

# Montague Planning Board

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

September 2, 2014 7:30 PM  
Town Hall Upstairs Conference Room

## MEETING MINUTES

**Members Present:** Ron Sicard – Chair, Fred Bowman, George Cooke, and Bruce Young

**Members Absent:** Bob Obear

**Staff Present:** Walter Ramsey, AICP- Town Planner and David Jensen – Building Inspector (7:45)

Meeting was called to order at 7:30 PM by Ron Sicard-Chair.

Ron Noted that a duly posted site visit was conducted at 6:45 PM at the corner of 11<sup>th</sup> and 10<sup>th</sup> Streets to review a citizen request for zone change from RS to NB. No decisions were made.

### **Approval of Minutes:**

**Motion** by George Cooke to accept the June 24, 2014 Minutes. Seconded by, Bruce Young. **Motion passed.**

**Motion** by Bruce Young to accept the July 15, 2014 Minutes. Seconded by, Fred Bowman. **Motion passed.**

**ANR #2014-04 Town of Montague 101 Industrial Boulevard** For approval that subdivision control laws are not required for a plan titled “Land in Montague, Mass prepared for Mountain Research, LLC” dated 8/5/2014 which plots the conveyance of 2.2 acres in an Industrial Zoning from the Town of Montague to Mountain Research LLC. **Guests:** Timothy Flynn – Beubien’s Counsel and Mark Beaubien – Yankee Environmental Systems, Inc.

Planner: The plan before you has the requisite frontage and access to constitute ANR endorsement. The plan assembles a 9.2 acre lot for Mountain Research and leaves 7.3 acres retained by the Town of Montague which retains adequate frontage and access at the site.

Timothy Flynn and Mark Beaubien gave a more in depth understanding of the background of the sale of the land from the Town. Mountain Research LLC is the holding company for Yankee Environmental which does high-end weather instruments, solar. The instruments are tested on the site and spread out from each other and can’t interfere electromagnetically. The tests are almost exclusively done as government research and development contracts. Clients include NASA, NOAA, Navy and Air force.

Town will arrange for the sale of the 2.2 acres in accordance with a recorded 2003 right of First refusal.

**Motion** by, Bruce Young to approve ANR#2014-04 Town of Montague 101 Industrial Boulevard dated August 5, 2014 and revised from July 10, 2014 signed by Mary Ann Milewski. Seconded by Fred Bowman. **Motion passed.**

## **Public Hearing- Proposed Zoning Bylaw Amendment- Site Plan Review**

Hearing to consider amendments to the Montague Zoning Bylaws Section 8: Site Plan Review and Environmental Impact Statement. The Planning Board's proposal would repeal the existing site plan review bylaw replace it with new subsections titled purpose, applicability, application procedure, site plan elements, approval guidelines, decision, appeals, and expiration.

**Guests:** John Reynolds, Lisa Adams, Jeanne Golrick

**Planner:** The Planning Board has been working on this bylaw amendment since early spring. A public workshop was held in July and it was then brought to the Selectboard and now is back with the Planning Board for final review and this public hearing.

The purpose of the Site Plan Review process is to ensure health and safety of Montague residents and that larger development projects do not create safety hazards, significant impacts on the environment, public infrastructure, abutters, etc. Site plan review usually focuses on parking, traffic, drainage, roadway construction, signage, utilities, screening, lighting, and other aspects of the proposal to arrive at the best possible design for the location.

Montague currently has a site plan review bylaw. It was created in 1986 and was last amended in 2000. The Planning Board, in practice, finds updates are required in order align with current planning goals and best practices. The foremost reason for the proposed changes is that the current bylaw does not trigger site plan review for small-scale/ high intensity uses such as fast-food restaurants, convenience/gasoline, and industrial and institutional uses that are less than 5,000 square feet in area.

Planning Board establishes and reviews the rules and the Zoning Board of Appeals will enforce those rules except in the Industrial district where the Planning Board has always been the authority.

The proposal does the following:

- 1) Refines applicability thresholds for site plan review based on traffic generation and parking needs in addition to building size and development scale. In effect more projects will be applicable to site plan review.
- 2) Establishes a clear and concise permitting process for Site Plan Review. New sections for review guidelines, decision, appeals, and expiration are added.
- 3) Creates a streamlined 60 day site plan review process for projects where a special permit is not required.
- 4) Combines elements of "Environmental Impact Statement" into "Site Plan Review".
- 5) Adjusts Telecommunication facilities and water supply protection special permit uses to apply unique special permit criteria instead of site plan review criteria.
- 6) Makes ancillary adjustments and re-organizations throughout the bylaw to ensure a clear and coherent site plan review process. Result is a more navigable zoning bylaw without having the same information restated several times.

The intent of the proposed Site Plan Review regulations is to:

- provide a clearly articulated site plan approval process that is easily interpreted by residents, local officials, and project proponents.
- allow for municipal review of high impact land uses that are not otherwise reviewable while encouraging investment in Montague by making the process streamlined.

- Ensure consistency among site plan review procedures followed by the Planning and Zoning Board.
- Amendment does not require an environmental impact statement. However, we are incorporating all the elements of an environmental impact statement into the site plan review.

Planner read through the proposed amendments.

#### Discussion Points from Board and Guests:

John Reynolds inquired about the “environmental impact” portion of the bylaw. It was clarified that The environmental impact elements have been incorporated in the revised site plan review process, rather than a standalone process.

Jeanne Golrick asked about the timing. Why now? Ron Sicard and Bruce Young responded – said that these changes have been considered for years and have been given considerable thought. The Planning Board has been working on these specific changes for at least 6 months. Building climate is quiet right now, but economy will inevitably rebound.

Bruce Young suggested we could require a table of contents instead of a summary or written narrative. When a large project is being proposed it is usually followed by a written narrative. It needs to be clearer to the applicant what is expected. In the past hearings have been continued on more than one occasion for lack of an understanding of what is needed and wanted.

John Reynolds stated that he would love to see a checklist rather than a narrative. Bruce Young indicated that checklist already exists in some form for each needed piece of criteria. The ZBA and PB have their own checklists.

Walter Ramsey noted that that towns of comparable size actually require site plan review for most non residential projects, an example being Greenfield. Ms. Golrick scoffed that Montague is not Greenfield

David Jensen brought up that a site plan review gets down to the specifics of a project. Example: how wide is the left turning lane rather than should we have a turning lane which would be a special permit. What is an environmental impact statement has ranged from a cover letter to the impact on the schools? It is experimental and what flags a project is what is important and crucial. (traffic, storm water management, pedestrian paths, lighting, hours of operation...) This is a process to help make it clear to the folks that use the process. If expertise is needed they can bring in a 3<sup>rd</sup> party outside evaluation it is an expense.

Lisa Adams asked “if there is APR (Agriculture protection restriction) land and an abutter is being affected by a state project; will there be an environmental impact statement?” The Board clarified for Ms. Adams that this would not be a zoning issue. Planner noted that the “impact Statement” notation is confusing because it can be misinterpreted or otherwise confused with the “environmental impact statement” process under MEPA. All the more reason to clarify the zoning.

Jeanne Golrick asked if under certain conditions abutters would not be notified. Planner clarified that when a special permit is required there would be abutter notification but a site plan review alone would not require abutter notices because the use has already been deemed appropriate within the zoning district. Jeanne expressed concerned that the decisions are moving away from abutters to a board decision. The Board rebutted that these decisions ARE made by the board, not abutters. David Jensen clarified this by saying these uses are “by right”. If you are living next to an industrial zoned lot then by

right they can put industrial things up. If a manufacturing over 5,000 square feet the site plan review and abutters are notified. At 10,000 square feet this is where it would be required. The proposal now would be 3,000 which is not a big building and is presumed use by right. At what point does the public's interest in these projects start and when is the Town represented by a board? Usually with the notifications which are costly and you are asking input from the abutters on a yes/no decision not by use but by right. There is a point where an abutter and public rights begin to intersect and where do those rights.

Jeanne Golrick: "Is all this being looked at for Solar Facilities and if not why was it highlighted?" Planner clarified that Solar Facilities require site plan review and a special permit under most conditions. Under the current by law it also requires an environmental impact statement. At Town Meeting the environmental impact would be removed and to Walter's knowledge there are no other towns that require this. The changes in no way tied to a specific project but to be prepared for upcoming and anticipated projects such as Solar Facilities but not limited to that.

Bruce Young saw this proposal as a compromise. He noted how the Planning Board has worked in this way for the 10 years he has been part of the board.

Fred Bowman stated when the criteria is specific and known, this allows the applicant to know what is expected it makes the project more concise and focused while allowing the applicant to plan on their end for all aspects of the project including the financials.

George Cook feels that this list is very comprehensive and that everyone can only do their best.

Jeanne Golrick asked for a clearer organization of the proposed changes for Town meeting.

**Motion** by Fred Bowman to close the hearing. Seconded by George Cooke. **Motion passed.**

Planner was directed to refine the presentation of the amendments for Town Meeting.

**Planner Updates:**

- a. Possible citizen initiated subdivision modification to remove Honto and Winona Streets in Lake Pleasant. – Tabled
- b. Housing Plan updates – Meeting set up on September 10, 2014 at 3 PM upstairs meeting room of Town Hall. The latest draft was just sent to Walter Ramsey for review.

**Annual Reorganization of Board- Tabled**

**Motion** by Fred Bowman at 10:08 PM to adjourn the September 2, 2014 Planning Board meeting. Seconded by George Cooke. **Motion passed.**

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