

Minutes, Planning Board Meeting, March 6 2014

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

The meeting began at 7:00 pm. there were six items on the agenda:

(1) Minutes—the minutes for the meeting of February 20 as amended, were approved unanimously. Also, the minutes for the Public Hearing on February 27 written by Dave Chichester were accepted unanimously. It was proposed that Dave C.'s record of the Hearing be sent to Peggy Sloan for her comments.

(2) Protective Zoning Bylaws—the discussion about these focused on reactions to proposed changes expressed by participants at the Public Hearing.

First, Sue MacFarland, who has a retail outlet for her weavings in the Delap complex on Main Street, thought that the proposed changes about Cottage industries and Home-based businesses discouraged rather than encouraged small business activity. Joe said that the intent of the proposed changes is not to discourage business enterprise, but rather to protect abutters. Under existing Bylaws abutters may be taken by surprise by a business suddenly appearing next door. Joe said that everything that exists as business activity in the Town is grandfathered in. The proposed Bylaws would only come into play if an existing business is expanded, or an existing business facility will be used differently from its present use, or an entirely new business is established. These changes would require a Special Permit.

There was also confusion about the matter of “livestock farming” on less than five acres of land. The issue of whether animals raised on small acreage are raised in order to serve personal needs—food and fiber, being examples, or are being raised so meat and fiber could be sold in local markets, is not clear. The question: should one or both activities be subject to restriction. As written the Bylaw referring to livestock farming does not make the distinction. The five acre or less reference places the activity of raising animals in the domain of the Planning Board's interest, whereas livestock farming on more than five acres is governed by State Agricultural law.

The members focused on different farming scenarios by way of trying to clarify the nature of the confusion. The conclusion was that the Peggy Sloan of FRCOG should be asked to help clarify the Bylaw. It was decided that the Board should get Tony Borton's report on livestock animals in town, including horses. As Barn Inspector for the Board of Health Tony has compiled an exact inventory of how many livestock animals can be found and where. This data would provide the Board with a picture of the kind of livestock farming that currently exists in the Town.

A third reaction was to the square-footage measures of 6,000 sq.ft and 10,000 sq.ft., as determinants of how large a business can be constructed, and the kind of permitting by the Planning Board that would be required for businesses of less than 6k sq. ft. or more than 6k sq.ft. Joe pointed out that as proposed, no business could

be established in Conway whose footprint on the land was more than 10k sq. ft. It was agreed that the matter of footprint needs to be clarified, as to whether the footprint is for a single building or can include two or more forming a complex.

Joe will ask Peggy to help clarify these points about the proposed changes to the Protective Zoning Bylaws.

Peggy has volunteered to meet with the Board, and the members have committed themselves to meet with her on March 20, 2-4 pm. This meeting will be to finalize the changes in Bylaws that will be presented to the Annual Meeting, which is scheduled for May 12.

(3) Town Annual Report—Mary had volunteered to draft a report of the activities of the Planning Board for the year July 1, 2012 to June 30, 2013. She had sent the draft to all the members by e-mail, and at this meeting there was only need to amend or accept. Because Mary's overview had been cast in the format Tom H. wanted, the report was very comprehensive and straightforward without being wordy. The members unanimously accepted the draft and complimented Mary on a job well done. She will send the report as written on to Tom.

(4) Senior housing—while the discussion about this topic began with a focus on the Housing Committee's proposed Senior Housing Complex for the Town-owned Rose Field, a project presented publically in a joint meeting of the Committee with the Planning Board on January 18, focus shifted to an e-mail sent by Craig Warner of the Park and Recreation Meeting proposing that Committees and Boards having an interest in the Rose property meet to work out a master plan for its use. This meeting was to have been chaired by Tom H. and to have occurred on March 12, from 6- 8:00 pm. Diane indicated that the meeting date was uncertain because Tom was trying to make the meeting mesh with the Selectmen's schedule.

The discussion that followed addressed what seems an unnecessary repeat of the meeting held on October 16, 2013, where interested parties discussed in open forum how the Rose property might best be used, focusing on specific projects that had been suggested for the property, such as Safety Complex, Senior Housing, recreational field, community garden, and leaving the property in its natural state.

This earlier meeting had been called into being and chaired by the Planning Board, which had been given the task by the Selectmen of studying the matter of use of the property and making a recommendation to the Selectmen. The Planning Board in an effort to gain all facts about the property hired Emily Stockman Associates, wetlands specialists, to do an in-depth study of the property in order to determine where sensitive natural areas existed. She has since made her report, and this is available for all interested in the Rose property to read.

The consensus of the members of the PB was that Tom H. likely is not aware of the history of how use of the property was to be determined and the mandate given the

Board to make a recommendation to the Selectmen, nor that the members of the Board at the joint meeting of the Housing Committee and PB, voted unanimously to recommend to the Selectmen that the Housing project have priority over any other projects that vested interests might have in mind for the property.

The members of the Board are fully aware of the extensive detailing which has yet to be done about the Housing project, and that how it will be financed has yet to be finalized. Nonetheless, the Board supports the Committee in its efforts and believes it should be given the chance to bring the project to fruition, knowing that the design, especially as it relates to a sensitive, natural setting, will have to pass scrutiny of five Federal, State, and local regulatory agencies.

The members thought that the Board's responsibility and position should be made clear to Tom and Craig both. It was decided that Diane would talk to Tom directly and e-mail Craig. It was also decided that should this meeting go ahead, it should be the Planning Board that should preside at it.

(5) Outstanding bill—the members unanimously agreed to pay from PB funds the bill from the *Recorder* for \$89.00, the cost of printing two Public Hearing notices in the newspaper on two consecutive weeks before the Hearing was to take place as required by MGL.

(6) Old business—the Open space Committee had sent a memorandum to the PB and other relevant Boards and Committees about the process by which Chapter lands, should owners put them up for sale, have first to be offered the Town, which by law has 120 days to exercise its right of first refusal. The memorandum was principally a statement of the law about the process, with clarification by the Committee added. The members of the PB saw no reason to make comments about the memorandum, accepting it as written.

There being no other business, the members unanimously voted to end the meeting at 8:50 pm. The next meeting of the PB will be the Special Meeting with Peggy Sloan on March 20, 2- 4:00 pm, which will be followed by the Board's Regular Meeting at 7:00 pm.

Respectfully submitted,

David Barten, clerk