



TOWN OF  
**MONTAGUE**  
MASSACHUSETTS

TOWN HALL  
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Turners Falls, MA 01376

PLANNING BOARD  
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## MEETING MINUTES PLANNING BOARD

The Montague Planning Board  
Tuesday, November 26, 2024. This meeting was recorded.  
Annex Meeting room. Opened by the Chair. 6:31pm

### ROLL CALL:

Members Present: Ron Sicard, Elizabeth Irving, Bob Obear, George Cooke, Sam Guerin.  
Staff in attendance: Maureen Pollock, Town Planner and Conservation Agent  
Also in attendance: Sage Winter, Jill Ingham, Nicole Nemece, Eric Mendel (Green River Survey)

Approval of the Meeting Minutes from October 29, 2024 was tabled.

### DISCUSSION ITEMS:

#### **Accessory Dwelling Units– discuss possible zoning amendments to Section 8.5 under the Zoning Bylaw, to comply with the Affordable Homes Act, signed into law on August 6, 2024**

The Planner reviews the Affordable Housing Act, passed by the State including new legislation about Accessory Dwelling Units (ADUs). New law has removed the prohibition that the property is owner occupied. Other prohibitions have also been removed/updated related to parking. The Planner and Building Inspector have attended three webinars offered by EOHOC to understand the new legislation. The State is still fine-tuning the legislation, and the Town is expecting more findings soon. Starting February 2, 2025, State law will supersede local bylaw zonings.

The Planner had copies of the relevant Montague Bylaws available to the Board and edited them to eliminate and/or clarify definitions to make them compliant with new State law. The Planning Board reviews and discusses the proposed language changes. Sections discussed include bylaws related to entrance requirements, setbacks and relative size of ADUs related to the main building. There is an option to allow multiple ADUs to a single-family property with a Special Permit. Bob Bear thinks that multiple ADUs on a single-family lot would “ask for trouble.” Elizabeth Erving imagines two ADUs on a larger lot by Special Permit; the Planning Board would have a voice, the neighbors would have a say, the septic and wells would be considered...the cost associated would probably make this situation rare.

The Planner continues to discuss regulations regarding splitting a lot with an ADU; “thinking 20-30 years in the future, folks might want to split the lot.” The point of the new ADU legislation is to not split lots. Elisabeth Irving does not love the idea of future legislation. George Cook gives the example of someone who owns 50 acres and the ADU meets dimensional requirements. Bob Obear thinks that if the unit meets the dimensional requirements, then it should be able to split. Elizabeth Erving thinks that dimensional requirements protect the character of the Town. Suggested language for section “B” should be reworded. The Planning Board is favorable to the suggested language for Section “C”.

The Board discusses ADU restrictions for short-term rentals. Bob Obear thinks that if the purpose of the ADU is for rental income, then why be restrict short term rentals? The Planner gives the argument that

short term rentals may take away permanent housing. The Planning Board can be silent on this point. A zoning amendment could be proposed in the future if it becomes a problem.

**FORM A (ANR) SUBDIVISION APPLICATIONS:**

**ANR 2024-04: Nicole Nemec, 0 Taylor Hill Road (Parcel #48-0-0103), 28 Taylor Heights (Parcel #48-0-0104), 0 Taylor Heights (Parcel #48-0-0095), and 0 Rear Taylor Hill Road (Parcel #48-0-0089)**

The Planner, Bob Obear and George Cook had a site visit. Eric Mendel of Green River Survey and property owner Nicol Nemec were present.

The Planning Board has maps. Mendel discusses the project. The owners have three parcels and footage on Taylor Hill Road and Taylor Heights Road. The lots were formed in the 80s. Perc tests were performed on lot 103. Based on the soil tests, it is better to move the interior property lines for the benefit of the septic. The homeowner worked with the Planner and Building Inspector to reconfigure the lots. A variance was granted with restrictions by the ZBA in July 2024 for dimensional relief. Access would be through Taylor Hill Road.

The Planner had a site visit with Sam Urkiel (DPW) and the Building Inspector; any proposed building projects would have to file driveway/ trench permits, but there is a permit pathway. The Fire Department did not state any concerns about frontage or access. George Cook notes “its not the greatest access but it’s viable.”

Bob Obear thinks that the Board has limited input on the project and the applicants have gone through the proper procedures. George Cook agrees that the ZBA has already signed off. The Planner clarifies the ZBA restrictions regarding frontage and square footage changes between the three lots.

*MOTION by R. Sicard to approve ANR 2024-04: Nicole Nemec, 0 Taylor Hill Road (Parcel #48-0-0103), 28 Taylor Heights (Parcel #48-0-0104), 0 Taylor Heights (Parcel #48-0-0095), and 0 Rear Taylor Hill Road (Parcel #48-0-0089). Seconded by G. Cooke. VOTE: Ron Sicard (AYE), Elizabeth Irving (AYE), Bob Obear (AYE), George Cooke (AYE), and Sam Guerin (AYE). MOTION PASSES (5-0) 7:22pm*

**7: 25pm (CONT.) DISCUSSION ITEMS: Accessory Dwelling Units– discuss possible zoning amendments to Section 8.5 under the Zoning Bylaw, to comply with the Affordable Homes Act, signed into law on August 6, 2024**

The Planner will conduct community engagement after the Board makes these changes. Elizabeth Erving suggests a “pitch” with pictures to Town Meeting so that they don’t envision the worst. Board members discuss various ways that ADUs can help people helping parents aging in place, or adult children attending college.

The State has parking space for the ADU as one, by the Planning Board does not want to limit the number of spaces. (Striking F) The Planner is in favor of the applicant providing a parking plan, which identifies the surfaces.

Sage Winter asks how ADU parking figures into the number of main house parking spots. Bob Obear suggests a “dedicated parking spot” per ADU. A water supply protection overlay addresses lot coverage; the percentages of asphalt, lawn, lots and screening are a component of privacy and allow

storm water to be managed on the site. Other ADU bylaw discussions speak to aesthetics including lighting, trash screening, snow removal, and outbuildings like a shed. The Board suggests getting rid of the “dumpster” line. Should the management company be posted on the building if it is not owner occupied? The Board discusses scenarios in which set back requirements and aesthetics for the new ADU should/can be regulated.

The Planner brings back the idea of multiple ADUs on single-family lot by Special Permit. Bob Obear reiterates his opinion that “if you add multiple ADUs to a single family it takes away from the intent of a single-family residence.”

George Cook asks if property is currently a duplex, can you build an ADU? The Planner responds that Standard A addresses the issue (no) but it is an option for the Town. The Planner remarks that if the Town wanted to allow the construction of an ADU on a duplex lot, there should be dimensional requirements to avoid abuse. Bob Obear sees the duplex issue as “case by case” that could be allowed by Special Permit.

The Planner would like to look at how other communities address the issue of setbacks. The Planner wonders if there should be new sections of the Montague Bylaws called “Setbacks for Accessory Dwelling Units” and/or “Screening Requirements for Accessory Dwelling Units.”

Additionally The Planner would like to update the Parking Section.

**UPDATES: Community Planning Grant Program – technical assistance for possible zoning amendments for the former Farren Care Center parcels, including: 330-340 Montague City Rd, 356 Montague City Rd, and Montague City Rd (Parcel #12-0-051), Budget Estimate/Estimated Grant Funding Request: \$62,000, Estimated Completion: Within 1-2 Years**

The Planner reports that they are planning a kick off meeting and site visit with Ennis Associates, who are experienced with zoning and visualization of density.

TOPICS NOT REASONABLY ANTICIPATED WITHIN 48 HOURS PRIOR TO MEETING:

Ron Sicard asks about the grading of parking lot where the butler building which was recently removed.

*MOTION by R. Sicard to ADJOURN. Seconded by Bob Obear. VOTE: Ron Sicard (AYE), Elizabeth Irving (AYE), Bob Obear (AYE), George Cooke (AYE). Sam Guerin (AYE) Meeting ADJOURNED 8:06pm.*