

# 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 25, 2018 7:00 PM**

Town Hall – Second Floor Meeting Room

One Avenue A

Turners Falls, MA 01376

## MEETING MINUTES

**Members Present,** Ron Sicard, Fred Bowman, George Cooke, Elizabeth Irving and Matt Lord – Associate Member

**Members Absent:** Bob Obear

**Staff Present:** Walter Ramsey-Town Planner

**Meeting was opened by Ron Sicard at 7:02 PM**

Chair Ron Sicard and the Board extended a welcome to Matt Lord who joins the Planning Board as an Associate Member.

### **Approval of Minutes:**

**Motion** by George Cooke to approve the August 28, 2018 minutes. **Seconded** by Elizabeth Irving. **All approved.**

### **Zoning Bylaw Update Workshop:**

#### Opportunity for public feedback

Elizabeth Irving received an email comment from Jen Audley regarding the definition of “family”. She feels that it is not the Town’s position to define a family and how it is now viewed today. The definition was reviewed. Walter believes that that current definition is consistent with the state law. Elizabeth will review the state laws and follow up with the concerned resident. Walter will flag this for counsel to review.

The Planner then reviewed areas that are recommended for change based on feedback and comments received since the last meeting

#### Solar Energy Installations and facilities

Walter reviewed the bylaws with the Energy Committee and proposed new definitions to ground mounted installation and facilities.

**GROUND MOUNTED SOLAR ENERGY INSTALLATION:** A solar energy installation that is mounted on the ground, either directly or on supports which do not constitute a building under the building code. This includes all equipment, machinery, and structures utilized in connection with the conversion of solar energy into electrical power. These are sized primarily to produce electricity to be consumed at the site of generation, up to 125% of the demonstrated peak energy demand which is meant to be the highest electric load measured on any day during the 24 month time period prior to submission of application.

These will be allowed in all districts except NB and CB where they are allowed by Special Permit. The Energy Committee recommends that they be by right in the Residential District and the Planning Board agreed.

SOLAR ENERGY FACILITY: a ground-mounted solar energy installation that is sized to exceed 125% of on-site energy demand or otherwise exceeds 2,000 square feet of panel surface area. Solar Energy Facilities shall not constitute a Public Utility for the purposes of this bylaw

### Zoning Board of Appeals

Establish powers of the ZBA. The ZBA shall adopt rules governing the conduct of its business and shall place said rules on file with the Town Clerk. The ZBA shall have the following powers:

Appeals, Special Permits and Variances to authorize upon application a variation from the terms of this Zoning Bylaw except that no variation to the district boundaries or uses permitted therein shall be allowed.

### Planning Board

Establish powers of the Planning Board. The Planning Board shall adopt rules governing the conduct of its business and shall place said rules on file with the Town Clerk. The Planning Board shall have the power to hear and decide application for special permits as provided in the Zoning Bylaws – Section 9

### Accessory Uses

In order to allow ease of use and highlight what an accessory use is the following accessory uses have specific requirements in Section 8 – Special Regulations:

Trailers, Mobile Homes, and Campers – Section 8.1

Home Occupations – Section 8.3

Boarding of Animals – Section 8.4

Accessory Dwelling Units – Section 8.5

Solar Energy Installations – Section 8.10

### Trailer, Mobile Home and Camper Regulations

Proposing a change in the title to reflect what is actually in the section.

The only Change is under 8.1.3 (a) The owner of land may permit occupancy by a guest, using a mobile home or camper, for living purposes, for a period not to exceed 90 days in a calendar year, provided that a permit shall first be obtained from the Board of Health if such occupancy exceeds 30 days.

### Boarding of Animals

This proposed new section was requested by Christopher Rice, Montague Building Inspector due to the increase number of homesteading in residential areas which leads to a new for firmer regulations. All structures have to comply with minimum dimensional requirements as an accessory structure and have to be located 100 feet from any abutting building and stormwater runoff and compost area shall be contained on the premises and must be maintained to control dust and odor so as to not constitute a nuisance or a safety hazard.

Elizabeth Irving suggested adding llamas and alpacas to the list of livestock

Matt Lord: asked if this goes against a right to farm bylaw (reasonable agricultural and farming practices) which is not explicitly for commercial businesses. So, in fact you have a right to farm community in any district which is the purpose of the right to farm bylaw. If you are trying to take away the nuisances problems including the noises, foul orders the right to farm allows this for good or bad. Walter will review for consistency with RTF bylaw.

## **8.4 Boarding of Animals**

### 8.4.1 Purpose

The purpose of this section is to encourage homesteading and boarding of animals in a manner promotes the welfare of animals and minimizes nuisance to densely developed neighborhoods.

#### 8.4.2 Definitions

**KENNEL:** A Structure used for the harboring and/or care of more than four (4) dogs, cats, or other pets that are more than twelve (12) months old, whether commercially operated or not, except for farm dogs used for herding or protection of livestock from predators

**LIVESTOCK:** All cattle or animals of the bovine species; all horses, mules, burros, and asses or animals of the equine species; all llamas or animals of the camelid species; all goats or animals of the caprine species; all swine or animals of the porcine species; and all sheep or animals of the ovine species.

**POULTRY:** Any domesticated fowl, including, but not limited to chickens, ducks, geese, turkeys, and pheasants (including peafowl)

#### 8.4.3 Keeping of livestock

The raising or keeping of livestock for pets or for use by residents of the premises but not for commercial purposes is permitted on residential parcels with a single family or two family dwelling as follows:

- (a) The keeping of livestock is allowed by right in Rural Business and all Agriculture Forestry Districts. A Special Permit is required to keep livestock in the RS-1 and RS-2 District. The SPGA may impose a limit on the number of livestock animals that may be kept on the property as a condition of approval of a special permit.
- (b) All structures housing or sheltering livestock must comply with minimal dimensional requirements of Section §5.5.2 of the Bylaws and must be located a minimum of 100 feet from any abutting residence, business, school, or church (the principal structure, not the property line or accessory structure).
- (c) All stormwater runoff from the pen or paddock and compost area shall be contained on the premises and must be maintained to control dust and odor so as to not constitute a nuisance or safety hazard.
- (d) In all districts for parcels of 5 or more acres, if the keeping of livestock is an agricultural use, then the provisions of this section shall not apply.

#### 8.4.4 Keeping of poultry

The raising or keeping of poultry for pets or for use by residents of the premises but not for commercial purposes is permitted on residential parcels with a single family or two family dwelling as follows:

- (a) In all districts, the keeping of no more than 6 female adult chickens or 4 of any other poultry is permitted without a special permit. This limitation does not apply to properties in the Agricultural-Forestry or Rural Business Districts.
- (b) The structures housing or sheltering the poultry must comply with the minimal dimensional requirements of Section §5.5.2 of the Bylaws and must be located a minimum of 30 feet from any abutting residence, business, school, or church (the principal building, not the property line or accessory structure)
- (c) The poultry must be restricted to the property.
- (d) All stormwater runoff from the coop, run, and compost area shall be contained on the premises and must be maintained to control dust and odor so as to not constitute a nuisance or safety hazard.
- (e) In all districts, for parcels of 5 or more acres, if the keeping of poultry is an agricultural use, then the provisions of this section shall not apply.

#### 8.4.5 Kennels

Kennels are permitted by Special Permit in the Agriculture- Forestry Districts, Rural Business District and Industrial District provided the following standards are met:

- (a) Any structures housing the animals are either located in an area where sound will be buffered so as to not cause a disturbance to the neighborhood or the buildings are sound insulated and must be located a minimum of 100 feet from any abutting residence business, school, or church (the principal building, not the property line or accessory structure).
- (b) All animal wastes shall be collected and properly disposed of in a manner to prevent pollution of surface or groundwaters.
- (c) Dogs shall not be permitted to bark excessively at night (e.g. for periods longer than fifteen minutes) so as to create a nuisance.

The Board reviewed the handout prepared by the planner and offered helpful suggestions for readability.

**Consider vote to initiate petition to Selectboard to repeal existing bylaws and adopt new Zoning bylaws, as presented in latest draft:**

The board was satisfied with the draft as presented.

***Motion** by George Cooke to initiate a petition to the Selectboard. To initiate a zoning bylaw amendment to repeal the existing Zoning Bylaws and Map and to substitute them with new Zoning Bylaws and Map, as presented in the bylaw draft dated 9/26/2018 and the draft map dated 9/13/2018. **Seconded by Elizabeth Irving. All approved.***

**Check-in on next steps and public hearing schedule:**

After discussions it was determined that the public comment period for the proposed zoning bylaw and map changes will be accepted through Tuesday, November 27, 2018. A Public Hearing will be scheduled that night at the monthly meeting of the Planning Board at 7:00 PM.

**Planner Report:**

a) Topics not anticipated within the 48 hours of posting: None

***Motion** by Fred Bowman to adjourn the meeting at 8:00 pm. **Seconded by George Cooke. All approved.***

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