

Planning Board minutes February 14 2024

These minutes were approved by the Planning Board at the March 13, 2024 meeting.

The meeting began at 7:30 pm.

Planning Board members present at Town Hall: Tom Ewing

Planning Board members present by Zoom: Steve Freedman, Richard Nathhorst, Van Stoddard, Tim Shores

Others in attendance at Town Hall: Judith Inglese, Jacob Park,

Others in attendance by Zoom: Ken Kahn, Diana Ruiz, Lorelei Bond

1. Review agenda - no changes proposed.
2. Motion passed unanimously to accept minutes of the previous meeting.
3. Judith Inglese to informally discuss potential rear lot at 8 Ryan Hill Rd
 - a. Judith wants to find out if it is possible to subdivide her property to create a back lot, and if it is possible, what procedure she must follow.
 - b. Tom led the review of plans and history of 8 Ryan Hill Road. This property has been subdivided previously with an Alternative Procedure Plan (APP), which means that further subdivision is not permitted.
 - c. Board members agreed that the Leverett zoning bylaw and subdivision regulation do not permit further subdivision of 8 Ryan Hill Road. It is not clear at this time whether a zoning change approved by Annual Town Meeting could change conditions to allow another subdivision of this property.
4. Diana Ruiz of the Native Land Conservancy to present ANR subdivision plan to facilitate donation of part of the property at 65 Montague Rd to the Conservancy.
 - a. Diana Ruiz, as a representative of the Native Land Conservancy, described the Conservancy mission and work, and presented a site plan to subdivide 65 Montague Road to create two lots:
 - i. A 4.4 acre lot with Montague Road frontage which is the site of the residence;
 - ii. A 54 acre lot without Montague Road frontage and without any structures.
 - iii. The site plan clearly states that the subdivided 54 acre lot would be “not a buildable lot”.
 - iv. The site plan indicates two easements on abutting lots for access to Montague Road. Diana stated that she has easement agreements drafted by the abutting property owners.
 - b. The owners of 65 Montague Road are Lorelei Bond & Dvora Eisenstein. Lorelei Bond was present to support Diana’s presentation and state that the owners intend to donate the subdivided 54 acre lot to the Conservancy, “free and clear” with no conservation restrictions.
 - c. Planning Board discussion: Tom and Richard clarified that this lot, with easements, is a flag lot that will not be buildable according to zoning, and the site plan clearly states “not a buildable lot” on the proposed subdivided lot. Therefore,

this subdivision proposal qualifies as an “approval not required (ANR) plan”. Tom told Diana and Lorelei that, per Leverett Subdivision Regulations, all that is required is the fee for an ANR plan, payable to Leverett Town Hall: \$50 plus \$100 per lot.

- d. The Board took two votes:
 - i. Motion passed unanimously to approve this site plan as ANR.
 - ii. Motion passed unanimously to let Tom Ewing sign the site plan on behalf of the entire Planning Board (since Tom was the only one at Town Hall).
5. Discussion about developing a planning board code of conduct: Tabling this topic since Molly is not present, because it was her proposed agenda item.
6. Comprehensive Plan update and discussion of implementation timing
 - a. The Board continued the discussion from the previous meeting about whether to pursue a State of Massachusetts One Stop Community Compact grant at this time.
 - b. Tom and Tim reminded everyone of the timing:
 - i. Town Administrator Margie McGinnis is preparing to send an expression of interest to the One Stop program in March.
 - ii. If we agreed to pursue the grant this year, we would submit a grant application in June, and we would expect to find out if the grant was awarded by October.
 - iii. We would prepare an RFP and select a proposal by December 2024 or January 2025. Work would begin with that consultant some time after that.
 - iv. April 2025 Annual Town Meeting would be too soon for any proposed changes that result from this consulting project. Therefore, the soonest we could propose zoning changes that result from this project would be the April 2026 Annual Town Meeting.
 - v. If we instead wait another year, the soonest we could propose zoning changes that result from a consulting project would be the April 2027 Annual Town Meeting.
 - c. Summary of the deliberation about applying for the grant now, or waiting until next year:
 - i. Tom sees an opportunity to continue the momentum we are gaining as the Town wraps up the Comprehensive Plan (due to be completed in June 2024). For several years and especially recently, he has discussed with Leverett residents who express interest in seeing the Plan help the Town solve issues that he believes are important and will have a positive social justice impact, by identifying locations for greater housing density, broadening the tax base, and improving housing affordability. He feels a sense of obligation to community members who have been attentive to these problems in Leverett, and to show them that we recognize the seriousness of these problems by continuing to the next step in planning implementation.

- ii. Tim stated that he has reversed the position he took at the previous meeting, when he felt it was important to apply for a zoning grant this year and to start working towards the community goals identified by the Comprehensive Plan. Since that meeting, he has discussed with several community members and reflected on his own experience of a lead role on the Comprehensive Planning process for two years. This role, especially since last summer, has had a persistent sense of urgency, but that doesn't mean we should assign the same level of urgency to the next step in implementation. He now recommends that the Board take a year of rest from Comprehensive Planning. The time will give people time to read, discuss, and provide feedback to the Town, and a stronger consensus may emerge about Comprehensive Plan implementation. He also stated this does not mean the Board would prohibit itself from making any zoning changes — we can and should work on proposing zoning changes that we have been discussing.
- iii. Richard agreed with Tim's suggestion, and pointed out that we have other tasks that we can focus on, such as the zoning changes we have already been discussing, preparing for FEMA flood map revision, and learning more about approaches and funding options for water and sewer infrastructure, which he explained will be necessary to achieve enough property density to effectively broaden the tax base.
- iv. Steve stated that our current focus is on the Comprehensive Plan itself, and on completing that project in a timely manner — in June 2024, as expected. Once that's finished, we can continuously assess changing conditions to determine next steps. To him, it's important that any zoning changes we propose win the vote at Annual Town Meeting. Given how important this is, he agrees that it makes sense to pause and not pursue the grant this year.
- v. Van agreed with Steve, and asked clarifying questions about what Tim had in mind about zoning changes that we should make before working with a consultant. Tim suggested the housekeeping items to correct errors and clear up ambiguities, the ground-mounted solar height and "three dog" zoning bylaws, and "low-hanging fruit" zoning changes that we have discussed in recent months and that would not have a large impact and that have seen strong community support, such as changes to make it easier to install solar and build ADUs, and changes to cell tower zoning bylaws that are an obstacle to mobile coverage.
- vi. Jacob Park was given a chance to speak. He expressed concern that people have not had enough time to learn and think about the full implications of Comprehensive Planning, goals that the Plan will define, and how to reconcile the costs, tradeoffs, and unintended effects of future policy changes intended to make progress towards Plan goals. He stated that he is not opposed to changing zoning, but as a community member, he does not yet feel persuaded that there is a strong case for making

such changes. He acknowledged that there may be a strong case, and if there is, it will take time and communication for everyone to come to a common understanding. For these reasons, he requested that the Planning Board wait for a year before pursuing a zoning grant.

- vii. Motion passed unanimously to not pursue a state grant for a zoning consultant this year, with the understanding that the Board may still conduct its usual business of deliberating and proposing zoning changes to forthcoming Annual Town Meetings, if the Board agrees that any zoning changes are needed.
- 7. Discussion of Juggler Meadow development (standing agenda item)
 - a. Tim asked if we needed a standing agenda item. Tom explained that it would help to keep this item on the agenda in case the Board hears important information just prior to a meeting that has already been scheduled and posted.
 - 8. Public comment - None

Motion passed unanimously to adjourn the meeting at 9:15 pm.