

# Montague Planning Board

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July 16, 2013 6:30 PM  
Town Hall Upstairs Conference Room

## MEETING MINUTES

**Members Present:** Ron Sicard-Chair, Fred Bowman, Bruce Young and George Cooke

**Members Absent:** Bob Obear

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

Meeting was called to order at 6:31 PM by Ron Sicard-Chair.

### Approval of May 28, 2013 and June 25, 2013 Minutes:

Ready and available but tabled till August meeting.

### 6:30 -Public Hearing for Special Permit #2013-01 filed by Olive Street Development, LLC

for a special permit under Montague Zoning Section 9.5.2(a) for a use rendering impervious more than 20% of a lot area within the Water Supply Protection District. The property is located at 15 School Street and is identified as a portion of Assessors Map 43 Lot 111.

**Guest(s):** Mark Zaccheo – Olive Street Development, LLC, Jeff Singleton – Montague Reporter, Barbara Zaccheo, Gary Dion – Montague Center Water District, John Greene – Montague Center Fire, Ed Sabelawski – Montague Center Water District, David Jensen – Montague Building Inspector/ZBA, Chris Curtis – The Greenfield Recorder, Lee Wicks, Mary Averill and Roy Rosenblatt.

Zaccheo: The current impervious surface stands at 20,180 square feet (16%). The proposal renders about 37,905 square feet (30%) of the site impervious to accommodate 39 parking spaces, driveways and walkways. Applicant went before both the Conservation Commission for an Order of Conditions (DEP file 229-231) which was issued for storm water drainage, parking lot construction and wetland buffer zone (100 feet) issues. Zoning Board of Appeals granted a special permit to allow multi-family use in a Neighborhood Business District. The ZBA also issued site plan review.

Ramsey: In order to issue a special permit under Section 9.7.1 the Planning Board has to issue findings. These findings include: 1. The proposed project will in no way during construction or thereafter, adversely affect the existing or potential quality or quantity of water available in the WSPD. 2. The proposed project has been designed to minimize disturbance of soils, topography, drainage, vegetation, and other waste-related natural characteristics of the site. The purview of the board is narrowed to water supply and protection for this specific permit.

Zacheo: The Berkshire Design Group produced a storm water drainage report and site plan. The involved the following elements:

- Stormwater Management – there are catch basins which will fill up with runoff from the roof and impervious surfaces then it will be filtered and connect to the Sawmill River. Some of the roof runoff will continue to drain to the pond as requested by the Conservation Commission.
- Trees – a handful of trees will be cut down while others will be planted and the area will be landscaped.

- Parking Spaces– most of them will be located in the back (30) of the building and some of the spaces will be located on the north side of the building (9).
- The refuse area has been changed to allow for access to emergency vehicles
- Snow removal – will be done by snow blower where applicable
- Solar Arrays will be pole mounted

#### **Feedback from Town Departments:**

- Montague Parks and Recreation/Jon Dobosz noted in writing that the playground equipment will be moved to the Montague Center Park.
- Montague Conservation Commission – comments were in the Order of Conditions
- Montague Center Water/Gary Dion–with 40 or so residents proposed in the complex there will be no issue of water pressure or volume in the apartments. If there is an increase in demand the MCWD can increase what is being pumped to accommodate the change. Gary Dion did a study and the school used ½ million gallons per year.
- Montague Center Fire District/John Greene - Fire Chief – Off street parking should not be allowed when the plan allows for 1.5 spaces per apartment unit.

#### **Feedback from Abutters:**

- Olga and Ken Holmberg/3 School Street – object
- Merrill Jenne/9 School Street - object
- Mary Averill/6 School Street – object
- Audrey Reipold/6 Newton Lane – object
- Rebecca Hollingsworth/8 School Street – object
- Richard Dingman/11 School Street – object
- Edward Stone/38 West Street – undecided

#### **Written comment from a non abutter:**

- John T. Hanold/62 Prospect Street – no objection He agrees with the report’s conclusion that the proposed management plan actually raises the quality of storm water runoff, increases the on-site filter and retention capacity, and improves the system connecting this area to the downstream drainage infrastructure. He is impressed that the plan will upgrade, not degrade the conditions around the development site.

#### **Public Comments:**

- Lee Wicks/resident Montague Center is concerned with the parking issue during certain times of the year and the 20% impervious surface.
- Mary Averill/resident of Montague Center has concerns regarding the water and parking situations. The water flow would be less and cleaner according to the engineers as it can be managed better with the filtration and storm water management plans. There are 39 parking spaces required (the original proposal was 41). How will snow removal be dealt with (overflow of cars on School Street) during a major storm as well as the clearing of the snow?
  - Ron Sicard, Fred Bowman and David Jensen – state that the circumstance of a “perfect storm” (a major storm, snow clearing, all cars in the street and an emergency happening) they are not un- anticipated issues; it is just that they are random and rare. There are parking bans during the winter months but parking restrictions would affect the entire street even if someone was having a party in the village. The issues of parking and emergency access can be addressed if they become an issue by a parking ban from the Selectmen.

- Roy Rosenblatt/resident of Montague Center posed the question of what happens if the water quality and infiltration system fails who is responsible for this? Planner responded that the Order of Conditions identified that the applicant/owner is responsible.
- Jeff Singleton /Montague Reporter got clarification on the impervious surface threshold for the Water Supply Protection District bylaw

Ron Sicard, Planning Board Chair closed the Public Hearing at 7:35 PM

The planner drafted the following findings for discussion

- The proposed use involves converting a former school building into 22 residential dwelling units, with at least 39 on-site parking spaces.
- The site is located in a Water Supply Protection District of the Montague Center Public Water Supply per the Montague Zoning Bylaws.
- The site is currently owned by the Inhabitants of Montague, but the applicant is under contract with the Town.
- The Montague Conservation Commission has issued an Order of Condition for DEP file 229-231 to permit Stormwater drainage, parking lot construction, and associated site improvements within the buffer zone of jurisdictional wetland.
- The Zoning Board of Appeals has granted Site Plan Review Approval under S 5.2(c) for an alteration or change of use over 5,000 SF floor area from the Zoning Board of Appeals
- The Zoning Board of Appeals has granted a Special Permit to allow multi-family use in a Neighborhood Business District to allow development up to 18,269 residential square feet for up to 22 dwelling units with up to 33 bedrooms and providing at least 39 parking spaces on the lot of 2.86 acres.
- The site will be served by public water and sewer lines
- The proposed impervious surface will increase from approximately 20,180 SF (16%) to 37,905 SF (30%).
- The proposed work area is approximately 2,280 linear feet from the Montague Center Well and approximately 182 feet from the edge of the WSPD
- The proposed work area is not within the Department of Environmental Protection recognized Interim Wellhead Protection Area for the Montague Center Well.
- All surface drainage and storm water from the site and pond is directed northerly, outside of the WSPD to a culvert that connects to the Sawmill River under both existing and proposed conditions.
- Stormwater management system uses conventional and country drainage methods which include a linear swale system to allow for infiltration to the extent possible.
- The development of a comparably sized off-street parking area is necessary for virtually any reuse of the former school building.
- Applicant has demonstrated that it is unfeasible to meet basic parking requirements and contain all storm water on site and that soil conditions on the site are not conducive for permeable pavement.
- Peak flows exiting the site are expected to decrease as a result of the proposed work and the project has demonstrated compliance with MassDEP Stormwater Standards.
- All on-site laundry services will be connected to municipal sewer lines.
- The existing underground oil storage tank will be removed in accordance with all applicable laws and regulations.
- The proposed project will in no way during construction or thereafter, adversely affect the existing or potential quality or quantity of water available in the WSPD
- The proposed project has been designed to minimize disturbance of soils, topography, drainage, vegetation, and other waste-related natural characteristics of the site.

Bruce Young made a strong case for needing an approved plan for de-icing and fertilizers. The applicant agreed to comply. He also suggested that a berm be installed around the dumpster to prevent contamination of the water supply. The Board agreed with both suggestions.

***Motion*** made by Bruce Young to approve special permit 2013-01 by Olive Street Development, LLC under Montague Zoning Section 9.5.2(a) to allow a use rendering impervious more than 20% of lot area within the Water Supply Protection District, subject to the following conditions and recommendations:

- *The use of sodium chloride and other deicing materials for walkways and driveways, and fertilizers may be used sparingly, subject to approval of a written plan approved by the Planning Board. These materials may not be stored outdoors.*
- *The dumpster & recycling area shall be constructed to prevent contamination of the water supply. The area shall include a raised berm to contain liquids.*
- *Applicant must comply with Zoning Board stipulations for Site Plan Approval, along with Special Permit and Order of Conditions issued by the Montague Conservation Commission for Department of Environmental Protection File # 229-231.*
- *The Owner is responsible for ensuring that erosion and sedimentation controls are adequate to prevent runoff of sediments and damage to wetlands, waterways, town infrastructure and abutting properties.*
- *Any proposed changes from approved final plans shall be submitted to the Board and approved if consistent with the application, findings and conditions stated in this approval. Significant changes in the site plan shall be reviewed by the Board, which may allow the changes without further hearings if they are determined to be within the project scope and consistent with the findings and conditions. The Board reserves the right to hold further public hearings on changes to the site plan that are determined to be outside of the project scope. Approval shall not be unreasonably withheld.*

*Seconded by George Cooke. Young-Aye, Sicard-Aye, Bowman-Aye, Cooke- Aye. **Motion passed unanimously.***

**8:03 Discuss Regulation of Registered Marijuana Dispensaries** per Chapter 369 of the Acts of 2012, which became effective January 1, 2013. Section 9(C) of the law requires that at least one Medical Marijuana Dispensary will be located within each County of the Commonwealth.

Walter Ramsey has been approached by two companies since the last Planning Board hearing in July that would like to locate to Montague, MA. There are a couple of options: 1. Wait and see if anyone wants to build one in Montague, MA and then react to the situation, 2. Do a temporary moratorium for one year in the town, 3. Figure out how to zone a dispensary. David Jensen said if one comes to town it would fall under retail sales and service district which is allowed in many areas of the town. The Planning Board could do it by special permit and site plan review. Fred Bowman had some concerns regarding the distances to schools, playgrounds, childcare centers and parks. The DPH currently has a 500 foot radius from those entities. Walter shared what other towns are doing to regulate dispensaries and if we want to have something in place before the special town meeting: a bylaw, a moratorium or not to do anything. The Planning Board decided to have a public information session to hear from the public and to publicize it by fliers and in the paper.

**Subdivision Regulations Review:** In the interest of time, this was tabled to the next meeting.

**Topics not Anticipated:**

ZBA File #13-13 by Raymond Jarvis to construct a 44 unit self storage facility at 78 Unity St. The Planner drafted a letter to ZBA with three comments 1) The proposed self- storage facility is not allowed by Special Permit in a Neighborhood Business District under Zoning Bylaws section 5.2.10 2) The proposed use is not an alteration of a non-confirming use under Zoning Bylaws section 7.7.2 and 3) The application is missing important information. The Planning Board agreed and authorized the letter. The Planner will speak at the upcoming ZBA hearing.

**Motion** made by George Cooke to adjourn the **July 16, 2013 Planning Board meeting**. Seconded by Bruce Young **Motion passed unanimously**.

*Meeting adjourned at 8:39 PM.*

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