

Minutes of Planning Board Meeting
Town of Whately, MA
Town Hall, Chestnut Plain Road
March 16, 2021

Members Present: Don Sluter, Judy Markland, Sara Cooper, Tom Litwin,
Members Absent: Brant Cheikes

The meeting was held remotely, via Zoom

Zoom Guests:
Peggy Sloan
Kimberly Noakes MacPhee
Ann Barker

- I. Call to Order, 5:00 p.m.
The meeting was recorded.
- II. DISCUSSION of Floodplain Management Bylaw with guests Peggy Sloan and Kimberly Noakes MacPhee of the Franklin Regional Council of Governments (FRCOG)

Kimberly MacPhee said that many Massachusetts towns are not up to date with National Flood Insurance Program requirements. She explained that the state has made a model bylaw available to help towns become current, adding that even though it is called a model, most of what's in it is required. She said it is important to make good faith efforts to maintain and enforce these important provisions, and necessary to document when and how the bylaw is applied and enforced. She added that a flood insurance study was done, that she had downloaded it and will send a copy to the Planning Board.

In addition to the 1979 FEMA floodplain map, there is a '79 Whately Flood Insurance Study which provides additional details to the map information. Peggy Sloan stressed that while FRCOG has made a digital map available, it is the paper map found in the Assessors office that is considered authoritative.

Peggy Sloan said that Whately is the first town that FRCOG is working with about this matter. She told the board that the town must appoint a floodplain administrator(FPA), since not everything to do with floodplains will require the building inspector. She suggested that the town might choose someone known to it from administration or the Conservation Commission, adding that whomever is chosen will be named (by role, rather than individually) in the bylaw.

Ms. Sloan said she didn't think the required floodplain bylaw approvals must be a Special Permit process but perhaps something more streamlined, like the Site Plan Review process, and that it should be included in a list of approvals required in any permitting process. She

mentioned that the person chosen as FPA should be a town staff member, and Kimberly MacPhee commented that such a job is a lot to ask of a volunteer board member. The Board asked whether the FPA might be a consultant hired for a shared-town position.

Judy Markland observed that Town Administrator Brian Domina is asking the Selectboard for a full time Planning position to assist the Planning Board and to work on grants, etc. Don mentioned he has a contact who may be interested in a multi-town consultant to be hired. Peggy Sloan said they would have to check to see whether this is OK, and also on how many towns will spend money on services they may not use.

Sara asked how people will know about the new floodplain requirements, noting that education is necessary. Tom observed that the town will need the FPA to know *where* the floodplains are.

Ms. Sloan and Ms. MacPhee will check on what is allowable regarding the person to be chosen as FPA, and also on whether agricultural exemptions will apply to structures in the floodplain. Peggy said they would ask State Floodplain Coordinator Joy Duperault, who is giving a virtual talk on April 14 at 5:30 or 6:00 pm. The board explained that Whately has a Special Town Meeting that evening.

Peggy Sloan also said they would be happy to write a first draft of a Whately Floodplain Bylaw while Whately determines how to select a person for floodplain administrator. She cautioned that a finished proposal may not be ready for Whately's Annual Town Meeting in June, but both she and Ms. MacPhee interpret state requirements as allowing towns a full year to comply. Ms. Sloan suggested that if the proposed bylaw is not ready for a vote at Annual Town Meeting, the meeting might serve a public education opportunity using maps, etc.

All agreed that Ms. Sloan and Ms. MacPhee would return for the next discussion at the Planning Board meeting of May 11, 2021 at 5:00 pm. Ann Barker said she will tell the Conservation Committee this at their meeting tomorrow.

III. Revisions for Special Permit and Site Plan Fees and Advertising Charges

Judy explained that when fees were set for driveway special permits and common driveways, they were seen as more important than site plan reviews and this resulted in a fee disparity. She said that \$75 for a Site Plan Review is very low. Tom checked online and read some fees from other towns.

Don moved to increase the Site Plan Review fee to \$150, and Tom seconded the motion. Don, Tom, Judy, and Sara each voted Yes, and the board approved the fee increase unanimously.

Don moved to decrease the Driveway Special Permit and Side Lot Access fees to \$100, and Tom seconded the motion. Don, Tom, Judy, and Sara each voted Yes, and the board approved the fee decrease unanimously.

The board next addressed the rising cost of public hearing legal notice advertisement, which has become unaffordable for the town. Don proposed that the cost of legal notice mailings remain covered by application fees, and that applicants pay separately for newspaper advertisements only. Judy read aloud language supplied by the Town Administrator to be added to Planning Board applications:

“The full cost of advertising all legal notices to abutters required to hold a public hearing by the Planning Board shall be the responsibility of the applicant. Full payment of the advertisement costs is due prior to the opening of the public hearing. If the payment has not been made prior to the opening of the public hearing, the Planning Board shall open the public hearing and immediately continue it to a date, time and place certain.”

Tom moved to approve revision of the applications with the new wording, and Sara seconded the motion. Don, Sara, Judy, and Tom each voted Yes, and the motion was approved unanimously. It was noted that the Town Clerk should let the board know when the ads have been paid for.

At 6:15 pm, the board voted to adjourn.

Documents Reviewed (kept in the Planning Board files)

1. A draft revised version of the Application for a Driveway Special Permit
2. A draft revised version of the Application for Site Plan Review

Mary McCarthy
Secretary, Planning Board
Town of Whately, MA