

Planning Board Meeting Minutes – October 24, 2018

Members Present:

- Jeanie Lindquist
- Jim Hargraves
- Terri Cantor
- Alan Pease
- Tricia Foster

Also in attendance:

- Laura Harbottle, Land Use Agent

Meeting started at 7:35pm

Minutes Approval:

- **Alan moved to approve the minutes of October 10, 2018** with Jim seconding.
Approved with 1 abstention
- Corrections/clarifications:
 - Verification of meeting notes around the private roads... these roads were reviewed for accessibility according to state law
 - Our agent will create a cheat sheet on the grade, widths, etc, that define the public ways
 - Agent will also attempt to verify the date the first subdivision control law

Open Space Recreation Plan and Goals:

- Changes were made based on feedback from the last discussion period
- After much discussion on several items, **Alan moved to approve the action plan** as corrected, with Jeanie seconding. The vote was unanimous.
- Letter stating that the plan has been reviewed and approved with corrections implemented; **Jeanie moved that Alan create the letter** with Jim seconding; unanimous vote taken on the action

Proposed change of language for Subdivision Control 2.1.5.1:

- A proposed change was discussed:
In determining whether a way in existence when subdivision law became effective is adequate to qualify a plan for Approval Not Required endorsement, the board shall use the standards and criteria of section 4.1 (or 4.1.1 and 4.1.2) of the Subdivision Regulations for the Town of Ashby at the time said endorsement is sought, and ensure that adequate provisions have been made for public utilities and drainage.
- This would include: adequate access, preparations, surface, and grade. This would apply to private ways; this establishes criteria for the way in the case of land being divided into multiple lots.
- This would remove 2.1.5.1 and replace it with the text in the first bullet.
- The idea is to set a high bar that will give the planning board flexibility in waiving or requiring the “way” standards for dividing a lot for potential development.

- Discussed adding a sentence to clarify that the way was in existence prior to subdivision control and who owns responsibility of proving the pre-existence of way:
The applicant shall demonstrate that the existing way currently meets these standards and that the way was in existence at the date of acceptance of the subdivision control laws in the Town of Ashby.
- Additionally, look at the use of the wording that allows the planning board flexibility to waive portions or all of the bylaw.
- Waiver power is granted in 4.18 and 5.1.
- **Jeanie moved to replace 2.1.5.1** with the new language written and recorded in the minutes below. Trish seconded. The vote was unanimous.
- Two sections will be created: 2.1.5.1.1 (first bullet from this section) and 2.1.5.1.2 (addendum created during the meeting):
 - **2.1.5.1.1: In determining whether a way in existence when subdivision law became effective is adequate to qualify a plan for Approval Not Required endorsement, the board shall use the standards and criteria of section 4.1 of the Subdivision Regulations for the Town of Ashby at the time said endorsement is sought, and ensure that adequate provisions have been made for public utilities and drainage.**
 - **2.1.5.1.2: The applicant shall demonstrate that the existing way currently meets these standards and that the way was in existence at the date of acceptance of the subdivision control laws in the Town of Ashby.**
- A public hearing is required with 14 days advance notice (consecutive) in a public forum (newspaper that is commonly accessible, such as the Sentinel).
- Laura will provide a format that we can use for public hearing posting.
- **The planning board will schedule a hearing for November 28th, 2018, with an advanced notice given November 13th, 2018 .**

Marijuana Establishment on Bennett Road (Matthew Leder):

- This would be at 351 Bennett Road (under construction).
- The person is looking at building 1000sq ft. The intention is to keep it small and organic.
- He would hire someone from town and is looking to invest within the community.
- He would both live and cultivate at the location.

Meeting adjourned at 9:30pm.

Action Items:

- Setup a public hearing to adopt the subdivision control regulations for 2.1.5.1
(Owner: Planning Board – Jeanie to take lead)
- Verification of subdivision control law in the Town of Ashby
(Owner: Laura)
- Creation of cheat sheet defining grades, widths, surface for public ways
(Owner: Laura)
- Write letter of approval for the OSRP
(Owner: Alan)