

Montague Planning Board

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August 28 2012 6:30 PM

Town Hall Upstairs Conference Room

MEETING MINUTES

Members Present: Bruce Young- Chair, Ron Sicard, George Cooke, Robert Obear, and Fred Bowman (7:10 PM)

Members Absent: None

Staff Present: Walter Ramsey - Town Planner, David Jensen - Building Inspector

Meeting was called to order at 6:40 PM by Bruce Young

***Motion** was made by, Ron Sicard to approve the June 26, 2012 minutes. Seconded by, Bob Obear. Motion passed 4-0.*

***Motion** was made by, George Cooke to approve the July 24, 2012 minutes. Seconded by, Bob Obear. Motion passed 4-0.*

Recommend Proposed Turnpike Road Industrial Park as a 43D Priority Development Site: Vote to recommend that Town Meeting include the following six parcels of municipally owned land: Map 13 Lot 68; Map 14 Lot 16; Map 20 Lot 27; Map 21 Lots 6,7,24 all of which hereby comprise the proposed Turnpike Road Industrial Park, for nomination as a Priority Development Site under MGL Chapter 43D in the Town of Montague.

Walter R: A priority development site designation guarantees that the permit process to take 180 days or less along with all the state permitting allowing it to be handled under one inter-agency Board. The key criteria for this designation are that the areas have to be zoned for industrial or commercial use with access to an infrastructure. A recent example of this in our area is Kringle Candle in Bernardston, MA.

The Town Meeting adopted the 43D Priority Development Site designation in 2007 for the Strathmore Mill along with a permitting guide. The proposed site on Turnpike Road is located behind Judd Wire where there is 183 acres owned currently by the Town of Montague. This land is currently zoned industrial with 85 acres of this area being able to be developed. According to the feasibility study the density for jobs per square acres would be 500 jobs over a build out of 25-30 years. The other Industrial Park is currently full; this is why we are looking at this location for industrial expansion.

Walter has spoken to regional, state and federal entities regarding the proposed industrial park and they are all in favor of the development and are currently working on funding schemes. We need to take it from a feasibility study to a permitting stage with the help of Mass Development (non-profit developer) which helps towns with development projects; they will only take on the project if it is designated as a 43-D Priority Development site. This would help with outside funding sources rather than using local funds. The Planning Board would still be the permitting agency and it would not limit local power but rather coordinate State permitting. The Town Meeting is meeting on Sept 10, 2012.

***Motion** was made by, Bob Obear to endorse a recommendation that Town Meeting support the proposed Turnpike Road Industrial Park as a 43D Priority Development Site. Seconded by, Ron Sicard. Motion passed 4-0.*

Remote Participation By Law and Mullin Rule:

Walter sent a memo to the Selectmen on September 4, 2012. At their regularly scheduled meeting on 8/28/2012 the Planning Board voted for unanimous support for the adoption of a local remote participation by law by the Board of Selectmen. The Planning Board further requested the Selectmen to consider adoption of the Mullin Rule (MGL c.39, s.23D)

The Mullin Rule allows a Board member to miss a session of a hearing and still vote provided that there be a recording (TV or audio) or a full transcript available (minutes will not suffice). For the rule to apply, it must be accepted by Town Meeting with a simple majority. Other Boards may also wish to be covered by the rule so a warrant article would need to be coordinated. The Planning Board expressed a wish to have the "Mullin Rule" option available for long running hearings on special permits (where 3 votes are needed for approval), and to use a tape recorder when a member is absent.

***Motion** was made by, Ron Sicard to unanimously support the adoption of a local remote participation bylaw by the Board of Selectmen and further that the Planning Board requests that the Selectman consider a Town meeting warrant article to adopt the Mullin Rule (MGL c.39, s.23D). Seconded by, Bob Obear. Motion passed 4-0.*

7:00 PM PUBLIC HEARING - Road Discontinuance/Greenfield Cross Road:

Hearing to consider a citizen petition for the discontinuance of all or portions of Greenfield Cross Road pursuant to MGL Chapter 82. Petition is filed by Lisa Adams of 16 Hatchery Road identified as Assessors Map 32, Lots 15, 18, and 34.

Guests: Gary Fiske, Joanne Repold, Edward Schiener, Lisa Adams, Robert Adams, Alice Adams, Jeff Hoynoski, Pat Allen, Mark Kidder, Abigail Merriam, David Jensen, Donna Ewell, Calvin Ewell, Brian McCue and Meg Ryan.

Bruce Young: The Montague Board of Selectman received the discontinuance petition at their July 16, 2012 meeting. The Select Board recommended the petition to the Planning Board for review. Greenfield Cross Road is a public way and has been closed since 2000 for the safety of 3 residences. The detour onto Greenfield Road is due to the deterioration/collapse of the railroad bridge. This has significantly increased traffic on this cut through road (Greenfield Cross Road).

Bruce Young: Both the seizing of maintenance and the elimination of public right of passage requires Town Meeting action under MGL c.82 s.21. The seizing responsible maintenance but continuing the public right of passage can be accomplished by the Board of Selectman action pursuant to MGL c.82 s.32A. In this case the petition request is to discontinue the road at Town Meeting.

Town Meeting Procedural Steps:

1. Place a warrant article on the Town Meeting warrant
2. Follow regular warrant article posting requirements under MGL c.39 s.10
3. Since Montague does not have an official road map: The Planning Board must have 45 days before a town meeting, if needed in which to comment and report to the meeting the possibility on the discontinuance of the road under MGL c.41 s.81 g and i
4. Vote at town meeting

Public Discussion Highlights:

- Abutters notices are not required in advance of Town Meeting; however it is advised
- The town sewer line runs under this road which is a primary concern as it carries all of Montague Center sewage to the treatment plant
- Greenfield and Hatchery Road are slated for upgrades in the near future

- The road is currently used for recreational activities in a safe environment due to the closure
- Future traffic patterns and how they impact the residents
- How other Montague residents would and could use the road for access
- It is estimated that it would take approximately \$60,000 to \$70,000 to repair the roadway
- If the road was to be open there are many options for speed and traffic control on the roadway
- Plans are for the road to be closed but alterations can still be made

Walter R delivered his draft findings: If the road is closed Assessors Map 26 Lot 23 will lose approximately 530 feet of frontage, M 26 L 40 will lose approximately 800 feet of frontage but neither lot would be deemed unbuildable. Residents at M 32 L 14 would be “locked out” – which is removing the property owner’s point of access to their property. If the entire road Greenfield Cross Road would be discontinued it would likely be a “taking” of the M 32 L 14 resident’s property. The Franklin County Bikeway goes through there and currently follows the detour but will be rerouted onto Greenfield Road once the bike bridge is re-built. The right of way of Greenfield Cross Road totals approximately 2.2 acres are the entirety of the area is mapped priority habitat which includes prime agricultural soils, one stream crossing and is located in a forested corridor that connects the Connecticut River to the Montague Plains. Discontinuing Greenfield Cross Road would require a turnaround at the discontinued end.

Walter R summarized the comments received by the Planning & Conservation Department:

The Board received 7 responses from abutters:

5 objected, 1 undecided, 1 did not object. Sharon Cottrell who was not present did object.

Town Departments Comments:

Water Treatment Plant (Robert Trombley): the town needs to maintain a sewer easement and given the upcoming work it is not a good idea to close the road.

Police (Acting Chief Dodge): the road should remain open especially given the upcoming Mass Highway projects.

Selectmen (Pat Allen): voted the road not to be discontinued or abandoned at this time.

Planning Department (Walter Ramsey): proposed that the road discontinuance could meet the criteria for discontinuance; provided that sewer maintenance easements remain. Ceasing responsibility for maintenance of the roadway, but continuing the public right of passage can be accomplished by the Board of Selectman action pursuant to M.G.L. Chapter 82, Section 32A. The Selectboard also has the authority to open the roadway back up.

Bruce Young officially closed the public hearing at 7:51 PM.

The options are:

- 1) Discontinue Greenfield Cross Road and retain an easement for sewer access
- 2) Open the road for vehicle traffic
- 3) Continue the road as is - officially discontinuing maintenance of that section of the road (Selectboard decision). Road might open up in the future.

Motion was made by Bruce Young to send a recommendation to the Selectboard not discontinue Greenfield Cross Road under MGL c.82 s.32A. The Planning Board recommends the Selectboard revisit closing that section of the road or re-opening the road after the completion of the reconstruction of Greenfield Road/Hatchery Road. Seconded by, Fred Bowman. Motion passed 5-0.

Motion was made by, Fred Bowman to adjourn the Planning Board meeting at 8:11 PM. Seconded by, Bob Obear. Motion passed 5-0.

Approved by: _____ Date: _____