

Buckland, MA Planning Board Meeting Minutes

September 7, 2023

Buckland Town Hall, 17 State St., Buckland & via Zoom

Meeting Agenda

1. Vertex Tower LLC request for extension of special permit to build a cell tower at 26 Martin Road
2. Review revised draft floodplain bylaw
3. Review and approve minutes from previous meeting
4. Prep/review for next meeting on September 12
5. Other topics unanticipated by Chair(s) 48 hours in advance
6. Adjourn meeting

Attendees - Town Hall

Michael Hoberman, co-chair (departed meeting as noted below)

John Gould, co-chair

Andrea Donlon, member

Jon Wyman, member

Mariel Olcoz, member

Adriana Isaza-Geary, member

Brad Walker, 49 Conway St., public

Attendees - Zoom

Francis Parisi, applicant/counsel

Bella Levavi, *Greenfield Recorder* reporter

Co-chair John Gould opened the meeting at 6:34 pm

Items

1. Vertex Tower LLC request for extension of special permit to build a cell tower at 26 Martin Road

Co-chair Gould read a letter from Francis Parisi to the Planning Board, summarizing the circumstances which have delayed obtaining a building permit, and requesting an extension of 6 months, which he noted was the maximum allowed by law. Co-chair Gould reported the ZBA met on August 30, 2023, and voted to extend the variances it had granted to Vertex, for a period of six months.

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JG  
AIG  
me  
MH  
AFD

Co-chair Gould also gave an overview of the town counsel's guidance as per timeline and process.

Mr. Parisi added there has been progress toward getting a carrier, and hoped that a contract with a carrier would be signed by the end of the year. He noted labor shortages and supply chain process slow-downs, especially for electronics, have delayed progress.

Co-chair Gould said, given hopes of progress, hopefully there need not be any further permitting process after the 6 month period, and agreed the extension is warranted.

Member Jon Wyman asked if there were any changes to the conditions of the special permit being requested. Mr. Parisi said there have been no changes to the project, and that all conditions will be met.

Member Andrea Donlon noted the NEPA fling had the wrong tower height recorded, and asked if that had been corrected. Mr. Parisi replied that was not required as the height recorded in the conditions is the critical information.

Co-chair Gould moved to grant the extension for 6 months for the special permit for Vertex Tower LLC, 26 Martin Road; co-chair Michael Hoberman seconded the motion; members Donlon, Gould, Hoberman and Wyman voted yes. Members Isaza-Geary and Olcoz did not vote. Motion passed.

## 2. Review revised draft floodplain bylaw

Co-chair Hoberman contacted Peggy Sloan at FRCOG with the PB's questions and suggestions for edits; Ms. Sloan replied to questions, and also included comments on the draft from a Massachusetts state official.

7.4 Town Administrator added; no back up

7.5 Planning Board had asked Ms. Sloan to add language that is in current draft

7.5 - 7 Comment accepted as it removes ambiguity

7.10 Request to remove subdivision language, leaving only "development"

7.13 Add comma after FIRM

7.18 Date of original bylaw added

Co-chair Hoberman will forward the minor changes needed to Ms. Sloan and share the current draft with the Buckland Conservation Commission. The PB will then proceed to hold a public hearing with FRCOG staff in attendance to answer any technical questions in anticipation of a special town meeting early in 2024. Member Donlon suggested combining the public hearing with the information session for the proposed STRR bylaw.

3. Ground Mounted Solar at Wastewater Treatment Plant

Members Gould, Hoberman, and Donlon recalled the planning board making a previous change to the zoning bylaw that would have allowed a larger solar installation than 1,000 square feet at the wastewater treatment plant, but they could not find it in the bylaw. Member Donlon did some research prior to the meeting, and noted that changes to the Table of Use regulations for special permits and site plan review for "ground-mounted solar electrical generating installations for municipal use and located on municipal property, more than 1,000 sq. ft. and up to 5 acres" were passed at Annual Town Meeting on May 9, 2018, and approved by the Attorney General's office in December of that year, but were not subsequently incorporated into the full version of the town's zoning bylaws. Co-chair Gould took the materials and said he would pass this information along to the town clerk.

The town is proposing a project which would be covered by these regulations, and has requested a preliminary conversation with the Planning Board and their consultant.

The PB proposed a meeting for October 26, 2023 at 6:30 pm, contingent on the availability of town representatives and consultant.

4. Mail and Announcements

Co-chair Gould announced a Buckland Town Board Chairs meeting to take place September 21, 2023, 8:00 am.

Member Donlon mentioned a 4-part Western Massachusetts Solar Forum, sponsored by UMASS, and she plans to attend session 2..

Bridge of Flowers info session, Pollinator Workshop - member Mariel Olcoz plans to attend both.

Depot Street improvement project - public comment period is currently open.

Member Wyman noted that Clara Lopez at FRCOG is seeing input for topics to be covered in upcoming webinars; he will forward her email to PB members.

5. Review and approve minutes from previous meeting

With the correction of the spelling of the name of attendee Janice Sorensen, member Donlon moved to approve the minutes of August 15, 2023; member Isaza-Geary seconded the motion; all voted in favor.

Co-chair Hoberman departed the meeting.

6. Prep/review for next meeting on September 12, 2023, 6:00 pm, topic of Short

**Term Residential Rentals (STRRs), discussion with Ms. Sloan**

Key questions to be addressed by the Planning Board for one more conversation with Ms. Sloan, and in preparation for a proposal to bring to the public information session:

- Will established STRRs, with permits and existing use, be “grandfathered?” It is the PB’s understanding that “grandfathering” cannot be written into the bylaw as a clause - could “currently legally operating” language be used instead? If the decision is to be on a “case-by-case” basis, who is making the decision?
- If there will be non-owner-occupied STRRs, should they be limited? By zone (commercial, village commercial, historic industrial)? By number (i.e., a certain number of “licenses” available)? If licenses are involved, should this be incorporated into the General Bylaws rather than Zoning Bylaws?
- For owner-occupied properties used as STRRs, the PB recommends a 9-month residency to define “owner-occupied”
- Discussion about the need for an owner’s permission if the property being utilized for a STRR is occupied by a renter
- Discussion about the investigation of complaints, and who would be responsible for responding

**7. Adjourn meeting**

Member Wyman moved to adjourn the meeting; member Olcoz seconded the motion; all voted in favor. Meeting adjourned at 9:08 pm.

Next meeting: September 12, 2023, 6:00 pm

Respectfully submitted, Alison Cornish, Boards Clerk