

PLANNING BOARD

Town Hall, 807 Mill River Southfield Road, Mill River, MA 01244

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VIA TELECONFERENCING

Wednesday, December 9, 2020

Members Present: Mark Carson, Chair
Bob Hartt, Vice Chair
Paul Marcel
Tom Sebestyen
Jon James

Others Present: Robert Goyette, Contractor for 120 Hillside Ave.
Robert Levesque, Land Consultant for 120 Hillside Ave.
Tom Stalker
Carla Hoffman – 120 Hillside Ave.
David Hoffman – 120 Hillside Ave.
Jack Magnotti, Kelly, Granger, Parsons & Assoc.
Tara White, Chair Board of Selectmen
Larry Burke, NM5VN

This meeting is being recorded by freeconference.com for the purposes of transcription.

A motion was made, seconded and so voted to call the meeting to order at 7:05 p.m.

Mark Carson	Aye
Bob Hartt	Aye
Paul Marcel	Aye
Tom Sebestyen	Aye
Jon James	Aye

Approval of prior meeting minutes

A motion was made, seconded and so voted to accept the minutes of the November 23, 2020 meeting.

Mark Carson	Aye
Bob Hartt	Aye

Paul Marcel	Aye
Tom Sebestyen	Aye
Jon James	Aye

Review Mail

There was no mail to review.

Review plans submitted from Kelly, Granger, Parsons & Assoc.

Mark reviewed the plans and felt they were straightforward. Larry Burke requested additional information on the property. There were two separate plans submitted, both containing Form A's that have to be signed by the Planning Board. Jack Magnotti stated that one was for the Deborah DeCotis Project on Foley Hill Road.

A motion was made, seconded and so voted to accept the plans submitted by Kelly, Granger, Parsons & Assoc. for the Deborah DeCotis project.

Mark Carson	Aye
Bob Hartt	Aye
Paul Marcel	Aye
Tom Sebestyen	Aye
Jon James	Aye

The second project was for the Grass Market LLC dated September 2020, creating five building lots on Cross to Canaan Valley and Konkapot Roads, the discussion of which has been postponed until next week when all documentation is available.

Review special permit – 120 Hillside Ave.

Mark stated this is a non-conforming one-third of an acre lot, and the Hoffman's are requesting the setback be reduced from 15' to 5'. Bob Hartt recused himself from this discussion as he is friends with the Hoffman's. Mark stated he disagrees with making a non-conforming lot more non-conforming by making a bigger footprint which would bring the property line closer to other property lines. Rob Levesque stated that they had received letters from the neighbors approving the special permit conditions as well as approval from the insurance company. The Hoffman's have long-standing relationships with their neighbors and wish to use this home as their retirement home. Paul Marcel expressed his concern over the setbacks and how it may affect neighbors in coming years with only a 3'-4' boundary and doesn't believe it's a good idea to approve this special permit. Rob Levesque felt that because of the location of the home, it would be difficult, because of topographical restraints, for anyone to try and build a home closer to the Hoffman's home. Rob also didn't feel this would create a precedent if this permit

is approved. The approval of this permit would not interfere with emergency vehicles accessing the property.

A motion was made for 120 Hillside Avenue special permit request to recommend to the Board of Selectmen that approving this permit would make a non-conforming lot more non-conforming. The setbacks are too close to the property line to have adequate access for ladders, etc., and felt that this is more than a small adjustment; therefore, Mark is not in favor of approval of the permit.

Tom Sebestyen felt that the Board needed additional information before any decision could be made and that this issue be tabled until the next meeting, when more information is available to come up with a resolution acceptable to all parties.

Rob Levesque stated he could provide additional information by perhaps moving the western property line, so that the entire plan did not have to be redone but revised. It was confirmed that the original setback was 15' however the setback problem is the garage. Mark stated that the setback in Town is 25' and to move the setback on the Hillside property to 4' or 5' is not acceptable; however, if the setback could be brought back to the 15' it would be more acceptable. Mark also stated that if the house could be manipulated to accomplish this, it would be something the Planning Board would reconsider.

Tara White suggested that the Hoffman's request an extension of time at the next Board of Selectmen meeting so that revised plans can be presented. The Planning Board would then not have to make a recommendation tonight. David Hoffman requested feedback from the Planning Board on what they would like to see changed so as to not delay the project further. Tom Sebestyen stated he felt the Planning Board would be able to make a decision at their meeting next week, pending additional information from the Hoffmans. The question was asked if a 10' setback would be acceptable. Mark stated he couldn't speak for the entire Board but asked if easements from the abutters is a possibility which may make it more acceptable. Comments from the Board included fear of setting a precedent for other properties where a non-conforming setback is made more non-conforming.

A motion was made, seconded and so voted that the Planning Board not make a recommendation to the Board of Selectmen on the special permit application until additional information is received from the Hoffman's and the contractor.

Mark Carson	Aye
Paul Marcel	Aye
Tom Sebestyen	Aye

Jon James
Bob Hartt

Aye
Abstain

Jon James made a motion to not recommend approval of the special permit to the Board of Selectmen.

The motion was not answered.

Mark Carson withdrew his previous motion and it was felt it would not conform the Town's bylaws regarding setbacks.

Junk Car

Mark advised that the Mylars at Town Hall have to be signed.

Dark Sky

Mark stated that he liked Tom's writing on Dark Sky and the maps done by Bob. Mark thanked both Tom and Bob for the work they've done on this project. Larry Burke was advised the draft article and the maps will be used as an Introduction to the Dark Sky Law and will be ready for the NM5VN prior to December 15, 2020 for the January 2021 issue. The Board does not have a bylaw but is waiting for the International Dark Sky Association to send model language that can be used as a starting point along with rural bylaws adopted by other towns.

A motion was made, seconded and so voted to have both Bob and Tom forward their documents/maps to the NM5VN which also will be put on the Town website and Maggie's List.

Mark Carson	Aye
Paul Marcel	Aye
Tom Sebestyen	Aye
Jon James	Aye
Bob Hartt	Aye

The Town will be asked for feedback on the Introduction to the Dark Sky Law through the Planning Board email address on the Town website.

Old Business/New Business

- Mark is working on a curb cut ordinance with Tom Stalker.
- Tom Sebestyen would like to have a meeting where everyone can see each other.

A motion was made, seconded and so voted to adjourn the meeting at 8:55 p.m.

Mark Carson	Aye
Paul Marcel	Aye
Tom Sebestyen	Aye
Jon James	Aye
Bob Hartt	Aye

Minutes Approved:  _____

Date: March 10, 2021