

Montague Planning Board

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August 28, 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, and Elizabeth Irving

Members Absent: Bob Obear

Staff Present: Walter Ramsey-Town Planner

Meeting was opened by Ron Sicard at 7:02 PM

A warm welcome was extended to Elizabeth Irving as a newly appointed full member of the Planning Board.

Matt Lord is a resident of Montague Center and is interested in being an associate member of the Planning Board. Matt introduced himself and was welcomed by the Board.

Approval of Minutes:

Motion by Fred Bowman to approve the July 24, 2018 minutes with edit to list street address on Millers Falls Road. **Seconded** by George Cooke. **All approved.**

Annual re-organization of the Planning Board: Chair, Vice Chair, Regional Planning Board Rep, Capital Improvements Committee Rep.

Motion by George Cooke to appoint Ron Sicard as Chair, Fred Bowman as Vice Chair, Bob Obear as CIC representative, and Elizabeth Irving as the FRCOG Planning Board representative. **Seconded** by Elizabeth Irving. **All approved.**

Zoning Bylaw Update Workshop and Feedback:

Planner presented feedback from Public input sessions and proposed amendments accordingly.

Neighborhood Business District in Montague Center

Feedback: In Montague Center the areas of the Bookmill, Alvah Stone along with the Common area (Library, Church and Common), Montague Village Store and the Post Office are being proposed to be rezoned to Neighborhood Business. There is a continuity of mixed use and diverse housing types in Montague Center. Historically, Montague Center has had a healthy mix of residences and businesses. However, all current businesses and multi-family are “grandfathered” uses. Current zoning does not permit the establishment of new businesses and severely limits the ability to existing businesses to alter their services. The village center is really one core area instead of two as was recently proposed. Neighborhood Businesses allows two-family housing and small businesses (less than 1,000 square feet) by right. This area already has two-families and some home businesses so it would be a logical change.

This will also then connect the two sections of Montague Center and bring both the areas together under this proposed zoning.

Proposal: Establish Neighborhood Business District from the Library south on Main to the Village Store and section of Station Street. The majority of these properties are pre-existing non-conforming either by use or by number of housing units. The area includes approximately 5 properties with commercial use, 4 community buildings, 4 multi-family, 8 two family, and 4 single family homes. Matt Lord mentioned that there are 2 properties located on the north-west corner historically were businesses. This area might also be included in the rezoning to NB Neighborhood Business and encouraging businesses to the village center.

Board response: The Planning Board agreed

Boundary of residential district at Greenfield Road/Randall Road and Hatchery Road

Feedback: The Greenfield Road area, especially in this section is agricultural despite having water and sewer connections. The neighborhood has several homeowners that operate homestead farms and were concerned about the impact of a zone change from AF to RS.

Proposal: The properties along Greenfield Road and lower Randall Road will remain AF to ensure that they can continue agricultural operation within residential uses.

Board response: The Planning Board agreed.

RS-1 and RS-2 by Special Permit

Feedback: Certain areas are zoned RS and are over 95% non-confirming based on lot size. The majority of RS parcels are connected to sewer are under the 22, 500 required minimum lot sizes. The fact that a special permit is required to develop on water and sewer in consistency with the neighborhood is a counter productive to infill development which is something the Town encourages. The 22,500 lot area is presumed to be based on the minimum size of modern house lot with well and septic. There are lots 7,000 square feet or less that have no hope to meet the setback requirements. Any change in this requires a special permit.

Proposal: breakdown the RS district into two separate districts RS-1 and RS-2.

RS-1 Residential and would have access to town water and sewer. The dimensional requirements are reduced to better reflect the desired denser development patters of sewer areas. RS-2 Resident is not connected to town sewer. The dimensional requirements would stay the same as the current RS district. The RS-1 district neighborhoods would still be considered non conforming even though they are already well established areas with little opportunity for infill development. Ultimately this will open up as-of right infill development lots connected to both water and sewer.

Board Response: George suggested that Randallwood Drive should be RS-1 since this is a sewered area have sewer. The Board agreed with the proposal on the condition that the Randallwood Drive neighborhood is designated RS-1 instead of RS-2.

Two-Family in RS-1 and RS-2 by Special Permit

Feedback: Two family currently allowed by Special Permit but was recently proposed by-right. Concern was raised about changing character of some residential neighborhood and over incentivizing conversion of existing homes into two and multi-family uses.

Proposal: Retain two-family as a special permit use in RS districts. Special Permit review will ensure compatibility. See next section about reducing lot area requirements, which will help promote two-family development that fits into existing neighborhood character.

Board response: Board agreed

Minimum lot size for additional dwelling units

Feedback: Currently 22,500 (based on septic systems) are required for each additional dwelling unit which is a disincentive for infill development projects that are connected to town water and sewer. Because of this requirement, virtually all two-family and multi-family projects on sewer require special permit relief – even if the use is allowed by right. The rationale for additional space relates directly to the need for additional septic and well capacity of the land.

Response: Only require additional 22,500 square feet minimum lot area if lot is not connected to public water and sewer. Lots connect to water and sewer will no longer have additional minimum lot size requirements for two-family and multi-family dwelling units. The only places where this will ensure by-right on existing lots is: Central Business (up to 4 lots in mixed use) and Neighborhood Business (2 family).

Board Response: Matt's suggested that there will be an additional 22,500 square feet per dwelling unit in the Agricultural Forestry District and Rural Business and RS District- rather than defining it by sewer/non sewer area. The Board agreed the proposal with Matt's suggested amendment.

Historic-Industrial: Allow “Multi-family as a component of a mixed use development” as special permit use and require special permit for new buildings.

Feedback: Developers do not want to be limited by zoning, and rather are seeking flexibility. Community desires a mix of commercial with any proposed residential conversion. According to developers the 25% commercial set aside as proposed may not be realistic for certain projects. The 25% commercial space requirement is an arbitrary number that could potentially be a limiting factor. The Planning Board on 7/24 agreed that demolition should be restored as special permit use.

Proposal: Allow “multi-family dwelling as a component of a mixed-use development” This eliminates the concern about hard metrics. It leaves an open door as to what percentage can be tailored to the specific needs of a given site. This provides broader flexibility than current zoning that allow “residential uses that are accessory to primary permitted use”. Fred believes that we should keep the requirement as from the Developers point of view they know that housing will generate a certain amount of income whereas commercial space financially is a bit harder to project the revenue.

George Cook wanted clarification that the developer didn't want any requirement for commercial space. Walter responded that a prospective developer of the Southworth building is willing to find a creative way to have mixed use but the added commercial space component is less desirable. There is a shortage of commercial space available in Turners Falls so it makes sense to try and incorporate mix use where appropriate. Fred stated that this does bring about parking and infrastructure issues that would need to be addressed. Elizabeth inquired if a mixed use building is more likely to be viable and occupied vs. one that is just apartments?

Board response: After some discussion, the Board directed the planner to not make the proposed change.

Reformat “Definitions”

Feedback: Retain general definition section at beginning – use special definitions in each related section. This is believed to be current practice.

Proposal: Section 2 will be retained a “definitions”. Water Supply Protection District will retain its own definitions subsection. Consider further breaking down definitions into subsections.

Board Response: Board agreed to the approach.

Regulation of Accessory Signage

Feedback: Regulation of accessory signs by using percentage of storefront window area is difficult metric to enforce and fails to address nuances for certain businesses that may need to block window area. This seems to be targeting specific businesses.

Proposal: Remove proposed section that limits accessory signage up to 50% of storefront window area. Additional research needs to be done before proposing this type of regulation.

Board Response: Board agreed to forgo the regulation at time.

Rear Yard setback in Neighborhood Business and Residential

Concern about maintaining a rear yard setback – the 30 foot rear yard setback is additional insurance about buffering residential and commercial uses.

Response: Retain 30 foot rear yard setback, allow relief by special permit instead of variance.

Board Response: Board agreed.

Regulation of Fencing Through Zoning

Feedback: Regulation of fencing is covered in the building code. Fences over 6 feet in height require a permit from the Building Inspector. There is a “Spite Fence” provision in state law whereby an aggrieved neighbor can seek relief through the courts. Why should the town develop regulations that restrict the ability for two neighbors in good standing to share a property line fence. 3 feet off the right of way could be seen as an additional taking.

Proposal: Fencing-remove section 5.5.2(d) to regulate fences. However, Montague Building Department should develop a “guidance” document for building fences in Montague. People should be advised that any fence should be able to be maintained from one’s own property.

Board Response: Board agreed.

Remove “Restaurant” and “Roadside Stands” from 5.2 Use Regulations

Feedback: Defining these uses is redundant to existing zoning. Restaurant as a use does not really need to be distinguished from the “retail sales and service” use. Roadside farm stands can be considered accessory to a primary use such as agricultural use. This could be problematic for Residential District where agriculture is not allowed by right on a lot less than 5 acres, but there are other substantial areas of town (AF and RB) where these uses are otherwise permissible.

Proposal: Restaurant remains in the “Retail sales and service” use category. Roadside stand remains as an accessory use to primary permitted use.

Board Response: Board agreed.

Amendments to Trailers section

Feedback: Use of trailers as commercial storage/warehousing is better addressed as an accessory use than in this section. Clarify difference between mobile homes and campers. Purpose section needs some work.

Proposal: Call it “Trailer, Mobile Home and Camper” Regulations. Update proposed purpose section: “To regulate the use of trailers, mobile homes, and campers for residence or business purposes.” Allow people rebuilding a home to live in a camper in addition to mobile home. Limit occupancy by a guest(s) to a TOTAL of 90 days in a calendar year. The proposal removes ambiguity. Remove reference to commercial storage trailers in this section. This is more appropriate addressed as a “warehousing” use under existing zoning.

Board Response: Board agreed.

Next steps

- Walter will consult with FRCOG to produce final updated zoning map and data layer.
- The FRCOG will conduct proofreading.
- Finalize Solar and investigate Airbnb issues
- Town Counsel review

Walter will produce:

- A red-lined version
- Update/overview/Special Town Meeting Handout
- Consult with Energy Committee on solar bylaws on 9/4/2018

Planner Report:

- a) Complete Streets Prioritization Plan – In process with FRCOG as consultant. Plan is funded through a grant from Mass DOT. Once approved Town can now apply for funding for 40 identified projects. The number one priority is improvement to the sidewalk in and around the Bookmill and Court Square area (\$175,000). Canal district bike and pedestrian way improvements in and around the 5th street bridge. Bike lane signage on roadways in and around Avenue A and in the library. Town Hall and Discovery Center crosswalk improvements.
- b) Update on recently awarded grant projects
 1. Millers Falls riverfront access point – Planning Department received a small grant (\$17,900) through DCR to clean up a parcel of land in Millers Falls which was in tax title. There will be some clearing, signage, picnic table and accessible walkway off Newton Street.
 2. Battlefield Study Phase III – This is an ongoing project and is funded through the Parks Service with a focus on archeological research and preparing a nomination form for a federal historic designation. It is a partnership between the towns of Gill, Greenfield and Montague +and 90 landowners have participated in contributing to allow archeological surveying on their land.
 3. CDBG/Rutter’s Park – This is the 8th year in a row that the town has been granted the Community Development Block Grant. Rutter’s Park is located in Lake Pleasant and the community is excited about the improvements including handicap accessibility. Construction is scheduled for 2019.
 4. Montague City Road Flooding – A small Municipal Vulnerabilities Grant of \$45,000 has been awarded to do engineering and design study due to the issues surrounding the flooding. The hope is that the State will provide some additional funding for the project.

c) Topics not anticipated

1. George Cooke recused himself as a member of the Planning Board and as Professional Land Surveyor presented a concept subdivision plan for a piece of land located at the intersections of Rte. 63 and Ripley Road. The Board did not discuss the matter, but Walter acting in his capacity as staff informed George that a Special Permit would be required because the proposal is for access via side lot line. Walter suggested a common driveway and advised that a house more than 500 feet from a roadway has specific driveway standards to meet. George Cooke will relay this information to his client.

Motion by Fred Bowman to adjourn the meeting at 8:34 pm. Seconded by George Cooke. **All approved.**

Approved by: _____ Date: _____