

# Montague Planning Board

One Avenue A, Turners Falls, MA 01376 (413) 863-3200 Ext 207 Fax: (413) 863-3222 Email: [planner@montague.net](mailto:planner@montague.net)

Tuesday, October 26, 2010

## MEETING MINUTES

**Present:** Walter Ramsey- Town Planner, Ted Armen- Chair, Don Valley, Ron Sicard, Bruce Young, Fred Bowman, Mike David Jensen- Town of Montague, Building Inspector, Andrew Bentley- Montague resident, Don Patterson and son, Anthony Wonseski-SVE Associates, Pete Annis-Ainsworth Associates

- **Approval of Minutes: August 31, 2010**

Walter R: noted that the endorsement of ANR #2010-04 was included in the revised minutes.

Don V noted two errors : The first is that “western” gravel drive described on the Mayhew Steel property is not western but rather eastern. He also noted that the annual log form must be completed and submitted to the Board annually

Bruce Y: Peter Annis’s name is incorrectly spelled

*Don V motion to make corrections as stated to the minutes of August 31, 2010 Seconded by Ted A. All Approved  
Walter will have final draft ready for endorsement at next meeting.*

- **Public Hearing: Water Supply Protection District- POSTPONED**

Walter: the public hearing can not be legally held due to a procedural oversight from the Planning Department. The notice to abutting towns was not mailed within an adequate timeframe. Planning clerk Katherine Forte took another job on very short notice and the position is currently vacant. It was an administrative mistake. I am disappointed because we were otherwise prepared to hold this hearing.

Bruce Y: brought up discussion about the outreach. The results of the public information session in Millers Falls was discussed. It was heavily attended by TF Water District, at least 3 members of general public attended. Walter shared several articles that ran in the paper about the district. These articles will be on file at the Planning Department. The Board agreed that the outreach has been satisfactory.

Walter R and Ted A: Request to reschedule hearing date to November 16. This would bump up regular scheduled meeting one week. The intent is to provide an adequate timeframe for the zone change to be on the warrant for the upcoming Special Meeting- tentatively scheduled in early December

*Ted A motion to move next Planning Board meeting date to the 16<sup>th</sup> of November. Seconded by Ron S. All approved*

- **Cancelled: ANR #2010-06 by Patterson, Donald Owner: Property located on Old Stage Road Montague, MA 01351. Assessor’s Map 51, Lot 13.**

Walter R reports that Don Patterson officially withdrew his ANR application per recommendation of town staff and project consultants.

The consultants from SVE and Ainsworth were in attendance to present conceptual design plans to the board. The plan is to build 2 single family homes on Don Patterson’s Montague Road Property. Pete H said “We would like to get some of your feedback before going forward with this project”

At this point the plan involves using County Road #26 for frontage for one of the lots to meet the access requirement for ANR endorsement. The applicant intends to improve the public way to adequate town standard for up to 170 feet of new roadway. The public roadway improvement will meet town standards, allow for turn around and incorporates a safer intersection that currently laid out at 90 degrees. It will provide a turnaround and will allow for snow plowing. The plan involves allowing some public ROW over private land. There is still question as to who would maintain the road segment. David Jensen suggested that the applicant petition to improve a public way, but that the road not necessarily bring the road up to town standards. An agreement will have to happen over maintenance. Don V noted that if the road were to be built to town standards- it would have to go to Town Meeting for approval.

The applicant will also submit a common driveway special permit for the two single family homes. The drive access will begin off the county road. Anthony Wonseski of SVE presented the concept for driveway layout. Bruce Young and the board discussed road width and pullouts that are sensitive to the fragile habitat of the area and minimized impact to the Bordering Vegetative Wetlands buffer zone. The board generally supports narrow driveway because of less impact on the environment, but all agreed that safety is the bottom line.

The applicant must first clear Conservation Commission and the petition for the public way to be improved. At that point the Ramsey suggested they apply for ANR approval and a common drive special permit.

The Planning Board expressed concern about future development potential of County Road #26. Anthony W noted that there are wetlands in the public way. Pate A notes that the county way is “still on the books and has not been discontinued”. David J noted that this may be an appropriate place to channel development rather than eating up frontage along route 47. The Planning Board will further consider support for discontinuing the remaining portion of the public way.

Dave J asked if there was a plan to preserve the right to use the agricultural area east of the stream. The applicant will consider this issue further.

- **Announcement: Strathmore Mill Technical Assistance Panel**

Walter R: The date has been pushed back to from Nov 8 to Dec 1 2010 (estimated 8am to 5pm). Walter recapped the goals of the session and called for participation from the planning board. Fred Bowman expressed concern over the fact that ULI keeps changing the date. Walter R feels that the date change will result in a better outcome for the session.

- **Other Discussion: Ted A asked for discussion of any other topics.**

Bruce Y Asked about status of MC School. Walter R said there have been to responses to the RFP. Don V stated that Frank A is rewriting the RFP to attract apartment use.

Discussion ensued to discuss the validity of county Road #26 as proposed by Peter Annis in the concept plans discussed earlier. While the ANR has been formally withdrawn at this point, the applicant fully intends to reapply for a similar ANR in the near future. The Board feels that there is not enough evidence that the county way exists and therefore can be considered for frontage . They would require proof beyond Mr. Annis’s survey. Walter read a letter from Bob Dean-

*“I checked the County Commissioners Records and the index created by former county engineers and found no reference by name to a “county road 26” or “old county road 26” in Montague. The reference you gave me for book 2, page 200 lays out a road between Montague and Sunderland, but does not name it. I scanned the County Commissioners Records references in the index and found one for book 2, page 200 listed as applying to a “Fosters Road.” The index lists a later action affecting Foster’s Road taken by the Commissioners in 1850*

*that altered the layout, but did not discontinue the road. The reference is book 4, page 255. Again, there is no indication of road name in the record book, just that it is a road between Montague and Sunderland. Frankly, I'm not sure how the former engineers that created the index knew that the references are to Fosters Road.*

*You are welcome to come in and take a look at the records if you want. Just call ahead to me or Leah Gibson in the main office to make sure there will be someone here that can let you in the records room. It also might be worth asking the property owner to take on the responsibility of verifying that the road is in fact a public way and where exactly on the ground it is laid out. It would probably require a surveyor to get it done properly. It sounds like at present you only have his word that it is a county road"-Signed Robert Dean, Director of Regional Services for the Franklin Regional Council of Governments. 8/31/2010.*

Walter R- reminded the committee that it is in their purview to asking the ask the applicant to verify that the road is in fact a public way and where exactly on the ground it is laid out. This can be accomplished via an affidavit or research or peer survey.

As presented, the Planning Board would request that the survey document that the road labeled as County Road #26 is indeed a county way and is still in continuance.

*Bruce Y motioned to request that the planner send a letter to that effect to the applicant. Second by Ron S. All approved.*

*Ron S motion to adjourn. Seconded by Don V. All approved.*

*Meeting closed 8:20 PM*

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

## Montague Planning Board

One Avenue A, Turners Falls, MA 01376 (413) 863-3200 Ext 207 Fax: (413) 863-3222 Email: [planner@montague.net](mailto:planner@montague.net)

10/27/2010

Don Patterson  
159 Montague Rd  
Sunderland MA 01375

Don,

Thank you for attending Tuesday's Planning Board meeting to discuss the procedural process for developing two housing lots on the your Sunderland Road property. I feel it was successful meeting overall and it seems that an amenable process was identified. In anticipation of the ANR plan described, which involves frontage on a county way unbeknownst to the Town, the Board indicated that they would require verification that County Road #26 is in fact a public way and where exactly on the ground it is laid out. I think we all agree that is important for the current and potential projects that this public way needs to be verified. Ultimately the burden of proof lies on the applicant. An affidavit of research or some other method would be acceptable for the Board to endorse the proposed ANR plan.

*Walter F. Ramsey*  
Walter Ramsey  
Montague Town Planner