

minutes Planning Board Meeting, October 18th, 2012, revised by DB

This meeting had two components, a site visit to the Buckland Wastewater Treatment Plant at 3:00 pm, and a special joint meeting at 6:30 pm with the members of the Conway Zoning Board of Appeals.

Site visit – Present: Diane Poland (Chair), Joe Strzegowski, Kate Eugin-Moore, and David Barten. Jim Moore (Select Board) was also present. Guide and presenter Dan????, is the manager of the facility.

This guided tour was arranged by Diane, who thought that future Planning Board deliberations about a wastewater treatment facility for Conway would be helped by a visit to an operating plant. Because Dan was so ready to take us on an extended tour, and also so willing to educate us about the biological/technical facets of the operation, the visit lasted almost two hours.

The biological/technical nature treatment of sewage water and particulate is the same for all plants—the water has to be made pure enough to be returned to the environment, and the solid matter has to be separated out and processed so it can be safely lodged in landfills or used as compost on sod farms. Whatever treatment plant Conway might build would have to accomplish these two things. The Buckland plant purifies water so it is class 2, and therefore can be directed into the Deerfield River. The particulate, after most wastewater has been separated out and solid matter pulverized, is directed to an extensive reed bed, where over a period of time it is digested by worms and microbes, and eventually becomes compost/dirt.

Apart from learning about the basic operation of a treatment plant, the members were told that it is likely the water entering a Conway facility could not be directed into the South River, because the flow is too little during the summer. Purified water would have then to be directed to leeching fields of considerable size. This point suggests that Conway's facility would have to pump water to a leeching field located somewhere on Town-owned land above the floodplain of the South River.

Joint meeting -- Present: Zoning board of Appeals, Lee Whitcomb (Chair), Mark Silverman, Jeannie Boyden; Planning Board, Diane Poland (Chair), Joe Strzegowski, Kate Eugin-Moore, and David Barten. Absent: Mike Kurkulonis.

The question at issue was which board was responsible for acting on the application by James and Dawn Dowd of Bardswell Ferry Road to remove and replace an existing shed, which had been built in 1974, before Protective bylaws relating to the Planning Board and Zoning Board had been established. The structure, according to Protective Bylaws established since then, is considered “non-conforming”, but allowed to exist through being grandfathered. The focus for the Planning Board being “use,” it is required to pass on the shed being changed in any way that suggests change in purpose as well.

The Planning Board, to which the application had been first directed, had decided that because the issue seemed a dimensional one, not one of use, the Zoning Board

of Appeals had the responsibility to consider the application, and therefore directed the Dowds to them. James Hawkins, however, as the town's building inspector, in response to the Dowds' request for a building permit, had written a letter saying that their application was denied because a Special Permit was required from the Planning Board. The Dowds were also denied a permit by the ZBA, on the grounds that the Planning Board had responsibility.

The discussion between the members of the two boards was direct and spirited as they grappled with the lack of clarity in the Bylaws about which board was responsible, given the intention of the Dowds to build an altered structure on the exact location of the old one. Questions about change in use, dimensions, placement on the same location were examined closely. Joe's position, which had been the basis for the Planning Board's original decision to send the Dowds to the ZBA, was that the issue was one of dimensionality, for which by Mass. Law the ZBA had responsibility. When challenged, he said the position on nonconforming structures as regards dimensionality was of long standing.

In response the members of the ZBA held to their position. To break the deadlock, it was decided that the Planning board would invite the Dowds to apply for the Special Permit. Since Joe knows the Dowds, it was suggested that he take up the solution with them and Joe agreed to do so. It was agreed also that the Bylaws needed to be revised to make each Board's responsibility clearer in a matter of this kind.

When the members of the ZBA left, the remainder of the meeting was focused on the Master Plan. Though it was not an agenda item, Whit Sanford had appeared and wanted to talk about the status of the existing draft, which she and others had created.

The meeting ended at 8:00

Respectfully submitted

David Barten, clerk