

## **Planning Board Minutes February 6, 2012**

**Present:** John Waite, Paul Allis, John Baronas, Rachel Blain, Roger Sadoski  
**Absent:** Max Antes, Lynn Rose

The meeting was called to order at 7:05 pm with Chair John Waite reading of the agenda.

**Minutes** of the January 17<sup>th</sup> meeting were reviewed. A motion was by Paul Allis, seconded by John Baronas, and voted, to accept the minutes with one amendment. The vote was 5-0-0. Copies of revised minutes of the January 9<sup>th</sup> minutes were distributed.

**New Business:** There was no new business before the Board.

### **Old Business:**

By-law changes: Present – Pat Smith (FRCOG)

Ms. Smith refreshed everyone's memory by stating that a Site Plan Review Packet had been put together using existing rules and regulations. In the process inconsistencies between section 5400 of Zoning regulations and 263 of the Deerfield code were discovered. She was present to assist the Board in preparing recommended changes to present at annual town meeting.

There is a threshold question about section 263 which will require assistance from the Town Clerk and Town Counsel. Ms. Smith explained that usually section 263, which contains Planning Board rules and regulations, is set up in such a way that changes can be made by a majority vote of the Board. However, it appears to her that due to the manner in which this section is presented in the Deerfield code book, any change to section 263, must be done by 2/3rds vote of town meeting. In order to know how section 263 was adopted, she presented a draft of a letter to the Town Administrator requesting permission to consult counsel. The Board was in agreement with this suggestion and Mr. Waite signed the letter.

Ms. Smith presented a thorough review of section 5400. She highlighted the goals of a simplified way to determine whether or not a site plan review is needed and the addition of an appeal period as suggested by Counsel.

Section 5411 has a threshold size of 600 sq. ft. Anything larger than that requires a site plan, but something less (599 sq. ft.) would not require the review. Some people use this provision to make multiple additions kept just under the limit to avoid a site plan review. After much discussion the decision was made to leave the 600 sq. ft. number for size, and investigate a possible timeline, such as two years before an additional slightly less than 600 sq. ft. structure could be permitted without requirement of a site plan review.

Section 5412 which deals with parking lots, currently requires that any expansion requires a site plan review. A proposed change is to allow up to 2,000 sq. ft. (10 parking spaces) before a site plan review is triggered.

Section 5413 as currently worded, suggests that any disturbance of the ground triggers a site plan review. There was conversation about changing the wording “land development” to “land disturbance” and/or including a number for the size of area disturbed. After discussion, the general consensus was to leave this section as it is.

Section 5418 , added to serve as a catch-all referring to any use in section 223, the Use Regulation Schedule, which requires Site Plan Review.”

Section 5424 – This section states the requirement for a public hearing as part of the Site Plan Review process.

At the end of the section a provision for an appeal has been added, as recommended by Counsel.

Ms. Smith reminded that these proposed amendments would have to be presented at a public hearing where there could be feedback. She then turned to the application form, where now that it has been used, some revisions would make it simpler to use. She passed out draft applications which she reviewed with the Board. During the lengthy discussion Ms. Smith said that she felt the resulting documents would provide clear guidelines while at the same time leaving room for discretion of the Board to waive some requirements, if found unnecessary for a particular project.

Mr. Baronas requested clarification of “disturbed land” in regard to section 5413. The definition was found in existing bylaws to be any “change in position, location, or rearrangement” of land. This was important as some fees for site plan reviews are based upon the area of disturbed land.

**Correspondence:** There has been notice of several permits issued in neighboring towns. Mr. Waite noted Greenfield has issued a permit for an animal hospital on Bernardston Rd.

**Committees:**

Rachel Blain reported on the Community Preservation meeting where most of the time was devoted to reviewing the application. She said an interesting application is for the building where the Senior Center is housed. It’s one of the oldest buildings in town, is in need of serious attention, and would be a huge undertaking.

Sign committee – Paul Allis reported that members of the sign committee are still being sought. The committee hasn’t begun its work yet.

Next meeting will be March 5<sup>th</sup>. Pat Smith will be present with updated materials, resulting from this evening’s discussion.

A motion was made by John Baronas, seconded by Rachel Blain, and voted to adjourn the meeting.

Respectfully submitted,  
Priscilla Phelps

Accepted 3/05/2012

