

Approved 10/11/2006

**Minutes of Public Hearing  
September 27, 2006  
Town House 7:00**

Members in Attendance: Joseph “Charlie” Dolben, Chair, Laurie Niles, Robert E. Majkut, Anthony Bongorni, Associate Member

Members Absent: Joseph Kruzal, Neil Flynn

Selectmen in attendance: Duane Mosier, Chair, John D. Flynn, Richard Green

Meeting opened at 7:00 pm.

**Warrant Articles FROSD, Inclusionary Zoning, Right-to-Farm, and King Map:**

Joseph Dolben opened the meeting and explained that this was a Public Hearing for four articles to be placed on the warrant for the upcoming Special Town Meeting on October 30<sup>th</sup>. These articles include an amendment of the existing Flexible Residential Open Space Development (FROSD) bylaw by changing this use from a Special Permit use to a by-right use and by amending the frontage requirements, the adoption of a new bylaw entitled “Inclusionary Zoning” which would require developers to provide ten percent of residential developments of ten or more units to be affordable, adoption of a new bylaw entitled “Right to Farm” which encourages pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands, and lastly, an amendment of the Town Zoning Map to reflect the district change approved at the November 7, 2005 Town Meeting.

Mr. Dolben turned the meeting over to Melissa Reeves, Chair of the Smart Growth Committee. Also in attendance from the Smart Growth Committee were Dorothy Kibbe, Connie Witt, Patricia Cote, and Sherry Himmelstein. Ms. Reeves began by explaining the Right-to-Farm Bylaw and that by encouraging farming as a by-right it increases the chances of grant approval and credits extra points to the town in regards to Commonwealth Capital.

Ms. Reeves spoke of discussion with PVPC, in regards to posting notice of this Bylaw on bulletin boards as well as the town website. Mr. Mosier inquired about the posting guidelines; should it be posted for one day, or every five years for example, as it is not specified in the document. There was discussion amongst the board members and wording such as “to be posted annually to run contiguous with the posting of a town meeting” was agreed upon. This Bylaw would also be included in the Bylaws available on the town website.

Ms. Reeves then explained the revisions being made to the FROSD Bylaw. She explained that the intent was to make the Bylaw more user-friendly to encourage use by-right, with no special permit or public hearing required. Dorothy Kibbe commented that she worried about using the word “strongly” on page 9, under part 7.15.11 should be removed. It

states that the applicant is strongly encouraged to submit a FROSD preliminary subdivision plan. Sherry Himmelstein stated that the word “strongly” could be removed, and the Smart Growth committee agreed to omit the word “strongly.”

Mr. Mosier brought into discussion Section 8 of the Bylaws relating to water supply no longer being treated as individual units but as public water supply. His concern was whether the wording in the FROSD bylaw was keeping up with this. There was some discussion regarding the Heritage Polygon influence and the Southwood issues between the board members and it was determined that the wording meets requirements and was clear.

Ms. Kibbe asked if the board was authorized to make any change if there was a problem at a particular site. Mr. Dolben stated that he thought their ability to do so was limited by the Bylaw. It was stated by Mr. Dolben that the board does have some discretion. John D. Flynn stated that what is not waiveable however is what is spelled out in Bylaws, using grade as an example. Bottom line is that this is going to be tried and see if it works the way people would like to see it work. If not it will be looked at again. There were no other comments or questions and meeting moved along to discuss the Inclusionary Zoning.

Ms. Reeves explained the Inclusionary Zoning Bylaw and that when a subdivision is put in a 10% portion of that housing would be affordable housing as defined by the state. The Smart Growth Committee felt that they could not support this at this time because the monitoring of such a Bylaw would present a burden for the town. She stated that the town is currently at 3% affordable housing. Robert Majkut inquired as what the town median house price was, 270K, and Mr. Dolben stated that at one time it was but now is more focused on 240K. Ms. Reeves brought up the differences in definitions of what is considered affordable housing, for instance the Executive Order 114 definition would be different than other programs. Mr. Majkut mentioned the duties involved in monitoring be piggy-backed on existing housing authority. Mr. Dolben stated that the process needed to continue by bringing forward and presenting it in an Advisory Board Hearing, after which the Planning Board could decide on what action to recommend.

Mr. Dolben asked if there were any more questions or comments and having none, the Public Hearing was closed.