

# Montague Planning Board

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**April 27, 2021 6:30 PM**

*Meeting held remotely in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency*

## **MEETING MINUTES**

**Members Present:** Ron Sicard, George Cooke, Elizabeth Irving, Fred Bowman, Bob Obear, Matt Lord

**Absent:** None

**Staff:** Walter Ramsey- Town Planner

**6:30pm:** Ron Sicard opened the meeting. Approval of the March minutes were tabled because they were not ready for approval.

**6:32pm:** Zoning Workshop: Pollinator friendly changes to zoning bylaws and subdivision regulations  
Present: Peggy Sloan and Kimberly McPhee from FRCOG to discuss the regional pollinator action plan.

Kimberly MacPhee (FRCOG) discussed the regional pollinator action plan. There are 8 participating communities in the regional plan. She covered the importance of pollinators to food security and local food economy. Diversity of habitat including meadows, streams, rivers and farmlands are critical to supporting pollinators, including bees. Local land use decisions and conservation support pollinator habitat. Loss of habitat, use of pesticides, and parasites are the biggest danger. FRCOG is creating a tool kit and model language for a pollinator friendly land use bylaw. There will be a regional workshop in upcoming weeks. Planner will get an invite and share this information with the Board. Kimberly shows maps of specific areas in Turners Falls, Millers Falls, Lake Pleasant and Montague Center to support pollinator habitat. Peggy Sloan presented her recommendations for Montague bylaw amendments; ways to modify existing zoning bylaws to support pollinator habitat. Plant lists will be provided.

E. Erving comments that the plant lists will be helpful.

M. Lord asks about communities that have adopted this model. (P. Sloan: Bernardston is considering this model. Some states are ahead of us, including incentive programs.)

E. Irving comments that Williamstown has a beautiful, sharable plans.

Planner clarifies that the Board would have to petition the Select Board for zoning changes. That would precipitate a public hearing by the Board and ultimately a Town vote. Subdivision regulation updates would be a slightly different process.

**MOTION** by R. Sicard to direct the Planner to initiate the zoning amendment process for pollinator-friendly zoning bylaws with the Select Board. Second B. Obear. VOTE F. Bowman (AYE), G. Cooke (AYE), E. Irving (AYE), B. Obear (AYE), R. Sicard. **MOTION PASSES 6:50pm.**

Bob Obear recused himself from the forthcoming public hearing due to his business relationship with the applicant

**6:51 PUBLIC HEARING SP 2021-02** consider a petition by Obear Construction Company on behalf of William and Janice Hagara to amend the decision for Special Permit file # 04-05 issued 12/14/2005 regarding Condition #2 to allow the existing 1,174 sq. ft. garage at 530 Federal Street (Assessors Map 51- Lot 90) to be approved as an accessory apartment in compliance with § 8.5 of the Montague Zoning Bylaws.

Present: Bob Obear (contractor) Bill and Janice Hagara (property owners)

Planner: Applicants are in process of constructing a new single family house on the lot. They expect the house to be completed within the year. They would like their open, 1,100 square foot studio-garage be considered an accessory apartment under the zoning bylaws. The 2005 special permit allows a house to be built with access from Federal Street with a common driveway. The conditions of the 2005 permit stated that any additional housing units, home occupations or accessory apartments would need to be approved by the Planning Board. The owners are looking for a waiver on the 900 square feet current regulation since the garage exceeds that by 200 square feet. A new septic system has been sized for 5 bedroom. According to the written correspondence from the Health Director, is adequate for the load of the home and accessory dwelling. Property is zoned Rural Business and has a history of commercial uses (fish hatchery).

Mike Brown, Superintendent of the Turners Falls Water Department noted that the home is inside the water supply protection district. Planner notes that the use and scope of work is permissible by-right under that section of the zoning bylaw in this instance.

M. Lord inquired about the common driveway agreement to ensure consistency with the request. The planner found it in the file and read the text to Mr. Lord's satisfaction.

G. Cooke asks how close the new house is to the river. R. Obear responds that the house is greater than 200 from the river and is thus consistent with both Riverfront Protection Act and the special conditions of the 2005 permit.

Planner reminded the applicants that a deed restriction for accessory apartments must be filed at the Franklin County Registry.

No members of the public or duly notified abutters were present to share comments.

*E. Irving makes a **MOTION** to close the hearing. Seconded by F. Bowman. VOTE: G. Cooke (AYE), E. Irving (AYE), F. Bowman (AYE), R. Sicard. MOTION PASSES 7:12pm*

Planner presented a draft finding for review by the Board

Special Permit Condition #2 states "Approval to use the existing driveway to access the rear lot is for the purpose of one (1) new single-family residence only. Any other use, including but not limited to additional residential units or accessory apartment(s), home occupations or other commercial uses, shall require Special Permit approval of the Planning Board." The Board finds that an accessory apartment in addition to a single family home at this property is consistent with the zoning bylaws and will not result in traffic, hazard, congestion, or nuisance.

*E. Irving makes a **MOTION** to adopt the finding and amend the decision for Special Permit #04-05 Condition #2 to permit the existing structure at 530 Federal Street as a detached accessory apartment to a primary single family residence. approve the amendment. Seconded by F. Bowman. VOTE: G. Cooke (AYE), E. Irving (AYE), F. Bowman (AYE), R. Sicard (AYE), M. Lord (AYE). MOTION PASSED UNANIMOUSLY.*

Bob Obear rejoins the meeting following the vote.

George Cooke recuses himself from the next item due to his employer's role as the applicant's surveyor.

**7:13pm Subdivision Approval Not Required (ANR) #2021-03**, filed by Lawerence Richotte to combine two

parcels to form one undivided lot. The property is identified 24 Randall Road and as Assessor's Map 21 Lot 52 and 23.

Planner discusses the plan; an existing residential building with garage encroachments and storage containers. Applicants would like a full size lot that captures all of the structures. The land is coming from a 24 acre parcel owned by Donald Richotte. All lots would be conforming and with adequate frontage.

**MOTION** by R. Sicard accept ANR #2021-03, filed by Lawerence Richotte. The property is identified 24 Randall Road and as Assessor's Map 21 Lot 52 and 23. Seconded by B. Obear. VOTE: F. Bowman (AYE), B. Obear (AYE), E. Irving (AYE), M. Lord (AYE), R. Sicard (AYE) Motion Passes **7:31pm**. Chair will sign for the Board.

**Review and recommendation to town meeting regarding proposed Tree Bylaw**

The draft bylaws has gone to public hearing, Town council review and the Select Board. Town Meeting warrant in May.

M. Lord is not sure if the tree bylaws help property owners directly, but thinks it will encourage dialog with the tree warden.

R. Sicard thinks there is a lot of language and is concern it may be difficult to enforce. (Planner: It's mostly a reiteration of State regulations. It also sets up a revolving fund for trees, including penalties.)

M. Lord asks about the tone of the public use. (Planner: The bylaws are more of a tool to educate and engage than an enforcement tool.)

**MOTION** by R. Sicard to allows the Planner to make a general statement of support and appreciation behind the effort to adopt the Tree Protection Bylaw as presented. Seconded by E Irving. VOTE: F. Bowman (AYE), G. Cooke (AYE), B. Obear (AYE), E. Irving (AYE), M. Lord (AYE). VOTE Passes. **7:45pm**

E. Irving found her notes from the FRCOG 2019 Pollinator Workshop and discusses how the Great Barrington plan has been impactful with regard to their municipal vulnerability plan. She has a list of other participating communities.

Planner reports an upcoming meeting about the proposed bus garage/maintenance facility on Sandy Lane. Wednesday, May 12. Planner will send an invite. It will come up in the May or June Planning Board meeting.

E. Irving thanks the Board for sending her to the Citizen Planning Collaborative 40B workshop. Conversation about 40B projects pro, cons and what it could mean for Montague.

**MOTION** by B. Obear to ADJOURN. SECONDED by E. Irving. VOTE: F. Bowman (AYE), G. Cooke (AYE), B. Obear (AYE), E. Irving (AYE), M. Lord (AYE). VOTE Passes. Meeting adjourned **7:55pm**

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

Exhibit: FRCOG's proposed pollinator friendly zoning changes handout.