

Montague Planning Board

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November 27, 2012 6:30 PM
Town Hall Upstairs Conference Room

MEETING MINUTES

Members Present: Bruce Young, Ron Sicard, George Cooke, Robert Obear and Fred Bowman
Staff Present: Walter Ramsey- Town Planner. Dave Jensen- Zoning Enforcement (7:05 arrival)

Meeting was called to order at 6:42 PM by Bruce Young

Approval of Minutes:

Motion was made by, Ron Sicard to accept the September 25, 2012 minutes. Seconded by, Robert Obear. Motion passed 5-0

The public hearing for Special Permit for 2012-01 was tabled to later in the meeting so that the applicant's consultant can be present to discuss the plans.

Peter Golrick, representing the Airport Commission raised concern about the timing of the posting of the meeting notice on the Town Website. The meeting was posted by the Town clerk on the website on 11/19/2012- eight days prior to the meeting. A clerical error was amended on the agenda on 11/26/12. According to the Planner the amendment did not change the substance or timing of the agenda.

Approval Not Required-2012-05 26-35 East Main Street by the Town of Montague Board of Selectmen. To seek endorsement of a division of land under MGL Ch 41 Section 81L for a property located at 33 Bridge Street and 26-50 East Main Street Millers Falls with affected buildings at #26, 30, 34 and 34R, owned by the Town of Montague and identified as Assessor's Map 39 Lot 116.

Guests: Peter Golrick, Jeanne Golrick, unidentified youth.

The Planner presented the following detail of the plan:

- The special permit and variances permitted by the Zoning Board of Appeals has been registered at the Registry of Deeds in Greenfield, MA and is referenced in this plan.
- Zoning is Central Business
- Lots A, B and C would be subdivided into own parcels.
- Parcel D (garage) is not considered a building lot – it must be conveyed with lot A, B or C to obtain frontage.
- Lot E can be considered a future building lot with frontage on 2 streets.
- Lot F is not a building lot.
- Lot G a future building lot.
- Plan references deeds, and land court decisions.
- Sanborn Fire map of 1930 shows each of the buildings on the lot. This is sufficient evidence that the buildings existed prior to subdivision control law, thus they may be divided through the ANR process.

Peter Golrick/Jeanne Golrick concerns:

- Dan Warner/surveyor (certified) plans for streetscape.

- The plans do have meets and bounds that do and do not match up. degrees
- Jeanne Golrick feels property was sold for fraudulent taxes.
- The town “owns” the property based on a tax judgment of \$70,000 which is not a deed.
- The drip edge on the buildings fall onto another person’s property.
- Jeanne Golrick asserted that Joseph Francis Noon IV of Palmer, MA is the owner.
- Connelly at execution in building A did not execute – homesteading.
- Entire property has restrictions from the Rail Road that was deeded to Jeanne Golrick.

Bruce Young, Chair of Planning Board:

- Decision would be based on MA general law and what materials are presented to them by the applicant.
- The Board referenced the chain of title listed on the plan in regard to current ownership.
- Planning Board previously approved the 2001 streetscape boundaries by Dan Warner (precedent).

***Motion** was made by Fred Bowman to approve the plans prepared by Dan Warner for ANR #2012-05 as presented. Seconded by, George Cooke. Motion passed 5-0.*

PUBLIC HEARING- Special Permit-2012-01 River Bluff Realty LLC –Application for special permit and site plan review under Montague Zoning Section 5.2.6 (c) and (d) filed by River Bluff Realty for the construction of a warehousing facility exceeding 10,000 square feet in an Industrial District. The property is located north of Industrial Boulevard and is identified as a portion of Assessors Map 17 Lot 13A.

Guests: Allen Smith – representative for River Bluff Realty LLC, Douglas MacLeay – SVE Associates, Walter Patenaude, Bob Emond, Andre Chaich, Peter Golrick, Jeanne Golrick, and David Jensen – Building Inspector.

The applicant seeks to build an office building and warehouse space. The plan is to have minimal impact to the Montague community, industrial park community and the environment. River Bluff Realty LLC operates a supply business (Atlantic Golf & Turf) to agricultural and turf management companies.

The plan for the River Bluff Realty property:

- The property where construction is proposed is located in the Industrial District.
- The proposed facility involves indoor warehousing of fertilizers, seed and crop protection, which is allowed by right in the district.
- Special Permit and Site Plan Review are required based on the size of the project.
- The Stormwater Management Plan exceeds the minimum standards of the Planning Board’s Stormwater System Policy of 2009 and is designed to support the capacity of the second phase future storage warehouse.
- The Site Plan is consistent with the Restrictive and Protective Covenants of the Airport Industrial Park of 1995.
- Elements of site landscaping will be rotating as managed by the Franklin County Regional Technical High School Horticultural Department for educational and showcase purposes.
- The applicant has submitted information satisfactory to assure the board that on-site parking and loading will be adequate for the proposed use.
- All lighting for the proposed facility has been designed to be directed downward to avoid illumination beyond the property line.

- The remaining land 6.8 acres of Map 17 Lot 13A will have sufficient frontage and area to support development according to Montague Zoning Bylaws.
- The applicant has stated that the deep dock loading has been designed to be isolated from the storm water system in the event of an emergency spill and that overflow runoff in extreme rainfall events of 100+ year storms will not be directed over the highly erodible bank of the Connecticut River.
- Natural Heritage and Endangered Species a division of MA Fisheries & Wildlife has determined that this project, as currently proposed, **will not** result in a prohibited “take” of state-listed rare species.

The Planning Board concerns:

- To issue a special permit and approve site plan review and environmental impact statement under Montague Zoning Section 5.2.6 (c) and (d) filed by River Bluff Realty for the construction of a warehousing facility exceeding 10,000 square feet in an Industrial District, subject to the following conditions:
 - Prior to construction the applicant shall submit a written summary of site landscaping guidelines to the Planning Board. The guidelines shall specify specific areas and the scope of management of the Franklin County Regional Technical High School. The guidelines shall be endorsed by a representative of the School.
 - The Owner is responsible for ensuring that erosion and sedimentation controls are adequate to prevent runoff of sediments and damage to wetlands and waterways, town infrastructure and abutting properties.
 - Any proposed changes from approved final plans shall be submitted to the Board and approved if consistent with the application and the findings and conditions stated in this approval. Significant changes in the site plan shall be reviewed by the Board, which may allow the changes without further hearings if they are determined to be within the project scope and consistent with findings and conditions. The Board reserves the right to hold further public hearings on changes to the site plan that are determined to be outside of the project scope. Approval shall not be unreasonably withheld.

Department and Abutters comments/concerns:

- Peter Golrick (present for Airport Commission) - It is possible that the FAA will require A7460-1 due to the proximity to the airport.
- Highway Department – no concerns
- Water Department – water cross connection and data sheet to be approved
- Fire Department – no response
- Police Department – no concerns
- ConAgra – no concerns
- First Light – be aware of the property easement
- Board of Health – no concerns
- Waste Water Treatment Plant – suggested a separate meter for the lawn, install meters in gallons and wanted information of water and sewage usage based on the 7-10 employees.
- Building Department – pitch of roof, and plan for drainage around the perimeter of building, façade materials – masonry and steel.

Based on the foregoing, the Planning Board finds that the proposed facility will not create nuisance, hazard or congestion and will not derogate from the intent of the Zoning Bylaws of the Town of Montague.

Motion was made by Ron Sicard to close the public hearing and issue a Special Permit and approve Site Plan Review for Permit-2012-01 by River Bluff Realty LLC with conditions as discussed. Seconded by Bob Obear. Motion passed 5-0.

Planner's Updates:

-Discuss Zoning Bylaw Section 5.4.7 minimum floor area of 700 square feet of living space

Planner reports that Neighboring Towns do not regulate minimum floor area for dwelling units and state zoning law has changed since 1970 so that it in effect cannot be legally regulated at the local level. The Planning Board requested the Planner to investigate further.

-Turners Falls Downtown Livability Plan Update

Planner announced a Public workshop Jan 29, 2012 to discuss the livability plan.

-Upcoming Business

December Planning Board meeting will have a zone change request on West Mineral Road. 50+ acres from Industrial to Agricultural-Forestry at the request of resident David Gendron.

Bruce Young closed the meeting, adjourned at 8:31 PM

Approved by: _____ Date: _____