Planning Board Meeting Minutes of April 16, 2014 Ashfield Town Hall

Present: Michael Fitzgerald, Chair (MF)

Alan Rice (AR)

Lauren Preston-Wells (LPW)

Ken Miller (KM)

Brittany Martin, Scribe (BM) Arnold Jones, Guest (AJ) Christopher Gray, Guest (CG) Peter Curtis, Guest (PC)

The meeting is called to order at 7:32pm.

1. Planning Board reviews minutes from April 2, 2014 meeting, LPW moves to approve the minutes as amended, AR seconds and all vote in favor.

2. Planning Board discusses old business.

AR put a copy of EBI Consulting letter requesting comments about historical impact for a cell tower on Murray Road in the Historical Commission mailbox. They haven't got back to MF responding to an invitation to attend our next meeting. MF will follow-up with Steve Gougeon.

KM and MF went to Sewer Commission meeting. MF reports that they thought we should change the 25% of residences in district could be senior housing to 10% because they don't feel they could have more than 10% capacity without adding more equipment. The recommendation for 25% came from our attorney and 25B. KM states that there are 10-15 hookups with the privilege to hook up from when the town sewer was installed. They have their septic system currently, but they can join sewer at anytime. MF says that the state requires them to have those hook ups then a buffer and have the options to expand if they need to. The system that is in place can handle 13 hook ups, plus a little more. They have to have minimum number of hookups and maximum number of gallons handled, if they go over their gallons, they get in trouble with the state, same with hookups. They have 160 hook ups, capacity for 170-180. KM states that a kitchen sink counts as a hook up. LPW states that there may be communal kitchens. MF states that we could consider adding language to differentiate requirements according to if development is going to be on town sewer or on their own septic system. AR notes that there could be places where there will be restrictions, good to consider the option. MF-notes that the sewer doesn't come up Baptist Corner Road; Title 5 doesn't take up a lot of room.

KM attended the FRCOG planning board meeting, received final copy of the letter of comments for best practices for siting wind facilities. April 24th there is a meeting, someone speaking about new zoning bylaw recommendations. KM will be attending. It will be held in Greenfield at the Hampton Inn at 6:00pm.

AR-discussed how the legislature is considering allowing town meeting to change Planning Board rules. MF added that if the law passed, town meeting could vote to change 5/8ths majority being necessary for by law changes.

- 3. MF shares a document he created regarding the Telecommunications Bylaw. AJ asks if this pertains to 50-80 ft. MF shares draft changes to the existing telecommunications by law. We have to be clear as to whether our cell tower law applies to a tower that is lower than 50 feet, as well as antenna on town hall steeple. AJ inquires if, in regards to the letter about cell tower in South Ashfield, section 106 would apply to our town hall steeple. MF responds that from what he's read from that law, he doubts it. AJ asks if FCC antenna laws would affect an antenna on our town hall steeple. CG answers that Section 106 applies to different bands. The FCC accepts all wireless computer hardware. The FCC considers their Part 15 rules; it doesn't require Section 106 approval. There is a specific exemption in the law. AR comments that in Shelburne, they denied a cell tower because the master plan's scenic corridors protection would not allow it. AJ expresses his concern that allowing an antenna on town hall steeple is setting a precedent and the potential for that leading to other communications facilities using the steeple. Can we create anything in our bylaws about municipal buildings being used by private companies, especially a historical structure? MF responds that we have to treat municipal buildings the same way as private buildings, the same laws apply. We could potentially pass a bylaw just for the center of town. Any bylaw changes need to go through public meeting/hearing. KM states these questions make him inclined to have the town spend some money and get an attorney's opinion for the PB. MF agrees but not until Select Board makes a decision. If SB decides to allow it, PB will decide if there will be a special permit required.
- 4. CG shares Wendell's wireless bylaw revisions. PC is interested in getting minutes from previous meetings. Bylaws do address cell towers in some shape and form, height. MF-responds that yes they do, and federal law makes it clear that we cannot ban them. We have some idealized height restrictions in bylaw and have the power to vary those restrictions during the hearing process. We have to be able to vary them if it is proven that the tower can serve more people. The Planning Board would entertain an application that proposed a 150-foot tower if that means that there are less towers in general. EBI Consulting sent a letter asking if there are Section 106 concerns for a site in South Ashfield, and we sent a copy to the Historical Commission. MF recommends that PC talk to the applicants. PC asks if the Historic Commission is an appropriate body to talk to about this historical location.
- 5.Planning Board reviews minutes from March 8, 2014 hearing. KM states that he spoke with Cheryl Jordan about senior housing in town center and she is not in favor of change in town center.

LPW motions to approve the minutes from the March 8, 2014 hearing as amended, AR seconds and all vote in favor.

AR motions to adjourn the meeting, KM seconds and all vote in favor.

Meeting adjourns at 9:29pm. Respectfully submitted, Brittany Martin, Scribe

Documents & Exhibits: Wendell's Bylaw Revisions Draft Ashfield Bylaw Revisions