New Marlborough Planning Board
Wednesday, April 3, 2013

Call to order: 7:03 pm
Members Present: Jamie Mullen, Chair; and Members: Judy Hattendorf, Patricia Hardyman, and Charlie Parton.
Guests: Mike Jaffe, Chair NM Board of Appeals and Helen Liveten, Member.

Review of Minutes: Minutes from the March 20th meeting of the Planning Board (PB) were approved with one correction.

Floor was opened for Public Comments:

Mr. Jaffe opened a discussion of the draft revisions to the Protective Bylaws by referring to the 1994 attempt to revise the Town's Bylaws. He noted that this prior attempt was very comprehensive. He observed that, in his opinion, the revisions were too extensive for the community to digest and as such, contributed to the failure of the Town to adopt the revisions. He then expressed concern that the current revisions will encounter the same problem.

Mr. Mullen clarified that the current revisions were an attempt to create two districts, i.e., to differentiate the villages from the rural areas.

Ms. Liveten asked what was the PB's process for defining the villages.

Mr. Mullen explained that the Board received two technical assistance grants from the Berkshire Regional Planning Commission (BRPC) and that through a detailed, consensus building process, the Board:

- Examined at current and historical clusters of homes and business;
- Avoided, wherever possible, setting the village boundaries to cut across lot lines;
- Drew boundaries to allow for some growth of the villages.

Ms. Hardyman pointed out that the current draft (dated December 2012) of the revised Bylaws posted on the Planning Board page of the Town's website did not reflect the recent revisions regarding:

- Rural resident district was renamed the rural agricultural district; and
- Lot sizes for the villages had been changed to be one acre.

Mr. Parton noted that the "Clayton village" is split into "two villages" by the large agricultural area between the two town centers.

Mr. Mullen explained that this work to revise the Bylaws came out of the Town's Comprehensive Plan (CP). He described the "measle map" within the CP that illustrates development within the Town during the last 20 years. He indicated that this map informed the Board's proposed revisions to the Table of Permitted Uses.

Ms. Liveten questioned:

- Adequacy of water and sewage within the villages to support further growth; and
- Need for architectural "guidelines" for the villages to ensure the character of villages.

Mr. Jaffe asked whether the children of the long-term residents would be able to purchase lots in the villages.

Mr. Mullen responded that three demographic groups -- baby boomers (soon to be senior citizens), young adults and families with small children -- might want to relocate to village to access resources and/or seek different housing options.

Mr. Jaffe described his experience of moving to New Marlborough during the 1970's and building a home on Brewer Hill Rd. His family wanted a quiet, rural area with low traffic. He has seen the number of houses on his road double and observed that some look like "hotels" or businesses. He

does not expect heavy commercial enterprises, but would like to see the farms to stay and the "atmosphere" remain pleasant within the Town.

Ms. Liveten expressed her family member's concern that the area was becoming like suburbia. Mr. Mullen pointed out that to protect against suburban development, we must first create the two districts.

Mr. Jaffe asked if the PB had any sense of the community's sentiment or support for the revisions. He further questioned the proposed front set back in the village as 0". The Board explained that set back was based on the historical building pattern in the villages.

Mr. Jaffe reported that most, if not all, of the Zoning Board Appeals (ZBA) were appeals to the current Bylaws. Mr. Mullen pointed out when the current Bylaws were developed, all /most of the current structures (within the villages) became non-conforming structures. Thus, the owner(s) must go to the ZBA for approval of any renovations, etc.

Mr. Jaffe explained that historically the ZBA has tried to make decisions that were good for the homeowners. He observed that if nine out of ten of the appeals or requests for a variance were to go to Court, they would have been thrown out. The ZBA has tried to help out the homeowners. ZBA insists on documentation. Last year, there were zero (0) ZBA hearings. This year, there was one potential hearing, but the issue(s) was resolved prior to reaching the ZBA.

Ms. Liveten asked if the village districts boundaries are set in stone and if there was any room for negotiation. The Board responded that the Bylaws provide for adjustment of the village boundaries.

Mr. Jaffe asked when the revisions were expected to come before the Town for a vote. Mr. Mullen explained that there is usually a special town meeting in June and that the Board is looking to include the vote on the proposed bylaws revisions at that "June" special town meeting. He indicated that the vote on the bylaw revisions must be within six months of a public hearing.

Mr. Jaffe asked what were the Board's plans for additional outreach/public information leading up to the public hearing and/or town meeting. The Board responded that it anticipated:

1. Additional articles in the Five Village News and the Berkshire Record;
2. Letter to village residents;
3. Public hearing; and
4. Radio discussion

Mr. Jaffe suggested distributing a video to all residents.

Public Comments Discussion closed: 8:33 pm.

Status of Bylaw Revisions:

1. Mr. Parton reported that he had identified the owners of the lots within the five proposed village districts. There are a total of 275 individuals. He argued that it is the village residents that we need to convince that the Bylaw revisions are to their advantage. He recommended that the Board mail an executive summary with five or so bullet points to the village center lot owners. He offered to do this mailing, if someone wrote the executive summary. Ms. Hattendorf agreed to draft a summary and circulate it for review and comment by other Board members. It was agreed that the letter should emphasize the expansion/protection of property owners' rights and that the revisions will make it easier for owners to renovate and/or develop businesses.
2. Mr. Mullen reported that he had spoken with Charlie Wyman to explain the proposed changes. He indicated that he had emphasized the inclusion of the "grandfathering" clause.

Public Hearing Process:

1. Submit proposed bylaw revisions to the Select Board for their review. The Select Board must provide their comments to the Planning Board within two weeks.
    - Planning Board needs to get the revised bylaws to the Select Board by May 1st.
    - The document should be sent via certified mail to document compliance with MGL.
    - The village center district maps need to be included in an appendix.
        - Ms. Hardyman will create the document, but needs the revised Hartsville Village map.
2. Notice of public hearing requirements:
    - Must be published for two successive weeks in the local paper;
    - First notice must not be less than 14 days prior to the public hearing;
    - Mail notice of proposed by-law revisions via certified mail to:
        - State Housing and community development;
        - BRCP; and
        - Planning Board of abutting cities and town – Great Barrington, Monterey, Sheffield, and Sandisfield.
    - Post notice in obvious location (e.g., Town Hall bulletin board) not less than 14 days prior to hearing Town Meeting –
    - Submit a recommendation to the Select Board for a town meeting.
3. May 28th at 7 pm - date for the public hearing.

Meeting Adjourned: 9:16 pm

Patricia Hardyman
Acting as Secretary