

Montague Planning Board

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

May 26, 2015 7:00 PM
Town Hall – Upstairs Meeting Room
One Avenue A
Turners Falls, MA 01376

MEETING MINUTES

Members Present: Ron Sicard – Chair, Fred Bowman, Bob Obear, George Cooke.

Members Absent: Bruce Young

Staff Present: Walter Ramsey, AICP- Town Planner

Ron Sicard opened the meeting at 7:00 PM.

Approval of Minutes:

Motion by Fred Bowman to accept the May 5, 2015 Planning Board minutes. Seconded by Bob Obear.
Motion passed unanimously.

PUBLIC HEARING SP #2015-02 Tim Rieman – 201 Old Sunderland Road for a special permit and site plan review under Montague Zoning Bylaws Section 6.3.1 and 6.3.2 to allow the approval of the existing driveway at 201 Old Sunderland Road as a common driveway thus serving two homes and access over a side lot line. The property is located at 201 Old Sunderland Road and is identified as Assessors Map 50 Lots 7 & 8.

Representing the Applicant: Tim Rieman (Buyer)

Ron Sicard opened the Public Hearing for SP#2015-02 at 7:03 PM.

Mr. Reiman presented and submitted a revised draft driveway maintenance agreement dated 5/26/2015.

The Planner reported that the proposed building lot has been given the number of 199 Old Sunderland Road and the existing house is at 201 Old Sunderland Road. He reported on the two prongs to the Special Permit Request:

#1- 6.3.1- Primary access over a rear lot line

The building lot already exists. The principal frontage is on Meadow Road, but a narrow 20' spit also provides access to Old Sunderland Road. There is a steep embankment between buildable upland and Meadow Road. Access via Old Sunderland is practical and has significantly less environmental impact and safer sightlines.

#2 6.3.2- Common Driveway with 201 Old Sunderland Road

The proposal would use the existing driveway for 201 Old Sunderland Road, and then extend beyond to the proposed house lot. The existing portion of the drive is paved and is in good condition. The driveway will accommodate only two single family residences (one existing, one proposed). Applicant has submitted draft language for an easement and maintenance agreement that is satisfactory to staff. Applicant has also submitted a statement acknowledging that Town will have no liabilities or obligation under the common drive agreement. This language is typically incorporated into the Special Permit.

Town Department written comments:

Charles Dodge, Chief of Police - no objections

Tom Bergeron, Highway Department – no objections but raised concern of siting the building too close to the ridge line and the possible erosion on Meadow Road

Abutter written comments:

Elinor Wright (Seller and abutter) – no objections

No other written comments were received from abutters.

Public comment: Sam Lovejoy inquired about whether the driveway maintenance agreement was prepared in accordance with the Planning Board’s Common Driveway Policy. It was, to the satisfaction of the Planner and Planning Board.

The Planner recommended issuing the permit, on the condition that one passing turnout be constructed, in compliance with the Board’s Common Driveway Policy. Bob Obear proposed that the turnout be represented on an updated “proposed conditions plan”.

Ron Sicard declared the hearing for SP#2015-02 closed at 7:25

Deliberation: The Board discussed the following findings, as drafted by the planner:

1. The primary frontage for Map 50 Lot 8 is on Meadow Road which has a very steep topography. The proposed access via Old Sunderland would result in less impact to natural resources and more efficient emergency vehicle access, and improved sight lines compared to Meadow Road.
2. The proposed common driveway will serve the existing residence at 201 and the proposed single family residence at 199 Old Sunderland Road.
3. The proposed common driveway is consistent with the Planning Board’s Common Driveway Policy.
4. The Common Driveway does not meet the standards for a Town road.
5. The proposed access plan to 199 Old Sunderland Road will not be of substantial harm to the neighborhood, or to the natural resources or infrastructure of the Town, will not create nuisance, hazards or congestion and will not derogate from the intent of the Zoning Bylaws of the Town of Montague.

Motion by Bob Obear to issue a special permit to Tim Reiman under Montague Zoning Bylaws Section 6.3.1 to allow for primary access over a rear lot line (Old Sunderland Road) and 6.3.2 to allow a common driveway serving two single family residences, subject to the following stipulations:

1. A final “Proposed Conditions Plan” shall be submitted to the Board depicting the construction of one (1) passing turnout with a total width of at least twenty (20) feet, exclusive of shoulders, along a distance of at least 35 feet. This area shall remain clear of snow in the winter, for emergency vehicle access.
2. The Driveway Maintenance Agreement shall be recorded at the Franklin County Registry of Deeds and an executed copy shall be submitted to the Board prior to the issuance of a Certificate of Occupancy from the Building Inspector.
3. The Town of Montague has no obligation or liabilities for the common driveway, including but not limited to liability for construction, maintenance, or snow removal.
4. Any proposed changes from the 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.

Seconded by Fred Bowman.

Sicard-AYE, Obear- AYE, Cooke-AYE, Bowman-AYE.

Motion passed unanimously

ANR #2015-03 Suzanne Kretzenger 444 Federal Street, off South Street Map 49 Lot 1. Applicant seeks endorsement that the division of Assessors Map 49 Lot1 located at 444 Federal Street is not a subdivision because every lot shown on the proposed plan has sufficient frontage and access as is presently required in the Montague Zoning Bylaws (5.4.3(b)).

Guest: Sam Lovejoy - Department of Fish and Game (Buyer)

Mr. Lovejoy: The applicant, Suzanne Kretzenger plans to put parcel A (6.37 acres) into permanent protection by the Department of Fish and Game. The parcel exceeds the requisite of 200 feet of frontage for the Residential Business District. The rest of the parcel will retain adequate frontage and access. There are some endangered species located in the area. The land is unbuildable and land goes all the way to Federal Street. Fish and Game land is always open to Public access.

Planner recommended endorsing the ANR, on the basis that all lots affected have adequate frontage and access.

Motion by, George Cooke to endorse ANR #2015-03 filed by Suzanne Kretzenger. Seconded by Bob Obear. **Motion passed unanimously.**

Planner Report:

Zoning Discussion: Section 6.3.3(minimum driveway width of 20 feet for residences greater than 500 feet from a public way)

The Planning Board met in open session for the purpose of discussing revisions to section 6.3.3 of the Montague Zoning Bylaws pertaining to driveway specifications for residences greater than 500 feet from a Public Way. The Planner proposed a zoning change that would do three things:

- Reduce the minimum width of a driveway serving a home 500 feet from the road from 20 to 16 feet
- Require passing turnouts every 300 feet. (For example, a house that is 501 feet from the road must have one turnout)
- Allow relief by special permit from the Planning Board.

The current bylaw is as follows:

“6.3.3 For Residences with a setback of 500 feet or more from an accepted way, a driveway for such residence must have a grade of no greater than 10%, a curve radius not less than 30 feet, a turnaround area with a minimum 30 foot turn around radius and that the driveway be no less than 20 feet in width over its entire length.”

The current contemplated text would read:

“6.3.3 For Residences with a setback of 500 feet or more from an accepted way, a driveway for such residence must have a grade of no greater than 10%, a curve radius not less than 30 feet, **passing turnouts with a width of 20 feet and length of 35 feet spaced no more than 300 feet between turnouts or terminus of the driveway**, a turnaround area with a minimum 30 foot turn around radius and that the driveway be no less than **16** feet in width over its entire length. **The Planning Board may issue a Special Permit to allow relief for any of the requirements in this section.**

The Board identified the following concerns with the current bylaw:

- Relief is only granted by variance, whereas it may make sense to grant relief by special permit where certain conditions exist. The ZBA has in the past granted variance for 500+ foot driveways (as narrow as 14 feet).
- The 20 foot width is inconsistent with the Board’s Common Driveway Policy which, for example requires 16’ width for common drives serving 4 or more homes.
- There is no concern over the grade, curve radius, or turnaround specification. Those requirements should remain the same.
- Public safety, specifically emergency vehicle access in the winter months is the primary consideration for the width provision of this bylaw; however this requirement has substantial impact on environmental impact and rural character. This refinement of the bylaw attempts to strike that balance.

Resident Lee Wicks brought up there are other issues that play into where residents live and access to fire hydrants and public services. The driveway issues could be grandfathered in due to the time frame. Lee Wicks & Roy Rosenblatt are trying to sell the piece of the land and this would impact the sale. The Planning Board said that they would be comfortable with 16 feet in this particular situation. They asked for a balance between the need of public safety and being a Green Community.

Bob Obear mentioned that this section of the bylaw is counter-intuitive to the back low development bylaw.

This is still very much in the discussion phase and this language will change. But, the Planning Board unanimously agreed that the width requirement in section 6.3.3 needs to be refined. They have committed to hold a public hearing on the topic at a future date. The Planner will refine the draft language for further discussion.

Senior Center Planning Study Executive Summary

The Planner presented the findings of the study (presentation attached in appendix to minutes). This was an informational presentation. The Board did not take any formal action.

Topics not anticipated within 48 hour posting requirements- none

Next meeting: June 23, 2015 at 7:00 PM

Motion by George Cooke at 8:22 PM to adjourn the May 14, 2015 Planning Board meeting. *Seconded by Bob Obear. **Motion passed unanimously.***

Approved by: _____ Date: _____