Proposed By-Law Revisions Public Information Meeting
September 15, 2012

The Public Information Meeting was called to order at 10:10 a.m., September 15th, at Town Hall. The Planning Board was present and was joined by Brian Domina of B.R.P.C. (Berkshire Regional Planning Commission.) Fifty-five residents of New Marlborough signed in for the information session. (See Attachment A for a copy of the sign-in sheet.)

Jamie Mullen, Chairman, introduced the Planning Board members and made opening remarks. He reviewed the historical context of the Proposed Bylaw Revisions by tracing the flow of work from Chapter 41, Section 81D of the General Laws of Massachusetts mandating Master Plans, to New Marlborough's development of a Comprehensive Plan (2010), to the drafting of current Bylaw revisions. He then turned the floor over to Patricia Hardyman, Vice Chair.

Ms. Hardyman identified the meeting handouts provided to the participants[1] – the draft By-law revisions, the draft By-laws with the proposed changes highlighted, a PowerPoint presentation, revised Table of Permitted Use with changes highlighted, postcards with maps of the five village center districts. She reviewed the power-point presentation slides. Highlighted was the residents' vision for the Town identified in the 2010 Comprehensive Plan as the foundation of the Proposed Bylaw Revisions. Emphasized were the points that the Revisions will accomplish and what the Revision will not do. Ms. Hardyman emphasized, for example, that the proposed revision would create no new tax burdens for residents or costs to the Town for services such as municipal water and/or sewage. Ms. Hardyman turned the floor over to Holly Morse, Planning Board Member. (As the turnout for the meeting was greater than anticipated and not all attendees had received each of the handouts, Ms. Hardyman left the hall to generate more copies of the handouts.)

Ms. Morse reviewed the reasons for requesting a special town meeting for the vote on the proposed revisions. She cited the benefits of a focused meeting, with adequate time for questions and answers, as a best venue for the complex business of reviewing the proposed revisions and addressing residents' concerns. She stressed the Planning Board's goal that residents "would understand what they were voting on." She underscored that full deliberation of the revisions might be difficult during a busy annual town meeting with a crowded agenda. Ms. Morse reiterated the point made by Ms. Hardyman regarding no additional real estate tax burdens and the results of the Planning Board's meeting with The Board of Assessors. She mentioned the overlap of the Assessors' tax neighborhoods with the proposed village center boundaries.

The floor was then opened for questions with Mr. Mullen acting as moderator. Laura Endicott, of Mill River, questioned the restrictions to some agricultural uses permitted within the villages. Ms. Morse and Charlie Parton (Planning Board Member) answered Ms. Endicott by explaining that permitted uses within the rural residential

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[1] Handouts distributed at this meeting are posted on the Planning Board web page at: http://www.newmarlboroughma.gov/Pages/NewMarlboroughMA_Bcomm/Planning/index

district (RRD) and village center districts (VCDs) were based on questions of scale and nuisance, with the exception of commercial piggeries and fur farming which is not permitted in either district. Mr. Parton said that commercial agriculture (i.e., a commercial greenhouse or commercial scale farm) is permitted in the rural residential district. Ms. Morse assured Ms. Endicott that New Marlborough is indeed a Farm Friendly community and that all agricultural uses in place now, within the village centers, will be grandfathered. Mr. Domina described what the term "Farm Friendly" means for communities in Massachusetts, saying it was not statutory.

Chuck Wyman, of Hartsville, questioned the impact of the revisions on the continued operation of his sawmill located within the Hartsville village district. He was assured that his business use is grandfathered. Mr. Domina explained that according to current New Marlborough Bylaws "grandfathered" means the use is protected, in perpetuity, even in the event of a sale of the business or property.

Ms. Sperling, of Mill River, then made remarks of a general nature related to the revision of the Bylaws. Having no specific question, Ms. Sperling was thanked for her comments.

Mr. Wyman had a further question about continuity of use as it relates to a grandfathered enterprise. Mr. Domina described the section (x.x) of the existing New Marlborough Bylaw that deals with grandfathering. As written, only if a use has been suspended for more than two (2) years is a special permit required re-engage to a suspended use. He explained that this section of the By-law was <u>not</u> altered in the revision. Despite the fact that this section of the Bylaw will not change, a thorough discussion of "grandfathered rights," special permits, and their potential impact on business occurred. (Ms. Hardyman returned with additional handouts and distributed them before rejoining The Board at the head of the room.)

Peter Scala, New Marlborough's Fire Chief, had remarks about the new dimensional standards set out in the proposed revisions. He said that the shorter side setbacks of 10 feet (i.e. a possible minimum setback of 20 feet between structures) are inadequate for current water supply. Mr. Domina did not have specific information on fire codes to offer. Mr. Mullen assured Mr. Scala that the Planning Board would meet with the Fire, Building and Health Departments to review the potential impact of Mass regulations on the proposed bylaw revision. He assured Mr. Scala that the goal was consensus.

A Mill River homeowner spoke about her concerns that the proposed revisions would bring additional development to the villages and unanticipated pressures. She stated, "You talk about (the proposed revision) as if it were only a good thing." She asked if the goal was to make New Marlborough's villages "like Egremont", i.e. with greater commercial development. She suggested greater density might create the need to use the rivers as a source for municipal water. The Board offered to revisit these pressures to make sure that the revisions do not overlook potential foreseeable drawbacks.

Charles Jones, of New Marlborough, suggested that, as a positive accomplishment for the morning, beyond disseminating information, we might take a straw vote on the request for a Special Town Meeting.

Tim Newman, of Southfield, praised The Planning Board revision effort. He said that, as a former business owner in Southfield, he believes in the power of village life to act as a social hub and vitalizing force within rural communities such as New Marlborough.

Alan Lombardi, of Mill River, asked if given that it was 11:30 a straw vote regarding the need for a special town meeting might be taken. There was general support for taking a straw vote and a brief discussion of by voice or hand. A hand vote was decided on. The "yeahs" held sway with a decisive show of fifty, or so, hands with only four hands raised against.

Mr. Mullen thanked all for their attendance and the meeting was brought to a close at 11:43 a.m. Judy Hattendorf came forward to indicate her interest in serving as a member of The Planning Board. She was enthusiastically greeted by The Board and was instructed to send a letter to The Board of Selectmen requesting appointment. Louise Yohalem, of Mill River, shared an excellent set of suggestions for the next public forum. Ms. Morse said she would follow up with Ms. Yohalem on these suggestions and bring them to the next Planning Board Meeting.

The Board met briefly to review the Public Meeting. All business having been concluded the meeting was formally adjourned at 12:15 p.m.

Holly Morse
Acting as Secretary

MR-17 NM-7 S-8 H-5 CI-3

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New Marlborough By-Law Revisions Public Information Meeting
September 15, 2012
Sign-in Sheet

Name	Village	Contact Info – Tele/email
MARK & SALLY DICARLO	OUTSIDE MILL RIVER	413 229 9023
SUE CONNELL	CLAYTON	229 2621
Bobby Litchfield	Southfield	229-0445
Candace Marks	Clayton	229-3038
Peter Marks	Clayton	229-3038
Beverly A Russell	Southfield	229 8144
John Manikowski	Mill River	229-2905
[illegible]	"	229 8171
DAVID LOWMAN	SOUTHFIELD	229 2369
Al Levardson	Mill River	229-8654
RITCH HOLDEN	SOUTHFIELD	229-3560
DAVID HOSFORD	SOUTHFIELD	229-0076
Charles Jones	New Marlborough	229-2384
BEN HARMS	" "	
Roger LEVINE	Mill River	229-5585
Elizabeth Glenbush	Mill River	229-5988
Eric Richman	Southfield	229-2818
Judith Hattenday	New Marlborough	229-0046
MIKE Hattenday	" "	229 0046
Robin Bradley	Mill River	229-8187
Laura Endacott	Mill River	1292491 goodestsinner@yahoo.com
NEIL BLACKMER	" "	229 0199
Klea Simakis	" "	"
Joyce Hackett	Southfield	229 2805
Christine Jeffe	New Marlborough	229 3733
Alan V. Lombardi	Mill River	229-8972
Richard Silverblatt	Mill River	229-5917
Lucy Harms	New Marlborough	229 7720
Louis & Max Yuhaus	Mill River	528-1409 louisaym@msn.com
Thos & Joyce Sachs	Mill River	INFO@SACHSREISMAN.COM
William H. Normandin	Hartsville	528-2604
NAT YOHALEM	Mill River	528-1409
Mildred Wyman	Hartsville	528-2993
Charles Wyman	Hartsville	528-1934
Nancy [illegible]	New Marlborough Village	229 0291
Simon Jeffe	NEW MARLBOROUGH	229 3733
C. CORBIN	H'ville	528-0818
M. RICHMAN	Southfield	12 NORFOLK
Mary Richie Smith	MILL RIVER	
Jonathan Hipps	Hartsville	
[illegible]		

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