

Leverett Planning Board Minutes May 12 2021

7:30-9pm

Members in attendance: Ken Kahn, Van Stoddard, Steve Freedman, Richard Nathhorst, Jean Bergstrom, Tom Ewing, Tim Shores.

Town residents in attendance: Dick Williams, Karla Hutchinson, Mark Gamble.

Housekeeping

- Ken Kahn moved to make Tim Shores the clerk/secretary responsible for meeting minutes. Several members seconded the motion. No objections from the victim. Vote taken, unanimously approved
- Van Stoddard moved for Ken Kahn to be chair of the board, several members seconded, unanimously approved
- Ken Kahn moved to make Steve Freedman the vice chair, several members seconded, unanimously approved
- Discussion of meeting schedule in the coming months: PB agrees to meet in June, to not schedule monthly meetings in July and August, and to resume monthly meetings in September. Steve championed the idea of meeting in person at Town Hall beginning in September, masked and socially distanced.

Board Business

1. Virtual meeting joined by Dick Williams and his daughter Karla Hutchinson.
 - a. Exhibits/documents: Dick and Karla had submitted a plan for the Richardson Road property for consideration at the April PB meeting, but have since withdrawn that plan. However, during this discussion, the map from that plan was screen-shared for reference.
 - b. The Williams' plan of land shows 3 lots (Lot 33 labeled as Lot D, 37 labeled as Lot C, 41 labeled as Lot B). Lots B and C are shown as 2-family dwellings. Lot D is a single-family dwelling. The parcels are noncompliant with today's zoning: 200 feet of frontage and 40,000 sq ft for the 2-family lots, whereas today's zoning in that district requires 300 feet of frontage and 60,000 sq ft for 2-family lots. Dick and Karla are hoping to learn what they can do to develop a new plan that is compliant, despite the current state of noncompliance of the parcels.
 - c. Prior to the May PB meeting, Richard and Ken found that there was no recorded plan submitted previously to a Planning Board. Duplex houses were built before 1986, and it appears no Franklin County Registry of Deeds plan

was filed. Dick Williams could not track down a plan for those past modifications.

- d. Further, the release of mortgage is the only documentation of the subdivision of one lot into three lots. There is no legal or compliant record of the subdivision, so it appears that there are three residential buildings on one lot.
 - e. Dick has spoken briefly with Luke Goodrich about plan options for lots 33, 37 and 41. When built in the late 70s and mid-80s, Dick explained, the duplex houses were compliant with zoning. Dick has no documentation of separate deeds for three lots, but stated that they were taxed separately and he cannot now increase to lot frontages to comply with present 2-family zoning. They'd like PB to advise them of their planning options.
 - f. Ken explained that the mortgage that Dick has partial releases from, was issued on a large single lot. Ken advised Dick and Karla: Planning Board can't really advise on how to correct this, instead the property owners must consult with an attorney or surveyor to come up with a plan that the Planning Board can evaluate.
 - g. Tom Ewing asked if it would be worth it to submit a plan for PB to deny, opening the way to Dick and Karla to appeal to the Zoning Board. Ken explained that this isn't going to guarantee approval by ZBA. The best path forward seems to be that they consult with a real estate lawyer of their choosing.
2. Virtual meeting joined by Mark Gamble.
 - a. Mark is a general contractor. He has not submitted a plan for approval by the PB. Instead, he is here seeking guidance about zoning bylaws.
 - b. His client wants to build a garage at 100 Jackson Hill Road. Wants to ask the Board if they can rotate the garage site in such a way that would encroach on the 40 feet of frontage.
 - c. Jean Bergstrom reviewed the plans and found that the encroachment would set the garage 32 feet from the road, which is noncompliant with the frontage requirement.
 - d. He'd like to know if Section 2340 would permit an exception for a case like this: " Minimum front yard (ft.)" with footnote 5, "Or aligned with existing buildings on adjacent properties". Steve observed that he's unclear of the meaning of the footnote, in this case.
 - e. Ken observed that it would be more appropriate to talk to the building inspector about this, rather than PB. The meaning of Section 2340 footnote 5 is that when you have a street full of buildings, it's zoned to encourage alignment of multiple buildings.
 - f. Mark will discuss the proposal with the building inspector.
 3. Ken reviewed questions he has received prior to the meeting:

- a. The Solar Store in Greenfield would like to recommend a ground-mounted solar that would be over 20 feet in one configuration. PB agrees to refer them to the ZBA about a special permit, unless the design can be modified to be under 20 feet height.
 - b. Maureen Polito wrote about using a kennel as accessory use. Her business is dog walking, and she wants to board dogs in her home. Ken advised her that this isn't within the meaning of the term accessory use, and the building inspector agreed.
 - c. Amy Boyce communicated about the sawmill, thanking the Planning Board for support of her project. She may consider applying to the CPA board with her project for the sawmill, now that she's learned the costs required to repair the dam.
4. Tom Ewing described the One Stop Master Plan grant application.
 - a. It was not approved but the feedback received from the State is constructive, inviting reapplication. He has reached out to a State contact to get guidance on how to move forward.
 - b. As a part of this process, it would be a good opportunity to look again at Town zoning.
 - c. He also spoke with Peggy Sloan at FRCOG, which can assist for a cost similar to a consultant. But FRCOG would like to bid on the main body of work, so they can't advise on developing a scope of work, as that would be a conflict of interest.

Meeting adjourned unanimously, with negligible grousing from members.

Minutes signed by Planning Board Secretary,

Tim Shores