

**New Marlborough Planning Board ("PB")
Minutes
September 23, 2020**

Attendees

Mark Carson (Chair), Paul Marcel, Tom Sebestyen (appointment pending), Tara White, Bob Hartt

The meeting was called to order by the chair at 7:03 pm.

Review of Minutes

It was requested by the Chair that the 8/26/20 minutes be modified under new business to reflect that a bylaw was being considered relative to junk cars/boats and nothing further. The change was accepted unanimously by the PB.

It was requested by the Paul that the 9/9/20 minutes be modified under old business to reflect that the Sheffield related bylaw requires at least one complaint for action to be taken. The change was accepted unanimously by the PB.

Surveyors/ANR Review

NA

Review of Mail

10 Northwest Cove, Monterey – Notice of Decision. The Appeals Board required the applicant to obtain a Special Permit for the proposed structure. No building permit will be issued without a Special Permit.

68 Tyringham Road, Monterey – Notice of Public Hearing on 11/9/20 in connection with a Special Permit application for a proposed addition.

19 Dodd Road, Sandisfield – Notice of Public Hearing on 10/6/20 regarding a Special Permit for zoning relief to include riding and stable activities on the property.

760-770 Main Street, Great Barrington (Guido's) – Notice of Decision regarding Special Permit. The Special Permit was approved, subject to conditions, for a large scale commercial use.

Old Business

Dark Sky Bylaw

Bob presented the following introductory information regarding a potential Dark Sky Bylaw for New Marlborough:

Issues

- International Dark Sky Association (IDA) – Resource
- IDA – MA – Annual Meeting on 10/4/20 (Sunday) 2:00 – 3:30 pm
- Not just about LED lighting
- Limited regional resources for model
- BRPC – Not apparently a topic under discussion
- Sky glow increasing ~ 5%/year nationally
- Human and animal health issues
- Regulations/charts can get very technical; need to keep simple
- New Marlborough – Apply to become an International Dark Sky Association community member?
- Community education
- Grants for Compliance
- Southern Berkshire County Dark Sky Map (attached)

Elements of Regulation (from June 2011 Joint IDA-IES Model Lighting Ordinance)

1. Preamble – Purpose
2. Definitions
3. Creation of Lighting Zones
 - LZ0 – No ambient lighting
 - LZ4 – High ambient lighting
4. General Requirements
 - Public rights of way exemption
 - Fixture types, lumens limitations
 - Photovoltaic/astronomic time switch lighting controls
 - Automatic lighting reduction – curfew established after which lighting lumens are extinguished or reduced by 30% subject to exceptions for e.g.:
 - Public safety
 - Motion activated lighting
 - 24-hour business operations
5. Non-Residential Lighting

- Total site lumens limit
- Limits to off-site impacts
- 6. Residential Lighting
- 7. Lighting by Special Permit Only
 - High intensity and special purpose lighting
 - Complex and non-conforming uses, e.g.:
 - Sports facilities
 - Industrial sites
 - Bridges/public monuments
- 8. Existing Lighting
 - Amortization – gradual compliance
 - New uses or structures, or change of use
 - Additions or alterations – if a major addition occurs on a property, lighting for the entire property must comply
- 9. Enforcement and Penalties
- 10. Tables
- 11. Optional Street Light Ordinance

Model Language (Attachments)

Joint IDA-IES Model Lighting Ordinance – June 2011

- Per John Berentine from IDA, IDA Public Policy Committee is working on a simpler “lite” version of Model Lighting Ordinance that may be available by end of year. The goal is to strip out the heavier, more technical language, and make the result more principles-based.

IDA Municipal Lighting Policy

Acton, MA – Outdoor Lighting Education Committee document

The PB had the following discussion regarding a potential Dark Sky Bylaw for New Marlborough:

- Community education about the topic will be important; this needs to be the first step.
- There was agreement among the PB members that this is an important topic for New Marlborough.
- Post summary information on the town website in order to see if there is feedback from the public regarding the issue.

- The summary information should identify the advantages of such a bylaw and what it is intended to accomplish (one page).
- Need to see if there is enough interest and support for the issue from the public to justify proceeding with the development of a proposed bylaw.
- PB should start small; perhaps focusing initially on new construction.
- Seek model language from smaller rural communities for model language.
- Bob and Tom were tasked with developing information that can be posted on the town website to create awareness and potentially interest in the topic. This will be the first step in the process.

Junk Car/Boat Bylaw

- Need to take model language and put in it a proper format consistent with New Marlborough bylaws.

New Business

New Board Member

The PB unanimously recommended Tom Sebestyen to the Select Board for appointment to the PB.

Historical Commission

The Historical Commission submitted a proposed Historic Structure Demolition Delay bylaw for review and comment by the PB. This item will be put on the PB agenda for discussion at the next PB meeting.

Email Inquiry regarding Immaculate Conception Church (74 Great Barrington Mill River Road)

Steven Nester emailed the PB on 9/23/20.

Bob was asked to follow up with Steven to indicate the following:

- There are no use zones in New Marlborough.
- A change of use would require a Special Permit.
- The Select Board is the Special Permit granting authority.
- Contact the Building Inspector for guidance regarding the Special Permit application process and for an understanding of code issues in connection with a proposed change of use.

Conservation Commission

- The Conservation Commission invited the PB, the Board of Health and the Lake Buel District board to participate in a conference call on Saturday 9/26/20 at 9:30 to discuss "development in the Lake Buel area."

- that there are for guidance regarding a potential purpose of the property. The property would be used for office suites and an AirBnB space.

Next meeting: October 14, 2020

The meeting was adjourned at 8:00 pm.