

Montague Planning Board

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November 27, 2018 6:30 PM

Town Hall – **Second Floor** Meeting Room

One Avenue A

Turners Falls, MA 01376

MEETING MINUTES

Members Present, Ron Sicard, Fred Bowman, Bob Obear, George Cooke, Elizabeth Irving and

Members Absent: Matt Lord – Associate Member

Staff Present: Walter Ramsey-Town Planner and Anne Stuart – Planning Clerk

Meeting was opened by Ron Sicard at 6:30 PM

Approval of October 23, 2018 Minutes: Minutes were not ready for approval. Tabled to December meeting.

Special Permit/Site Plan Review #2017-02 Modification Request from Kearsarge Solar, LLC to modify the approved plans for Special Permit/Site Plan Review #2017-02 in accordance with condition #5 (amendments to approve plans).

Proponents Present: Brian Huntley – Tighe & Bond, Everett Tatelbaum – Kearsarge Energy

The amended plans submitted to the Board modify the footprint and final design features for phase II of the solar project pertaining to the burn dump area (Central Array) The phase II array is proposed to be increased from .094 MW to 2.8 MW. The property is located off Turnpike Road and is identified as Assessors Map 21 Lot 6. The land is owned by the Town of Montague will be leased to Kearsarge.

Kearsarge Solar is working through DEP approvals regarding the landfill cap portion of the project. There amendments include an increase in the footprint of the solar including and a solar canopy system. According to Everett Tatlebaum, the reason for the change is because the cost estimates for the cap increased and therefore a need for more solar to offset the cost, not estimated at over \$2M. The current approved site plan was based on the proposed DPW being located between the burn dump and Sandy Lane. That proposal was scrapped by the town last year.

The gravel access road will have clear access and a public walkway which will have a vegetated screening along the fence line from the Franklin County Dog Pound to Judd Wire. There are no drainage issues and all previous grading has been removed. Brian Huntley summarized the updates to the stormwater management plan which was updated to address the regrading of the landfill cap and the use of swales for detention basins.

Paul Banas was present to represent Judd Wire. He expressed concern about traffic generated during construction. His main concern being safe crossing for Judd employees from the parking lot to the employee entrance. He was also concerned about keeping shipping lanes opened. Brian Huntley indicated that the solar construction should run about 3-4 months and the cap project is expected to take 2 months.

The Board reviewed the vegetated screening plans. Brian Huntley reported that there will be plantings (red cedar and blue juniper 2"-3" high) and 8 feet on center. Everett Tatelbaum commented that this is the industry standard surrounding plantings. Ron Sicard was concerned about the 8" spacing as inadequate for screening. Planner recommends 6 feet on center. Planner recommends that in order to achieve this density- less relevant plantings behind the solar canopy could be relocated to the access road where screening is an issue. Judd Wire and the applicant were supportive of these ideas. The Board concurred.

George Cooke suggested screening on the west side of the array as there is a concern with the proposed Industrial Park. Walter Ramsey stated that there is no time certain plan for that future use. Screening the currently wooded area now would be impractical and cost prohibitive for the project. Planner suggested that the issue be revisited if and when industrial development is proposed behind the transfer station. Kearsarge agreed to revisit this matter in good faith at some point in the future industrial development is proposed.

Motion by Ron Sicard to make a finding that the proposed amendments pertaining to the burn dump (central) array, specifically increasing its size from 0.94 MW (DC) to 2.8 MW (DC), have been reviewed in accordance with Special Condition #5 of the SP 2017-02 and is found to be generally within the scope of the approved project and consistent with the existing findings and conditions. Seconded by Bob Obear. **Motion passes.**

Motion by Ron Sicard to approve the amended plans dated October 2018 and application dated November 2018 and to include these documents in the permanent file for SP 2017-02. Seconded by Bob Obear. Roll Call: Obear- AYE, Cooke- AYE, Bowman- AYE, Irving- AYE, Sicard- AYE. **Motion passes.**

Ron Sicard directed the Town Planner to ensure open communication with Judd Wire regarding the implementation of the project given the construction traffic and the impact on shift changes, safety issues and deliveries for the business. Walter will provide weekly construction updates that are prepared by the applicant to Judd Wire.

PUBLIC HEARING Zone Change Repeal and Replacement of Montague Zoning Bylaws and Map ZC #2018-02. The purpose of the public hearing is to provide interested parties with an opportunity to comment on the proposed changes to the Montague Zoning Bylaws and Map. The Proposed petition is to see if the town will vote to repeal the existing Zoning Bylaws and Official Zoning Map and to replace them with new Zoning Bylaws and Official Zoning Map, as presented in the bylaw draft dated 9/26/2018 and the draft Zoning Map dated 10/24/2018. The bylaws have been reorganized and changes are proposed to each section and several new sections are proposed.

Ron Sicard opened the hearing and noted that MCTV had begun to tape the proceedings. The Board and staff were introduced to the audience which consisted of approximately 10 people.

Walter Ramsey gave a brief overview that the reason for the changes is to update to be consistent with long standing practices and principals. The regulations will give a clear vision of town development along with streamlining the process so that applicant will not have to go in front of two boards. After the public hearing it will go to the Town Meeting and would need a 2/3rds vote to pass.

Walter reported on hearing outreach:

- Legal Ads in The Montague Reporter and The Greenfield Recorder
- Kiosk in first floor of town hall

- Posting on front page of town website
- Interview in Montague Reporter
- Press release to local media outlets
- Email to over 200 Stakeholders (residents and business owners)
- Interviews with Department Heads
- Planner attendance at Zoning Board of Appeals, Energy Committee, Conservation. EDIC and Selectboard meetings to review the changes

Review of written comments: 7 People provided written comments. Those are included as an exhibit to these minutes and are summarized in the written comment spreadsheet prepared by the planner. Over 29 comments were recorded. Walter summarized them for the board and distributed the written comments.

Ron Sicard opened up the floor for public comment.

Public Comments:

- Dave Jensen, resident:
 - Accessory Apartments if not titled as such then they will not be following housing code
 - Adding the requirement for septic systems for accessory apartment can be a huge undertaking along that there are some private wells. This section needs a bit of reworking as it stands.
 - There are jurisdictional issues regarding animals that are usually under the Board of Health and due to the zoning issues a Building Inspector would be involved. Banning livestock from residential areas would generally be the way to go.
- Gina McNeely, Director of Health- Update “Earth Removal” to allow a soil scientist to evaluate water table rather than requiring an Engineer or Architect. Board was amenable to this.
- Katya Williford, resident – questioned jurisdiction of health issues surrounding animals. Shouldn’t it be a Board of Health issue rather than a zoning issue? How did Montague get designated a Right to Farm Community and when did the designation happen? How did the Town arrive at the figure of 6 chickens? Shouldn’t your lot space determine the chicken count? Ms. Williford raises chickens for educational purposes and is not done for cost savings. She indicated the Special Permit is a considerable barrier in terms of cost (\$100+) and process for urban homesteaders like her. *Walter Ramsey – Town Planner This bylaw pertains to the keeping of chickens and livestock “as pets or for use by residents of the premises but not for commercial purposes”. Except for the most densely developed areas of town, residents can keep chickens and livestock. The Right to farm bylaw, passed in 2011, gives deference to agricultural activities as allowed by the Zoning Bylaws, but the proposed bylaws are intended to promote the spirit of providing everyone with the right to farm or homestead. The bylaws are currently silent on these matters and it has led to confusion for residents and enforcement. The proposed bylaws attempt to liberalize the keeping of chickens and livestock provided that certain performance standards are met to mitigate impacts to the neighborhood. These bylaws will not supersede and any existing Board of Health nuisance regulations.* Sean Mahoney suggested language about proper management of waste from livestock and chickens.
- Kathy Collings, resident – inquired about accessory dwellings that would be detached from a house and located above a garage in new construction situation. Would there be allowed? Is there a height limit? *Walter Ramsey – under the proposed bylaws a special permit could be obtained and the permit would run with the land and not with the owner. Walter Ramsey*

suggested that Board may consider limiting the height of accessory structures to be less than or equal to the primary structure. The Board cautioned against this approach Ron Sicard noted that there are many barns that exceed the height of the dwelling.

- *Sean Mahoney, resident – why is there a 900 square foot limit to Accessory? Walter Ramsey stated so that they are accessory to a primary use and are not considered a two-family dwelling. David Jensen commented that the law dictates the bedroom square footage. David Jensen believes if you can't regulate the bedroom size then Accessory Dwellings should be limited to 700 square feet. Town Counsel said not to regulate by number of bedrooms but by square footage.*
- *Judith Loreli, cemetery commissioner – Wanted clarification of where cemeteries are allowed. Walter stated that they are currently allowed in public/semi-public along with churches. The proposal is to allow cemeteries by Special Permit in (AF & RS districts) going forward. He observed that this greatly expands the universe for potential future cemeteries if needed. Certain cemeteries are exempt by Dover Amendment.*
- *Jackie Stein, resident – Inquired about the solar bylaws. Walter Ramsey – putting solar on roof tops and solar canopies is allowed by right. There has been much debate about how to regulate accessory ground mounts. Central Business (CB) and Neighborhood Business (NB) would require a special permit. The current proposal is allowed “demonstrated peak demand” by right in other districts. David Jensen objected to using “demand or production” as the threshold metric. He reiterated that “size” is what matters. The Board concurred. Walter will rework this section. For large scale- It is no longer allowed in RE and BG. Half the lot would have to be vegetated to disincentive “green space” solar. Bylaws were developed with consultation with Energy Committee.*
- *Sean Mahoney- why is the Historic-Industrial area not an overlay district? Walter Ramsey stated that Historic Industrial has its own distinct zoning district as of 2004 Overlay not needed.*
- *Jen Audley – inquired about the process for the bylaw and map changes. Walter Ramsey – The Planning Board hopes to have the final changes ready for Town Meeting in February. Planner has cleared with council the fact that changes can be made and without need for future hearings, based on the broad language in the initial hearing notice.*
- *Walter reviewed comments that came from Town Counsel using track changes in the public comment draft 11/27/2018.*

Walter will have dozens of changes to make, so it is advisable that the hearing be continued.

Ron Sicard asked for a motion to continue the hearing ZC #2018-02 to the December 16, 2018 Planning Board meeting at 6:30pm

Motion by Bob Obear to continue public hearing Zone Change Repeal and Replacement of Montague Zoning Bylaws and Map ZC #2018-02 to December 18, 2018 at 6:30 PM. Seconded by Elizabeth Irving.
Motion passes

Motion by Bob Obear to adjourn the meeting at 9:02 pm. Seconded by Elizabeth Irving. **All approved.**

Approved by: _____ Date: _____

Exhibits:

- Sign-in Sheet

- Written comments from David Jensen, Council of Aging, Firstlight Power, Cinda Jones, Jeanne Weintraub-Mason, Energy Committee, Health Director, Building Inspector, ZBA, and GMRSD Superintendent.
- Comment spreadsheet
- Public Comment Draft of Zoning Bylaws dated 11/27/2018