

Rowe Planning Board
November 18th, 2021
7:00 P.M.

Planning

Board: Chair Paul McLatchy III, Vice-Chair Ben Werner, Charles Sokol
Absent: Daniel Burke, Jessica Albrecht

Audience of

Citizens: None

Approved Motion Summary:
(discussion details and vote records in minutes below)

- Approve the minutes of September 21st 2021 as presented.
- Approve the minutes of October 19th 2021 as presented.
- Request \$1,500 to be appropriated to the Planning Board Operations account and \$5,000 to be appropriated to the Planning Board Legal/Consulting revolving fund at the next annual town meeting.
- Adjourn the Planning Board meeting at 9:00 P.M.

Meeting Minutes:

Call to Order: Chair McLatchy III called the Planning Board meeting to order at 7:03 P.M., a quorum of the committee present.

Minutes of September 21st:

A motion was made by Paul McLatchy III and seconded by Ben Werner to approve the minutes of September 21st 2021 as presented.

Paul McLatchy III	-	Yes
Ben Werner	-	Yes
Daniel Burke	-	Absent
Jessica Albrecht	-	Absent
Charles Sokol	-	Yes

Minutes of October 19th:

A motion was made by Paul McLatchy III and seconded by Ben Werner to approve the minutes of October 19th 2021 as presented.

Paul McLatchy III	-	Yes
Ben Werner	-	Yes
Daniel Burke	-	Absent
Jessica Albrecht	-	Absent
Charles Sokol	-	Yes

Planning Board Budget for FY2023: Mr. McLatchy III presented the previous years’ budget appropriations for the Planning Board, and explained that in previous years the Planning Board had requested, but had not been granted, stipend payments for the members. He also reported how for the past two fiscal years a sum of \$5,000 had been appropriated to a revolving fund for Planning Board legal fees and counsel. He reported that we have spent \$250 from the operational budget from this fiscal year out of an appropriated \$2,000. The general consensus of the members present that a reduced operations budget would be appropriate, and that no stipends were necessary.

A motion was made by Charles Sokol and seconded by Ben Werner to request \$1,500 to be appropriated to the Planning Board Operations account and \$5,000 to be appropriated to the Planning Board Legal/Consulting revolving fund at the next annual town meeting.

Paul McLatchy III	-	Yes
Ben Werner	-	Yes
Daniel Burke	-	Absent
Jessica Albrecht	-	Absent
Charles Sokol	-	Yes

Special Permit Application for Short-Term Rental at 61 Zoar Rd: Mr. McLatchy III noted that the 90-day timeline after the October 19th hearing regarding Mr. Poehlien’s special permit application suggests a constructive grant could be pursued by Mr. Poehlien as soon as January 17th, 2022, provided no vote on the matter by the Planning Board occurs before that date.

Citizen Planner Training Collaborative Webinar Trainings: After some discussion of the upcoming webinars related to various planning board topics, the members of the Planning Board determined the following two classes would be of interest to one or more members, both of which would be streamed at the Town Hall on the conference room display. These webinars will be for the educational benefit of the attendees – including members of the planning board and others if there is interest – and will not be official board meetings where deliberation will occur:

Roles and Responsibilities of Planning and Zoning Boards

- Date: Tuesday, December 7, 2021, 5:30 pm
- Description: *“This program will launch you into your role as a local official and introduce you to the functions of the two boards and the main tools of planning and zoning. This session will also include an introductory discussion of the Open Meeting, Public Records, and the Conflict of Interest Laws.”*
- Presenter: Bob Mitchell, FAICP, Consultant
- Sponsor: Montachusett Regional Planning Commission

Special Permits and Variances - 211215

- Date: Wednesday, December 15, 2021, 5:30 pm
- Description: *“Participants will learn about the difference between special permits and variances; the issues and criteria for decision-making; and procedural requirements. Additionally, the course will discuss who has the authority to issue special permits and variances and how judicial decisions guide the way we work with them.”*
- Presenter: Alex Weisheit, Attorney, KP Law
- Sponsor: Southeastern Regional Planning Economic Development District

Zoning Bylaw Review: The planning board began reviewing Zoning Bylaws, starting with those bylaws identified as “Medium Priority” at the July 13th, 2021 meeting that had not yet been reviewed. All suggested re-wording of these bylaws is tentative, and each may be formally presented through the public hearing process at a later time if the Planning Board wishes to pursue adoption of any or all of these changes.

Section 5: Relating to dwelling setback from roadways

The Planning Board discussed the limitations on road setbacks for dwelling structures, taking time to discuss ambiguity of the phrase “road line” in the existing language of this section. After some discussion the following wording was agreed upon:

“Any dwelling hereafter erected shall not be located within fifty (50) feet of the centerline of any street or highway.”

Section 7: Relating to lot size and road frontage requirements

The Planning Board discussed the intention of the listed definitions of Class A (qualified for dwelling construction) and Class B (not qualified for dwelling construction) lots. In addition to determining minimum lot size and road frontage for dwelling lots, some of the requirements appeared to establish limitations related to septic system construction. The limitations related to bedrock, ledge, hardpan or other impermeable or poorly permeable subsurface layer, seasonal surface water, or ground water each appeared to be covered by existing Title V regulations or the Clean Water or Wetlands Protection Acts.

The Planning Board discussed the lot size and road frontage requirements as listed, and considered whether the frontage requirements should be that each abutting public way meet a minimum contiguous distance, or that at least one abutting public way meet a minimum contiguous distance.

The Planning Board also discussed moving the definitions of “Dwelling Lot” and “Area of Proposed Usage” from this section to the previously established Definitions Section. After this discussion, the following wording was agreed upon (the additions to the definition section will be formalized at a later time):

“Each dwelling unit hereinafter placed in any district shall be located on a Class A Lot. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth below.

- A. *Class A Lot: A Class A Lot has all of the following qualities:
 - i. *A total area of no less than four (4) acres.*
 - ii. *A minimum frontage of four hundred (400) contiguous feet on at least one public road.*
 - iii. *Has an area of proposed usage suitable for the installation of an approved in-ground sewage system as certified by the Board of Health.**
- B. *Class B Lot: A Class B Lot is any lot which does not meet the criteria of a Class A Lot.*
- C. *Reclassification: The classification of any lot designated as Class B shall be changed by the Planning Board to Class A upon presentation to the Planning Board that said lot meets all criteria of a Class A lot.”*

Priorities for Bylaw Review: The Planning Board requested that the sections of the current zoning bylaws to be focused on for review, as previously categorized as either “high,” “medium,” or “low” priority at the July 13th, 2021 meeting, be listed within future minutes for reference. Those priorities, as listed in the minutes of the July 13th, 2021 meeting, are listed here for convenience:

Note: the next section likely to be discussed is Section 9

High Priority:

- Section 2: Relating to use regulations
- Section 6: Relating to number of dwellings per lot
- Section 10: Relating to number of unrelated persons within a single dwelling
- Section 18: Relating to special permit application filing and issuing
- Section 20: Relating to public hearing notices

Medium Priority:

- Section 4: Relating to non-dwelling structure setback from roadways
- Section 5: Relating to dwelling setback from roadways
- Section 7: Relating to lot size and road frontage requirements
- Section 8: Relating to structure setback from side and rear lot lines
- Section 9: Relating to chassis-based mobile home and trailer restrictions
- Section 15: Relating to zoning board of appeals

Low Priority:

- Section 1: Relating to the purpose of zoning bylaws
- Section 3: Relating to the on-site storage of unregistered and/or inoperable vehicles
- Section 11: Relating to the storage of brush, timber, or other cuttings
- Section 12: Relating to earth removal
- Section 13: Relating to construction permits
- Section 14: Relating to sewage systems
- Section 16: Relating to the beginning of construction
- Section 17: Relating to modifications to pre-existing non-conforming structures
- Section 19: Relating to the applicability of zoning bylaws to existing non-conforming structures
- Section 21: Relating to zoning bylaw changes via town meeting vote
- Section 22: Relating to site plan reviews
- Section 23: Relating to solar generating installations

Additionally, the group determined it would be worth reviewing the definition of the Planning Board and term length of Planning Board seats as defined in the general bylaws.

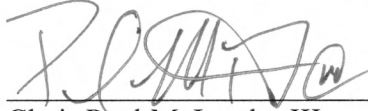
Adjourn:

A motion was made by Paul McLatchy III and seconded by Charles Sokol to adjourn the Planning Board meeting at 9:00 P.M.

Paul McLatchy III	-	Yes
Ben Werner	-	Yes
Daniel Burke	-	Absent
Jessica Albrecht	-	Absent
Charles Sokol	-	Yes

*Respectfully Submitted,
Charles Sokol, Secretary*

Approved: 1 / 11 / 2021



Chair Paul McLatchy III



Vice-Chair Ben Werner

Daniel Burke

Jessica Albrecht



Charles Sokol

Attachments:

- Agenda