

Planning Board Minutes of Meeting: -- 6/12/12

Attending: Michael Hale, Chair; Janine Savoy, Secretary; Alan Vint, Terry Crean, Maureen Sullivan.

Guest visitor: Larry Smith, PVPC

Meeting called to order at: -- 7:05pm -- Adjourned at: -- 9:20pm --

Minutes of previous meeting date -- 5/30/12 -- to be approved next meeting. 5/30 and 6/12 minutes to be emailed for reading in advance of next meeting. Alan expressed appreciation of having more detailed minutes than many town boards provide. But members had wanted to spend this meeting time with Larry, and not reading minutes.

Next Meeting scheduled for: -- 6/26/12

Agenda this meeting: -- **Discuss Use Tables with PVPC consultant Larry Smith**

Larry said a lot of towns have been moving away from the horrible, old way they all did zoning –a pyramid from a zone of very limited uses, to further zones that allowed that first set plus added allowed uses, with each additional zone increasing what was allowed [from Residential only, up to Commercial or Industrial.] Bylaws have always kept changing. And you'll always have to go back and revisit bylaws. I've seen your table of uses. Compared with others, it's not terrible. In comparison, Wendell has only one page. That leaves a lot out. In Zoning, if you don't mention it, it's not allowed. You might want to make your wording general for flexibility, or you can choose to make it specific to try controlling things. Almost every law is a reaction or band-aid for something that wasn't anticipated.

The first step is to go through making a comprehensive listing. We have a far more extensive list of principal uses than you probably want, but a productive exercise is to go through that list and decide if you want that item, and if so, then by right, or by Special Permit. Here's Southampton's. Before next time we meet, you could take a look and see what your thoughts are. You can take your red pens to this list, and cross out what you don't want. I'd like to know the reasons why you don't want something, and the reasons why you do want something you might add to the list.

I want to learn what you want. Is there a certain way you want the center of town to look? Same question with other areas. Start with an assessment: What do we have here? What's good about it? What's bad about it? It really is a neighborhood by neighborhood assessment. We've got to get focused; decide what's appropriate and where. Deciding what you want permitted and how you want to do that. In your current Business District, what do you have going on there?

Alan: Nothing. There is an intended General Store. Maureen: One key element is that most Business District lots are non-conforming –they are smaller than 2 acre lots. Alan: The Business District is the only part of town where realistically the impact of uses would be greater on the neighbors because the lots are smaller than elsewhere in the town. It might end up being that business would be allowed in other parts of town. I like the concept of thresholds of impact rather than trying to think out a full list of possible uses.

Maureen: Maybe we need to think outside the box of Business and Residential zones. We have this quaint historic village. Maybe we need to carve out a village district that allows things like the antique store that was opened there. The town owns a lot of the land in the village center, and with the most degrading quality, and yet the most potential. The district could be revived into attracting nice additions to the quaint village center, if the town uses were cleaned up. The only real chance for any economic vibrancy is that section that the town owns, and maybe the town could sell it off and move the highway department and transfer station so they're not right there.

Larry: You probably need more zones. The character is different in different areas of a town, and how you want them to be developed in the future is hard to direct with just one blanket district. The complicated part of deciding what you want to allow and where, is that your vision is different among the different members of the board.

Alan: No, there's not a lot of difference. Both Maureen and I would like to bulldoze the highway department. But I don't think it's economically feasible.

Maureen: The potential is huge for how beautiful the village center would be with the Highway Department gone and the wetlands in back cleaned up. The Highway Department has all its vehicles outside. The facility is totally inadequate, and abutting wetlands.

Larry: It might not be economically feasible now, but it could become economically feasible in 5 or 10 years.

Maureen: Chester Rd and Chipman are the only 2 areas in town that have developed in the last decades. There are other areas where people have preserved clusters of large lots or historic homes --like up Arthur Pease.

Alan: I don't see a difference in various areas of town. And how something is done will make more difference than the name you might list it by. For example, something normally disliked like a car repair garage, I'd care more if it was in the Business District than if it was hidden in a barn behind some remote house, as long as everything was hidden inside the barn, and the waste was taken care of properly.

Mike: In general the town is where we want it to stay. We don't have a lot happening.

Alan: The Town mostly likes the way the town is for uses, but there are some people who should be allowed to make a living here, vs having the 'longest commute in the state' for working elsewhere. We're here because of the ambiance. The old time farming activity is diminishing and more people are moving here because of the ambiance, like me. But I think there are a lot of self-employed people in town. Deciding the divide between Tradesman and Artist might not be a good route, but focusing on how much impact it creates would be. Some of the bylaws are so vague --a catchall-- so they can end up being used as a wild card --like the Home Based Business bylaw.

Larry: A lot of small towns like this are a great place for self-employed people like writers and artists. Does anyone here have objections to Special Permits?

Alan: I think they've been massively abused in the past, in not being applied with consistency. We need rules clear enough to not have debate, or subjective interpretation by other boards or by code enforcement.

Larry: Your Special Permit Granting Authority doesn't have to be the ZBA. Other towns complain that ZBAs tend to think they are the judge and don't have to get input. The various town boards have to act as a team. Few things only involve 1 board. When I was Planner in Northampton, I started having a meeting between the boards to foster cooperation.

Maureen: I think there is a change now. Alan: Yes, now we have a fair amount of confidence in our ZBA, but a few years ago that wasn't true. In general the boards in this town don't have much interaction. And it's more normal to have 0 people here as audience, rather than the 1 tonight. Mike: On this board we have the Select Board represented by Alan, who does triple duty actually, being on ConCom in addition to Select Board and Planning Board. Alan: It has worked well, and Terry is simultaneously on the Planning Board and ZBA. I think we've been doing really good work. It's just that a lot of things have come up to interrupt our looking at the uses, such as a Dining Club bylaw. Maureen came up with that idea to handle something that came up from an excellent chef doing a B&B thing.

Larry: But it shouldn't matter who is on the Board, or who is applying. We could focus on a list of standard conditions. We had 32 of them in Westfield. This list could be part of the 2nd contract. One of the most important conditions we made was that a plan would follow this specific paper, of this date. Never approve a permit based on a narrative. We would continue the hearing just for the applicant to make a minor change in the written proposal. Our overall standard was if you can't see it, hear it, or smell it, who cares? But if you can, then a set of performance standards needs to apply.

Maureen: Where would you allow the use of B&B? Larry: I'd have it as a Principal Use named as B&B. Maureen: In our current setup, we don't have a Principal Use list. Where would it fall in the categories if not as an Accessory Use? Larry: I'd have to think about it. I wouldn't call B&B 'customarily accessory'. Alan: Words like 'customarily' scare me.

Larry: Even with the threshold-based rules, you have to decide what uses are fine because that sets the thresholds. So you have to think: What do you want to approve as occupations?

Alan: A majority of people, during input on the Master Plan, did lean toward an idea of the center of town having an antique store, but not a gas station. Maureen: Everyone would agree it would be great to have a little bakery in town, but maybe not agree that it's best to have it where the houses are cheek by jowl. A little bakery is the kind of thing that would make visitors want to stop in the town center.

Larry: I suspect you have not reached the critical mass of population needed to support village center businesses like a bakery. What is the population?

Maureen: One person is probably working on a bakery now. And we have a lot of part time residents, who are looking for things they do when here. Alan: I think we are a couple hundred short of where we could be in population. People who come to 2nd homes here are more lay back than the Lenox type;

they're not expecting constant entertainment. We have 520 full time residents. The Postmaster said 900 in summer, but you don't see them because there's no place to see them.

Maureen: We started by focusing in on Accessory Use Home-based businesses. Previous code enforcement said it wasn't enforceable. Other towns set up standards for lights, parking, hours. Rather than saying accountant allowed, but massage is not. Can there be different SPGAs? --For instance, the Planning Board could issue Special Permits for Accessory uses, and ZBA for Business uses. And 2nd question: I was on the Master Plan Committee and one direction we talked about was recreational use of property. One person has mentioned a lot of schemes like riding trails. Can you allow things only on parcels over a certain number of acres?

Larry: Yes. You have a lot of mechanisms --such as lot size minimum or maximum; Performance standard aspects; on Permits, subdivisions, or Findings, there are the 32 boilerplate standard criteria. From 33 on are any specific criteria you want to apply to the particular case. For by-right use, you can't really get into the subjective stuff --you have to go with Special Permit for that. You can do some limited stuff like saying retail use within these hours is by right, but if more hours, then allowed by Special Permit. Many towns are getting into Design Approval Bylaws. These control what goes upward, visually, from the layout covered in the Site Plan Review Bylaws. You don't need to have a Historic District to do Design Approval. You could make standards to prevent a scale past what you're looking for. Or put parking around the back. You can tell applicants that with meeting the proper conditions, they can do what they want. But even Form-based planning still needs to look at what goes on inside.

Maureen: I used to be on that same page with Alan about if you can't see it, it's no problem. But then more houses get built and that business is now in someone's backyard. Over time communities develop. Things like creating a village district are not really part of this contract scope?

Larry: No, but you can also do DLTA [Direct Local Technical Assistance]. Boards can pay for assistance like this, or DLTA is a grant program with applications, typically for more money. We send it out end of Dec, and expect apps by end of Jan. There's a local money match of 10% according to the state's rule, but PVPC says 5%, probably reducing the 10% by local dues paid to PVPC, plus the town board providing in-kind work on the project. We have 2 contracts with you: (1) Table of uses through end of December. (2) Working on a Bylaw, and the contract for that has to be signed by June 30. Has the Bylaw been decided? [Answer: No.] Sometimes the scope of work is kept general so it can be applied to whatever surfaces as the most needed aspect.

Alan: Select Board is going to meet briefly next Monday, so Planning Board should provide contract for that meeting. SB members may not want to sign a contract on the first night they see it.

Larry: I can write something general up for the 2nd contract, and email it around to Planning Board members. Alan: But by Open Meeting Law, we couldn't decide we agreed with it. Larry: You're right. Maureen: But we could show up at the Select Board meeting if we see any red-light item in the emailed contract. Larry: So I'll do that: I'll craft a general contract to get to the Select Board by the end of the week. It'll say 'we'll be committing so many hours' and then a general list. Shall I come back in one month to continue this? ... Just give me a couple weeks notice, and I'll meet with you when you're ready.

Terry: Do you feel like this was a productive session? Larry: Yes, I love small towns. Before coming I tried to read the minutes online. But nothing's there except the place to put them. Terry: Before the meeting, on your next visit, I recommend just taking 5 minutes to drive up to the center of town to see it yourself.

Other Business: Maureen: an email came in a while ago. I recommend it be handed on to SB to be handed to Highway Department to be filled in, if you so desire. It's just a quick check off of town steps done to reduce nitrogen runoff to LI Sound. It doesn't have anything to do with PB except the question of whether we did cluster zoning. I sent an email on password on calendar, except I didn't have Janine's email. But I don't know how you set up the Planning Board email to forward. I don't want to be forwarding them all. Mostly we get mass mailings that have nothing to do with us.

Alan: I assume that if some email is substantive, you'll bring it to our next meeting. If it's terribly important, or time sensitive, then forward it on. Otherwise who cares?

Old Business Progress Reported: --

Mike to send letter he wrote, although Alan thinks Noreen already wrote to I.G.

Terry: It isn't working to get town moneys to buy upgrade. Alan: It will become workable in the future because SB authorized Duane to talk to Treasurer about getting a town credit card. But if you have a planned means, just go ahead now. You should be reimbursed by a week or two.

Maureen to Mike: Will you get the CD you have of the current subdivision regs to Steve Harris, so he can get them on the website?

Agenda next meeting: -- Review edits of Southampton Uses list

Minutes respectfully submitted by Secretary Janine Savoy.

Old Business (items from previous meetings listed for tracking follow-through, and deleted when done.)

Mtg 5/15/12

Review Use Tables prior to meeting w/ PVPC. (all)

~~Letter of continuing contract to SB, then PVPC.~~

Inform Accountant Beverly of contract carry-over to FY2013.

Get current ByLaws & Subdivision Regs available on website.

Get PB minutes on website.

Renumber, Collate/ provide all paperwork for AG on Wind Turbine BL. (MH)

Find new Master Plan Committee members; write job description.

Research and acquire needed software upgrades to PB computer. (TC)

Get all documents on PB computer as Board's electronic filing storage location.

~~Have PB email from website forward to all members.~~

Manage getting minutes on web pg.

Mtg 5/30/12

All previous except Town Hall storage is done, plus:

~~Chairman communications to SB for IG re resolution of computer use/ location.~~ (MH)

Review example Bylaws of Chester, Shutesbury, Lanesboro. (all)

Mtg 6/12/12

change combo on lock

put computer in Town Hall storage.

AV and MH will get together on Wind numbering.