

Planning Board meeting, September 5, 2013

Present: Diane Poland (Chair), Joe Strezgowski (Vice-chair), David Chichester, Mike Kurkulonis, and David Barten. Also present: Tom Hutcheson , Town Administrator.

The meeting began at 7:00 pm. There were seven items on the agenda:

(1) The revised draft minutes for the meeting of August 15<sup>th</sup> were accepted unanimously;

(2) Village Center District—The date for an informational session, focused on changes to Conway's Protective Bylaws, has been scheduled for Wednesday, October 16<sup>th</sup> at 7:00 pm. Because of this, the members' discussion centered on how to get residents out to the session. The Board would like to see those living in or near the proposed Village Center District attend in numbers, since it is they who will be affected by this new zoning district.

To alert downtown residents to the proposed creation of a VCD, it was decided that a one-page basic fact sheet should be created and a copy given to each resident/family living in the proposed district, which as envisioned will extend from the Holly Barn to the point where River Street becomes Ashfield Road. Here, at its western end, the new zone would abut the existing Light Manufacturing Zone. The one-page fact sheet will be hand-delivered to residents by members of the Planning Board.

It was also decided that since the revised Protective Bylaws have to be presented at Town Meeting in May for the Town's approval, that in addition to this informational session in October, there will be a Public Hearing in the Spring. Between the informational session and Hearing an informal effort will be made to reach as many residents as possible. One such effort will be to give the Chairs of all Town Boards and Committees a copy of the revised Protective Bylaws and ask them to share the document with members. Another effort will be made in the Visitor to draw attention to the proposed changes, treating them one at a time in successive issues.

The idea was also put forward of having a table outside the Town Hall on October 6<sup>th</sup> at the Festival of the Hills, which the members of the Board will man, and where copies of the revised Bylaws and the one-page fact sheet will be available. Residents will be encouraged to talk with the Board members and ask questions. David B. will talk to Michelle Harris, Chair of the FOH Committee, to arrange for the table;

(3) Medical marijuana dispensary—Note was taken that the date for applying to create a dispensary in a municipality had passed and that there had been eleven such applications made in the four western Massachusetts counties. The State has said only five dispensaries will be permitted in this region. Conway was not approached, though proposals were made for dispensaries in the neighboring towns of Deerfield and Whately.

Despite the obvious lack of interest in Conway's as a site for a dispensary, Diane thinks the Board should act on its plan to invite the BOH and Police Dept. to send representatives to a meeting focused on where in Town a dispensary would go and the issues attending its existence. The decisions about placement—a zoning matter, security and traffic—concern to the Police, and sanitary/waste disposal – responsibility of the BOH, will be made at the Town Meeting in May, 2014, shortly before the moratorium voted at the 2013 Meeting preventing creation of a dispensary for a year, runs out. By this time, it is likely the State will have opened the door to a second round of dispensaries.

Joe thought that the likely course the Planning Board should take, if a dispensary were proposed for Conway, would be to require that a Special Permit be sought for its creation.

The decision was made to invite representatives from the several Town bodies having a responsibility in planning for and overseeing the operation of a dispensary to the PB's October 3 meeting. Diane will extend the invitations.

(4) Safety Complex—Diane reported on her meeting with the Select Board, where she had described the PB's need to raise money for a feasibility study to determine whether a safety complex could be made by renovating the old garage site and buildings. She said that the Selectmen were supportive and thought that the request for money should be a second article on the Warrant at a projected (not yet scheduled) Special Town Meeting where the first and primary article would address raising the money needed for building the new garage.

In the discussion that followed, Mike detailed the history of efforts to renovate the garage, which if they had been successful might have meant the buildings would be in better shape than they are. He and Joe identified the years 2008-09 as the point when Mike began to urge that money be set aside annually for improvement. But the Select Board at the time was not disposed to see this occur, and the idea of improving the existing garage seemed to have faded, and no Select Board since resurrected the idea of setting aside money.

When the members addressed the scope of the feasibility study, it was decided that though money should be sought for a detailed study, in fact there should be a phase one which simply addressed basics—water source, placement of septic, and state of the structure. Depending on the outcome of this simplified study, a phase two could be implemented in which a preliminary design for a renovated structure would be made. Should phase one show that a complex cannot be built on the site, then the money that would have been spent on phase two would be returned to the Town's Treasury.

Because there are three Town agencies plus the PB which have a vested interest in a Safety Complex, it was decided that these agencies—Fire, Police, and Ambulance—should be brought together from the beginning of the effort to seek money for a study of renovating the existing garage. It was suggested that the Firemen's

Auxiliary also be invited to send reps to this gathering. One function of this meeting would be to write the article for the STM.

(5) Web site— Dave C. had volunteered to try to place the PB activities and minutes of meetings on the Town website, which presently is manned by two part-time volunteers. Getting information onto the site has been slow, however, the cause in part being that these volunteers don't have much time to spend entering data, but also that there had been the idea that the Town was going to use the program, "Virtual Town", as the basis for its site. The transition from one way of processing data to the other has not yet taken place, though money was voted at Town Meeting last May, which would make the change possible. Once this program is in place, committees and boards can put information on the web site directly, no intermediary being necessary. So Dave's conclusion was that the Board will have to wait a while before its activities are available for all to see.

Because Tom H. was present, he could fill the members in on the progress being made in getting the Virtual Town program up and running. It seems Rick Bean is working on getting the program in place.

(6) New business—there were two items here:

(a) Resignation—Mike Kurkulonis announced his resignation from the Board effective the end of September, if not sooner. He wants to give the members a chance to find a replacement, and will stay on the Board during the remainder of the month until this person is found. Mike said that he has found it difficult to attend meetings, because he is so involved in time-consuming commitments —his family, business, youth activities, and helping get the Conway Community Pool renovated.

The members expressed regrets, but accepted his decision. Diane then asked the members to be active in trying to identify a replacement, who could be recommended to the Select Board.

(b) Kate Clayton-Jones—Joe mentioned that Kate had shifted the base of her business-- sale/repurchase of inner tubes to persons seeking to float downstream from Bardswell Ferry Bridge to Stillwater Bridge – from Deerfield to her Conway home in Hoosac. This means that those having purchased tubes at Bardswell, and then floated to Stillwater have to go to her Conway property in order to sell the tubes back to Kate and her employees. Previously, tubes were sold back to Jones at Stillwater Bridge in Deerfield. The change from Deerfield to Conway would seem to have been instigated by Deerfield's Select Board, because the increasing numbers of people drawn to her tubing operation had become a headache for Deerfield's police who had to assign extra details to superintend traffic and people at Stillwater.

The reason Joe brought the change of Clayton-Jones' s business to the attention of the PB, was that there likely was a marked increase in traffic on the road to her home, and in numbers of people entering on her property. The question was whether she was in violation of Conway's Protective Zoning Bylaws, the "15/50" rule, now that the focus of her business had shifted to her own Conway property.

Tom H. , when asked whether the Select Board, was aware of the change of Clayton-Jones's business to Conway, said the members were and one reason was that there had been complaints from neighbors about the amount of traffic on the road to her home and the excessive speed of cars moving to and from the house.

It was decided that because the tubing season was nearing its end, no formal action would be taken to determine if Clayton-Jones was in violation of the Bylaws, because she did not have a Special Permit to operate her business from her home. But, it was decided that she should be invited to a Board meeting to discuss her plans for the future.

(7) Old business—Dave Chichester said that the Board of Health had responded to his memo about fracking by directing Sue Bridge, one its members, to talk with him. The two were to work on a statement about fracking that took into account its harmful effects both above and below ground. This statement could form the basis for proposing an even stricter, more comprehensive bylaw on the matter than the one Conway will have in place should the revised Bylaws as proposed be passed at Town Meeting, May 2014.

Joe asked a question about whether Conway owns the mineral rights to land within its borders, not just at the surface but well below ground. He noted that in the west towns don't have that right, rather Federal Government owns mineral rights. Mike pointed out that as a Commonwealth the State can take any land it needed, for the so-called public good, this being a legacy of the Colonial period, when the Commonwealth of Massachusetts was established.

There being no other business, the members voted unanimously to end the meeting at 9:00 pm. The next meeting of the Board will be September 19<sup>th</sup>.

Respectfully submitted,

David Barten, clerk