

Minutes Planning Board, January 17, 2013

Present: Diane Poland (Chair), Joe Strzegowski, Mike Kurkulonis, Kate Eugin-Moore, and David Barten. Also present: Rick Bean (Selectman), liaison to the Planning Board.

The meeting began at 7:00, as posted. There were seven items on the agenda:

(1) Minutes—the revised minutes for the meeting of January 3<sup>rd</sup> were accepted unanimously. A revision was necessary because the Clerk presented the name of David Scott Barker as Baker;

(2) Mail—there was no mail directed to the PB;

(3) Flood mitigation plan—Diane mentioned that the Select Board, at its January 14<sup>th</sup> meeting, had asked the Planning Board to make a recommendation in the near future about whether to accept or reject the pending flood mitigation grant. The grant provides two thirds funding for application of new flood mitigation technology to a designated portion of the South River beginning at the north side of the Rt. 116 bridge in the center of the town and extending downriver for about a quarter of a mile. Joe had worked with Kimberly McPhee of FRCOG to get this grant. Funds were awarded by the Mass DEP, and the grant, if accepted by the Town, will be administered by FRCOG as will the construction activity described in the grant.

At the outset of the discussion that followed, Rick said that it was the intention of the Select Board to utilize more directly the town committees, thereby extending the Board's workload in a horizontal direction. The request for a recommendation from the PB in this matter is fully in accord with the PB's legitimate responsibility. Once a recommendation is made, the Select Board will take it under advisement, the SB ultimately having to make a recommendation to the Town at the Annual Meeting in May.

It was agreed that since the Town's one-third financial share of the project is \$100,000, the PB's recommendation needs to be based on a considered study of facts. Also, that a recommendation has to be made to the SB as early as late February, early March. The actual date for acceptance by the Town is April, but can be stretched, according to a DEP rep, who was present at the PB's, January 10 meeting.

An important player in this project is the Friends of the South River, the private group of Conway residents whose ongoing interest and physical work on behalf of the river had been considered worth \$40,000 by those who awarded the grant. Since the grant is for \$345,000, the cost to the town was reduced considerably by the efforts of this private group. Joe and David are members of this informal organization, as are Janet Chayes, Jack Lochhead, Robert Anderson, Michelle Turre and Eve Endicott.

The discussion that followed was vigorous, there being strong views on the proposed project, both pro and con. While there was cautious support expressed, it became clear that members of the Board would like to learn more about the project:

- a. Clarification about how the project would affect property and flooding downstream of the area where mitigation had been implemented;
- b. Clarification about how the project, instituted north of the Rt. 116 bridge, would affect flooding south of the bridge at the turn where the river's course changes from an eastward to a northerly direction;
- c. While it is understood that the project cannot be changed in its particulars, some explanation is needed to clarify why this part of the river was chosen as the place to institute mitigation rather than others further downstream or up, where more seems at stake both to property owners and to residents living in the center, which is flood prone.
- d. There is lack of clarity about the real scope of the overall mitigation project. It seems the grant is to fund an experiment that could be a model for how mitigation is handled elsewhere. If successful, will Conway be in a position to receive further grants for mitigation efforts elsewhere on the river, within the Town's borders?

These questions were born of the members' sense that the mitigation project as proposed will not be easy to sell to Conway's voters, most of whom do not live near the river, and so are not affected by flooding, nor mitigation attempts. It was the consensus that Nic Miller, the scientist who has studied the river, and has identified the sites where mitigation could be done, thereby reducing the sediment carried by the river in flood, and its speed, needs to make still another presentation, because residents of the town need more information and a chance to ask him questions.

If we refer to the meeting of January 10 sponsored and conducted by the Planning Board, ideas and thoughts were expressed that make one point about the mitigation project certain: that the mitigation project, as proposed, will not affect the Rose property in fundamental ways.

Nic Miller, the geofluvial scientist who studied the river and who gave a presentation at the meeting, said that the plan includes reducing the soil level by two feet on about .9 of an acre that abuts the river towards the northern end of the Rose property. This would create a curve into which the flooded river could flow, forcing it to drop silt and slow its speed. When questioned about changes to the flora, Nick said that there would be no need to cut trees or to alter the present use of the Rose property as a corn field. Ron Boyden, the farmer who presently grows corn on the property and who was also at the meeting, thought he could still farm the acre, but would need dirt ramps by which his equipment could climb into and out of the declivity.

At the same meeting the question was asked whether the lowered portion would lead to a change in the 200' buffer that extends from the river's edge and precludes any building activity within it. Because Jack Gates, present Chair of ConCom, and Peter Jeswald, Jack's predecessor in the position, were both at the meeting, an answer was forthcoming: Jack could not speak directly, given the restrictions he has to follow; Peter said the buffer line would not change. Jack said he intended to arrange a meeting with a rep from the DEP who would be in a position to clarify the mitigation project, both as to restrictions on use of the Rose property, and also about the specifics of the project. The meeting is to occur on January 29.

The members of the Board agreed that they wanted to hear what the DEP rep had to say before drawing final conclusions and making a recommendation to the Select Board about accepting or rejecting the grant. Diane said she would send a notice of this ConCom meeting to all those who had been at the January 10 meeting.

Diane, it should be noted, had sent a summary of the meeting on the 10<sup>th</sup> to all attendees at that meeting.

(4) Future PB community land use forums—Diane does not want the Board to lose sight of the other properties the Town owns and the projected projects for these, including ideas in the hopper, stalled projects that need a shove, or projects that need to be revamped. These are the municipal wastewater treatment system for downtown, the proposed town garage near the grammar school, the future of the existing garage in Burkeville, the revamping of the existing Town Hall to house the Town's administrative offices, and should that renovation take place, the disposition of the present town office building. These projects need to be placed before the residents in a series of forums where townspeople can have their say.

(5) DLTA Funding for bylaw revision—the preceding discussion led directly into this subject, which Joe had wanted placed on the agenda. He said that with the recent announcement that the Governor wants to see \*\*\* (revised) 10,000 affordable housing units built in the state and to see emphasis placed on economic development in the center of small communities, FRCOG has shifted its emphasis in response, and is offering to help communities like Conway reshape their protective zoning bylaws so they encourage economic development and the creation of affordable housing in town centers. Peggy Sloan, FRCOG planner, said there is grant money available so Conway could hire the COG to help it reshape its Protective Zoning Bylaws.

The focus of the discussion was the desirability of creating an incentive to bring the center of town to life, both economically, and as a viable place to live in apartments. Mention was made of how successful Shelburne Falls had been in doing this, so that in the Co-Operative Bank building on Main Street, the bank's office is on the first floor, and apartments are on the second. The building was designed so it fit into the character of the street. Bylaws encouraged this to happen.

Kate at this point said that Claus (last name needed) who had occupied the old Germain garage across from the Town Office building, a one-story building owned by the Mallery Estate, had died suddenly the previous week. \*\*\*\*[ revised] She was informing the Board, given the implications.

Joe, who had been Selectman at the time, noted that the Town had voted not to buy the garage, though there had been no brown field issues. Mike cautioned that the inspections at the time were done in the front of the building, not in the back,\*\*(revised) where inside there was a drain into which the workers dumped oil; most likely the pipe from this drain went out the back of the building, and that is where the contamination may still be.

Nonetheless, the availability of this building and of a grant to reshape bylaws so they would encourage affordable housing and economic development in the town center were greeted by the members with enthusiasm. Diane called for a vote on whether Peggy Sloan should be informed of the Board's interest in pursuing the grant. The vote was unanimous in favor, and Joe was asked to talk with Peggy about how to proceed.

(6) Scope of PB's legal responsibilities/mission statement—Diane had downloaded from the State's web-site sections 81C, 81D, and 81E (Mass General Laws), and sent these by e-mail to the members. She had wanted the members to discuss these at this meeting, but since no one had read them, the discussion would be an agenda item for the next meeting.

(7) Other concerns—Joe placed copies of three documents before the Board which Lee Whitcomb had downloaded from the Franklin Registry of Deeds web-site, Bk: 04994, pg. 148. These were: (1) an "Easement Deed" which Edwin Rose had granted on November 16<sup>th</sup>, 2005 to Barbara Bruce of 52 Main Street, in consideration of \$9,500, as "Compensatory Storage" for "Wastewater Disposal System Repair" on the Bruce property; (2) a map showing the 600' trench that would be dug on the west side of the cornfield on the Greg Rose property, and (3) a Notary's letter saying that Ed was Ed Rose. Joe presented these because he had heard that turtles had been discovered in the trench, and if this were the case, he asked, would not Natural Heritage restrictions apply directly to the trench and surrounding land at the northern end of the Rose property, thereby preventing the property from being manipulated, possibly where the mitigation proposal would lower the .9 acre parcel?

The documents and Joe's question took the members by surprise, and it was agreed that the matter of turtle and trench had to be studied, possibly through raising the issue with Natural Heritage itself. While a negative response from Heritage could throw a monkeywrench into the process of accepting or rejecting the mitigation grant, also how the property might be used, the issue needed to be clarified as part of the effort to provide the Select Board with a sound and reasoned recommendation about the grant.

The agenda having been addressed, Diane asked for motion to end the meeting. A motion was made and seconded, and the vote was unanimous in favor. The meeting ended at 8:30 pm. The next meeting of the PB will be February, 7, 2013, at 7:00 pm, in the Town Office.

Respectfully submitted,

David Barten, clerk