



Franklin Regional Council of Governments

Franklin Regional Planning Board— *MINUTES*

Date & Time:	Thursday, January 26, 2017 / 6:00 – 8:00 p.m.
Location:	Hampton Inn
Facilitator:	Jerry Lund, Chair

FRPB MEMBERS

- Jerry Lund**, Chair, Leyden, At-Large, FRPB Executive Committee
- Sam Lovejoy**, Clerk, Montague, At-Large, FRPB Executive Committee, FRCOG Executive Committee
- Joan Rockwell**, 1st Vice Chair, Colrain, At-Large
- John Baronas**, Deerfield Planning Board
- Ted Cady**, Warwick Planning Board, FRPB Executive Committee
- Virginia Desorgher**, Greenfield Planning Board
- Jennifer Gross**, Wendell Select Board
- Thomas Hutcheson**, Conway Select Board
- Nathan L’Etoile**, At-Large Northfield
- Tom Miner**, At-Large Shelburne
- Bill Morris**, At-Large Erving
- Charles Olchowski**, At-Large Greenfield
- Patricia Perry**, At-Large Greenfield
- Mike Shaffer**, Erving Planning Board
- David Travers**, Heath Select Board (Esq., Bowditch & Dewey)
- Cam Stevenson**, Shelburne Planning Board
- Gisela Walker**, Charlemont Planning Board, FRPB Executive Committee
- Chuck Washer**, Shelburne Select Board
- John Ward**, Gill Select Board

FRCOG STAFF

- Peggy Sloan**, Planning & Development Director; **Liz Jacobson-Carroll**, Administrative Services Assistant; **Patricia Smith**, Senior Land Use Planner, **Rachel Stoler**, Community Health Program Manager

PRESENTERS/GUESTS

- David Chichester**, Conway Planning Board
- Suzanne Conway**
- Nancy Hazard**, Greening Greenfield
- Barry Keppard**, Public Health Manager, Metropolitan Area Planning Council
- Ray Purington**, Gill Zoning Board of Appeals

1. Introductions	Jerry Lund, FRPB Members
J. Lund convened the meeting at 6:08 p.m. A round of introductions followed.	
2. Review and Approval of December 1, 2016 FRPB Minutes	Joan Rockwell

J. Lund moved to adopt the 12/1/16 minutes, D. Travers seconded the motion, and the motion passed with 4 abstentions.

3. Presentation on Healthy Community Design Toolkit: Municipal Strategies to Increase Food Access	R. Stoler–FRCOG & B. Keppard, Public Health Manager–Metropolitan Area Planning Council
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R. Stoler summarized the involvement of FRCOG in Mass in Motion and in the development and implementation of the toolkit and then introduced B. Keppard. Noting that he was presenting on behalf of his colleague Heidi Stucker, he began by crediting the Pioneer Valley Planning Commission, the Mass Municipal Association, the Metropolitan Area Planning Council, and the MA Association of Health Boards for developing the toolkit. B. Keppard noted that the toolkit includes multiple strategies to increase physical activity, reduce injury, increase access to healthy food, maintain air and water quality, minimize effects of climate change, decrease mental health stress, strengthen social fabric, and provide fair access to livelihood, education and resources. However, the group’s primary goal was to facilitate municipal leaders’ and community partners’ ability to improve food access – availability, affordability, healthiness -- and promote positive health outcomes.

Targeted municipal staff include those involved in planning and land use (e.g. Planning Boards & ZBA’s), members of Boards of Health, Councils on Aging, community and economic developers, and Mass in Motion coordinators. The toolkit can assist with preparing municipal plans, zoning, public health regulations, municipal programs, and policies. The toolkit focuses on 7 strategy areas:

- Municipal plans, policies, programs and systems
- Land use and urban design
- Food business infrastructure
- Transportation
- Farmland preservation and viability
- Community gardening and urban agriculture
- Food retail

Discussion covered topics including state incentives to reduce food waste, connecting local production with local distribution, and the need for processing facilities throughout the state to enable consumption of local food year-round. It was noted that Massachusetts is already a national leader in direct sales from farms and coops to consumers in part due to CISA’s “Local Hero” marketing program.

The presentation included examples of success, such as the acquisition of farmland in Wayland, and the reduction in the purchase of high-sugar beverages in Boston. B. Keppard noted that Planning Boards should consider encouraging residential developers to provide gardening-appropriate open spaces in multi-family housing projects. He encouraged attendees to think broadly and consider systemic change. The toolkit gives detailed instructions on gathering interested parties (municipal staff, community organizations, businesses, and residents), assessing the needs and interests, and identifying specific strategies to implement.

If you can implement only one suggestion, promote the healthy incentives program to double SNAP purchases of local fruits and vegetables, B. Keppard said. R. Stoler indicated that Mass In Motion is working with transitional assistance organizations to identify gaps in healthy food access, is trying to

get SNAP points of access installed in underserved communities, and is working to identify farm stands that may be able to accept SNAP. They have applied for a grant to fund a mobile market, too, she noted. Discussion included reference to possible distribution of healthy food near senior centers, child care centers, and medical centers. A local community health center is conducting a controlled study on the impact of having a CSA located on their premises, she noted. Further discussion included the possibility of alternative currencies and translating SNAP points into tokens.

P. Sloan noted that the FRCOG has assisted Whately and Heath to develop local food plans.

See the attached printout of “Municipal Strategies to Increase Food Access.” J. Lund’s words of thanks were followed by a round of applause.

4. Update on Recent Zoning & Subdivision Legislation Changes	D. Travers, Esq. - Bowditch & Dewey & FRPB Member
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D. Travers began by explaining that the 2016 legislative session was very busy in terms of zoning; there were at least 28 changes made to M.G.L. 40A, and another 25 changes considered and rejected. He summarized the three most likely to be relevant to Franklin County towns. The first involved the expansion of time frames associated with special permits from 2 to 3 years. The second pertained to the uses of agricultural land, the establishment and powers of municipal agricultural commissions, and changes to the application of roll-back taxes when private protected land is transferred to a non-profit organization. The third identifies and regulates revenue-generating municipal parking areas for special purposes such as farmers’ markets, establishes regional refuse disposal districts, identifies smart growth zoning districts to incentivize smaller housing clusters, and encourages the leveraging of state resources to promote efficient solutions to common problems through regionalization.

He noted that the powers of municipal agricultural commissions have been strengthened; they are authorized now to accept grants, for example. Further, agricultural land can be used for natural resource/recreation or renewable energy generating purposes, both of which have revenue producing potential. Municipalities/Agricultural Commissions can plan for these properties to be put to use for the benefit of the town, and are doing so. Discussion included topics relating to the establishment of an Agricultural Commission, its status relative to that of a Conservation Commission, and its possible use of Community Preservation Act Funds.

Additional amendments of note, D. Travers said, pertained to utility companies’ use of double poles, the potential qualifying of manufactured mobile homes as affordable housing, and the determination of eligibility for DOT Complete Streets funding. Topics of rejected proposals that D. Travers expects will be re-addressed in the future include the ANR Process, Site Plan Review, Inclusionary Zoning, and Development Impact Fees.

He reviewed the Dover Amendment, which prevents unreasonable restrictions on the use of land for commercial agricultural or religious or educational purposes, or for childcare facilities or licensed radio antennae. He gave examples of cases pertaining to traffic surrounding a childcare facility in Natick, a solar facility in a residential district in Hatfield, the movement of soil at a Cemetery in Wayland, and the establishment of an Islamic cemetery in Dudley.

See the attached printout of “Get In The Zone: Changes to G.L. Ch. 40A And Recent Dover Decisions.” J. Lund’s expression of thanks was followed by a round of applause.

5. Update on FERC Relicensing of the Northfield Mountain Pumped Storage Facility	T. Miner, FRPB Executive Committee
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T. Miner summarized his written comments:

Causation Study comments: FRCOG filed extensive comments on the Causation Study with FERC on Dec. 15, 2016 (credit to Kimberly Noake MacPhee for the detailed comments). In summary, written comments documented FirstLight’s bias and lack of scientific rigor in their geomorphic analysis of the Turners Falls impoundment and how this unsound work influenced FirstLight’s computer model and its conclusion of minimal project-caused bank erosion.

Settlement discussion: FirstLight has initiated discussions regarding a potential settlement agreement for the relicensing of the Turners Falls and Northfield Mountain Pumped Storage Projects. A kick-off meeting is scheduled for March 7th in Burlington, MA.

401 Water Quality Certificate: The state has an important role to play under Section 401 of the Clean Water Act. It must certify that the project meets state water quality standards. Once FERC accepts the license application as complete, FirstLight will apply to MA DEP for a Water Quality Certificate. DEP must act within a year – issuing or denying a certificate, or agreeing with the applicant to an extension. A 401 Water Quality Certificate is needed for the project to continue operations and can include requirements for mitigating environmental impacts.

Relicensing deadline: The current license expires April 30, 2018.

Topics of discussion included the inefficiency of pumped storage projects, which consume more energy than they generate; a license requirement by FirstLight for agricultural water withdrawals from the river; a “closed loop” option that would involve a new lower reservoir separate from the river; and the 401 water quality certificate.

T. Miner reported that FERC issued a decision, on January 6, 2017, approving limited use of the extra storage capacity of the upper reservoir at the Northfield Mountain Pumped Storage Facility. Use must be in response to ISO-NE discretionary actions taken during emergency operations, and FirstLight must file a report on such use with agencies and parties including the Connecticut River Watershed Council and the Franklin Regional Council of Governments.

In response to concerns regarding potential cutbacks to the Department of Environmental Protection expressed by J. Lund, T. Miner reported that the DEP staff in Springfield has acknowledged its commitment to taking an active role in the project at a recent meeting organized by CRWC. In response to a question from J. Rockwell, T. Miner explained that having ruled earlier that halting the plant was “off the table,” FERC may let FirstLight continue beyond the new expiration date. He noted also that the decision by FERC can be appealed.

T. Miner and J. Ward mentioned that while the FRPB has been focused on issues related to bank erosion, there are many other issues; some of these are the focus of other organizations efforts, some

are not. It was noted that the ecological damage caused by the inefficiency of the system itself is not part of the current conversation at all, but should be.

J. Ward indicated that with abandonment taken off the table, the “blackstar possibility” that the river could provide startup electricity in an emergency is worth noting. If the plant wasn’t run simply as a revenue source for the owners to the detriment of the local community, people and water, it could be put to use as part of an emergency preparedness strategy, he noted.

6. Planning Updates (Short Term Residential Rentals, Tiny Homes & Gas Pipeline Tax)	P. Sloan, Planning Director –FRCOG & FRPB Executive Committee Members
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P. Sloan explained that staff is developing a model bylaw for short term residential rentals which can be used by town officials. Once a draft of the document is available, the FRCOG will make it available to towns interested in adapting it for their own use. Sloan noted that the FRCOG Executive Committee is expected to address the issue of private pipeline infrastructure development being financed by a tariff on electric ratepayers, the so called pipeline tax. Staff will prepare a Draft letter for their consideration.

7. Nomination & Vote for N. Riebschlager – Wendell for an At-Large Membership on FRPB	J. Lund, Chair - FRPB
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T. Cady moved to nominate and elect N. Riebschlager for an At-Large Membership on FRPB, Hutcheson seconded the motion, and the motion passed unanimously.

9. Other Topics Not Reasonably Anticipated 48 Hours in Advance	J. Lund, Chair - FRPB
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N. L’Etoile moved to adjourn the meeting, P. Perry seconded the motion, and the meeting was adjourned at 8 PM.

Documents Distributed / Presentations Viewed:

- Agenda
- FRPB Minutes, December 1, 2016 - DRAFT
- *Municipal Strategies to Increase Food Access*, B. Keppard
- *Get In The Zone: Changes to G.L. Ch. 40A and Recent Dover Decisions*, D. Travers

The next meeting will be held on March 23, 2017. Copies of all documents are available. Please contact Liz Jacobson-Carroll at ljc@frcog.org or 413-774-3167 x101.

Respectfully submitted,

Sam Lovejoy, Clerk - FRPB