

Planning Board Meeting and Public Hearing Minutes
April 15, 2015

Present: Michael Fitzgerald (Chair)
Judy Haupt (JH)
Alan Rice (AR)
Ken Miller (KM)
Lauren Preston-Wells (LPW)
Jean Cherdack, Scribe (JC)

Meeting called to order at 7:10 p.m.

JH moved to accept the minutes of the April 1, 2015 meeting as revised, KM Seconded, all in favor (5-0).

Planning Board reviewed mail.

JH distributed materials on the Community Preservation Act.

Alan Rice stated he will be contacting the Ashfield Web Master directly with the changes that are needed to update the Planning Board site on the Web

Discussed hearing procedures for the public portion of the meeting.

AR moved to open the Public Hearing regarding the three bylaw revisions as noted below, seconded by JH, all in favor (5-0).

Meeting called to order at 7:30 p.m.

18 members of the public were present (Attachment 1).

The Chair stated that there are several recording devices in the room. He further stated that proper notice of the meeting was given pursuant to Chapter 40A of the Massachusetts General Laws. The purpose of this meeting is to consider three items, a proposed Ashfield Senior Citizen Housing Bylaw, Changes to the Telecommunications Facilities Bylaw, and to change the Bylaws to allow for an Associate Member.

Chair read the Associate Member Bylaw into the minutes. (attachment #2). This Bylaw change will allow for an alternate to sit in on Special Permit hearings when someone on the Board has a conflict of interest or is not available for the hearing. There were no comments from the audience.

The Chair read Ashfield Senior Citizen Housing Bylaw into the minutes. (attachment #3)

MF stated that the way the law is written, if we finish this hearing and we recommend it to the town meeting, we can recommend a less restrictive bylaw but not a more restrictive one. In addition, the map may be adjusted to include less area.

Paulette Leukhardt asked why must there be a “district”? Why not just senior housing rules and regulations and not have it confined to downtown? MF stated that the Planning Board was specifically asked by at least 100 people for senior housing in the center of town.

The Chairman (MF) made the following comments with regard to Paulette’s comments and questions:

- In the past, Ashfield could never figure out how to make senior housing fit.
- This is an opportunity to set standards in the center of town where it is most difficult. Once this is in place it could be extend to South Ashfield.
- 100’s of hours have gone into thinking about the center of town.
- AR stated that this is a way to try and encourage it for the town center, as well as a way to provide integration of different age groups in the center of town where there are amenities. It is flat and there are sidewalks. This is why he is supporting it.

Mary Fitz-Gibbon made the following comments and asked the following questions:

- Why not a district, rather than the entire town?
- One set of ZBA laws apply to everyone and this will be a change to that.
- This area is a residential area.
- This is a pretty big district and not all of it is walkable. Some sections have no sidewalks.
- Her biggest concern is dividing the town.
- This would threaten to change the town by separating one piece of the town for a different type of development.

Doug Field (Emergency Management Director) pointed out the following:

- A portion of the map goes through the flood plain and cannot be built on.
- Building Permits could not be granted to build in this area.
- In answer to a question whether or not additions could be built? Mr. Field stated he did not know.
- He further stated that the residents on his list of seniors are aged 60 and up, not 55. MF stated that with regard to Section 4c. There is a concern about teenage children or grandchildren who may live in these apartments during the winter and having the town clerk and building inspector check ages is a mechanism to prevent this from happening. Cathy Buntlo that age

recognition for senior housing is different from town to town. A new building under construction does all for ages 55 and up. She is supportive of this effort for a senior housing district.

Raymond Cassidy stated that he is not too happy with this proposal. He is concerned about eminent domain. MF stated that the Planning Board does not have the power to say anything about eminent domain as it is in the US constitution and we cannot change that. MF read Ray's letter into the minutes. Ray asked that his property be removed from the map. His side lot is the only access to land owned by the Chandlers. He further stated that he would close his land off and not allow parking during Fall Festival. Take him out of the district and he will leave the land open.

MF asked Phil Lussier if he and Fay Whitney want their land to be included in the district. Phil said, no, they do not want their property included in the district.

LPW stated that while anyone could come for a special permit for senior housing, this Bylaw was written is to protect the center of town. Only 10% of the downtown can be senior housing because we are concerned about sewer and water. In response to the first hearing, the square footage of a facility was reduced to 5,000 sf from 9,000 sf. Outside of this district there would be more flexibility. This area (center of town) needs more protection and needs to be clearly defined.

Joanne Ostrowski asked where did we get our ideas for the bylaw, for example dimensions, sizes, etc. MF stated that we reviewed bylaws from other towns and took parts that were relevant to Ashfield. It was suggested to add in "updated all the time" in Section 4b.

Robert Cherdack made the following points:

- Stated age discrimination by a governing body should not be allowed.
- Residents of the district have the most concern and those people should be canvassed first.
- Ashfield is a wonderful town but it's not a necessarily an ideal place for seniors who are unable to drive. There are no drugstores, doctors, grocery stores, etc.
- Ashfield does not have a lot of multi use housing and that is a good thing. Multi use housing often times are the run down sections of a community.
- Robert asked why have a condo association as referenced in 4a. MF stated that it would be up to the developer. Two units are now permitted.
- Robert suggested that the first sentence under 1. General a. be changed to: "provide guidance for" rather than "encourage." MF suggested that "encourage" be changed to "allow". This was acceptable.

Ann Yuryan made the following comments:

- One can get a special permit from ZBA for three apartments.
- Mixed use will bring in more traffic.
- Ashfield is one town not a district town. Would like us to add in that Ashfield is the Plain Historic District, which is on the list of the National Register of Historic Places in Franklin County.

Beverly Duncan asked about taking out kitchens and if we are afraid of a slum complex if it becomes apartments. MF stated that In order to keep this senior housing you couldn't make it student housing 5 years down the road. BD asked, are we suspicious of someone doing this? MF Stated we are supposed to be suspicious when we write these things. We need language for the building inspector so he can do his job.

Beverly further asked what is the reason for Sections a, b, c on the map? MF stated that the reason is because the PB could not decide. The Chairman stated that the Planning Board would like feedback regarding the map.

MF conducted a quick straw poll: How many in favor of the bylaw? Three (3) in favor, eight (8) against and (2) two undecided.

LPW stated that this Bylaw is to protect the village and an area that is already densely populated.

Mary Fitzgibbon stated that we are increasing density in an already dense area. Mary further stated that she does not want a parking lot next door to her home. This not a protection but an invasion of her privacy. LPW asked if there needs to be screening as a requirement in the bylaw? MF stated that this requirement already exists in the special permit section of the bylaws. Mary said we should treat the town as one town and have the same bylaws apply to all.

Robert Cherdack questioned if someone comes for a special permit and this bylaw was incorporated into the town bylaws would you have to grant it? He asked if we could be opening the town up to law suits by doing this. MF stated that special permits are for allowed uses that need public review. Other uses would need a variance.

In reference to Section 4b, Robert Cherdack asked what would happen if someone under 55 were living there? MF stated that the building commissioner would have to investigate. That is why each year the Association has to file a list of residents with their names and birth dates with the Town Clerk.

Paulette Leukhardt sought clarification for the following. She has a house in this district on eight (8) acres and wanted to know what she could do now vs. if this bylaw went into effect. MF stated she could get a special permit from the ZBA for

up to three units. Variances are not handed out easily and she would need 400' of frontage for two lots. This bylaw would allow you to be able to convert to senior housing with 4 or 5 units.

Joanne Ostrowski asked if one went up and down Main Street, how many possible places could be converted? MF stated less than a dozen.

Beverly Duncan asked if this Bylaw passed would it be easier for someone to build a place for elder living? MF stated yes, a lot easier.

Mary F. stated that this bylaw would change the center of town more rapidly. The center of town has changed less over the years because things have been grandfathered. Mary further stated that one of the reasons Ashfield is the town it is, is because it's village is both residential and shared use.

Beverly asked if there developers who want to come in? MF stated that a few groups of people 60 year old or older, who were not present, would like to do this sort of thing: buy a property and divide it up and live together. There are no developers at this time.

Ann Yuryan stated that the town is residential and agriculture. She further stated that commercial use is allowed in the center of town by special permit. Should we continue to allow mixed use or keep it residential? It was noted that common space within the building is part of the total calculations, i.e, Laundromat. MF stated that passing this bylaw is unlikely to increase the density in the village. He further stated that this is not designed for public developers. They would want to develop 10-12 units, not three or four.

Judy asked a question on the flood plain issue regarding new construction vs. a renovation. This will be looked into. The flood plain needs to be clearly marked on the map.

The Chair read the Telecommunications Bylaw into the minutes. (Attachment 4).

MF stated that the Planning Board recently had a hearing for a cell tower that was granted a special permit. The Planning Board learned a few things, such as requiring a study at time of application submittal. The Planning Board would like Bylaws in place for the next time they get an application for a cell tower.

Chair asked for comments. Joanne Ostrowski asked if (fiber optic) broadband comes under this Bylaw? MF stated only radio waves. Joanne asked what is appropriate camouflage? The Chairman stated that the applicant has to come to the Planning Board with camouflage ideas. The PB did not at one time require camouflage as it tended to make towers look like "bottle brushes". JH has since found camouflage that looks much more natural, so now the Board requires it.

Robert Cherdack expressed concern as to whether or not the anchor points for guy lines might be considered when establishing the dimensions of the base. MF stated that only monopole antennae are allowed.

Chris Gray made the following points:

- Asked about the definition of setback: does it apply to utility poles? MF stated that we cannot regulate them, as they are under the jurisdiction of the utilities.
- Shall small antennas be allowed without special permit? Small antennas do not fall under these regulations as you would not be able to enforce it.
- 50" and under would allow lattice tower. MF stated that small antennas shall not be under the definition in the Telecommunications Facilities Bylaw.
- CG asked for appointment of clarification: Should start second to last sentence in the Bylaw with, "Not included are....."

The Chairman pointed out that these Bylaws will not be on the town warrant for the May 2 Annual Town Meeting as it is too late to put them on the warrant.

JH made a motion to adjourn the special meeting, KM seconded. All in favor (5-0).

Regular meeting of the Planning Board resumed.

Discussed whether or not to vote tonight. LPW moved to accept the Association Member Bylaw and recommended that it be put on the warrant for a special Town meeting. AR seconded. All in favor (5-0).

AR and MF recommended that we rework language on the Telecommunications Bylaw.

Both the Telecommunications Bylaw and the Senior Citizen Housing Bylaw will be put on the agenda for the May 6, 2015 meeting. MF stated that we can hold another special meeting on both topics.

AR made a motion to adjourn the meeting. JH seconded. All in favor (5-0).

Respectfully submitted,

Jean Cherdack, Scribe

