

Planning Board Minutes of Meeting: -- 9/25/12

Attending: Michael Hale, Chair; Janine Savoy, Secretary; Alan Vint, Terry Crean, Maureen. Guest/  
Consultant from PVPC: Larry Smith

Meeting called to order at: -- 6:30pm -- Adjourned at: -- 9:45pm --

**Minutes** of previous meeting date -- **8/21/2012** -- **not read and approved yet.**

**Next Meeting** scheduled for: -- **Oct 16**, 6:30pm. Continue meeting with Larry Smith.

Agenda this meeting: -- **Create Use Table list with PVPC consultant Larry Smith**

Larry had copies of the 9/19/12 updated of Table of Uses draft. Continued discussion from Accessory Uses where last meeting left off. Maureen: since fuel storage isn't allowed anywhere, we should take it out. Having standards and conditions, implies allowance.

Larry: As we talked here, you want a lot more intensive home occupations --cars, contractor yards, landscaping business. I emailed today a bylaw on Home-Based Business and cottage industry—the Home-Based Business by right and Cottage Industry by SP. We have to work on what are the distinctions between the 2, when do you want a Special Permit to be triggered, and what is too much even for Cottage Industry. 1.4 has general standards that apply to everything.

Maureen: we haven't settled on what kind of uses we'll allow. We might want to set 3 acres or more where higher number of employees. Larry: who do you want as Special Permit Granting Authority? My idea is Selectboard gets the political issues. Alan: Selectboard is not set up to deal with any of them. Larry: Commonly it's Planning Board for developments, site plans. Zoning Board for Special Permits. Alan: It's better to have a board with 5 people on it, and the board that does work on this (bylaw) stuff. Larry: Consensus Planning Board for SPGA? (general agreement)

Janine: That's a lot of side or rear distance setback to require. Maureen: if we're requiring 200' frontage, then I don't think they wouldn't have space on the side. Alan: Like guy across the street. His stuff is fairly visible. Janine: But it's on the side of the house. He's not really running a business out of his house. Larry & Alan: yes it is. Alan: this is an example of where we don't want to go with Middlefield. We want to legislate against it. Larry: so Special Permit if parking in front. By PLANNING BOARD. Good, because don't have people go to different entities for aspects of the same permit.

Janine: On item d) a 2 ton truck is kind of small. Larry: it doesn't prohibit one, just you have to screen it. So OK? E) screening materials. Janine: who decides if it's aesthetically appropriate? Larry: your Zoning Enforcement Officer (ZEO). Alan: I'd say it goes to Planning Board, not Zoning Enforcement Officer. Larry: no, not if this is by right, and never came before the Planning Board. Maureen: put "all screening material must be in keeping with the character of the district."

LARRY: Is 3'x4' all you allow for signs? There's 2 scales for signs; 1 for pedestrian, and 1 for vehicles. Mike: we don't want signage to attract you, just provide an address. (Mike recognized audience member) Sherri: 3x4 is fine in the business district, but not in the residential district. Maureen: I am repeatedly told that our sign is not visible. It's fair to make finding the location easy. Alan: I don't think it's too big, if it's tastefully done. Janine: I think we should allow things hanging off it. Alan: one problem is we don't allow anything hanging. Larry: signs for accessory uses, only allowed 6sf. Mike: do we want to get into dictating styles of signs? Larry: that's always tough. I've seen towns that do it, but all the signs come out the same and really bland. Alan: but it's only 6sf? MIKE: the signs are not a way to attract people. Janine: that's what signs are for. MIKE: It isn't critical. Since you can't sell stuff unless

you're making it or growing it. Alan: Michael is essentially right. Janine: if the casino goes in, we will be only a 45 minute drive. Larry: are we satisfied with 6sf? Maureen: I think that's reasonable. Alan: yeah. I'm not opposed to it being 12sf, but I think 6sf is enough. JANINE: what if B&B wants to advertize what they have for dinner? LARRY: that's a restaurant, not a b&b. Sherri (Maureen asked her): I'd like to see 2x2 on accessory signs. Larry: If someone needs something different, they can come to the PLANNING BOARD. JANINE: Have a Special Permit option to have a bigger sign or the extra attachments. Alan: I move 6sf total which could include a hanging tab in the total.

g. Lighting. MAUREEN: I can see the B&B being in the Residential district needing an illuminated sign. JANINE: My parents have a store in Sherwood Forest with one. LARRY: sign applies to business or industry. MAUREEN: first sentence doesn't make it clear that it's a principal use. Alan: so we have to change that too. Larry: I'd get rid of the dangling provision too. Alan: do we need a sign section for the home occupations? MAUREEN: we should fix this one, because we'd still need to come back and do that. LARRY: add the "following additional requirements" re 6sf. So we should clean up 4.5 a bit? yes.

MAUREEN: This says 'no light taller than 15ft'. I've seen people use street lights. LARRY: so is that unreasonable? Is it OK if lights are on all night? ALAN: I have sensor lights, which on a windy, rainy night stay on. I don't know what the rules are about street lights. My aunt had one. LARRY: but those are residential use, this is business. JANINE: I think hours of operation would be reasonable. Alan: What are those for a B&B? MIKE: In H) hrs of operation are only 7-10, so I don't think lighting would be much of an issue. LARRY: and we are counting B&B as principal, not accessory use, so this doesn't apply. Alan: What of the Dining Club then? LARRY: When you passed it, did you amend the TOU (Table of Uses)? Or do you have a bylaw for something that is not allowed in any district. Why haven't the B&B folks ever come for a permit under the Dining Club bylaw? ALAN: because they're skittish. Janine: Disgusted. LARRY: So the Dining Club is a principal use. MAUREEN: But I don't think it was meant that way. LARRY: You adopted it as principal use, but by definition it must be operating in a residence. ALAN: I think better off as an Accessory Use. JANINE: Who's going to count the number of diners? Are you kidding? What happens if you're the 29th person? You would have put me out of business long ago.

LARRY: Is 10pm too late? 7 to 7, with later by special permit? General nuisances? MAUREEN: how does this get into the hands of the ZEO? LARRY: If I write a noise bylaw, I like to have a specific decibel level to be measured. ALAN: maybe there is a cutoff less than 7 to 7 for noise. JANINE: Mike Jamula fires up his chainsaw every Sat and Sun at 6am. MAUREEN: maybe we could make shorter hours if on Sat or Sun. ALAN: Thinking selfishly for myself, if someone moved in with a notably audible noise 7 to 7 that would impact my life. So noise constraints should be carefully handled. Jay has complained that someone down the road is running an engine. MAUREEN: Can we just look at the state law on decibel levels, and have an enforceable limit. If someone has a noisy business, they'll have to soundproof their building if they want to keep doing it. Alan: are we going to cross out 'excessive' as too vague for Zoning Enforcement Officer decision. Larry: I would take out the ZEO requiring a test.

K. Alan: I'm concerned about the word 'incidental'. MAUREEN: example a hairdresser who also sells the product for your hair. LARRY: in Westfield we determined that if you were selling on site to the public you had to get a SP. JANINE: I don't understand why you can limit the number of prime ribs, but not the shampoo. MAUREEN: I'm happy with incidental. It is understandable. If someone brings in 3 truckloads of shampoo then we know it's not incidental. LARRY: I'm hearing it's by right and just leave it as it is.

I. Traffic. (no comments). LARRY: then 1.5 is where it starts to split [into types/sizes of home business]. JANINE: what's the background on the limits of 2 employees or 33% or unheated storage? ALAN: cross out unheated, add 'only' for storage. (audience Tamarin): It's only neat on paper to say %, but messy to have to tromp through people's homes to decide if they match the law.

1.7) Alan: do we want 10 people not in a business district? MIKE: I think it's excessive. JANINE: It was ok for you to do it, but won't allow others to? MAUREEN: I have a problem with still requiring the business to be in the home % with 10 people, when you are also using an accessory structure. I think we should just stay with the 5 employees. Even there, allow it to be in the accessory building. LARRY: Just switch the paragraph d) parts? MIKE: these cottage industries are still supposed to be incidental. Which towns have adopted this? Larry: Otis. They picked 7 employees and 49% as max.

Tamarin: I don't see why you need to limit employment except as the particular circumstances suggest when it comes up at SPECIAL PERMIT process. MAUREEN: We should let the Town pick the standards it wants to vote. Sherri: opening it up to SPECIAL PERMIT is too fractious. In a town like Middlefield, people do live here for the rural atmosphere. Janine: But the businesses need some room to breathe. ALAN: Janine, to me it's the residents who need to breathe. The majority will not be creating a business employing 10 people. JANINE: What I don't want to do is restrict what we have to the point where they can't grow. ALAN: At some point the reality is they might have to relocate. MAUREEN: someone trying to sell, and a buyer looks at the bylaws and says I don't want this next to me with no limits.

ALAN: I'm thinking 5 employee limit is good. LARRY: But you wanted a different floor area? MAUREEN: I wanted the allowance of not being in the house. LARRY: So ignore c. and switch d's. MIKE: That can really impact the look of the accessory bldgs. Sherri: Yeah. To me it's no longer a cottage industry. LARRY: It's no longer a home occupation but is a Cottage Industry. ALAN: A landscape biz is more an outside and accessory bldg style. Is that something the neighbors want? MAUREEN: You could just have a bigger buffer, a 5 ac lot. JANINE: Bring it to the people. Do a survey. Collect questions, do a mailing. ALAN: I think we're agreed on the 5 employees. But like Sherri raised, are we now changing a residential district to a business district. MAUREEN: Your other option is to say no businesses that involve something dusty and 5 employees. We already have those businesses that are not the type that are going to happen in the house. I thought the point was to allow acknowledging what is already happening. ALAN: We're really talking about a dual use of the property. At 5 people, and machine shop in the barn, then it's no longer just a residential use. It can be OK, but to me it's no longer a cottage industry. LARRY: too much emphasis is on 'cottage', and not enough on 'industry'. MAUREEN: our role is to make sure the abutters are not disturbed by the business. The language has to be strong that the people living near the business are not going to notice it. Alan: that won't be possible with 5 employees.

JANINE: Maybe this is something we can go back to hammering out, along with the horse thing, and the signs. LARRY: As you've all pointed out, there's a lot going on. The Cottage Industry is to allow for the use, but having it subordinate to residential use. Notice they have to renew after a year, like a trial period. The plus is you get to see how it works, but the minus is the owner, or the bank, won't sink any money into it. MAUREEN: You have to have a good SPECIAL PERMIT GRANTING AUTHORITY and a good ZEO. Don't we have that now? Alan: I'm getting feedback that Zoning Enforcement Officer is a little anal. But the more it's down in writing, and the less it's up to individual interpretation, the better. LARRY: If you're making it fool proof, it's by right. If it requires a subjective decision, then you're depending on the good judgment of your board members. ALAN: You could be the biggest A-hole in the world, but if you're running unopposed, you'll probably get elected.

LARRY: Can we get through the rest of the access uses. Does a resident trade person need to be there, or is that a home occupation. So we don't need those here. I usually delete the bldg or other structure. Do you have a bylaw for that? (No) Want me to send one? Unregistered vehicle is usually handled as a town bylaw. So I'd take that out. and trailer / boat one.

MAUREEN: the category (outside storage) is unmanageable. ALAN: so we'd cross this off here, but go back to home occupations and define what outside storage could be there. LARRY: Commercial Service not necessary. MAUREEN: lodging-house wouldn't fall under residential? ALAN: Is the concept a good

one? MAUREEN: It's just an escape hatch to say we're still allowing what you could do before.

I think the signs and parking should come out. LARRY: I agree. Scientific one is state law. Accessory Apt? MAUREEN: I believe it was under the Residential but we could move it over to Accessory Uses.

ALAN: It would be helpful to SELECTBOARD to have PLANNING BOARD come up with guidance for this (cars sales use). Previous SB's have done licenses. LARRY: You don't have to make the same mistake year after year. The zoning is clear; it's not allowed. ALAN: It would help if PLANNING BOARD could provide guidance by the end of December, even though it won't be passed yet. MAUREEN: Maybe we just need to set a limit on the number of cars stored, so it doesn't become a used car lot. We could use their permit (Country Cars) as a bylaw template. LARRY: Throw something in home occupation, class 2 auto sales, but can't be above 2 (?) vehicles.

LARRY: Next time, other than a couple minor things, we've got the table done. And I don't think it will take much more time on the cottage industry. Did we do the definitions, the purposes of each district? Let me email purposes out to you. Did we talk about the adult entertainment? This is pretty standard, because it's state law. It's not done as its own district. You have to pick a district to put it in. Last thing we talked about was Special Permit conditions.

JANINE: We as a board need a housekeeping meeting. For 4 sets of minutes not yet approved. (Read list of Old Business.) Then after that meeting email Larry about when the next meeting with him could be.

--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

Get current ByLaws available on website.

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

Find new Master Plan Committee members; write job description.

Get all documents on PLANNING BOARD computer as Board's electronic filing storage.

Mtg 6/26/12

Email Larry to get 32 boilerplate conditions, & S'hamp standards & conditions (MH)

Supply members with copy of letter on Master Plan Survey inquiry for future reply.

Mtg 7/24/12

Forward needed files to Board email address to be retrieved on PLANNING BOARD computer. (MS)

Mtg 8/21/12

Ask Mary for suggested horse space requirements (JS)

Mtg 9/25/12

Email the missing Dining Club bylaw to Larry to add to draft.

Read over the Purposes for each District that Larry will email.

Larry will email a Building or other Structure bylaw.