

Planning Board meeting, May 23rd, 2013

Present: Diane Poland (Chair), Joe Strzegowski (Vice –chair), David Chichester (newly elected to vacant seat), and David Barten. Absent: Mike Kurkulonis. Also present: Pixie Holbrook (Chair Housing Committee) and Martha Conant. Invited presenter: Emily Stockman , and invited interested party Russ French.

The meeting began at 7:00 pm. There were three agenda items:

(1) Minutes—the minutes for the meeting of May 16th were unanimously accepted;

(2) Miscellaneous—Diane directed attention to several items in succession:

a. Web page—Diane would like to see the Planning Board’s activities and minutes for meetings made much more visible, possibly through appearing on the Town’s website, or as a separate site to which there is a link to the Town’s site. Joe thought that the Town was looking into signing on to “Virtual Towns”, which is a site being used by other towns. The site seems to make all Towns somewhat alike because of its standardized format. Dave Chichester volunteered to be point man on the matter of establishing a web presence;

b. Energy committee meeting on June 6th—Diane would like to have Jim Barry, energy consultant, address all possible forms of energy production as they might relate to the Town. These are wind, solar, the South River power dam, and bio mass. She would also like to broaden the meeting to include the Energy Committee, whose members are Peter Martin, Peter Rosnick, Sue Bridge and Rick Bean. Dave Chichester thought the Board of Health should be represented, given health issues. And because solar panels might be applied to some municipal buildings, it was suggested that the Garage Committee and the Grammar School Committees be invited to send reps. The members agreed that broadening the meeting was a good thing. Diane volunteered to invite the other committees to send reps;

c. Jim Bosman, Chair of the Finance Committee, called Diane to express his interest in pursuing with the Planning Board the matter of the Town’s capacity to raise money needed for future capital projects. No one seems to know what this capacity is. As anticipated, money will have to be raised immediately for building the new Town Garage, then in the future for possible renovation of the Town Hall, creation of a Safety Complex, and renovation of the ball field should no grants be available. Joe’s guess is that about \$8,500,000 may be needed over the next decade to complete all these projects. He wondered what Conway’s actual debt cap is, as determined by the State.

Diane proposed that the Board invite Jim to the June 20th meeting.

d. Summer vacation—Diane wanted to know if members thought the Board should take a summer vacation. All present agreed this was a good idea, vacation meaning that the Board would meet once, not twice a month during July and August.

The Board in order to accommodate vacation plans of some of the members will meet July 18 and August 5th.

(3) Emily Stockman, Stockman Assoc., LLC—Emily had been commissioned by the Planning Board to make a wetlands assessment of the wetland resource areas within the boundaries of the Town-owned Rose property along Shelburne Falls Road. She was present in order to give a summary of her findings. It should be noted that an assessment made in 2007 was also done by Emily.

Pixie Holbrook and Martha Conant were present as reps of the Housing Committee, because the Committee is interested in building a senior housing complex on the property should it be possible and if acceptable to the Town.

Though the focus of the Board's attention was to be on the Rose property, this being the only property the Board had commissioned Emily to evaluate, Russ French had been invited to the meeting because of his personal interest in seeing whether wetland restrictions have been loosened in any way since an assessment made on his Burkeville property at earlier time. This earlier assessment had also been made by Emily, and because of what she saw at that time in the way of wetlands on the property, Russ has been unable to expand his business.

a. The Rose property-- Both Emily and Joe produced maps of the Rose property. Emily's showed the results of her recent assessment, and Joe's was the map drawn in 2007 by Rose Associates, surveyor.

Emily noted that the 2007 map had several things missing which she had included in her own new one and which are temporarily adjusted on the site itself. What she observed and did in the field on May 9th and 10th, 2013 are detailed in her memorandum of May 15th to the Planning Board. This memorandum is located at the end of the minutes.

After she summarized her findings, the discussion focused on which State Agencies had jurisdiction over the Rose property. Emily said these are MESA, DEP, and Natural Heritage. Each of these three regulatory bodies looks at a property like the Rose property from its particular mandated point of view. Any project, such as the proposed senior housing complex, depending upon where it is proposed to place it on the property, will have to undergo a review process by one, two, or three, of the agencies, a process that is instigated when an actual project having plans with specs and dimensions drawn by site planners, engineers, and architects, is placed before the agency or agencies. The creation of drawings and the review process by the agencies cost money, so the process of determining whether a senior housing project is feasible on the Rose property will be costly.

Emily noted that there is an "isolated wetland area", identified on both the Rose Assoc.'s and her map, which she recently marked on the property itself with flags. By virtue of being "isolated", this area, unlike the rest of the property, is under the

jurisdiction of the Army Corps of Engineers. The regulations related to this wetlands reflect the Corps' responsibility for protecting rivers.

Further discussion about the Rose property led to pinpointing an approximate place where it might be possible to build a senior complex. Emily pointed out that to learn absolutely whether a project will fly, the Housing Committee/Planning Board/Town would have to place before the various agencies a project whose site and layout, and components—buildings, sewage treatment/water systems, driveway/parking -- was shown on a map, and detailed in drawings.

Emily recommended that the 2007 map be revised to include the portion of the wetland not recorded at that time, and which Emily has partially recorded on her updated map. The Mean High Water boundary should be shown clearly. She also thought that Rose Associates, or some other surveyor, should put up new flags on the property so that the surveyor's positions are identified clearly.

b. Russ French---At this point, the members of the Housing Committee left, and attention was directed to Russ French's property and problem. Emily had not been commissioned to do a new assessment of the wetlands on the French property, and so what followed as discussion was wide ranging, a map of Burkeville that included Russ's property being a focal point. The give and take touched on what was the likely situation today. Emily gave her view of both the wetlands on Russ's property and the regulatory climate preventing expansion of his buildings to the west. Joe raised the question whether with the creation of a new Town garage elsewhere in town, the old garage facility and land could help Russ expand, should he and the Town work out a deal about ownership.

An exacting and determined search for solutions ended with the conclusion that there is likely no way Russ can expand his operation to the west. The area of wetlands on the French property has today the same dimensions and position as when Emily did the earlier assessment, and the regulatory climate has not changed. Also, the Town-owned land, while directly opposite Russ's operation on the south is divided by Rt.116, where motorcycles, autos, and trucks pass by rapidly and steadily. Russ's employees who move supplies and machines in and out of storage buildings would be endangered if a second, principal storage facility was located across the highway.

The last item of business addressed what needed doing, where Emily was concerned. The Board voted unanimously that she should follow through on the recommendations she made about the Rose property in her memorandum.

There being no further business, it was voted unanimously at 9:25 pm to end the meeting. The next meeting of the Planning Board will be on June 6th.

Respectfully submitted,

David Barten, clerk

***EMILY STOCKMAN MEMORANDUM

1) Emily Stockman of Stockman Associates LLC visited the site on May 9th and May 10th to perform a site inspect, review the wetland resource areas previously delineated in 2007, delineate additional resource areas, and collect data.

2) Several of the 2007 A-series flags demarcating the northerly BVW were still visible. Pink flagging was hung to refresh observed 2007 flagging. The southerly boundary was no longer flagged. The area was inspected using the surveyed plan prepared by Rose Associates (2007) and updated data was collected on vegetation, soils, and hydrology. No apparent changes in the BVW boundary were observed. It is recommended that Rose Associates perform a field retracement of the 2007 A-series flags.

3) The IVW previously delineated in 2007 was reviewed. The area is no longer flagged. The area was inspected using the surveyed plan by Rose Associates (2007) and updated data was collected on vegetation, soils, and hydrology. No apparent changes in the IVW boundary were observed. It is recommended that Rose Associates perform a field retracement of the 2007 IVW- series flags.

4) The Mean annual High Water Line (MAHWL) of the South River was delineated in the field consecutively numbered blue flagging B1 to B38. The MAHWL was not part of the 2007 scope. The 2007 site plan prepared by Rose Associates illustrates an estimated Riverfront Area based on a survey of the South River. The new flagging demarcates the boundary in accordance with the Rivers Protect Act and regulations (310 CMR 10.58). The new flagging also defines post-Irene conditions (as opposed to 2007). It is recommended that the 2013 B-series flags be surveyed and depicted on a revised site plan.

5) The easterly boundary of a Bordering Vegetated Wetland (BVW) located within the westerly portion of the property was delineated. This area was not part of the 2007 scope. In addition, data was collected on vegetation, soils, and hydrology. Consecutively numbered pink wire flags C1 to C10 were placed in the field. It is recommended that the 2013 C-series flags be surveyed and depicted on a revised site plan.

6) It is recommended that the data collection sites (pink labeled wire flags A1-U, A1-W, C1-W, IVW- 1W) be surveyed and depicted on a revised plan.

7) The location of the estimated flood hazard zone and deeded compensatory storage easement were previously assessed by Rose Associates and are depicted on the 2007 site plan. It is recommended that these areas be reviewed to assess whether there have been any changes since 2007.

8) To help facilitate the survey and field replacement process, Stockman Associates LLC would be happy to coordinate a site visit with Rose Associates (or any other surveyor). At this time there is room in the initial cost estimate to cover another site visit.

9) Attached please find a sketch of the site reflecting both 2007 resource areas and the 2013 delineation.

**** The sketch is attached to the minutes for the Planning Board meeting of 5/23, which exist in the PB's record book in the Selectmen's meeting room.