

Deerfield Planning Board

Monday, July 11, 2022, 7 PM

8 Conway Street, South Deerfield MA 01373

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Planning Board was held on July 11, 2022 at 7:00 remote on Zoom Meetings normally held at the Municipal Offices are being held remotely, with adequate, alternative means of public access and, where required, public participation provided, in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c.30A § 20. Meetings are typically broadcast on Frontier Community Access Television (FCAT). Meeting available on YouTube: <https://www.youtube.com/watch?v=QVIMsrPHU6g>

Members Present: Analee Wulfschlegel (chair,) Denise Mason (vice-chair,) Rachel Blain (clerk,) Andrea Leibson, Kathy Sylvester, Kathy Watroba. Absent: Ann Mary Cloutier

Also Present: Ken Comia, Deputy Director, Land Use and Environment, Pioneer Valley Planning Commission

1. Chair Wulfschlegel opened the meeting at 7:01.

2. Minutes reviewed from 04/04/2022 meeting.

Motion to approve 01/03/2022 minutes Andrea Leibson, seconded, Denise Mason.

VOTED: Mason y, Leibson y, Blain y, Sylvester y, Wulfschlegel y; Watroba y.

6-0-0

Minutes reviewed from 09/05/2022 meeting.

Motion to approve 01/03/2022 minutes Kathy Sylvester, seconded, Andrea Leibson.

VOTED: Mason y, Leibson y, Blain y, Sylvester y, Wulfschlegel y; Watroba y.

6-0-0

Minutes reviewed from 19/05/2022 meeting.

Motion to approve 01/03/2022 minutes Kathy Sylvester, seconded, Denise Mason.

VOTED: Mason y, Leibson y, Blain y, Sylvester y, Wulfschlegel y; Watroba y.

6-0-0

Minutes reviewed from 25/05/2022 meeting.

Motion to approve 01/03/2022 minutes, Andrea Leibson seconded, Kathy Sylvester.

VOTED: Mason y, Leibson y, Blain y, Sylvester y, Wulfschlegel y; Watroba y.

6-0-0

Minutes reviewed from 06/06/2022 meeting.

Change to reflect the date set for a public hearing about the fee schedule from "July 11, 2022 to a later date."

Motion to approve 01/03/2022 minutes Andrea Leibson, seconded, Denise Mason, as amended.

**VOTED: Mason y, Leibson y, Blain y, Sylvester y, Wulfkuhle y; Watroba y.
6-0-0**

New Business

3. Introduction of Ken Comia, Deputy Director, Land Use and Environment, Pioneer Valley Planning Commission. Currently working with Blandford, Granby, Hadley, and Pelham. Providing services related to drafting decisions, assisting with review of development applications and offering technical assistance.

Chair Wulfkuhle points to the services of the FRCOG but we have needs that cannot be met with them. We are looking for assistance from PVPC with site plan review, special permitting, and stormwater review (with regulation not engineering.) Possibly we will ask for pre-submittal meeting as well.

Contact with PVPC should go through the chair.

Old Business

4. Chair Wulfkuhle discusses tracking the hours spent by board members on Planning Board work. Intention would be to help a future board member would understand the commitment, to understand how much time each project takes, and to register the time that is volunteered on behalf of the town, helping to guide the town as they look to hiring a planner. Gather the data that would inform townspeople of the need. Time of year when we are busier.

Ann-Mary Cloutier joined the meeting.

5. Minutes taking is a load of time. There is a potential hire for the town whose job description may include the minutes. Possibly others can fill in at times. Kathy Sylvester volunteered to assist as back-up.

Motion to appoint Rachel Blain as board Clerk, Kathy Sylvester seconded, Kathy Watroba.

**VOTED: Mason y, Leibson y, Blain y, Cloutier y, Sylvester y, Wulfkuhle y; Watroba y.
7-0-0**

6. **Motion to appoint Ann-Mary Cloutier to represent the Planning Board on the Community Preservation Committee, Andrea Leibson seconded, Rachel Blain.**

**VOTED: Mason y, Leibson y, Blain y, Cloutier y, Sylvester y, Wulfkuhle y; Watroba y.
7-0-0**

7. Review of fee schedule by Andrea Leibson.

Beginning May 9 we checked in with the fee schedule that had not been changed since 2015. After a meeting with Brenda Hill, town accountant, and Kayce Warren, town administrator, on May 29 there emerged suggestions to update and simplify.

Section 3.3 changes to a., b., c., d., f., g., and h. (See document.)

Section 3.4, change on \$300 for SPR and amended SPR would incur an additional \$250.

This would eliminate the need for 3.3; b., d., and h.

Kayce explained it is an amended form and not “modified,” important wording for consistency.

Section 3.5 and 3.6, no changes.

Section 4, added the word “consultant” added to 4.1, 4.2 and 4.3

Section 4.3 changed, “fees for consultant reviews vary” and “consultant fees must be paid in advance of the Planning Board approval.”

Section 4.4 applicant pays for the consultant up front, and there would be request to replenish as the fund is used on a more complicated project.

Section 4.5 no change.

Section 4.6 no change. (“Selectboard” needs correcting thorough the document.)

Section 4.7 no change. (Selectboard)

Question of delinquent accounts are rare. There is a 14% interest rate on these accounts.

Proposed August public hearing

From Ken Comia: a singular fee is simpler than a fee based on square footage. The replenishment mechanism is not easy. Charging the applicant for the board’s consultant as well. A specific process for payment for consultants needs to be well laid out.

Leibson, forms were changed to address the potential for nonpayment of consultants or peer review.

Motion to approve the Planning Board fee schedule as revised July 11, 2022, Rachel Blain seconded, Ann Mary Cloutier.

VOTED: Mason y, Leibson y, Blain y, Cloutier y, Sylvester y, Wulfkuhle y; Watroba y. 7-0-0

8. Scheduling for next regularly scheduled meeting, August 1, 2022 is challenged by possible absences. Next meeting would be August 15, 2022 if necessary. Public Hearing for fee schedule will be on September 12, 2022.
9. Kathy Sylvester: Accessory Dwelling work group report.

*Pending state legislation, there is legislation that changes can be passed by a simple majority.

*3920, discussion about the size allowed, it reads “shall not exceed gross floor area of the accessory apartment shall not exceed 30 percent of the gross floor area of the dwelling or 1200 square feet maximum” or “should it be half the floor area the principal dwelling or 1200 square and would not be required to be less than 1200 square”

From Ken Comia, depends on the appetite of the voters. Intention to clarify the regulation or to make it easier to develop ADUs.

Denise Mason: ADU is for a family member. For those on sewer it is more realistic but others would likely need to update sewer and that expense will be high.

Ann-Mary Cloutier: It can’t be more than a third or more than half. We can’t say that it has to be greater than 1200 or 900 square feet. Half is too large, that is a duplex. Can we stick to a proportion of the primary living space.

Jen will offer some of the documentation from Amherst concerning regulation.

From Ken Comia: Having worked with Worthington from 900 or half , attached or detached. Bruce St. Peters: Concerning the town vote, he suggests that if the article allowed 900' or less it could pass with simple majority.

Adding the requirement for a foundation to address the inclusion of tiny houses as ADUs.

Working on the language of how the units are rented. How long the units are rented.

Denise Mason: Highlighting the issue of enforcement.

Jen: Permitting rentals, registering those rentals to track.

From Ken Comia: Permitting mechanism is to be sure that they comply with (safety) regulations and there is also a “look back”. He suggests the possibility of a consideration for voluntarily bringing property (ADU) into compliance after a certain amount of time or that it maybe noncompliant after a certain amount of time (to bring legacied properties to code.) Documentation about vacation absences could also be included in the language. Homeowner filing an affidavit with the town about the rental status of the property is an option. Must work with the enforcement agent/agency.

In neighboring towns our research finds that there are 2 or 3 ADUs per year. Data on impact to schools (Kathy S.) will be helpful to answer questions as well.

10. Reporting on affordable housing inventory is ongoing project. Chair Wulfkuhle and Jen Gannett continue to pursue.

11. Report from Ember Gardens. Still working on their CCC paperwork.

12. Planning Board work day coming up next week.

13. Citizen’s Petition concerning flooding at Sugarloaf Condominiums.

Analee Wulfkuhle recused as an abutter to the property.

Denise Mason, vice-chair, reminds that anything a citizen would like the board to review must be presented at the town hall the Thursday before a Monday board meeting to be considered for review.

Bruce St Peters, 19B Snowberry Circle:

Concerning the flooding at Lot B, 69 Sugarloaf Street, northwest infiltration basin, February 3 and 4, 2022. It could be called an operational failure. The storm water regulation, section 10, addresses the requirement for the permittee to resolve any issue at permittee's expense. Based on section 6 the standards are met “in all seasons.” This was discussed at the Planning Board during the review process in 2017. (Details of the plan are in the letter submitted by the petitioner.) It appears (to the petitioner) that this is there is an easement to the town but not the condominium association even though the condominium associated is responsible for maintenance of those structures for the storm water operation maintenance. Activities of the

neighbor impact the area, (further discussed in letter.) The HOA has no authority. St. Peters requested that the board include the petition on June 25 and July 5 on their meeting agenda. The petitioner (St. Peters) requested that the numerous changes from the approved plans be verified that they were submitted reviewed and approved by the planning board as required by the stormwater regulations.

14. Committee reports:

Denise Mason/CCI: The large sewer expense is hampering the other large town projects. The DOT want the town to take over Sugarloaf Street and Park Streets. Visit from Rep McGovern with CCI, would like to connect with USDA.

15. Next meeting September 12, 2022.

Motion to adjourn: Rachel Blain Second: Kathy Watroba

Vote: 7-0-0

Respectfully Submitted,

Rachel Blain, Planning Board Clerk