

Minutes, Planning Board meeting, February 20, 2014

Present: Joe Strzegowski (Vice-chair), Dave Chichester, Mary McClintock and David Barten. Absent: Diane Poland (Chair)

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

(1) Minutes—the minutes for the meeting of February 6th, as amended, were unanimously accepted;

(2) Joint meeting with the Housing Committee—this meeting occurred on February 18. Those who attended were Housing Committee members Pixie Holbrook (Chair), Donna Crabtree, Timothy Morgan, and Eve Endicott, and from the Planning Board Joe Strzegowski, Dave Chichester, Mary McClintock and David Barten. Bob Anderson, member of the Parks and Rec Committee, the Community Preservation Committee, and Friends of the South River was a visitor.

In addition, there were two presenters from the Berkshire Design Group of Northampton: Peter Wells, one of the four Principals in the firm, and Rachel, an associate. The two had come with photos and drawings.

The focus of the meeting was the Senior Complex which the Housing Committee, should all conditions be met including acceptance of the project by the Town, would like to construct on the Town-owned Rose property, at the southern end, and close on Shelburne Falls Road. The complex might be composed of as few as six housing units to as many as ten.

Pixie indicated that even if all details regarding the complex were finalized and the okay given by the Town to build, it would take at least a year to get all permitting done before actual construction could begin. So, timeline for completion of the complex would be 2016 or 17.

The members of the Planning Board presented their impressions of the joint meeting at their regular meeting on the 20th. Though, in the view of the members, there were a good number of details needing to be worked through about the design of the complex and financing its construction, in general members were positive about the project. Clearly much study and thought had been given to site limitations and possibilities, and to design. What impressed also was that if the complex were constructed, about two-thirds of the property would be untouched, and remain in its present, natural state.

The members reviewed their role in the process as the project moves forward. They reminded themselves that the Selectmen have asked the Board to take on the responsibility of deciding how best the “Rose” property should be used and to make a recommendation to them. Here, the members concluded that it was likely the Town would not accept a Safety Complex on the property, and therefore the Senior Housing complex, should it meet all State restrictions on the property, would be a

good project. But, it is too early to make a formal recommendation to the Selectmen endorsing the project.

Additionally, should 40B come into play, a law that overrides existing zoning Bylaws, the ZBA would have to rule on the project. Should the project be placed before the PB, under existing Zoning Protection Bylaws, the project would be subject to Special Permit. But should the proposed changes on Protective Bylaws be passed by Town meeting in May, there would likely only be the need for a Site Plan Review by the PB.

(3) Annual Report—Diane had asked to be relieved of the task of writing a draft. Mary volunteered to write it for her. She was encouraged to look to the minutes from meetings during the past year and choose what she thought would be meaningful as a report of the Board's activities. Mary wanted a deadline for the completed, and it was decided she should present it at the March 20 meeting of the Board;

(4) Public Hearing—The focus of discussion was detailing the Public Hearing scheduled for February 27th at the Town Hall, from the initial introduction, to short informational slide presentation, to how responses to questions and comments were to be handled and by whom, also to the matter of refreshments. The intent is to make the Hearing as required by law an occasion where Conway residents and others can respond to the proposed changes in the Town's Protective Zoning Bylaws. These changes focus on "Cottage Businesses and Home-based businesses", Siting of Medical marijuana dispensaries, "Use Table", and clarification of some definitions.

It was decided that Diane may or may not make an introduction, depending on how she is feeling; that Joe and Mary would team together, Joe taking the lead in answering questions; that Dave C. would sign people in and give handouts, even copies of the Protective Bylaws as amended to those who wanted them, and that Dave B. would record what happens at the meeting. Cookies and cider will be provided by Aina and David Barten.

Peggy Sloan, FRCOG Planner, will be in attendance to answer questions. It is hoped that she will provide the slide projector and operate it. Joe volunteered to ask her about the projector and attending it.

Joe asked the members to do a "logic check" on the use table as proposed. He was concerned on the basis of his own reading, that in removing the Village Center District, some "tails" existed that no longer belonged. The members are to look for any such "tails", so he can point them out at the Hearing.

Dave C. expressed his concern that the members, when discussing the proposed changes in Bylaws, not make changes seem negative, changes, that is, which "prevent" residents from acting, which could inadvertently trigger for a knee-jerk reaction against them. Rather, changes should be presented as positive, for example, proposed changes will protect residents from being taken by surprise

through a neighbor's undertaking an offensive building project without their knowing.

Because the Hearing is scheduled to begin at 7:00 pm in the Common Room of the Town Hall, it was decided that the members should arrive at 6:30 to set up the room;

(5) Memorandum from the Open Space Committee—a copy of a memorandum from the Open Space Committee, dated January 28, 2014, and directed to seven Department heads and Committees and Boards, including the PB, was passed to each member. No action was taken, but it was agreed that the members are to read the memorandum and be prepared to discuss it at the next meeting on March 6;

(6) Forestry meeting—This meeting conducted by Peggy Sloan, FRCOG Planner, was one of twenty being conducted throughout Franklin County by FRCOG reps to determine the reaction of residents in these towns to a proposed new Federal designation of forest lands, intended to help preserve forests but also to enhance the prospects of wood products industries, as well as promote tourism in the County.

The idea is the brain-child of the United States Forest Service, which is looking for a new model by which forest land can be protected. Owners of forest land would be granted Conservation Restrictions in exchange for money, and land thereby protected from development into perpetuity. Owners could continue to use their forests as a means to earn a living as they had in the past, even sell their land to others in the future, but development would be prevented. What the "Feds" would require is that private properties be opened in restricted ways to the public, and that a 1000 -acre tract in one of the Towns become a headquarters and research station, giving the Forest Service a presence in the area. The Franklin Land Trust, it is assumed, would work to identify land holders who might want to sign on to the program, and be the go-between with the Forest Service in getting CRs in place. It is likely that the FLT would be the institution to hold these CRs, rather the USFS.

Joe and Mary, who attended the meeting, presented a full report to the other members about this meeting for Conway residents. When asked about the general reaction of attendees, they both said it was negative. They went on to describe reactions of the loggers, foresters land holders, and concluded that negative reaction was rooted in deep suspicion of the actual intentions of the Forest Service, and what seemed a possible "unholy alliance" in the role of the FLT in working to get land holders to sign on to the Service's program. It was also mentioned that Conway residents would not want the Forest Service base to be in Conway.

It was decided by the members that no position should taken by the Planning Board on the proposal presented by FRCOG, but that it should wait to see how the Selectmen react.

(7) Park project—Because The Park and Rec Committee received a million dollar grant to undertake major renovation of the Town's recreation field, Committee Chair Craig Warner is proposing that all parties having a vested interest in the field

itself, and the field as it relates to a broader park scheme for the downtown meet to discuss the project. It was decided that Diane should represent the Planning Board officially, but that Joe and Mary will attend the gathering on March 12 as interested residents. The meeting begins at 6:00 pm.

(8) Old/new business—Dave C. reported on several matters where he has volunteered to take initiatives on behalf of the Board. First, he said all minutes of the Board’s meetings for the past three years have been posted online and now are accessible to the public.

Second, Dave said he had talked to Tom. H. about the State’s “non-criminal disposition” ruling, allowing for financial penalties for noncompliance with Town laws, but not recording noncompliance as a criminal offense. The subject had been discussed at the previous Board meeting, and there it had been concluded it might be a good idea to include a statement about noncompliance with no criminal designation in the Town’s General Bylaws, thereby strengthening the hand of the Selectmen. Tom’s response was that for the present he was interested only in amending the General Bylaws by referring to State Law—Chapter and section about trash, rubbish, etc. —not in focusing on noncriminal disposition.

Tom suggested that a Bylaw Committee be formed to study Conway’s General Bylaws, since these have not been reviewed for some time. These may well need updating and this would be the time when the Committee should consider “noncriminal disposition”.

Third, Dave said he had talked to Rick Bean about the status of using the “Virtual Town” program as the basis for the Town’s website, for which money had been voted at the previous Annual Meeting. Rick indicated that the project is dead in the water, for the moment, because the article requesting funds had been written in the wrong way and according to the Town’s Accountant, the money allocated to the wrong account. Thus, the funds voted cannot be used.

There being no further business, by unanimous consent, the meeting ended at 9:00 pm. The next meeting of the Board will be the Public Hearing on the 27th, and the next regular meeting on March 6.

Respectfully submitted,

David Barten, clerk