's efforts to re zone the Town into two zones. Village District and rural. I consider the overwhelming voter support at the last Town meeting as a mandate supporting our efforts. The vote tally was only six votes shy of the two thirds required for approval. I believe we can achieve this margin and as such cast my support and vote as a member of the Planning Board towards this effort.

Respectfully,

James Mullen, New Marlborough Planning Board for the public record"

Ms. Hardyman agreed with reconsidering a Bylaw change to establish two districts in New Marlborough. She stated she would check with BRPC and the town attorney on whether there is any requirement to wait two years to resubmit a provision which failed to gain approval at Town meeting. Mr. Carson stated he recommended against bringing forward a Bylaw change establishing two districts. He stated his belief that this is a sensitive subject with voters and a second consecutive proposal of two districts would receive concerted push back. Ms. Hardyman noted with the reduced size of the Planning Board due to resignations it might be wise to focus on concentrating on completing update of the Open Space and Recreation Plan (particularly as a grant for that purpose expires at year end) and then look at another proposal for multiple districts. She also stated she believed those in favor of multiple districts might become more motivated to support such a provision.

Ms. Hardyman asked the other members about their desired goals for Planning Board attention during the coming year. Mr. Carson stated he wants to give attention to improving the supply of potable water in the Town even to the point of acquiring land with fresh water sources. Ms. Hardyman noted this process should begin with a water assessment as this should provide options or direction for moving forward. Mr. Parton noted he had been provided with a point of contact for obtaining a grant to conduct a water assessment. He stated he would provide that to Ms. Hardyman.

Mr. Parton stated he thought the Planning Board should consider developing a Bylaw on solar panel installation. Mr. Carson noted Sheffield has passed a solar panel Bylaw and he would research the specifics.

Ms. Hardyman stated she would contact Lauren Geherty at BRPC regarding attendance at the next meeting of the Planning Board. She asked all members to review the Five Year

Action Plan from the last OSRP so revision of this section can be the focus of the next meeting. She then asked members to consider meeting only once per month during July and August. Mr. Carson moved to hold the next meeting on August 10, 2016. Ms. Hardyman seconded and the motion was approved.

The meeting was adjourned at 8:24 pm.