Public Hearing on The Proposed Protective Bylaw Revisions for The Town of New Marlborough
May 28th, 2013

The meeting was called to order at 7:05 p.m. Thirty-six residents of New Marlborough and members of The Planning Board were present -- Jamie Mullen, Chair; Patricia Hardyman, Vice-Chair; Holly Morse; Charlie Parton; and Judy Hattendorf.

Jamie Mullen opened the meeting and described the purpose of the Public Hearing as an opportunity to ask last questions about The Proposed Protective Bylaw Revisions before The Planning Board submits a letter to The Board of Selectmen requesting the proposal be brought forward, at the next Special Town Meeting, for a vote. Mullen then reviewed the nature of the statuary process that began in 2006 that resulted in The Comprehensive Plan for New Marlborough, adopted in 2010. He described how that Plan was built using data gathered from a survey of townsfolk that garnered a 30% response from residents. Mullen described how the proposed revision, by creating strategies to define the villages, also defines the countryside. He then turned the floor over to Judy Hattendorf to complete the welcome. Hattendorf reviewed how the proposed revisions were drafted to match the vision set out in our Comprehensive Plan and the responses gathered from the Town during the drafting process. She mentioned that change, however slowly, is occurring. The Kolburne School closing is a recent example. She remarked that the best way to protect what we have is to collectively have a hand in shaping that change rather than leaving it to chance. She then gave the floor to Patricia Hardyman. Hardyman went over the hand-out provided to the meeting. She emphasized what the revisions will do and what they will not do. She underscored the main changes in the protective bylaw as the following:

- Creating two districts, a rural agricultural and a village center district.
- Refining the Table of Permitted Uses.
- Revising the Intensity Table to reflect measurements taken in each village that mirror the historic pattern.
- Expanding the definitions section to include clarification of several key words like “grandfathering”.

The floor was then opened to the room for questions. The following are the questions received and responses from The Planning Board:

Resident Question: Does the proposal prohibit banks in the villages?
PB: No, banks are permitted in the villages. Only drive-through banks are not permitted as well as drive-through restaurants.

Resident Question: Why doesn't the proposal allow for development on less than an acre of land in the village district?
PB: The Proposal was revised back to one acre and 75' of frontage in the villages in response to residents' concerns about density. It also would not be currently possible to meet BOS standards for subsurface sanitation on less than an acre of land.

Resident Question: Why is the cap on retail development set at 2000 square feet in the village centers?
PB: To discourage new retail development out of scale with the existing village fabric, i.e. box stores. Retail establishments over that size can apply for a special permit.

Resident Question: Gift shops and antique shops are by rights in the proposed village district. What if what looks like art to you, looks like scrap metal to your neighbor?
PB: While tastes differ, the by-rights provisions are intended to relieve the burden of time and expense that the special permitting process requires for new enterprises that are a good fit with the existing pattern of village life. There are protections against uses, like scrap yards, that would be an annoyance.

Resident Question: Are kennels permitted in the villages?
PB: Commercial Kennels (defined as: A kennel facility in which three (3) or more dogs, which are three (3) months or older, are boarded or groomed) are not allowed in village district.

Resident Question: If the frontage is reduced to 75' in the villages and one acre for a buildable lot, wouldn't that require 600 feet of depth? (Note: an acre is 43,560 square feet.)
PB: There are many shapes that would yield an acre of square footage with a frontage of 75' without requiring a depth of 600 feet.

Resident Question: Has The Planning Board done an analysis of possible build-out of lots at that have 600 feet of depth in the village centers?
PB: The Planning Board meets twice a month for two hours, a total of four hours a month. The hours must be prudently delegated to accomplish a proposal like the current revision. Total build-out is not a good foundation for a practical conversation. For instance, once in the past, for the entire town, a calculation of possible build-out for the Town was set at 34,000 possible additional buildings based on our current protective by-laws. While such figures are interesting and useful in a certain light, they do not reflect likely change.

Resident Question: Are there restrictions to agricultural use in the village centers?
PB: No, with the exception of a Commercial Meat Processing Establishment that is not permitted in the village centers but is permitted, by special permit, in the Rural Agricultural District.

Resident Question: What are the new setbacks for the villages?
PB: The Proposal for the Village Centers is a maximum derived by an averaging of setbacks of all principal buildings on the same side of the street within 100 yards on either side of the subject lot. If there are no buildings within 100 yards, the maximum set back is set at 35'. The minimum set back is zero.

Resident Question: Did the Planning Board look at different historic patterns of development in each village?
PB: No. The Proposed Revision does not distinguish village centers differently. Village Center guidelines were developed using a variety of data points—commercial development now, and in the past, measurements of village properties, and desirability of permitted uses.

Resident Question: If I have a retail space over 2000 square feet in the village can I use it?
PB: If it is currently in use as a retail space, it is grandfathered, in perpetuity, exactly as it exists now. Only if its use has been abandoned for two years would it not be permitted by-right as retail at that scale. However, since mixed-use is allowed in the villages, a large village retail space, whose use has been abandoned for more than two years, can be reintroduced, by-right, for 2,000 square feet of the overall space. The remainder could be used for a second use like residential.

Resident Question: Can you choose which district to be included in?
PB: No, your parcel will fall within the boundaries that have been set for either The Rural Agricultural or Village Center Districts.

Resident Question: Who is The Special Permit Granting Authority for New Marlborough?
PB: In New Marlborough the SPGA is The Board of Selectmen.

Resident Question: In the proposal it states that In the Rural Agricultural District only, for Multi-family residences, the dwelling units, parking areas, and playgrounds shall not be less than one hundred (100) feet from all property boundary lines. Isn't that a lot?
PB: If it is a burden to a landowner, a variance can be sought.

Resident Question: What if someone has already applied for a building permit but has not begun work before the revisions are adopted?
PB: For projects applied for before the date by which a revision to the protective by-laws is voted in, the regulations of current zoning continue to apply for an additional three years.

As no additional questions were posed, Mr. Mullen then reviewed the next steps before the Proposed Revisions will come to a vote. Once a date has been set for the next Special Town Meeting, notice will be made using the channels of public postings, local

newspaper notice, the Town Website, and Maggie's List. It was recommended by Prudence Spaulding, of The Finance Committee, that since this is such an important matter, The Planning Board consider sending a postcard to all residents, in advance, so that everyone is informed of the date for a vote. The Planning Board agreed to consider this suggestion and made a plea for support of the proposal.

The meeting was adjourned at 8:04 p.m.