

Planning Board, September 19th, 2013

Present: Diane Poland (Chair), Joe Strezgowski (Vice-chair), David Chichester, and David Barten. Absent: Mike Kurkulonis.

The meeting began at 7:00 as posted. There were eight items on the agenda:

(1) Minutes—the minutes for the meeting of September 5th were unanimously accepted. A discussion followed in which it was suggested that when draft minutes are revised between meetings, copies of the revised minutes be sent around to all members before the next meeting. This would mean that the vote to accept the revised minutes would be a vote to accept the agreed-upon final version.

(2) Medical marijuana dispensaries—Diane had asked Kay Doyle, lawyer with Kopelman and Paige, P.C. of Boston, specialists in Public Sector Law, to forward any information she as the firm's specialist on the Medical Marijuana Dispensary law had directed to other towns. Kay responded by sending four documents, noting that these had been sent to Towns that were clients, and out of courtesy were being sent to Conway though the Town was not a client.

The four documents, dated July 31st, 2013, represent the thinking of Doyle and her associates which has followed on the State's having finalized regulations at the end of May. So, what is said is the most updated legal thinking to date on regulating dispensaries.

Because the documents only became available the day of this PB meeting, most of the members had not been able to study them in depth. But a perusal done on the spot suggested that these documents were the kind needed to provide a basis for a broad-based discussion involving those Town departments and committees that will have some form of responsibility for deciding where dispensary, if proposed, might be located and, once established, monitoring it.

It was decided that the meeting tentatively scheduled for Tuesday, October 8th, should go ahead as planned. Those departments and committees which will be invited to send reps are Police, Ambulance, Board of Health, Conservation Commission, and Select Board. It was also decided that each of these departments and committees should be sent in advance the four documents prepared by Kopelman and Paige. Diane volunteered to invite representatives from each of these groups to attend the meeting and to get them the documents in advance.

The discussion ended with the suggestion that the Town become a client of Kopelman and Paige, at a cost of approximately \$300.

(3) Village Center District—the discussion addressed two aspects of the public information meeting scheduled for October 16th: anticipation of questions that might be asked about the proposed changes in Conway's Protective Zoning Bylaws, and a short introductory presentation about the changes.

As questions were identified, it became clear that some could be addressed in advance through a short ten-minute informative slide presentation focused on the "Use and Dimensional Tables". These are a markedly simplified way of presenting what a person can and cannot do, the "Use Table" having a "Y" for yes, an "N" for no, an "SPR" for site plan required, and an "SP" for special permit required.

It was suggested that the first slide address the tables, and also the difference between site plan review and special permit. Next there should be a slide picturing in simple form the difference between cottage industry and home-based business. Third should be a slide that addresses overlay districts and especially the solar overlay.

When the question was asked about how the proposed zoning changes to bring a VCD into being should be viewed—that is, were changes intended to prevent or encourage development—it was concluded that it was important to emphasize at the information session that the new zoning regulations were intended to encourage economic development in the center of town, meaning small retail stores of various kinds, and also encourage an increase in housing stock through division of large houses into apartments, and/or apartments on a second floor and retail operations on the first. Such housing units would enable seniors and young couples to find simple and affordable apartments in a setting where basic needs were supplied by stores within walking distance.

It was noted that Conway center is located directly on the Rt. 116 Scenic Byway, a Federally designated road that is specially beautiful. Such designations, require formulation by regional planning boards and acceptance by the State involved of a master plan showing all the cultural, recreational, historical, environmental and economic attractions that exist within a corridor a half mile to either side of the highway and would be of interest to travelers (tourists).

A master plan has been created, and has only to be accepted by the State, and then grants will become available to help towns enhance what they have to offer. It was concluded that the creation of a VCD in Conway, because it encourages the creation of small retail stores, could make Conway's center a place where tourists wanted to stop and spend money.

The members concluded that there likely would be three attitudes with which the presenters would have to contend at the information session: those residents who were whole-heartedly in favor of a VCD and overzealous; those who were dead-set against change of any kind in the center of town, and those who were open-minded but needed convincing. It was agreed, it is this third group that the Board wants to reach.

David C. asked whether it was possible to have Peggy simplify the 31 pages which detail the Protective Bylaws and proposed changes. A synopsis of sorts would help residents get a better hold on the subject of zoning bylaws itself. Diane said she would talk to Peggy about this.

It had been thought that the PB should have a table at the FOH where there would be information available as handouts and members could answer questions. But, at the meeting the members changed their collective mind and decided that trying to get people to focus on bylaws at a fun-oriented occasion is out of character with the occasion. So, David B. volunteered to tell Michelle Harris, Chair of the FOH Committee, that a table was no longer needed.

(4) Website—Dave C. had volunteered to get a picture of the PB's activities, including minutes of meetings, onto not only the Town website, but also Channel 15 Cable TV, Caring Conway, and into the Visitor. He described the problems he had encountered in trying to get information out, problems often created because those manning some of these operations were volunteers and had limited time to mount information. Dave noted in particular that the move toward using "Virtual Town" as a place to post Town happenings was proceeding slowly. As of the moment, the activities of the Board are not yet readily accessible.

Dave had written a "press release" noting the upcoming meeting scheduled for October 16 and placed it before the members for their reaction. A few changes were suggested, but in general the release was accepted as being just right. The suggestion was then made that the Recorder's Kathleen McKiernan be invited to a Board meeting in the hopes she might write a major article about the info session.

(5) Septic system -- Dave C., in a digression intended to bring him up to date on all the Board has focused on in the past before he came on board, asked whether there were other things the Board had addressed in its previous meetings of which he should be aware. In response, it was noted that the members have discussed encouraging cluster housing on back lots. Additionally, they have addressed the matter of a septic system for the center of town. Here, Dave, former Chair of the BOH, was asked what he thought the state of septic arrangements was in what would be the VCD.

He said that a crucial decision was made by the Town in the seventies not to have a municipal system for the Town center, but rather to place the problem of replacing systems on the owners of the many properties. Thus, as one system after another was declared unacceptable under Title 5, owners replaced systems sometimes at great cost, with often technologically challenging systems on small lots and hilly terrain. These systems are aging, the life expectancy being about twenty to twenty-five years. Thus, it is not too soon to make the matter of a septic system for the downtown a major priority, especially since the State likely at some point will force the issue.

Diane proposed that the Board ask the Town at the May meeting for money to hire a professional engineering firm to study the downtown septic situation and possibly make a proposal about a solution. The members agreed this was a good idea.

(6) Kate Clayton-Jones—note was taken of Clayton-Jones's tubing operation as it related to her home on Hoosac Road in Conway. Because the Deerfield Board of

Selectmen had blocked her using Stillwater Road in Deerfield as a point where people to whom she had sold tubes at Bardwell Ferry sold them back to her after their passage through the rapids, Jones was taking tubes and passengers back to her house on Hoosac Road, where the final transaction was completed. This meant that traffic had markedly increased on Hoosac and that what had been a quiet neighborhood was now characterized by much activity. Apparently, the Conway Selectmen had granted Clayton Jones the right to make use of her home, but in doing so had not anticipated the negative reaction residents on the road and abutters would have.

Diane had mentioned to Rick Bean, Selectman, that the PB was the entity to which Clayton-Jones should have come for permission to operate a business out of her house, for she likely needed a Special Permit. Given the fact the tubing season was about over, however, the Board's reaction was that Clayton-Jones should be invited to meet with Planning Board to discuss her future plans. Diane said she would arrange this.

(7) **** (revised) Mike's resignation—Mike told the Board at the previous meeting that he would stay on until a person was identified for his seat. But, he would do this only to the end of September. Diane, at this meeting, asked whether members had identified possible candidates. The following were mentioned: Mary McClintock, Michelle Sanger, Heidi Flanders, and Sandy Hay. There was a brief discussion about the candidates, and the members thought Mary had the best credentials. Diane will contact Mary first. Each of the other candidates will be contacted, if Mary is not interested.

Joe pointed out that the Planning Board was composed of elected members, and so the person replacing Mike, whose term ends in May, would act in the capacity of a short-term replacement. Should she want to continue on the Board after May, her name would have to be put forward at the Town caucus as a candidate for a full-term position. Meanwhile the confirmation of this short-term replacement, because there is no election involved, has to be done jointly with the Select board.

Diane then totaled the number of vacancies to be filled in May. There will be three—David B. will not seek another term; Joe's term is up, and there is Mike's seat that had been filled only temporarily.

(8) New business—David B. had several items he wanted to place before the Board:

a. Russ French's predicament—The Board had discussed several times the situation of Russ French being unable to expand his business because the land he owns and on which he would build a new structure was declared wetlands at an earlier time. Bob Anderson, member of the CPA and Parks and Rec Committees, heard Russ speak at a seminar about his predicament and was exercised enough to suggest a solution—why not close the road that splits OESCO's operation, and give Russ the right to link the two structures—his office/shop and warehouse-- with a third structure that suits his needs.

The members agreed, as they have before, that they wanted to solve the problem facing Russ. Joe suggested that the Board, assuming the Selectmen would agree, should place the matter of OESCO's need to expand on land it owns before Representative Kulik and Senator Rosenberg, and see if these reps could get a legislative enactment giving Russ the right to expand. The members thought this a good way to proceed.

b. Mallory property—Chris Sera of Cemetery Road asked whether the Board would consider recommending that the Town purchase the old garage on Main Street and refurbish it as a large gallery in which craft and art objects, clothing--anything made in Conway--would be sold.

The members thought that this proposal fits into the VCD conception and has merit. The members thought it likely that the Town would not want to own the building. However, it was suggested, that if Chris were to organize those in Conway who made things that could be sold in such a building, welding these men and women into a power group, something might be able to be worked out in a joint private /public partnership whereby a market of this kind could be built and managed.

c. CPA signs—as the PB's rep to the CPA Committee, David B. wanted to get the Board's reaction to the signs being planned for placement in front of or on the walls of several projects which have received CPA funding—the Historical Society moisture abatement, Conservation Restriction on lands around Pool, and the renovation of the Congregational Church. The question was whether signs as planned violated Section 33 of Conway's Protective Bylaws, which is about placement and size of signs.

In the discussion about the matter, it was pointed out that the Bylaw is specifically directed to businesses, not cultural or recreational institutions, and therefore does not apply. Because Mike had sent along a picture of the proposed CPA sign for the pool project, it was possible to see exactly the kinds of signs the CPC was suggesting be erected to recipients of CPA funds. The members agreed the signs as designed were very acceptable and posed no problems.

There being no further business, the members voted unanimously to end the meeting at 9:30 pm. The next scheduled meeting of the Planning Board will be on October 3 at 7:00 pm.

It should be noted that in addition, there are special meetings planned for October 8—a working session on Medical Marijuana Dispensaries, October 16 at 7:00 pm—an information session on proposed changes to Conway's Protective Zoning Bylaws, and the regularly scheduled meeting on October 17 at 7:00 pm.

Respectfully submitted,

David Barten, clerk

