

## Planning Board Minutes December 5, 2012

The meeting was called to order at 7:00 p.m. The Planning Board (PB): Jamie Mullen, Chair, Patricia Hardyman, Vice-Chair, Holly Morse, Charlie Parton and Judy Hattendorf. All members were present.

- The minutes from the Board's 10/17/12 meeting were reviewed and approved.
- Mike Parsons of Kelly, Granger and Parsons presented a Form A application for a sub-division of land owned by Weinstein Trust LLC for 7 lots which encompass approximately 300 acres. As the parcels would be accessed through Tamaridge Road (off New Marlborough-Southfield Road), Jamie Mullen requested clarification regarding the ownership and responsibility for maintenance of Tamaridge Road. According to Mr. Parsons, the intended owner Mr. Paul Joffe, would own the road and be responsible for its maintenance. Jamie Mullen further questioned the maintenance of Tamaridge Road should the remaining lots (accessed also through Tamaridge Road) owned by the Weinstein Trust be sold. Mr. Parsons deferred to the attorneys Phillip Heller Esq. (representing Weinstein) and Dennis Downing, Esq. (Joffe) regarding co-ownership of this road maintenance responsibility. Since maintenance of the Tamaridge impacts NM Town services (e.g., Fire Department access) Jamie Mullen requested that the Planning Board seek legal guidance regarding the responsibility of ownership and maintenance of Tamaridge Road from the New Marlborough Town Council, Jeremiah Pollard, Esq. Mr. Parsons reported that closing for the real estate sale transaction between Weinstein and Joffe was scheduled for December 18, 2012. Given the limited time for review by Mr. Pollard with attorneys Heller and Downing, Patricia Hardyman made a motion that the Planning Board approve the ANR upon notice from Town Council Mr. Pollard that maintenance and upkeep of Tamaridge Road are currently addressed in the sale of property contract. This approach would facilitate the process of approval by the Planning Board within the time constraints of the December 18<sup>th</sup> closing. The motion passed.
- Patricia Hardyman presented the completed FY 2014 Planning Board Budget Explanation and Request forms - due to the Finance Committee by December 10<sup>th</sup>. The budget total remains the same as the FY2013 Planning Board budget except for Patricia Hardyman's recommendation that the monies previously allocated to travel (mileage) be redistributed to printing and office supplies to better reflect the needs and anticipated expenditures of the Planning Board. The Planning Board agreed and approved the FY2014 Planning Board Budget Explanation and Request. Originals were given to Jamie Mullen for signature and submission to the Finance Committee. Subsequently, Judy Hattendorf raised the issue regarding the use of the clerical services budget and whether there should be compensation for the time and effort in preparing presentation materials and articles for the NM5VN (New Marlborough Five Village News). No conclusion was reached on this issue.
- Holly Morse reported that Joe Poindexter agreed to accept and publish the Planning Board's rebuttal to John Schreiber's extensive and negative interpretation and misrepresentation of the Planning Board's proposed Protective Bylaws revisions and related outcomes that was published in the December edition of the NM5VN. The Board specifically discussed and reviewed the following highlighted comments:
  - "The scope of potential development is enormous and will destroy the rural atmosphere of the town". Discussion: The Board did not agree with this assertion and has clarified at Public Meetings that the objective of the proposed Protective bylaw revisions related to Village Centers is: "that any future growth reflects and preserves what currently exists in the villages". See page 17 of the New Marlborough Comprehensive Plan, Policy LU 2.2: Safeguard and Enhance the Appearance and Character of Village Centers" The proposed Protective Bylaws revision is a step toward setting "guidelines for village center

development to ensure that the placement, scale and design of new structures be compatible with the existing character of village centers and hamlets.”

- The Township does not have the infrastructure to support this scope of potential development” Discussion: There appears to be a misperception that the villages will experience massive growth when in fact, this assertion is unrealistic. New Marlborough’s growth history has proven this not to be the case. John Schreiber’s letter seems to assume that the Planning Board is focused on aggressively identifying and luring potential businesses to New Marlborough. There currently is no economic development initiative included in the revisions of the Protective Bylaws. In the last twenty years, all growth has been concentrated in the rural areas, not in the village centers.
- “The Board has no specific provision for Historic Preservation”. John Schreiber recommends that the Planning Board seek support from the Massachusetts Community Preservation Act (CPA) to preserve historic structures, open spaces and agricultural land. The CPA enables municipalities to enact a surcharge on the property tax bill of not more than 3%. Discussion: Currently the NM Comprehensive Plan addresses open spaces (pages 33-35 of NM Comprehensive plan) and agricultural land use. The Board defers to the Historical Society and Conservation Commission for follow up on interest representing CPA to the Town. Collaboration with the CPA Coalition has been attempted in the past and Jamie Mullen will relay his experience with the CPA in the response to John Schreiber’s letter.
- “The Proposal will not encourage young families with children to move to NM and relies too heavily on the special permit process.” Discussion: The NM Comprehensive plan addresses the issue of housing options. (See pages 21- 22 of the NM Comprehensive Plan: Supply Housing for all Life’s stages. There are specific provisions in the proposed Protective Bylaws aimed at diversifying housing stock to encourage young families to move to, and stay in New Marlborough. Additionally, the proposed Protective Bylaws include expansion of the by right uses that would eliminate the special permit process and increase the options for uses. The Board will seek input from its residents regarding further regulations and restrictions, e.g. salvage yards.
- “There is no provision for new Town owned and/or managed open spaces, parks or agricultural land” Discussion: This assertion is not accurate. In 2004, the Planning Board created the New Marlborough Open Space and Recreation Plan (OSRP). In its statement of purpose the OSRP “addresses these concerns by proposing preservation of areas of unprotected open space with important natural or cultural resources (such as unprotected core wildlife habitat, prime agricultural soils, or remaining open fields); retaining the rural character with diversified zoning that also encourages economic growth; identifying additional recreational opportunities and facilities that could benefit the community; and increasing communication channels between the state, town, and citizens.” The OSRP includes a five-year action plan.

Holly Morse requested that each Planning Board member review and submit a rebuttal to each of Mr. Schreiber’s five points. She will integrate the relevant comments into the response. Holly suggested alerting Maggie’s List of a forthcoming response to Mr. Schreiber’s comments because of the month long time lapse between Mr. Schreiber’s December article and the next 5VN in January.

- The Board discussed additional methods of communication. One suggestion included obtaining testimonials from residents who perceive the proposed revision of the Protective Bylaws as an opportunity for residents.

- Jamie Mullen discussed the December 31<sup>st</sup> expiration of the DLTA grant. Since there were no qualifying issues, it was decided not to pursue the DLTA grant.
- All business having been concluded the meeting was adjourned at 10:00 PM.