

Planning board

1/8/2025

Richard, Greg, Kimberly, Molly

Not attendance: Tim, Swan

Guest - Ken Kahn, primer on public hearing

Virtual meeting

Pre-meeting chat: when we make a decision that needs to go to Town Mtg, give to Margie

7:46pm

Agenda:

- Approve Meeting Minutes
- Public Hearing - Kennel Definition (continued from December 11,2024)
- Zoning Changes Discussion (ground mounted solar, ADUs, Floodplain Bylaw)
- Kittredge Update
- Walk-in Business
 1. Richard moves that we table minutes from Dec; approved
 2. Ken Kahn invited to share more about how the public hearing process works
 - a. Procedures (3) - one for site plan, one for special hearing, one for changing zoning
 - b. For changing zoning, see chapter 40 a - notice of time, place, subject matter, maps location, published at least 14 days in advance in two written local publication and at town hall and mailed to regional planning agency, each abutting city and town
 - c. Greg: we did send notices for the Kennel; Ken - so much detail not needed for sufficient notice; instead just say go to town hall for more info, also Montague Reporter is cheaper
 - d. After the hearing, nothing needed until Town Mtg, where we need 2/3 vote
 - e. For tonight, the warrant article would be that the Planning Board would be bringing forth a change to the definition of "kennel" and at the meeting bring the vote minutes as a report about the bylaw and explain the bylaw at Town Mtg; Greg: the text is the language we vote on today as the gist and then I work with town admin to create the language needed for the warrant
 - f. If it passes, Lisa will help Greg send to the Attorney Gen and the zoning article is effective when passing town meeting but if subsequently denied by AG then find out why and fixable; but if really denied, then does not pass at town level
 3. Richard's (and Tim's) summary:
 - a. Comparing to state law on dogs/kennels and the Leverett bylaw to discern intent of Leverett bylaw
 - b. Ineffective at limiting number of dogs and loosely based on state definition; but state definition is the standard and is clear
 - c. Commonwealth definition: CMR Section 136A definition

“Kennel”, a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

- d. Proposing to change Leverett definition to match state definition and proposing that personal kennel allowable by right in all zoning districts in town and all other kennels be permitted by special permit
- e. From 12/29 meeting: Kennel shall mean either a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, or veterinary kennel, each as defined by Mass. General Laws c.140 § 136A. Kennel shall not mean a personal kennel as defined by Mass. General Laws c.140 § 136A.
- f. Special permit variance issued to Dakin when what is now Better Together Dog Rescue became the first kennel; Ken suggests doing a title run-down for that location; existing zoning says no in RR/RV and residential zoning for kennels
- g. We need to find out if Better Together will be affected by these changes and if we need to do anything to make sure they are still compliant
- h. Barking Birch dog training? Perhaps that counts as a personal kennel? On Montague Road, private residence; commercial

“Kennel” shall mean a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

3. Point of clarification about the hearing and the public notice

- i. Ken - the public hearing needs to be to discuss the EXACT definition of the bylaw change which the planning board should have already decided
- j. Greg - the hearing notice lets folks know what is going to be discussed but the purpose of the hearing is to craft the final language and deliberate together
- k. Ken recommends: In a regular meeting, you can invite conversation about the bylaw under deliberation and decide on the language; then make public notice about the actual proposal; and then the public can come to the planning board and make comments on the proposed new definition; Greg - our public hearing was for the kennel definition and now we are discussing use tables; Richard - use tables are part of the definition and also, please note that no one from the public showed up to this meeting
- l. Molly - making clear the differences between the creative internal process and the legal moment where people have sufficient information and the ability to weigh in
- m. Greg - we have time to re-notice this and this meeting could be our pre-meeting
- n. We want a fairly tightly written proposal
- o. Greg moves that we move forward with these:

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Personal Kennel Y Y Y Y Y

Unanimous

This public hearing now closed unanimous

- Zoning Changes Discussion (ground mounted solar, ADUs, Floodplain Bylaw)

Richard

1. Floodplain bylaw may not be ready by this year's town meeting but Richard will work with FEMA to get maps ready for public review and the 2026 Town Mtg; FRCOG really happy with how prepared Richard has gotten Leverett
2. Solar bylaw could be ready
3. ADUs - maybe not for this year either; Molly - didn't we vote to hold off until 2026 and waiting for comprehensive model and language from the Commonwealth
 - a. Ken - complications with our ADU bylaws as they exist; Richard: we need to get rid of our current bylaw when discussing the new bylaw; but do the two bylaws exist together until the Town Mtg vote? Molly, we had a discussion about risk of waiting on the state and the risk of acting now; because of our Title V/septic regulations we don't see a big rush coming
 - b. Ken - you could have hearings about getting rid of the current Leverett ADU bylaw and then the state bylaw would reign; the removal of the bylaw would be effective as of date of public hearing not date of Town meeting
 - c. Greg - the question is "when" do we strike our current ADU bylaw and implications of overlap
 - d. Richard - will attend the next FRCOG meeting about this next week Thursday 1/16

Next Feb 12 at 7:45pm

Kittredge update: email from Josh Wallack to the Select Board discussed and the planning board could prompt as individual residents that a process could be useful but any discussion with developers should come from select board; also, the requested materials have not been submitted

Move to adjourn

9:19pm end.