Wales Planning Board

Meeting Minutes

August 10, 2015

PRESENT: Bill Matchett, Keith Hood, Justin Mathiau, Amy Adams

ABSENT: Gene Randall, Steve Valle

GUEST: Ed Boyce, Mike Milanese, Mike Beer, Jeff Vannais, Leis Phinney

The meeting was called to order at 6:37 p.m.

A motion was made by Keith, seconded by Justin, to approve the minutes of the July 13, 2015 meeting as written. The motion passed unanimously.

A motion was made by Keith, seconded by Justin, to approve the minutes of the July 27, 2015 meeting as written. The motion passed unanimously.

Mr. Beer addressed the Board regarding land on Monson Road that he is interested in buying. He wanted to be sure that it is a buildable lot. The Board reviewed the details of the property and found that it has adequate acreage and frontage to be a buildable lot for a single family home.

Next, Town Clerk Leis Phinney addressed the Board. She came today to discuss the special permit process. First, she shared an email and email attachment that she received entitled “A Dealers’ Guide To The Massachusetts Used Motor Vehicle Warranty Law”. It was determined that this document should actually be shared with the Select Board, as they handle the Used Car Dealers Licenses.

Ms. Phinney brought copies of 3 certified special permits (permits for J & R Auto Sales, and for signage at 115 Main St and 3 Main St for Choice Foods). She shared concerns that the permit holders seemed confused about what was happening with the permits and with their role in the process now and in the future.

She also shared a special permit application for Lake George Tavern that she found in her office. Amy will copy and return the original to Leis.

Leis brought an informational handout entitled “Decision Making Requirements of the Zoning Act”. The handout contains a recommended process for handling special permits based on Massachusetts General Law. Amy will scan and forward the document to the Board. Leis has asked that the Board provide her with a written process that they will use for new special permits so that she has something to refer to when applicants approach her with new applications, including what fees will be collected and by whom.

She also shared with the Board that the Town has voted to adopt Massachusetts General Laws Ch. 40 Section 57, which states that the Town can refuse to grant a special permit if there are outstanding taxes or fees owed on the land affected by the special permit or owed by the petitioner or applicant to the Town. The Town has NOT voted to adopt Massachusetts General Laws Ch. 39 Section 23D which would allow a board member that misses one of many public hearing sessions to vote after reviewing video tape, minutes, transcript or audio tape of missed meeting and certifing in writing that such member has examined all evidence presented at the missed session of the public hearing. Both of these laws were cited in the advice provided by Attorney Mark Beglane regarding rectifying the special permit process in his letter of May 20, 2015.

Justin requested that Leis email Amy whenever she receives a special permit from the Planning Board for filing so that we will have confirmation that it was received and when for our files.

Next, there was discussion with members of the Select Board (Mr. Milanese, Mr. Boyce, and Mr. Vannais) regarding special permits. The Planning Board answered questions about what they had learned about legitimizing the special permits. They shared with the Select Board members that substantive changes to a permit, including replacing a condition of “must reapply in a year” to “must be reviewed in a year”, require a special hearing. There was further discussion about making the process as easy for permit holders as possible, while still following the requirements of the law.

There was some discussion amongst the Select Board about what they will use for an application for Dealers’ Licenses and whether or not one had been voted on and accepted by the Select Board.

Justin shared an application for a special permit that Pioneer Valley Planning Commission had shared with the Town. It is a comprehensive application which consolidates all necessary special permits into one form. This or a similar form may be considered to streamline the special permit process in the future.

For the next meeting, the Board will work on developing a new application, step by step process, and a list with check boxes that will make future special permit applications easier for all involved.

Keith made a motion, seconded by Justin to have Amy purchase a stamp that contains the word “Official” as well as a date stamp. This stamp will be used on finalized special permits to identify the final, official version of the permit and any associated conditions so as to avoid confusion for future Boards.

There was also discussion about setting up 3-ring binders for special permits and the corresponding application and restrictions to make these documents more easily accessible, with separate binders for the different types of permits. Copies will also be kept with the respective special permit files.

Next, the Board reviewed an email from Ms. Patricia Dombek with questions about a property she is interested in purchasing. The Board determined that the questions could best be addressed by the building inspector and asked Amy to respond accordingly and to carbon copy the building inspector on the email response.

Vouchers were reviewed and signed.

A motion to adjourn was made by Keith, seconded by Justin and passed unanimously. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Amy Adams