

Town of Conway

Minutes of the Conway Planning Board Meeting - September 1, 2016

Present: Chairman Joseph Strzegowski, Andy Jaffe, Mary McClintock, Sue McFarland and David Chichester.

Other Attendees: Several members from other town committees and interested members of the public.

Chairman Strzegowski opened the meeting at 7:00 p.m. in the Conway Town Hall.

1. Although this was a regularly scheduled meeting of the Planning Board, the first portion of the meeting was considered to be a continuation of the meeting held on July 28, 2016 on the subject of Future Land Needs for various town committee projects. Approximately 20 people were in attendance.

Ms McClintock introduced the purpose of the meeting; that is, to continue the discussion amongst various interested parties and committees regarding potential land needs for the town and to look to see what might be available. The potential sale of the Sheehan property on Academy Hill Road and Maple Street was discussed as one possible option for: recreation and open space, senior housing (has some attraction), public safety, wastewater (maybe later), energy (not feasible due to the need for 3 phase electric lines). Franklin Land Trust has some interest in it.

Next steps would be to define common needs and match those visions to the land already owned by the town. Ms Joanie Schwartz, an attendee at the meeting, promised to share the essence of the discussion with the Sheehans. It was suggested that the PB convey these needs and the process being followed with the townspeople toward creating further interest and other possible land opportunities.

ACTION PLANS:

- Ms Schwartz will report back on her discussion with the Sheehans
- Get maps, layers and listings together
- Do some public outreach
- Look for additional land availability
- Define characteristics and site restraints

The public meeting portion of the evening adjourned at 7:55 and the Planning Board moved into its regular meeting agenda.

2. The minutes of the August 18, 2016 meeting were approved as written.
3. There was a prolonged discussion about ground-mounted solar array setbacks, precipitated by an inquiry from resident Ruth Parnall of Delabarre Avenue. Ms Parnall had written the PB in a previous e-mail advising that she was about to sign a contract for a pole-mounted solar array and asked for a Protective Bylaw interpretation about setbacks to the neighbor's property. Conway's Bylaw refers to clearances for buildings (Section 41.2). Although, the state uses the terms "building" and "structure" somewhat synonymously, Conway's regulations do not mention the term "structures." In any case, there are no requirements for small solar installations.

The Building Inspector indicates that the majority of towns that he serves impose setbacks on both buildings and structures.

In an attempt to reach a judgment on this “imprecise” situation, the Planning Board, after deliberating with Ms Parnall participating in the discussion, reached the following conclusion: “Recognizing that there is no applicable language in Conway’s current Protective Bylaws, the Planning Board, at its regularly scheduled and noticed September 1, 2016 meeting, decided that “no part of the installed solar array, as described by the property owner, shall fall less than 12.5 feet from a property line.” Ms Parnall agreed with the PB’s decision. Motion passed unanimously.

The Planning Board also concluded that this case raises issues about small scale solar installations on private property which need to be clarified. The PB will immediately pursue clarifying language and propose amending the pertinent Bylaws at the next available Town Meeting.

ACTION PLAN:

- Mr. Strzegowski will confirm the Planning Board’s decision in writing with Ms Parnall and advise the Building Inspector.
 - Mr. Strzegowski will add this item to the PB’s agenda to develop appropriate language to amend the Protective Bylaws at the next Town Meeting.
4. Ms McClintock advised the PB that she had recently learned that the Town Property on Shelburne Falls Road was about to lose its 61A Agricultural exemption on October 1st as there apparently has been no agricultural-related use on that land during the past three years. Allegedly, the land will return to Natural Heritage supervision if such exemption expires. This might pre-empt other plans the town might have for that property. The Planning Board agreed that this should not happen by default and, if true, steps might be taken immediately to avoid any unintended loss of the property’s use.

ACTION PLAN:

- Mr. Strzegowski will talk with Mr. Hutcheson to see if this is true and whether any additional steps should be taken prior to October 1st.

There being no further business, the members voted unanimously to adjourn the meeting at 9:15 p.m.

NEXT MEETING: The next regularly scheduled PB meeting will be on Thursday, September 15 2016, at 7:00 p.m. at the Town Office.

Respectfully submitted,
David I Chichester

Attachment: Copy of e-mails from Ms Parnall and Town Counsel, John Fitz-Gibbon.