

Montague Planning Board

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November 22, 2011 6:30 PM

Town Hall Upstairs Conference Room

MEETING MINUTES

Board Members Present: Bruce Young-Chair, Ron Sicard, Fred Bowman, Robert Obear

Board Members Absent: George Cooke

Staff Present: Walter Ramsey- Town Planner

Meeting was called to order at 6:30 PM

1. Approval of Minutes: 09/27/2011

MOTION by Robert Obear to approve the minutes from the September 27, 2011 meeting as presented. Seconded by, Ron Sicard. Motion passes 3-0, Bruce Young abstaining.

2. Public Hearing for Special Permit SP #2011-01 by James H. Clapp of 396 Federal Street

Representing the applicant:

James Clapp (applicant) - 396 Federal Street

Dale Meritt (applicant's representative- Vernon, VT

Also Present for the hearing:

Julie and Keith Pierson- 410 Federal Street

Karl Ploss- Cambridge, MA

Mr. Young read the meeting notice as published: Assessors Map 44, Lot 37. Property is located at 396 Federal Street Montague, Massachusetts. An application for a special permit by James H. Clapp for side lot access and a common drive to serve an existing home and one proposed buildable lot. The applicant proposes an easement to allow a proposed lot to share an existing curb cut and driveway entrance with the property located at 396 Federal Street.

Mr. Merritt presented the plan to the board. He asserts that the drive is not a 'common driveway' per se, but rather as side lot access. Walter indicated that had included "common driveway" in the text of the notice to give the board this discretion to decide. Julie and Keith Pierson were present to learn more about the proposal and they indicated where they live in relation to the Clapp property. Walter presented written comments received by the Planning Department by Lilian Fiske- does not object, Patrick Smith map 44 lot 39- does object (no comments), Greg Little- concern over placement of future development. The board indicated that their decision will have no impact over where future development, if any will be located on the lot.

MOTION by Robert Obear to close the public hearing for Special Permit SP 2011-01. Seconded by Ron Sicard. Motion passes 4-0.

The board discussed the fact that allowing this permit would prevent the need for a curb in a precarious location on Route 63 (Federal Street). A second curb cut would require excavating a historic wall or constructing in a wetlands buffer.

The Board indicated a desire to have a certified copy of the easement as a condition of the approval. Walter R presented draft findings and conditions:

Findings

- 1) The two lots have sufficient frontage on Federal Street to satisfy zoning requirements
- 2) That the frontage for the two lots is accessible, but not desirable locations for individual driveways due to wetlands, slope, sight lines and an existing historic wall.
- 3) That the use of the existing curb cut to provide access to the newly created lot and the easement to provide access through the side yard to the existing lot is consistent with the Zoning Bylaws and will not result in increased impacts to the neighborhood, natural resources or infrastructure of the Town. The easement allowing side lot access will not derogate the intent of the bylaw and that nuisance, hazard, or congestion will be created.

Conditions

- 1) The applicant shall submit a signed, notarized copy of the driveway easement to the Planning Board within seven days of issuance of this special permit. The notarized Easement shall be incorporated as Appendix A of this Special Permit
- 2) This Special permit shall be recorded at the Franklin County Registry of Deeds.
- 3) The Special Permit is for side lot access to Lot 1 on the plan.
- 4 The driveway easement is not considered a public way.
- 5) Under no circumstances shall the Town of Montague be held liable in the event that emergency vehicles cannot get to their destination because of improper construction or maintenance of the driveway easement.

MOTION by Ron Sicard to issue Special Permit 2011-01 as presented by James H. Clapp for side lot access and an easement for driveway access with above findings and conditions. Motion seconded by Robert Obear. Bruce Young- Aye, Ron Sicard- Aye, Robert Obear-Aye, Fred Bowman-Aye. Motion passes unanimously.

3. **ANR# 2011-06 by James H. Clapp of 396 Federal Street:** Assessors Map 44, Lot 37. Property is located at 396 Federal Street Montague, Massachusetts.

Walter R noted that this plan was submitted in conjunction with the Special Permit and will be filed with the Special Permit at the registry of deeds. The main parcel was split into two, with both parcels having adequate access and having the minimum frontage on a public way as required by the zoning bylaws.

MOTION by Robert Obear to endorse ANR Plan #2011-06. Seconded by Ron Sicard. Motion passes 4-0.

4. **Discussion:** Wind energy generation facilities as they pertain to the Montague Zoning Bylaws in light of growing interest in such projects in Montague and surrounding areas.

Present: John Reynolds- Montague Zoning Board of Appeals
Hollis Brashear-UMass Student- Amherst, MA

The Board discussed why having regulations regarding wind energy generation facilities is in the interest of the public's health, safety, and welfare. The board looked at examples wind regulations from other communities. The board wishes to specifically address small turbine and horizontal axis turbines. The Board noted that there is a Special Permit before the Board of Appeals to install a horizontal axis turbine- and there are no criteria as to how to judge the merits of the application. Walter R noted that the only land viable for large scale vertical axis wind turbines is on the hills of western Montague (Chestnut and Dry Hill) which is zoned AG-4. The board requested that the Planner draft wind energy bylaw regulations for discussion at the next meeting,

5. Topic Not Anticipated with 48 hours of posting requirements: ANR# 2011-07 by David and Amanda Gendron 76 West Mineral Road- Assessors Map 18 Lot 6.

Property is located across the road from house #76 on West Mineral Road. Walter R informed the Board that this application was submitted within the legal timeframe for ANR plans. The Gendron's are securing a Agricultural Preservation Restriction on the majority of the property. The property is zoned industrial, which has no frontage or area requirements. The one parcel will be broken into three. The largest will be preserved, the barn will retain a non-buildable parcel, and there will be one buildable lot carved out of the southern edge of the property. The application met all three of the ANR application criteria.

MOTION by Robert Obear to endorse ANR Plan #2011-07. Seconded by Fred Bowman. Motion passes 4-0.

MOTION by Ron Sicard to adjourn the Planning Board Meeting. Seconded by Robert Obear. Motion passes 4-0.

Meeting adjourned at approximately 7:45 PM

Approved by: _____ Date: _____