

Planning Board Minutes

May 11, 2022

7:00 pm

Virtual Meeting

Members present: Kenneth Smith, Chairman
Caitlin Marsden McNeill
George Oleen
Robbie Cooper
Sari Hoy

Members absent: None

Others present: Betsy Garcia
Bob Kilmer
Lauren Hyde

Chairman Smith called the meeting to order at 7:00PM.

1. **ANR Requests:** None
2. **Board Reorganization:** Caitlin Marsden McNeill nominated George Oleen to be chairman, George accepted the nomination, Ken Smith seconded the nomination. Caitlin then nominated Robbie Cooper to be Vice-Chair, Robbie accepted the nomination, Ken seconded that motion as well. The first motion for George as Chair passed unanimously and the second motion for Robbie as Vice-Chair also passed unanimously. Since Ken drafted this agenda, George will start as Chair at the next meeting.
3. **Approval of minutes:** March 23 – Ken Smith felt the 3 paragraphs after item 4 belonged after item 3 due to the topic being discussed. Ken made a motion to pass the minutes as amended, Caitlin seconded that motion. Motion to pass the amended minutes was unanimous.
4. **Review and Possible Adoption of Modified Deliberation Guide:** Ken started the discussion about the guide. Section 9.4.2.2.4 relates to the neighborhood where the special permit is being applied for. Originally Ken wanted to keep all of the marijuana related items in section 7.5, but as it relates to the neighborhood, it seems to fit best in section 9.4.2.2.4. George asked if we could change the question, but that would involve changing the bylaw for section 9 which is not something we wish to do. George then recommended we leave it in this location. Sari Hoy also felt the section was fine where it is but wanted to discuss the distances referenced. Sari made maps with $\frac{1}{4}$ and $\frac{1}{2}$ mile radii drawn from Town Hall and also for The Pass (Berkshire Welco). Discussion ensued about where these radii would end up. Robbie felt the $\frac{1}{4}$ mile felt appropriate. Ken

then had the group think about Sundrops, R&R Ventures and Berkshire Welco at 7A. Do our current distances possibly end us up with a high-density potential? Sari then recommended we stick with the ½ mile and that this is just a guide and we see how it works out. Ken stated that Town Counsel should review this section because we are trying to define a saturation point, which might not be allowed. Caitlin then suggested that the state (CCC) should also weigh in on this matter. Caitlin wanted to ensure we don't have a guide that is contested in anyway. Discussion ensued and it was decided that Town Counsel, CCC and Attorney General should all review this section.

Ken then discussed how he used the improved language provided by Lauren Hyde throughout the guide. This removed the "Does and Does Not" wording, so now it is all Yes or No questions.

Robbie then brought back up the question about ¼ versus ½ mile and whether it is enough. Sari stated that it all depends on where it is located. The ½ mile is more stringent, but in certain parts of the town it might not matter. Caitlin then asked what happens around the town line with other towns. Ken states that assuming this guide passes review, we could consider businesses outside our town if one applies for a special permit in our town within this distance.

Lauren Hyde then commented how the guide is a way to make suggestions on the decision that aren't spelled out in a bylaw. There are multiple questions in this guide and one question doesn't grant or deny any special permit.

George made a motion to accept the guide as presented and that it be reviewed by the CCC and Town Counsel. Caitlin seconded the motion. Motion passed unanimously.

5. **Community Residences Bylaw Update:** Ken stated that the board was sent an email back on 1/7/22 that included a Town Counsel approved bylaw for us to review. Ken apologized to the group because that isn't the document we held at our public hearing on. There is a new Table of Use as well as a new definition for Group Home. The board has been sent this email for review. The board decided to schedule a public hearing on June 8, 2022 for the Group Home bylaw.
6. **Dark Skies Bylaw Discussion:** Item was tabled for further review of the BRPC sample documents sent.
7. **Planning Board Mail Review:** George reviewed the mail.
Town of GB, special permit hearing for 964 Main Street, 4/11/22. Permit was granted.
Town of Mt. Washington, Board of Appeals, 5/6/22, 6 Cross Road, appealed the building inspector's decision.
Town of New Marlborough, special permit, 234 New Marlborough – Southfield Road, Selectboard approved the permit.

Dept. of Housing and Community Development, subsidized housing annual update, websites listed in the letter.

8. **Board Member Items:** Sari brought up the letter from the Selectboard. Specifically how the board is to forward items to the Selectboard through one person. This relates back to open meeting law and what we are and are not allowed to send to each other. Town Counsel has given one direction (to Sari and Ken) and the town is giving us other information. Discussion ensued about what is right and what isn't. If all documents must flow through members while in an open meeting, it delays discussion to the next meeting. George asked Bob Kilmer if he had any insight on this matter. (Bob made it clear he was in attendance as a citizen and not a Selectboard representative.) The Planning Board and Selectboard should meet together so we can all be clear on how to interpret the open meeting law. If an "opinion" is stated in an email, that could violate the law, but if it is just a statement of items, that is usually fine. When Rene returns from vacation, a meeting will be planned for the two boards to meet.

Discussion then moved to the need for a clerk and how board members could advertise the role out to anyone we know. Bob discussed how the process has worked thus far from his perspective and Caitlin expressed what she knows about the process as well. Issues could arise with regards to hiring requirements as well as the pay scale we have for this role.

Meeting Minutes will be drafted by: Robbie (4/13), Sari (4/27) and Ken (5/11). Caitlin asked who at town hall puts the minutes on the website? Bob said that he believed Jill was the one to put those on the sites.

Ken is also going to request from town hall that all members get new bylaw manuals, so we all have the same version to reference.

9. **Public Inquiries:** None

Ken made a motion to adjourn, seconded by George. The motion carried unanimously.

The meeting was adjourned at 8:23 pm.

Respectfully submitted by:

Ken Smith

