

Planning Board Minutes 05/23/2016

**Planning Board
Town of Greenfield
Meeting Minutes**
Recorded by Janice Pack
May 23, 2016

Members Attending: Paul Renaud, Ken Paulsen, Angelique Moon, Jim Fletcher, Robert Marshall (arrived during the reading of the mail), Andre Wood (participating by phone from Oklahoma)
Public Present: Nicholas Handy from the Ledger-Transcript.

Meeting Opened: 7:02 PM

Minutes: PRenaud read the minutes and several changes were made. JFletcher motioned to accept, AMoon seconded, and all were in favor.

Mail:

SWRPC Package of information requested by PRenaud
Certified return receipt for letter to Michele Perron
Harvester Market Site Plan Amendment package containing 1 copy of Application, checklist and \$10 fee, 1 copy of Abutters list, 3 copies of amended site plan and layout of the self-storage units, 1 copy of the standard rental agreement and 1 copy of the waivers requested.
Complete Street Event (5/20/16) flyer
Unclaimed letter addressed to William Dennis Robbins, Sr. (from Michele Perron mailing)
Notice from Town of Merrimack regarding a ZBA hearing that all are invited to attend
Cash receipt for \$282.50 received from Michele Perron

PRenaud handed out the Plats for Allrose Farm so the board could begin deliberation. KPaulsen recused himself at this time.

The Allrose Farm case will be continued at our next meeting, as MPerron could not make it tonight. PRenaud told Brian Giammarino not to come in since MPerron was not coming. PRenaud will try to meet with MPerron and BGiammarino to discuss further details on the traffic issue before the next meeting. MPerron had emailed PRenaud a detail of different traffic patterns to consider, and copies were distributed to the Board.

PRenaud felt that if MPerron is not planning to spray-paint parking spaces, she should request a waiver, as it is a requirement that "Each parking space shall be clearly marked". AWood asked if she has to have LINES or if she could just put up signs. PRenaud said there is only one row of parking against the building, and then the rest are in the open area, so each of the parking spots proposed would be on grass. RMarshall said, "This is a field, where animals will be allowed to graze when events are not being held." He did not feel that she needed a waiver. PRenaud said he agreed in principal, but to make sure that we are being as thorough as possible, he does feel that she needs to ask for a waiver. PRenaud moved to advise MPerron that she needs a waiver request for marking the parking spots.

This was seconded by RMarshall.

RMarshall voted Yes

JFletcher voted Yes

AMoon voted Yes

AWood voted Yes

PRenaud voted Yes

(5-0)

AWood asked, "With the current state of her septic system now, and with customers using port-a-potties, how will that affect it? Where will the port-a-potties be placed?" Placement of the port-a-potties had not been previously discussed. RMarshall said, "We need to ask where the port-a-potties will be placed and how long she intends to have them."

RMarshall asked about the caterers and their intent to use the kitchen. "Is it Food Prep or Food Presentation?" This was another question MPerron would need to answer.

The Board discussed a document submitted by MPerron, which had expired. The map says, "Proposed septic system – see design" but the approval for the proposed septic states that it is only good for 90

days. MPerron needs to have that updated. RMarshall said that the State would need to approve this, not us.

PRenaud wanted to know how the use of the property and the limits proposed will be enforced. How are we going to know what she is running, how many events, and how will we police this? Who is going to be responsible for this? JFletcher said that the best thing to do is work with the applicant, have her notify us of the events she is planning to hold, and take her at her word. AMoon noted that in the previous meeting we had mentioned that she should notify the police of any event of over 60 attendees. RMarshall said we should track what happens the first year, and the second year, and she should report to the Planning Board or its designee. Perhaps we could prepare a form for her to put down the date, etc. of each event. Mike Borden could, as code enforcer, keep track of these and then we can see how it goes. RMarshall offered to prepare such a form. In a year, we could call MBorden to come in and we can review the schedule and what happened.

The board wondered if we needed to regulate ALL of the events, or just the larger ones? PRenaud agreed that we do want to have a form that she could fill out and submit electronically of each event, the number of expected attendees, including service people. We would want this form submitted BEFORE the event was going to be held. PRenaud said that the Police Chief and the Code Enforcement Officer need to be informed of what is going on so they can contact the applicant to discuss traffic control if needed. RMarshall felt that the board should not be spending too much time on enforcement. AWood asked who would pay for the policing if it is required. RMarshall said "Not the Town. If police detail were needed, she would need to pay for it." JFletcher agreed that the number of events and attendees does need to be watched. That way we can go back and review to see how it went, and determine whether the ordinance needed to be tweaked.

PRenaud brought up the types of events that we specified would be allowed (workshops, retreats, private weddings, etc.) and stressed that on the reports, we need to know the kind of event to see what we can do to help everyone prepare (the town, the police department, the applicant and her business).

JFletcher asked if we could do it more informally, and it was agreed to have that discussion at our next meeting.

PRenaud mentioned the report from Dawn Tuomala and asked if there was anything else we should consider. JFletcher says that the numbers of gallons per day she was coming up with on the sewage confused him. The board wanted clarification on if she is having the wedding party stay over as part of the package, does she still need to stick with the B & B regulations specifying how many overnight guests she can have? (Anything over 16 needs upgrades for sprinkler, etc.) RMarshall said that the number of overnight guests and how that relates to exits/egress/doors, and septic, should be on our list of things to discuss.

KPaulsen unrecused himself at 8:30 PM

8:30 PM John & Brenda Paradise Property (R1-33) – Class VI (Muzzey Hill) Road Development, Review and Comment

PRenaud said there are three aspects of this case to determine whether or not the Paradise's need to go to the ZBA for a variance:

- What are our regulations and what ordinances apply to this lot, and what is grandfathered?
- What needs to be formally submitted to the select board?
- Municipal officials from the town that is applied to (Greenfield) need to send a written request to officials in the other town to give this town waiver of liability. Is the Town of Bennington willing to provide emergency services?

Regarding minimum lot size: PRenaud produced a map for the lot from July 15, 1959. The Parkers had bought that lot, Lot #5, which was 2.5 acres. RMarshall questioned whether this was created in Greenfield or Bennington. PRenaud continued that in 1946, the Parkers bought these lots and paid taxes on the other 4 lots to Bennington, but did not pay taxes on the 5th lot to Greenfield, so the Town took it.

Regarding grandfathering – the Zoning Ordinance containing all of the amendments through 1959 states that the frontage shall not be less than 100'. This was Residence B land, and the minimum lot size was 15,000 square feet. Therefore, PRenaud feels that this lot IS grandfathered. Rural Ag district,

where this land now is, says that this lot was a conforming lot previously, so it should be a conforming lot now.

PRenaud asked if the board thinks this is grandfathered for the definition of frontage? PRenaud produced a variance from the ZBA dated 4/19/1997 giving JParadise permission to build on that lot.

However, that expired years ago. RMarshall restated that whether or not it is a buildable lot or has frontage is irrelevant at this point. PRenaud said he is willing to put in a formal comment what he has learned as far as the minimum lot size and grandfathering are concerned. JFletcher said that he feels JParadise needs to go before the ZBA. AWood said that even though it may be grandfathered in, this is now a class 6 road and so it does not conform to the current regulations. AWood feels that this will need to go before the ZBA. JFletcher asked if there ever was a building on the property, and PRenaud said no. RMarshall said that since JParadise's purchase was contingent on his ability to build on the lot, why would he now lose that right just because the permit expired. RMarshall felt that this should go to an attorney.

Considering each aspect separately:

AMoon moved that given all of the reasons previously stated that the minimum lot size be grandfathered. PRenaud seconded it.

AWood voted Yes

AMoon voted Yes

KPaulsen voted Yes

JFletcher voted No

RMarshall Abstained

PRenaud voted Yes

(4 Yes, 1 No, 1 Abstained)

AMoon moved that based on the zoning ordinance of 1959 this lot was grandfathered for minimum frontage length with is currently 350'; this lot has approximately 300' but the 1959 ordinance required 100'. In 1959, this was conforming. KPaulsen seconded the motion.

RMarshall abstained

JFletcher voted No

KPaulsen voted Yes

AMoon voted Yes

AWood voted Yes

PRenaud voted Yes

(4-1-1)

AMoon said that since this had to go before the ZBA back in 1959 regarding the issue of frontage, there is precedence. However, with no definitive savings clause attached to the definition of frontage, is this grandfathered under the current definition of frontage? AMoon moved that the board does not have sufficient information to grant grandfathering for required frontage on the Class 5 road, and the matter should be referred to the ZBA for variance. This was seconded by AWood. RMarshall raised discussion on the motion and the savings clause and whether it was omitted inadvertently.

RMarshall abstained from voting

AWood voted Yes

JFletcher voted Yes

KPaulsen voted Yes

AMoon voted Yes

PRenaud voted Yes

(5 Yes, 1 Abstained)

The decision was Unanimous (with 1 abstention) that JParadise needs to go to the ZBA for a variance.

PRenaud said that a letter needs to be written to the Bennington Select Board, Planning Board, and Town Administrator, and he asked who should write the letter. Not hearing anyone volunteer, he said he would draft the letter and send it out for review in the next couple of days.

Back to the topic, "Is Bennington willing to provide emergency services to the lot?" This is not required as far as the Planning Board is concerned, but will need to be noted on the plat submitted.

PRenaud said that we do need to know and have on file not only a waiver of liability, but written confirmation of their willingness to provide emergency response. While this will have no bearing on our decision, it is necessary for moving forward.

RMarshall asked for clarification; the property actually has zero frontage in Bennington. KPaulsen confirmed that the driveway would be right where Dodge Road ends. RMarshall wanted to be sure that the proposed location for the driveway would be approved so that did not become an issue somewhere down the road.

10:03 PM that part of the meeting ended, and JParadise left the room.

Old Business: Returning to the Rules of Procedure, PRenaud quickly ran through the changes that were made during the last revision. He noted the addition of the Site Walks and Reconsideration on page 7. He asked if the other members of the Board wanted to leave them in as written, or make any changes. It was decided that the Reconsideration paragraph will be deleted.

RMarshall moved that we accept the Rules of Procedure as amended. AMoon seconded.

RMarshall Yes

JFletcher Yes

KPaulsen Yes

AMoon Yes

AWood Yes

PRenaud Yes

(6-0)

RMarshall moved to adjourn, and PRenaud seconded. All were in favor.

Meeting adjourned at 10:20 PM