

Montague Planning Board

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March 28, 2017 6:00 PM

Town Hall – Second Floor Meeting Room

One Avenue A

Turners Falls, MA 01376

MEETING MINUTES

Members Present: Ron Sicard – Chair, Fred Bowman, Bob Obear George Cooke and Bruce Young
Staff Present: Walter Ramsey, AICP- Town Planner, David Jensen – Building Inspector, Steve Ellis – Town Administrator

Ron Sicard opened the meeting at 7:00 PM. Meeting is being broadcast live.

Approval of minutes of December 27, 2016 and January 24, 2017. Votes may be taken.

- *Cooke makes a motion to approve the minutes of December 27, 2016. Young seconded, unanimously approved. Obear - Aye, Young - Aye, Sicard - Aye, Cooke - Aye, Bowman - Aye*
- *January 24, 2017 minutes were not ready for approval.*

Public Information Session - Proposed Zoning Amendments: Flag Lots, Open Space Residential Design, and Planned Unit Developments.

The Planning Board was joined by Peggy Sloan and Alyssa Larose of the Franklin County Regional Council of Governments to discuss the Planning Board's proposal for several changes to the Zoning Bylaws that are designed to facilitate development in and around the village centers and to balance new development with land conservation. David Jensen was on hand to add his point of views and comments to the discussion.

Ramsey gave some background, referencing existing town and community plans (the 1999 Montague Comprehensive Plan, the 2010 Montague Open Space and Recreation Plan, the 2013 Turners Falls Downtown Livability Plan, and the 2015 Montague Housing Plan), and gave a detailed presentation pertaining to Flag Lots, Open Space Residential Design, and Planned Unit Developments.

- The purpose for Flag Lots is to allow for the creation of new residential lots within the Residential (RS) District on lots which do not have the required frontage but otherwise meet the dimensional requirements of the district. This will allow small-scale residential infill within existing developed areas. The residential district is generally the hill section of Turners Falls, some areas around Hillside Road, Montague Center, some of the land around Turners Falls Road and in and around Millers Falls. Ramsey presented an example of the concept of an existing house flag in a residential district. The Flag Lots are allowed by Special Permit by the Planning Board, abutters will be notified, and there will be a public hearing. It only applies to residential uses. The lot will need to meet the minimal lot size of the zoning district (that does not include the area associated with the access strip). The Board is going to be able to grant modifications or waivers based on unique circumstances (excludes minimum lot size and minimum frontage requirements for the access strips).
- Open Space Residential Development (OSRD) is a technique that is widely used in the State. This particular Bylaw was recommended in the Montague Open Space and Recreation Plan and Montague Housing Plan.

- The purpose of the Open Space Design is to promote and project agricultural and forestry-related activities by preserving farmland and prime forest land, promote efficient installation/maintenance of streets and utilities to make housing more affordable, encourage less sprawling development that protects open space and natural/cultural features on a site, promote efficient provision of municipal services and protect existing/potential water supplies, maintain the rural character of Montague, and promote siting of buildings that is sensitive to natural and historic features.
- Ramsey gave some OSRD examples including Canterbury Farms in Amherst, Ice Pond Drive in Northampton, and Essex Crossing in Beverly.
- The OSRD Proposed Bylaw would apply to the AF-4, AF-2, AF, RS, and RB zoning districts. A single-family home OSRD would be allowed by-right with the Site Plan Review, and a two-family home OSRD would be allowed via Special Permit by the Planning Board. They must also comply with the Montague Subdivision Rules and Regulations.
- OSRD Minimum Standard would be an area of five acres under a single ownership. There are two methods for a developer to calculate the number of lots. The first method involves subtracting from the total parcel area wetlands, floodplains, existing permanently protected open space, land with slopes greater than 25%, and 10% of the total parcel area for roads and drainage to find the Net Parcel Area, then divide by the minimum lot area for the zoning district. For the second method, the applicant would submit a preliminary plan for a conventional subdivision, including results of perc tests if no sewer is available. The total number of buildable lots for a conventional subdivision equals the total number of lots for an OSRD.
- OSRD Site Design Standards include the following: avoid agricultural areas, prime farmland, and mature forest stands; a 100-foot buffer between residential lot lines and agricultural activities to avoid conflict; houses should be integrated into the landscape, natural or landscaped buffer between structures and parcel boundaries (50 feet in the AF-4 and AF-2 districts, 25 feet in the AF, RS, and RB districts) and adequate and convenient pedestrian circulation, roadways, driveways, and parking.
- Regarding OSRD Lot Sizes, reduced minimum lot sizes and road frontages allows for the clustering of homes, shorter roads and lower infrastructure/maintenance costs, and flexibility in locating homes to avoid prime farmland, mature forest stands, priority habitat, etc.
- OSRD Open Space Requirements are as follows: at least 40% of the parcel must be permanently protected as open space. This does not include wetlands, floodplains, existing permanently protected open space, land with slopes greater than 25%, and roadways or accessory uses. Protected land should be contiguous to enable farming or forestry to the extent feasible. Open space must be protected either by a Conservation Restriction (CR) or Agricultural Preservation Restriction (APR) in accordance with M.G.L. Chapter 184. CRs/APRs may be held by the Montague Conservation Commission, a State agency, or a land trust. Protected open space may be owned by a Homeowner's Association with covenant that provides for ongoing maintenance of the open space, a State Agency or non-profit land trust whose principal purpose is to conserve farmland and/or forest land, or the Montague Conservation Commission (at no cost), subject to Town Meeting Approval; or retained by a private individual (such as a farmer) or trust owned by private individuals, subject to a Special Permit.
- The Board is proposing some Bonus Incentives as part of this Bylaw. A developer may earn a bonus in the form of extra building lots allowed within the development by incorporating one or both of the following into the development: Increase in the amount of protected open space to a minimum of 60%, and/or include at least 10% affordable housing units, eligible for inclusion on Montague's Subsidized Housing Inventory. The total number of bonus lot(s)

cannot be more than 20% of the maximum number of building lots allowed (e.g., 2 bonus lots for a 10-lot subdivision for a total of 12 lots).

- Ramsey showed a map where the OSRD could be built.
- Planned Unit Development is a development of land as a single entity under the direction of a comprehensive site plan, in which a mixture of land uses, a variety of building types and designs, and open space are provided for in a coherent manner. This is being proposed to be allowed in the Industrial (ID), General Business (GB), or Historic Industrial (HI) Zoning Districts.
 - These developments encourage flexibility in design, promote multi-story buildings and clustering of buildings, coordinate building and site design through a detailed review process, and maximize pedestrian circulation within the project and connecting to adjacent land uses.
 - Ramsey gave some PUD examples including the Village Commons in South Hadley and Village Hill in Northampton.
 - The PUD Requirements that the Board is proposing would be a minimum of 80,000 square feet (just under 2 acres) and 400 feet of road frontage, uses allowed underlying zoning district, more than one principal building is allowed on a lot, one or more separate but contiguous lots may be assembled to create a PUD, and lots may be under single or multiple ownership, bound by restrictive covenant(s) or conditions of the Special Permit.
 - Regarding the PUD Design, we are looking for integrated design - building placement, proportion, color, rooflines, architectural details, signage; pedestrian-oriented - entrances, walkways, plazas, landscaping, lighting, parking to side or rear of buildings; limited one vehicular entrance onto a public way unless additional access is required for public safety; provide access to adjacent public sidewalks and bike paths where applicable; and provide public, transit amenities where applicable - bus shelter, lighting, etc.
 - Ramsey showed a map of example sites where a PUD could potentially be located in the future.
 - Regarding the PUD Review Procedures, a site plan review and Special Permit granted by the Planning Board is required. The submittal must include color elevations or proposed new construction and renovations, drawings of proposed lighting, signs, pedestrian identities and location on the site, landscaping plan including existing and proposed vegetation, and traffic impacts on surrounding streets and intersections.

Discussion:

Flag Lots

Jensen: I think Flag Lots ought to be allowed somehow. I think the idea of frontage development, which is a single limiting factor in Montague, has to be looked at and dealt with. Our issues aren't in the residential area. Our critical development issues are what's going to happen to the farmland.

OSRD

Jensen: I've always thought that when you're trying to promote a clustered development, that the main incentive is the savings on the infrastructure and the roadway development, which is usually cost-driven by a frontage requirement of some sort. My sense is if you're designing essentially a subdivision on an open space lot, the true important factors are going to be lot area and access. So frontage to me is a manipulation that in a sense will be defeating the very purpose of trying to do it. I would suggest that you look at area and access. If you define those, you will have a much more flexible, workable thing; and I think a lot of this can be the rules and regulations, the conditions and other things that can go into our subdivision regulations where you're really considering design parameters and just put in the zoning portion, the enabling part. I think one of the arguments against these things is they're incredibly convoluted, they're very design-sensitive, there are conditions that contradict each other because you've got a long wash list of what you think you want; and really what you're looking for is creative design, and what the people across the table are looking for is affordable development requirements. I don't

think that all these heavy rule-makings belong here; they belong in subdivision, where flexibility is the order of the day in subdivision.

Ramsey: This Board is going to be working on the subdivision regulations over the next couple of months.

PUD

Jensen asked why the PUD can't be brought down to a more familiar scale. Sloan replied that there is some scale flexibility and with a smaller parcel, a smaller Planned Unit Development can conceivably be done. A woman in the audience expressed concern about how a PUD would change the property value of the surrounding properties. According to Sloan this is a Special Permit process, so the Planning Board would presumably look at factors in terms of compatibility with the adjacent land users and overall design. If it does not fit well with the neighborhood, the Planning Board would not grant a discretionary permit. They can also put conditions on it (i.e., hours of operation, lighting, etc.).

7:00 PM PUBLIC HEARING - Special Permit and Site Plan Review SP/SPR #2017-02 filed by Kearsarge Solar, LLC for a special permit and site plan approval under Montague Zoning Bylaws Section 5.2.6(c) and 8.2 (f) to permit the construction of a solar energy facility exceeding 3 acres in the Industrial Zoning District. The property is located off Turnpike Road on Assessors parcels 13-0068, 20-0-27, 21-0-006, 21-0-007 and 21-0-024. The property is owned by the Town of Montague and the applicant will construct, own and operate the solar facility in accordance with a lease agreement with the Town. The applicant proposes a 5.997 MW system impacting 34 acres. Votes may be taken.

The Planning Board was joined by Everett Tatelbaum from Kearsarge and Briony Angus from Tighe and Bond. Tatelbaum gave a quick summary of Kearsarge's plan for the solar project, followed by a presentation by Angus.

Angus: There are three separate distinct areas of proposed solar panels. We generally refer to them in the application as the east, central, and west array. The project cumulatively is a 6 megawatt project. We have on the east on the sanitary landfill, a portion of the project associated with the burn dump, and then a portion of the project to the west off the two landfills. The proposed work on the burn dump, that landfill is currently not closed and capped in accordance with DEP regulations, and Tighe and Bond is currently separately working with the Town and DEP to figure out a solution for closing that in an economically feasible way. If that is successful, the solar project will extend to that portion of the area. We are requesting the Board to review the project as a whole. In terms of the existing site, Tighe and Bond has spent a lot of time doing a wetland delineation. There are resource areas surrounding the landfills and the project site. The project will not result in any wetland impacts. We do have buffer zone impacts, and we will be seeking an Order of Conditions for the buffer zone work from the Conservation Commission. Main access to the site is from Sandy Lane, and there are a series of proposed 12-foot gravel access roads associated with the project. Portions of the project on the landfills will be ballasted. There won't be any penetrations into the landfill caps. It will be concrete block ballasts that sit right on top of the landfills. There's a pretty extensive permitting process with DEP through the post-closure permit process for these two areas. The portion of the project that is not on a landfill will be driven. Underneath all of the arrays, it will just be reseeded with low-growing grass seed vegetation. The only impervious services associated with the project are the small equipment pads associated with each of the arrays. Each of the arrays will be fenced to provide security in compliance with electric code requirements, and there will be a space outside of the fence to continue to provide pedestrian access. Kearsarge will develop, construct, own, operate, and maintain the system. They are entering into a land lease and an agreement for the sale of electricity with the Town. They will be responsible for vegetation management on the landfill and inside the non-landfill portion. There is a

detailed operation and maintenance plan in the application. Through their lease with the Town, Kearsarge is required to provide a decommissioning plan. At the end of the life of the lease, Kearsarge is responsible for removing all the system and restoring the site to its preconstruction condition. There's also a financial surety that will be negotiated through the lease in the case that Kearsarge isn't around to pay for those decommissioning costs. Our application addresses each of the site plan review criteria and the design criteria for solar projects. A full storm water management report was provided with the application and will be reviewed by the Conservation Commission as well.

Ramsey: I had reviewed this plan with the Fire Chief and he approved it and is okay with the access. Standard procedure, he would be provided with a copy of the shut-down procedures. I also met with Judd Wire, a large abutter, and they didn't have any major concerns about the proposal. They did want to be a part of a preconstruction conference to make sure that dust control measures are in place. I met with a number of residential abutters. The biggest concern I heard was concerns about the loss of trees and the loss of recreational trails.

Discussion ensued about the buffer between the neighborhood and the solar array. According to Angus, the site is industrially zoned and setbacks for the solar array are the same as underlying zoning district. There will be a 25-foot front yard, 15-foot side, and 30-foot rear setback. Young asked about the vegetative buffer, and Angus replied that she did not see any requirements for vegetative screening on setbacks in the Bylaw.

Ramsey: The array is not visible from any public roadways other than the very end of Sandy Lane where the dog shelter is. I want to cite what we have in our regulations. "An 8-foot security fence shall be installed no closer to a property line than the setback required for a principal building. In addition the site and its fencing shall be screened by buffering vegetation from general view of the surrounding ground level unless the Board determines that there is no public benefit from such screening."

Other topics discussed included the chain link fence that will be installed around the array, the impact of the solar array on future development potential, the extent of the tree removal, and the potential for slide-slope failure. Concern about aesthetics was expressed by some residents who live north of the site. Young suggested planting several rows of coniferous trees to eliminate the view of the fence.

Ramsey: To be clear, this is a site plan review process, so there is some flexibility that remains still, particularly when one talks about aesthetic concerns and access. It sounds like we want to see a proposal for buffering the entire north section of the array, and a revised access plan. The Planning Board has the authority to require decommissioning surety. In this project, Kearsarge is negotiating a lease with the Selectmen and a major part of that lease is the decommissioning, and there will be a decommissioning surety through that process, so I'm going to propose that this Board waive it and let the Selectmen handle that.

Motion by B. Young to continue the hearing on April 25 at 7:00 PM. Bowman seconded, unanimously approved. Obear - Aye, Young - Aye, Sicard - Aye, Cooke - Aye, Bowman - Aye

Subdivision Approval Not Required Endorsement (ANR) #2017-02 filed by Montague Board of Selectmen. Applicant seeks endorsement that the assembly of the following assessors parcels 13-0068, 20-0-27, 21-0-006, 21-0-007 and 21-0-024 (known as the Sandy Lane/Landfill Area) is not a subdivision because the plan does not show a division of land.

ANR #2017-02 filed by Montague Board of Selectmen was tabled.

Subdivision Approval Not Required Endorsement (ANR) #2017-01 filed by Samuel H. Lovejoy.
Applicant seeks endorsement that the creation of a new parcel from Assessors Map 52 Lot 58 located at Ripley Road AKA Chestnut Hill Road does not constitute a subdivision because every lot shown on the proposed plan has sufficient frontage and access as is presently required in the Montague Zoning Bylaws

Motion by B. Young to endorse ANR 2017-01. Bowman seconded, unanimously approved. Obear - Aye, Young - Aye, Sicard - Aye, Cooke - Aye, Bowman - Aye

Planner Report:

Planner reported receipt of landowner initiated petition for Zoning Map Amendment to rezone St. Andrew’s Church from Selectboard. Planner will schedule public hearing.

Motion by Fred Bowman at 8:47 PM to adjourn the meeting. Seconded by Bob Obear. **Motion passed unanimously.**

Approved by: _____ Date: _____