

Minutes, Planning Board, February 7th, 2013

Present: Diane Poland (Chair), Joe Strzegowski, Mike Kurkulonis, and David Barten.

Absent: Kate Eugin-Moore (illness);

Presenters: Sue Bridge and Jack Gates (lawyer and also Chair ConCom);

The meeting started at 7:00 pm. There were nine agenda items:

(1) Minutes—the revised minutes for the meeting of January 17 were accepted unanimously.

(2) Budget—Diane asked the members whether the PB should ask for the same, less, or more money for anticipated expenses in the new fiscal year 2013-14. The PB had been given \$2500 for the previous year, 2011-12. The members agreed that the Board is becoming involved in complicated projects and will likely in the near future need to hire consultants. As it happens, the Board is about to hire Emily Stockman to do a survey of the wetlands on the Town-owned Shelburne Falls Road property. Her fee will be paid from the funds the Board already has in its account, thus drawing the account down. It was motioned and seconded to ask for an increase of \$1000-- from \$2500 to \$3500. The decision was unanimous in favor of asking for the increase.

(3) Master Plan—Sue Bridge gave the Board a progress report on her assigned task of reshaping the draft of the Master Plan, which was created in 2005 but not updated since. The Board wants to bring the project to completion with a plan that looks realistically at the future. The new theme, at Sue's suggestion, should be sustainability rather than protecting open space, which was the theme of the previous draft.

Sue presented each of the members with a copy of the draft, which is half completed and now needs input from the members of the Board. She asked each of us to read the draft through and to make comments via-email or on the hard copy. She would like to have our responses in a week, which would give her another week in which to mull them over, during which she can prepare a second draft for presentation to the Board at its next meeting on February 21.

Several points were made during the discussion with Sue. First, that there is \$6000 left in the Master Plan account, rather than \$5000. Sue rejected the idea that her fee should be increased to that sum, suggesting that the extra amount should be used to print copies for distribution to others when the plan is completed.

Second, the Board members are not in agreement on whether the completed plan should be placed before the Town. By law a copy has to be sent to the State for its approval. But Planning Boards, which by law must produce a Master Plan, are not required to seek Town approval before they can be implemented in planning for the

future. A decision about whether to place the final version of the plan before the Town will be made when the plan is completed and the Board has approved it.

(4) Flagg Mountain—Jack Gates, acting as a representative for his law firm, which represents Wesley B. and Annette F. Rowe in the sale of their Flagg Mountain project to the Massachusetts Fish and Wildlife Department, presented a drawing of how the project of several projected plots has been reconfigured to be one lot of 160,483 acres, and a second grandfathered lot of 6.084 acres with an existing house on it. Jack wanted the members of the Board to be aware of the change in status of the property, and sign the several drawings he had brought, one of which is for the Board's archives and another for the Assessors.

When it was pointed out that because Conway does not have a sub-division bylaw, Jack didn't need to approach the Board, he said he was aware of this, but wanted the members to sign anyway, directly under a printed statement on the drawings indicating that the Conway Planning Board does not have to approve this project because it does not have subdivision control. Jack's reason for asking the members to sign was to show that the members were aware of the change in ownership from private to, and that the entire project but for the grandfathered plot would now be open to public use under the rules of the Fish and Wildlife Department, and not subject to taxation as it had been. The members signed the documents.

(5) Wetlands designation—Because Jack was present and was willing to change hats from lawyer to Chair of ConCom, Diane led a discussion about the Board's plan to hire Emily Stockman to do a wetland assessment of the area assumed to be wetlands, but not yet designated as such on the Town-owned Shelburne Falls Road property. Specifically, the issue was procedure once an assessment was done: what does the Board do next?

Jack's response was that the Board should file an RDA with ConCom, asking it to act on Stockman's research, and make a determination about boundaries. ConCom has twenty-one days in which to act after receiving the request from the Board. The certification of boundaries is good for three years. Jack said he would be away for about ten days, but would be back on March 11 and wants to be at the ConCom meeting when the PB Board's request for this RDA is received.

The discussion shifted to the remains of the canal in Burkeville, which at one time linked the Delabarre pond to the mill and provided water for the mill's turbines. This canal, bisected by Ives Road into two sections, had been designated as wetlands by a previous ConCom Commission, and for this reason the French family, owner of the canal and the land on either side, has been unable to expand its business. The PB wants the wetlands designation on this property revisited and asked Jack how to proceed. He suggested the Board file a second request for an RDA. Again, ConCom has three weeks in which to respond, though an extension can be made.

It was decided that Russ French should be informed of the Board's intent to file an RDA with the ConCom, and that before an RDA is requested, he should be invited to the next meeting to discuss the matter with the Board. Joe, who has talked with Russ about the matter before, was asked to invite him to talk with the members on February 21st.

Diane called for a formal vote to use PB funds, first to hire Emily Stockman to do an assessment of wetlands, and second to get an exact determination of where the flood plain boundary is. Both votes were unanimously in favor.

(6) Future action—Diane wants the Board to move forward in determining viability of three projected projects—renovation of the Town Hall, creation of a safety complex, and building the Town garage. Each of these has been put forward as needing doing, separately or as a single complex, most work having been done in getting the garage completed. Diane would like to see spokespeople for each of these projects invited to the March 7th meeting. These would be persons from the Highway, Police, Ambulance, and Fire Departments.

It was suggested that at the February 21st meeting the Board should decide on what projects it wishes to recommend to the Selectmen as appropriate for the Town-owned property on Shelburne Falls road. The decision would only be to select specific projects and establish priority, knowing that wetland and floodplain boundaries have yet to be determined. The members were asked informally what projects they thought best. These were Sr. housing, Safety complex, and Soccer field. No priority was determined.

(7) Mitigation grant—David said that as the Board's rep to the CPC Committee, he could report that the CPC at its Feb. 4th meeting unanimously voted to ask the Town to use \$100,000 in CPA funds to pay the Town's \$100,000 share of the mitigation grant. This request will be made on the Warrant for the Special Town Meeting, needed to consider the grant.

After a discussion, Diane called for a formal vote on whether the Board favored supporting the grant and placing it before a Special Town Meeting. The Selectmen had asked the Board to make a determination on these two issues and to present decisions at the Selectboard's February 11th meeting.

Diane called for a vote of the members present on the two issues. The vote was 3 to 1 in favor of both, those members voting "Yes" being Diane, Joe, and David, and Mike voting "No". Since the majority of the members were in favor, Diane will tell the Selectmen that the PB supports the grant, and recommends placing it before the Town for its consideration at a SPTM, to be held before April 1st, 2013.

(8) DLTA—Joe said that the PB's vote at the last meeting to seek this grant parallels the Selectmen's own, the language used in both responses to FRCOG being the same.

(9) Concerns—Diane asked if members had particular concerns they wanted to mention. Mike said that he wanted to see the Highway Department become a Department of Public Works. A change of this kind would expand the scope of the department's activities to include, among other things, keeping sidewalks free of snow. Joe questioned whether this concern fell within the purview of the BP, suggesting it did not. But Joe felt the point was a good one.

Joe focused on the wastewater treatment plant, suggesting that a retired DEP employee, whom he knows, be invited to talk about Conway's situation—no treatment plant, nor ability to direct processed water into the South River—the question being what he would recommend given the obvious need for treatment facility of some kind for the center of town. Joe will pursue this.

Diane said she wanted to see as the centerpiece of downtown a co-op that sold locally grown produce and items made by local artists and crafts people. The problem, Joe pointed out, in establishing any retailing venture downtown is parking: The State will not allow any more parking on Rt. 116. What spaces exist were squeezed out of the State when the Streetscape project was in the works. Parking, it was suggested, might be created by taking the condemned building on Academy Hill Road by eminent domain. It should be noted that the PB in general supports creating zoning bylaws that encourage mixed-use building for the downtown, as would be the case if a two-story building were created having small-scale retailing on the first floor and apartments built above.

At 8:45, a motion was made to end the meeting, and the vote was unanimous to do so.

Respectfully submitted,

David Barten, clerk