

**PLANNING BOARD  
OCTOBER 11, 2012  
MINUTES**

Chairman Giger called the meeting to order at 7:15 PM at the Town Hall

Members present: Giger, Barringer, Burke Parent, Perkins, and Wilson

Members absent: Svarczkopf

**PUBLIC HEARING (con't) – PROPOSED ZONING AMENDMENT**

The Board continued the public hearing on the proposed zoning amendment to the Schedule of Use Regulations sponsored by the Agricultural Commission by citizens' petition. Members of the Agricultural Commission George Moore, Meredith Scarlett, and Susan Willcox were present.

Town Planner Michelle Colette said she spoke with Town Counsel David Doneski who confirmed that agricultural uses are exempt in all zoning districts under Chapter 40A, section 3.

Member Wilson said the Planning Board should support local agriculture as stated in the Comprehensive Master Plan. He thanked the Agricultural Commission for proposing the zoning amendment and asked if they plan to go forward or postpone the article at Town Meeting.

Member Parent asked why the Agricultural Commission would postpone the article. Member Wilson said for public relations purposes and to have more time to generate support for the amendment. He said it would be better if the Planning Board sponsors the article.

Chairman Giger said he has done more research and has a better understanding of the Conservancy, Open Space, and Public Use Districts. Section 218-12 Intention of Districts states:

- "E. C Conservancy District is intended for the preservation and maintenance of the groundwater table upon which the inhabitants depend for water supply; to protect the public health and safety, persons and property against the hazards of floodwater inundation and pollution; for the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along watercourses or in areas subject to floods; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife and open space for the education and general welfare of the public.
- "F. O Official Open-Space District is intended to include areas which have already been dedicated or used for public or semipublic uses.
- "G. P Public Use District is intended to regulate land in public use or land with public facilities."

Meredith Scarlett said the Conservation Commission would be open to notifying abutters prior to leasing conservation land to farmers. The Commission only licenses three properties at the present time. The special permit process through the Zoning Board of Appeals (ZBA) is not applicable to farming uses. She asked the Planning Board to discuss the matter with the Conservation Commission.

Member Burke said the special permit requirement is not under consideration because it is in conflict with Chapter 40A, section 3. He said changing "SP" to "Y" in Section 218-13 Schedule of Use Regulations still leaves ambiguous language. He recommended that the Agricultural Commission postpone the article and work with the Planning Board to propose an amendment at the 2013 Spring Town Meeting.

October 11, 2012

Page 2

Ms. Scarlett said the Commission would prefer not to include "Dog Kennels" as an Agricultural Use in Section 218-13.

Chairman Giger said he spent time discussing dog kennels with the Town Clerk. Kennel licenses may be obtained by owners of multiple dogs.

George Moore said he is also the Animal Inspector and is called upon to address animal-related matters. If the Board is going to address dog kennels, it should also address puppy mills.

Chairman Giger said it is important to include a definition of farming that may not be the same as the one in the Right to Farm by-law. He asked who would like to work with the Agricultural Commission on the proposed amendment. Members Parent and Burke volunteered.

Member Barringer said any zoning changes takes at least six months of discussion at public forums prior to the Town Meeting vote. He encouraged the Agricultural Commission to postpone the article at Town Meeting.

The Board voted (with Members Giger, Barringer, Burke, Parent and Wilson in favor and Member Perkins abstaining) to close the public hearing.

#### **PLANNING BOARD REPORT TO TOWN MEETING**

The motion was made by Burke, seconded by Barringer, to create a process to work with the Agricultural Commission, the Board of Health and Conservation Commission on a proposed zoning amendment to be presented at the 2013 Spring Town meeting. The motion passed unanimously.

The Board will post a meeting for October 15, 2012 at 6:30 PM to discuss its report to Town Meeting pending a decision from the Agricultural Commission on whether it will go forward with the proposed zoning amendment at the October 15, 2012 Town Meeting.

#### **GREENWAY COMMITTEE – FITCH'S BRIDGE ARTICLE**

Greenway Committee Members David Pitkin, Marion Stoddart and Fran Stanley met with the Board to request support of the article at Town Meeting requesting funds for engineering design for the removal and/or replacement of Fitch's Bridge over the Nashua River.

Mr. Pitkin said the Committee anticipates the engineering cost to be in the range of \$100,000 and demolition/construction cost to be \$600,000 to \$800,000. The existing bridge is a liability to the Town and has been closed for decades. The Committee would like the existing bridge to be removed and replaced with a pedestrian/equestrian bridge that would connect 30 to 70 miles of trails.

Member Wilson asked if the new bridge would be open to vehicular traffic. Mr. Pitkin said, "no."

Chairman Giger asked about all-terrain vehicles. Mr. Pitkin said compliance with the Americans with Disabilities Act (ADA) requires wheelchair access so it would be difficult to police a restriction on all-terrain vehicles.

Member Parent asked how the Committee arrived at the cost estimates. Ms. Stanley said they are based upon work done by Fay, Spofford and Thorndike in 2006 paid for with Community Preservation Funds.

October 11, 2012

Page 3

Member Parent asked what permits would be required. Ms. Stanley said the Committee will check with MassDOT and its engineer on permitting and costs. Four engineers were asked to submit quotes on the engineering work.

Member Burke asked how much demolition alone would cost. Mr. Pitkin said around \$140,000.

Member Burke asked what is the Town's liability if it does nothing at this time. Ms. Stoddart said she contacted the Police Chief who has received a number of calls about the safety of the bridge, particularly teenagers jumping off the bridge into the river.

Chairman Giger asked if the Town would own the bridge and if the DPW would have responsibility to maintain it. Mr. Pitkin said DPW Director Tom Delaney supports the project. Chairman Giger said Mr. Delaney should be involved in the design and construction process.

Chairman Giger asked about river flooding and emergency vehicle access during a flood event. Ms. Stanley said if vehicles can use the bridge, then pedestrians and horses would not be able to do so. A bridge designed to MassDOT standards would cost about \$2,000,000.

Member Barringer asked if Fitch's Bridge Road is a public way. Greenway Committee members said they believe so but the question has not come up in the past.

The motion was made by Wilson, seconded by Perkins, to support the Article 18 for the engineering design of Fitch's Bridge at Town Meeting. the motion passed unanimously.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner