

**New Marlborough Planning Board
Wednesday June 24, 2015**

Attendees:

Chair: Holly Morse

Members: Mark Carson, Patricia Hardyman, Jamie Mullen, Charlie Parton

Other attendees: Jane Tant (Secretary) Peter Hagen
Mike Parsons Steve Mohn
John Schreiber Brian Domina

Review and Approval of Minutes of Prior Meetings:

Minutes of the June 10, 2015 meeting were approved as amended.

Review of Mail:

- Town of Great Barrington Select Board Notice of Public Hearing regarding the application of Ventas Realty LP operators of Kindred Nursing and Rehabilitation at 148 Maple Ave for a special permit for a deviation from parking regulations.

Public Comment/Surveyors:

Neighbors Steve Mohr of 72 Lakeside and Peter Hagen of 62 Lakeside appeared with a drawing of their lots to discuss potential sale of a strip of land approximately seven feet in width by Mr. Hagen from Mr. Mohr and his sister Teddi Bohunicky. Both lots are non-conforming and would remain so following the contemplated sale. The owners of 62 Lakeside plan to obtain a survey and register the sale with the County Register of Deeds. Ms. Hardyman recommended the landowners contact the Zoning Board of Appeals and obtain an official letter of approval from the Board or Board Chair. Mr. Mullen further requested Mr. Hagen provide evidence of the variance issued by the Zoning Board of Appeals approximately ten years ago which authorized enlargement and improvement of the dwelling at 72 Lakeside to a year-round residence. In response to a question Mr. Mullen stated this was for only a personal curiosity.

Mike Parson from Kelly Granger & Parson Associates Inc. representing Linda Fass trustee of the Blaustein Pourover Revocable Trust presented a Form A and drawings of a two acre lot drawn around an existing seasonal dwelling on Rhodes and Bailey Road. After the subdivision the remaining lot area exceeds ten acres with 550 feet of frontage remaining. Planning Board Members indicated approval by signing the mylar and drawings.

Old Business:

Ms. Morse informed the Board that Ms. Teena Parton had completed organizing the Form A and drawing file. Thirty and one quarter hours were expended to complete the work. The Forms A and drawings were filed by date and year with the newest drawing in each drawer on top. An index was created for each drawer with a master list of all drawers and drawings also created in electronic format. Discussion revealed the index in this format could easily be

updated by adding new Forms A and drawings as received. Ms. Morse allowed an annual review and update would be appropriate.

As part of the plan to foster community feedback Ms. Hardyman reported she had requested addition of a menu choice on the “send us comments” tab of the Town website. This choice would be an additional “drop down” allowing the comment to be directed to the Planning Board. Ms. Hardyman further reported she had requested deletion of an outdated version of the Revised Protective Bylaws from the website. The copies to remain on the website would only be the version presented to voters and the annotated version which notes where changes were proposed to the Bylaws in effect.

Ms. Morse noted she had received approval for installation of a comment box at the New Marlborough library. This means that three avenues for submitting comments will be available

- Town website “Send Us Comments” tab
- Comment box at the library
- Direct feedback to Planning Board members

Ms. Morse reported she had had conversations with both John Miller and Barbara Marchione to learn more about their concerns with By-law revisions. She stated she had calls in to others who were quoted in the “Five Village News” after the Town vote on the revised Protective By-laws.

Members discussed several comments received which expressed the sentiment that changes in Protective By-laws are not necessary unless there is a “compelling need”. The consensus of the Board was to be pro-active rather than reactive. Several members expressed concern that waiting for a “precipitating event” places the Town at a tactical and legal disadvantage. Mr. Domina of the Berkshire Regional Planning Commission noted that even a “pre-development review meeting” is “too late” for regulatory changes to be made.

Ms. Morse recognized Mr. John Schreiber who outlined his interests in attending the meeting. Mr. Schreiber noted that he serves on the Conservation Commission and agrees that a Protective By-law revision is needed. He noted his concerns regarding future development in the villages especially in New Marlborough where he resides. He has interest in preserving the historic character of the village.

Ms. Morse directed Board attention to the task of identifying work to be pursued with District Local Technical Assistance (DLTA) funds which expire on December 31, 2015. She noted two potential efforts

- Review of the entire Protective By-law Revision

- Break out of smaller segments of the document

Ensuing discussion noted several ways to approach a “smaller segment”. Mr. Domina noted one option would be to select fewer “village districts”. Mr. Carson suggested less expansion of “by-right” uses as the special permit process allows for more review of proposed changes by the Select Board as well as comment by abutters.

Mr. Domina directed Board attention to the Comprehensive Plan and noted the cornerstone of this document was the creation of two districts. He stated it appeared the challenge was to “get over the hump” of creating two districts.

Ms. Hardyman asked if there is a way to create two zones but keep it simpler. Mr. Domina responded that creation of a zone (e.g. village center) could relax regulation instead of create new ones. He noted that most existing buildings in the existing villages do not conform to the forty foot setback requirement stipulated in the current By-laws. Potentially, a By-law revision could relax the setback requirement.

Ms. Morse stated she wants to identify changes which would be welcomed by both the constituency concerned with historic preservation and the constituency concerned with “backlot” development.

Ms. Hardyman noted creation of historical preservation districts is a secondary step as such districts are “an overlay” on a body of zoning laws.

Mr. Mullen proposed a motion to retain the application of village districts to five villages from the Protective By-law revision, reduce the Table of Uses (changes to uses permitted by right) and focus on the dimension/intensity provisions. This motion was seconded by Mr. Carson. After discussion the motion was brought to a vote with two members in favor and three opposed.

Ms. Hardyman proposed a motion to pursue a village district for potentially two villages with a reduced Table of Uses and focus on dimension/intensity provisions. Ms. Morse seconded the motion. After a brief discussion the motion was brought to a vote with four members in favor and one opposed.

In light of this vote, Mr. Domina stated he would review the dimension/intensity work done previously for the Protective By-law Revision and communicate the results of his review with Ms. Morse as Chair. He would await word from Ms. Morse on a potential return date to the Board to present the results of his review and discuss options on dimension/intensity in a second district.

Mr. Carson noted he is ready to commence handing out the flyer soliciting resident feedback on the Protective By-laws at the transfer station and community gatherings.

Ms. Morse volunteered that she would complete the comment box for placement in the library.

The meeting was adjourned at 9:12pm.