

# Montague Planning Board

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Tuesday, August 23, 2011 6:30 PM  
Town Hall Upstairs Conference Room

## MEETING MINUTES

**Board Members Present:** Robert Obear, Ron Sicard, Bruce Young, and George Cooke

**Board Members Absent:** Fred Bowman

**Staff Present:** Walter Ramsey- Town Planner

1. **Approval of Minutes:** 07/26/2011

*MOTION by Ron Sicard to approve the minutes from the July 26, 2011 meeting. Seconded by George Cooke. Motion passes 3-0.*

2. **Subdivision Approval Not Required Plan (ANR) #2011-04 by Gabrielle Slavin:** Assessors Map 43, Lots 23A and 171. Property is located between 7 and 11 North Street in Montague Center, Massachusetts. The applicant states that the division of the tract of land on the accompanying plan is not a “subdivision” because it shows a proposed conveyance which changes the shape of the lots in such a manner so that no lot affected is left without frontage as required by the Montague Zoning by-laws under Section 5.4.3, which requires 150 feet of frontage for erection of building on such lot.

**Guests: Gabrielle Slavin**

Walter R: Last year the Board endorsed an ANR to create a new buildable lot on North Street. However there are deed restrictions that prevent a house from being built on that new site. In order to place a home on the lot, Ms. Slavin has arranged to swap land with the neighbors, the Stephenson’s. This would be a 1:1 swap of land. All the lots on this plan meet the adequate frontage and size requirements in the zoning bylaw. North Street is an adequate public way. There is a shed located on lot #3 that will become conforming due to these issues and will be the responsible of the Building Inspector to follow up. The shed rests on blocks. The proposed house would have to respect the required setbacks and the 20 foot wide sewage easement. Regarding the restrictive covenant on Lot #2, the status of which is currently in court- The Board does not have the power to enforce the covenant.

*MOTION by Ron Sicard to endorse the ANR plan titled “Plan of Land in Montague, MA prepared for Gabrielle E. Slavin dated August 5, 2011”. Seconded by Bruce Young. Motion passes 3-0.*

3. **Discussion:** Bernardo Drive at the request of Herb Phillips (21 Bernardo Drive). Property subject to discussion is Assessors Map 39 Parcel 81 and is owned by Mr. Phillips.

**Guest: Herb Phillips**

Mr. Phillips has been a resident of Bernardo Drive for the past 40 years and is seeking clarification on the lots that he owns across the street from him on Bernardo Drive. A recent ANR approved by the board for Shawn Stone has rendered Mr. Phillips lots to be ‘buildable’ because they meet the zoning and adequacy of access standards. Casey Ryan is interested in purchasing lot 23 from Mr. Phillips to protect their land and views. He wants the lots across from him to be classified as buildable lots to make it more sellable and valuable to the Ryan’s or in the future.

Bruce Young said the Planning Board had approved Bernardo Drive as a road but it is not maintained by the town. He noted that as improvements are made and re-classifying the lots that the taxes might increase according to Bruce Young. It was recommended that Mr. Phillips should set up a homeowners association to help with these sorts of issues that come up with Bernardo Drive. Herb Phillips indicated that he will pursue the next steps to get this ANR finalized. Walter will discuss the process of labeling Bernardo Drive as a “Private Way” with DPW Superintendent Tom Bergeron.

Bob Obear joined the Board.

#### **4. Zoning Amendment #2011-01: Solar Electric Facilities and Installations**

Review draft regulations that incorporate feedback from 7/26/2011 Public Hearing. Vote to recommend Town Meeting motion. Walter recommended a Minimum of 200 square feet for ground mounted solar by right in all districts, similar to the regulations in Dennis, MA. – Bruce Young expressed concern because of the scale, which equates to roughly a billboard. For example, Dennis has seasonal homes, rentals, larger homes. The size would block out most houses in Montague, MA. The price point is coming down and the ability of leasing them is making the use of solar more assessable along with the efficiency. The Board wished to encourage people to go solar but if it goes over size they have to come in for a special permit (200 feet on smaller ones). The Board needs control to consider neighborhoods and neighbors– to protect those that might be negatively affected by such a size of solar panels in someone’s backyard.

Based on feedback from the Public Hearing on 7/26/11, The Board suggested and voted on:

- Ground mounted ½ of 1% of the underlying minimum lot area
- 880square-foot limit on ground–mounted accessory solar installations in general business and historic industrial districts, and a 2,000-squarefoot limit in industrial zones.
- Agriculture Land – The Agriculture Land was ok with how it is set up – a permit for use up to 2,000 square feet. They want to be able to “protect” the prime soil land. This is a tricky situation as to what qualifies prime vs. not prime soil.
- Section 7.9.6 pulled out and given its own section. Walter and David thought it should be separated due to its relevance to all Solar Installations.

*MOTION by Ron Sicard to recommend the Solar Facilities and Installation Zoning Bylaw Amendment #2011-01 be included on the next Town Meeting warrant. Seconded by Bob Obear. Motion passes 4-0.*

#### **5. Zoning Amendment: #2011-02: Dissolve Limited Business District**

Vote to recommend Town Meeting motion. No changes or inquires were received regarding this.

*MOTION by Bob Obear to reccomend Zoning Amendment #2011-02 to dissolve Limited Business District in Montague, MA be included on the next Town Meeting warrant. Seconded by Bruce Young. Motion passes 4-0.*

#### **6. Discussion Turnpike Road Industrial Park**

Walter Ramsey briefed the Planning Board on the development of two RFPs 1) Master Planning 2) Solar lease/PPA on the Capped Landfill:

- **Master Planning - Department of Public Works:** feasibility and marketing study options for the industrial land out there. \$58,000 was put in and additional \$13,000 for the DPW. The Planning Board was upset that this was not brought up with the Public Safety Building Complex to do an entire center including a DPW facility.
- **Solar on the Landfill** – RFP going out for a lease/ Power Purchase Agreement. One company is confident that solar development on the capped landfill is feasible; as technology has changed significantly in the last 5 years. The Solar would be sized for the municipal load (min 1.2 MW).

**7. Discussion Planning Board Rules and Regulations**

Walter has Review revised the Draft Rules and Regulations as originally discussed 6/28/2011. The main change has been removal of the Mullen Rule provision because Town Meeting has not adopted it.

***MOTION** by Ron Sicard to adopt the Planning Board Rules and Regulations as amended by Walter. Seconded by Bob Obear. Motion passes 4-0.*

**8. Topics not anticipated covered in the 48 hour posting requirements**

- There is a vacancy for an “alternate” position on the Planning Board
- RiverCulture has lost next year’s Adams Grant lost funding due to the programs suspension as part of State budget cuts.

***MOTION** by Bruce Young to Adjourn the Planning Board Meeting at 7:56PM. Seconded by Bob Obear. Motion passes 4-0.*

Meeting closed at 7:56 PM.

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