

# Montague Planning Board

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**January 15, 2019 6:30 PM**

Town Hall – **Second Floor** Meeting Room

One Avenue A

Turners Falls, MA 01376

## **MEETING MINUTES**

**Members Present:** Ron Sicard (Chair), George Cooke, Bob Obear, Elizabeth Irving and Matt Lord – Associate Member, Fred Bowman

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

Meeting was opened by Ron Sicard, Chair at 6:31 PM.

### **Approval of Minutes:**

**Motion** by Ron Sicard to approve the November 2018 Minutes as presented. Seconded by Elizabeth Irving. **Motion passes**

**Motion** by Ron Sicard to approve the December 2018 Minutes as presented. Seconded by Elizabeth Irving. **Motion passes**

**6:33 PUBLIC HEARING Special Permit #2019-01- For Application by Robert L. Savage for a special permit in accordance with Montague Zoning Bylaws Sec. 6.3.2 to allow a Common Driveway at 10 Industrial Boulevard.** The existing drive will serve two existing buildings that are proposed to be subdivided. The property is identified as Assessors Map 17 Lot 32 and is in the Industrial Zoning District. **Guest:** Andrew Steiner Associate Engineer – SVE Associates Brattleboro VT.

Steiner: Plan Review/Special Permit #2015-01 was approved to allow the construction of a 7,300 square foot warehouse/office building in addition to the existing 6,800 square foot building at 10 Industrial Boulevard. That was completed in compliance with the approved plans in 2015. The owner, Robert Savage is now looking to divide the single lot into individual lots for the two buildings. In order to maintain access they are looking for permission to make the existing driveway into a common driveway. No new improvements are proposed. The common drive will be between 20 and 24 feet in width. Guidelines are for 40 feet in width.

Ramsey: I did a review of the past Site Plan Review/Special Permit #2015-01 and they have met all the conditions, which would allow them to proceed with this request. The two proposed lots have adequate access as defined in the Montague Subdivision Regulations and could in theory have their own driveway; however use of the existing driveway as a common drive will decrease impacts to the Airport Industrial Park neighborhood by promoting site line safety, limiting curb cuts, and protecting the leafy office park aesthetic. Due to the existing underground utility connections and other unique site characteristics, Ramsey recommended that the Board waive minimum easement width of 40 feet.

**Motion** by Ron Sicard to close the public hearing for Special Permit SP#2019-01. Seconded by Bob Obear. **Motion Passes.**

**Motion** by George Cooke to grant a special permit SP#2019-01 to Robert Savage of 128 Lower Road, Deerfield, MA to allow a common driveway to benefit two properties at 10 Industrial Boulevard (Assessor's Map 17 Lot 32) in accordance with Montague Zoning Bylaws Section 6.3.2 subject to the following conditions:

1. The special permit and maintenance covenant shall be recorded on the deeds of all lots served by the Common Driveway
2. The lot owners shall never request the Town of Montague to maintain, or plow the Common Driveway, as it is the intent that the Common Driveway shall be a private easement and shall never be considered or accepted as a public way or private way open to the public.
3. Under no circumstances shall the Town of Montague be held liable in the event that emergency vehicles cannot get to their destination because of improper construction or maintenance of the driveway.

**Roll Call Vote as follows:**

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| 1. <u>Ron Sicard, Chair - Aye</u> | 3. <u>George Cooke - Aye</u>    |
| 2. <u>Elizabeth Irving - Aye</u>  | 4. <u>Frederic Bowman - Aye</u> |
| 5. <u>Robert Obear - Aye</u>      |                                 |

Motion Passed.

**Approval Not Required Subdivision Endorsement (ANR) #2018-07** filed by Robert L. Savage to subdivide 2.31 acre property at 10 Industrial Boulevard in Turners Falls, MA into two lots. The property is identified as Assessors Map 17 Lot 32.

This is a companion to the Special Permit SP #2019-01 and Walter reiterated that there is adequate frontage and access to the site thus meeting all the Town of Montague's Subdivision requirements.

**Motion** by George Cooke to endorse ANR #2018-07 filed by Robert L. Savage to subdivide a 2.31 acre property at 10 Industrial Boulevard in Turners Falls, MA into two lots because said lots have adequate frontage and access to a public way in the Town of Montague. Seconded by Bob Obear. **Motion Passes.**

**INFORMATIONAL HEARING- Davis Street Property-**The Montague Planning Board will hold an informational hearing on a proposal from the Montague Planning Department to subdivide three 0.4 acre parcels from municipal land along Davis Street that are leased to the Gill-Montague School District for the purpose of developing up to three affordable owner-occupied single family homes. Following public feedback the Planning Board will make an advisory recommendation to the Selectboard. The property proposed to be subdivided is identified as Assessors Map 6 Lot 325.

Walter Ramsey gave a statement and noted that increasing the amount of affordable, owner occupied housing was a key goal in the Town of Montague's 2015 housing plan, and that the town was below the 10% threshold for housing mandated by state law. The underutilized land on the edge of a larger parcel seemed a good location for three housing units. Walter Ramsey gave some background information regarding the re-use of the 1.2 acre property. There is a 15 year lease on the property that is held by the Town of Montague and that will be coming due soon. With that information Steve Ellis, the Town Administrator had asked Walter Ramsey and the Planning Board to look into other possible uses of the land. The hearing is to have discussions surrounding the re-use of the property now that the concerns have been heard regarding the housing proposal that would have provide housing for the income levels of teachers and police officers and would match the surrounding single family homes.

There was a neighborhood petition sent around and submitted for public comments during that January 7, 2019 Selectboard meeting. Many in attendance said that the space is used by the pop warner football and

cheerleading practice. The proposal also would block the view of open space in the neighborhood. Many people walk their dogs on the field, despite it not being allowed. Many of the folks in attendance voiced support for affordable housing but felt that the Davis Street location was not the place to put it.

Comments included:

Katherine Burgin –walks past the field 3 to 4 times a day while walking her young child to and from school. She has spent a lot of her life gathering wild foods and she said there are a lot rare fungi and lichens growing on the field unlike anything she has seen in the area. She wants to save the fungi growing in the old baseball field.

Andrea Chesnes – spoke on the positive side of affordable housing as she purchased an affordable home through Habitat for Humanity said it allowed her to be a homeowner, business owner, active citizen. The opportunity has changed her life and been such a gift.

Neal Grover - 16 Keith Street says the fields are used for the school activities and would like to see it remain open space. He also had concerns that if houses were to be built that there would be a need to check the water pressure as he has low water pressure.

Russell Dean - 37 year resident of 9 Burnett Street – Has concerns with the impact of taxes, on a fixed income and impact on the schools. Walter relied that the 3 houses could be on the tax role and each contribute approximate \$10,000 - \$12,000 a year of revenue to the Town.

Eileen Bedaw – in terms of the proposed housing is it only for Habitat for Humanity or could someone else do a proposal to bid. Ron Sicard responded that it would be at it would be an open competitive bid process and open to contractors and others.

Jen Audley – Gill Montague School Community Partnership noted that if the housing plan was rejected and the property was lease to the school district again, the lease should ensure that the space remain for public use. Jen state that the neighborhood really does use the space and that depending on the terms of the lease they would have the right to dictate how the space is used and what access there is to it.

Mary Lou Emond – believes in subsidized housing but that the Davis Street area is not the place. She would like to see the use continue to be recreation and in the future to have the resources be used for the construction of tennis courts, play area and an open park.

**Motion** by Fred Bowman to close the hearing. Seconded by Bob Obear. **Motion passes.**

The Board discussed that there is a clear disconnect between residents understanding between low income and affordable housing. The Board felt the proposal would be good use of the land, but would face considerable political headwinds from NIMBY opposition. The Board suggested the planner to reconsider a town-wide strategy to address affordable housing. They also discussed a recommendation that the Selectboard the property should be retained for public use.

**Motion** by George Cooke to not recommend a change of use designation or subdivision of Map 6 Lot 325 at this time and to add a recommendation that Map 6 Lot 325 to be maintained for public use in the lease. Seconded by Fred Bowman. **Motion passes.**

**Zoning Bylaw Workshop-** Consider zoning hearing comments from public Hearing Process and public comment period, Consider amendments based on feedback. Amendments are proposed for the following sections: Definitions, Uses, Historic-Industrial District, Recreation-Education District, Multiple Principle

Uses, Dimensional Requirements, Water Supply Protection District, Signs, Parking, Loading, Trailers, Home Occupations, Boarding of Animals, Accessory Apartments, and Business Uses in Neighborhood Business, Solar, Open Space Residential Development and the Zoning Map. The Board will review the draft dated 1.9.2019 (available at [www.montague-ma.gov](http://www.montague-ma.gov)).

Town Planner presented his recommended changes to Zoning Bylaws incorporating Public Feedback at public hearings in November and December

### **Definitions**

- Section 2 Remove definition of “Family”. Redefine Dwelling Unit to “living quarters for single household with cooking, living, sanitary and sleeping facilities, independent of any other unit. Define 1, 2 and multi-family units.

### **Uses**

- Reorganize section so that uses that “prohibited” and “permitted in all districts” are separate from individual districts. Move Section 8.7 (standards for Business in NB) into 5.2. for clarity and to remove references.

### **Historic-Industrial**

- 5.2.10 (d)- language pertaining to demolition of structures in the HI District

### **Multiple Principle Uses**

- New buildings require a Special Permit from the Planning Board (previously by right). This is common practice AND incentivizes the Planned Unit Development. Developments that meet the applicability and dimensional standards of a PUD are now required to follow PUD bylaws.

### **Dimensional**

- 5.5.1- require additional 5,000 square feet per dwelling unit beyond first in RS-1 District, per ZBA comments
- 5.5.1- requires additional 5,000 square feet per dwelling unit beyond first in RS-2 District (instead of additional 22,500).
- 5.5.1- reduce side yard setback in RB from 50 to 15 feet
- 5.5.1- no minimum frontage OR area requirement for CB, GB, HI. No frontage in ID
- 5.5.3-allow lot size and frontage relief for lots that are connected to municipal water/sewer

### **Water Supply Protection District**

- 6.3.3 (c)- define Montague Center Interim Wellhead Supply Area at 1,500 foot radius rather than 2,640 to align with DEP regulations

### **Signs**

- 7.1.4- 12 square feet for church, schools, or public facilities in AF and RS
- 7.1.4 – max sign size of 24 square feet in CB and NB. One building sign AND one perpendicular building sign up OR one portable A frame up to 6 feet in size
- 7.1.4- 32 square feet cumulative limit in RB, GB, HI, ID (instead of two 32 square foot signs)
- 7.1.5- allow internally lit signs in CB by Special Permit (in addition to GB and HI)
- 7.1.6- Non-Conforming Signs- clarify ambiguity around “replacement” by removing section
- 7.1.7 (b)- remove 2 square foot limit on Open/closed signs to not prohibit the popular “open” flags.
- 7.1.7 (d) ii- tag sale signs allowed during the preceding 48 hours.

### **Parking**

- 7.2- Reorganization of “applicability”, and “Parking Design Standards for Lots With 10 or More Spaces”- better integrated with existing site plan review thresholds.

### **Loading**

- 7.3-add language: “Loading facilities in the CB and NB should maximize the use of existing alleyways”.

### **Trailers**

- 8.1.3- replacement of pre-existing mobile home requires administrative approval by the Building Inspector

### **Boarding of Animals**

- 8.4.4- Remove limit on # of poultry. Simply Prohibit Roosters and retain the performance standards. Remove reference to single and two-family homes.

### **Accessory Apartments**

- 8.5- Title them “Accessory Apartments” not “Accessory Dwelling Units”
- 8.5.5(g) remove limits on # of bedrooms and # of occupants in Accessory Apartments per counsel.
- Retain BI as authority for interior accessory apartments. Current Inspector agrees. Site Plan Review is comparable barrier to Special Permit.
- Regs have been streamlined per 12/18 discussion- now utilities and water supply shall be integrated with the single family dwelling

### **Business Use in Neighborhood Business**

- 8.7.2(f)- firmed up language pertaining to exterior changes in the Neighborhood Business District

### **Solar**

- 8.10.2- Definitions of Solar installations and facilities. Define a solar energy facility as one that exceeds 2,000 square feet of panel surface area. Any Canopy is considered “building mounted”
- 8.10.4- Special Permit required for all accessory solar ground mounts in NB and CB. SP over 150 sqft in RS-1, 350 in all other districts

### **Zoning Map-**

- Zone all Firstlight Land around Cabot Woods and the Canal Dike as Industrial instead of AF

### **Open Space Residential Development**

- 8.12.4 (e)- The amount of land preserved may be reduced (below 40%) by Special Permit where the lot is connected to municipal water and sewer.

**Motion** by George Cooke to accept the Town Planner’s proposed changes summarized in the memo dated 1/9/2019. Seconded by Elizabeth Irving. **Motion passes.**

**Motion** by George Cooke to accept draft of the Zoning Bylaws and Map, drafted 1/10/2018. Seconded by Elizabeth Irving. **Motion passes.**

**Motion** by George Cooke to recommend that Town Meeting vote in favor of repealing the existing zoning bylaws and map and replacing them with new official zoning bylaws and map dated January 10, 2019. Seconded by Elizabeth Irving. **Motion passes.**

The Board made the following findings in support of their decision:

- The current bylaws have been incrementally amended since adoption in 1973. As a result, the current bylaws and map are partially outdated and not entirely consistent with the Massachusetts Zoning Act MGL Ch40A, as well as some established planning principles. The Board agrees with town officials that the current bylaws are poorly organized and difficult to administer and that the proposed bylaws and map will address these issues.
- The proposed bylaws and map are intended to advance the goals and objectives identified by the community through its various planning processes including the Open Space and Recreation Plan (2017), Housing Plan (2015), Comprehensive Plan (1999), Multi-Hazard Mitigation Plan (2014), and the Turners Falls Livability Plan (2013).

***Roll Call Vote as follows:***

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| 1. <u>Ron Sicard, Chair - Aye</u> | 3. <u>George Cooke - Aye</u>    |
| 2. <u>Elizabeth Irving - Aye</u>  | 4. <u>Frederic Bowman - Aye</u> |
| 5. <u>Robert Obear – Aye</u>      |                                 |

**Planner's Report**

**a) Letter of support for Spinner Park Improvement Project**

The Town of Montague is applying for a block grant for Spinner Park and would like a letter of support from the Planning Board for the 3<sup>rd</sup> phase of the CDBG in the past six years.

**Motion** by George Cooke to authorize Ron Sicard, Chairman to sign a letter of support for the Town's to the CDBG program for the Spinner Park Improvement Project. Seconded by Elizabeth Irving. **Motion passes.**

**b) Topic Not Anticipated – ANR 2019-01 Jane Paulin 369 Old Greenfield Road**

Carolyn Manley from LMF Construction is here tonight with Jane Paulin for the property located at 369 Old Greenfield Road. Property is zoned AF. Jane Paulin has a failed septic system which needs to be replaced. The ANR is so that the neighbor (brother) will give Jane Paulin a piece of land to allow for the proper placement of a new septic system. No change in lot access of frontage to either lot.

**Motion** by George Cook to endorse ANR #2019-01 filed by Jane Paulin because said lots have adequate frontage and access to a public way in the Town of Montague. Seconded by Elizabeth Irving. **Motion passes.**

**Motion** by Elizabeth Irving to adjourn at 8:44 PM. Seconded by Fred Bowman. **Motion passes.**

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

**Exhibits:**

Written Comments and petition for Davis Street.

Support Letter for Spinner Park

Certificate of Vote and Recommendation to Town Meeting: Planning Board Petition to Repeal and

Replace Official Zoning Map and Bylaws

369 Greenfield Road file