

Town of Princeton, Mass. PLANNING BOARD

Minutes --- July 19, 2017

In Town Hall Annex. Present were: John Mirick, Ian Catlow, Tom Daly, Rud Mason, & Tom Sullivan

7:30 PM John M. opened meeting and asked Katherine Huck and her associates to explain their plan for moving Mountainside Market Bakery & Cafe from its present location at 23 Hubbardston Road. The property owner for current location has signaled a rent increase next January and she is investigating other options. They are considering purchase of Townline Farm at 317 Worcester Road, for which the Board had approved a site plan for an antique shop as a home occupation. She distributed a Plan Overview as a brochure, which indicated how her business has grown substantially since she took it over in 2015. The Plan cited ways in which the Townline Farm site was better than her current site, with more traffic, more usable space, parking, road setback etc. and it offered opportunities for expanding offerings and size of the current business. Ms. Huck presented option 1 to create a rental apartment on the 2nd floor, to meet the zoning definition of a “home occupation,” and have the business on the ground floor, or option 2 for a B&B or offices on the second floor.

The PB praised the quality of Ms. Huck’s presentation, but pointed out that the location is in a Residential-Agricultural District which limits business uses to home occupations, and is not included in the Village Overlay District where mixed use is allowed. The definition of home occupation in the R-A district means the business is located within the person’s own home. John M. referred to case law that determined when a hardship might allow a use variance from the Zoning Board, but suggested that in this case by purchasing the property, the applicant would be creating a self-imposed hardship, which would probably not qualify for a variance. Ms. Huck was advised to discuss it with an attorney but the PB did not believe a use variance was likely.

7:35 PM The room was filled to capacity with residents for a discussion listed on the agenda as “assault-style firearms.” John M began by explaining that it is the practice of the PB (and Town boards generally) to include in the agenda any matter requested by Town residents even when it may not be clear that the matter is within the jurisdiction of the PB.~ He outlined the procedure for the discussion: the PB would first hear from the residents who requested the meeting (Phoebe Moore of 31 Bigelow Road and Brian Cristman of 37 Bigelow Road); then from any Town residents who wished to speak; and then from any non-Town residents who wished to speak.

Ms. Moore and Mr. Cristman explained that they had complained to town officials and police about rapid-fire weapon shooting—mainly the noise being a problem, but also a concern for safety. Mr. Cristman was quick to point out that he himself has a permit to own guns and that he hunts/sport-shoots. Mr. Cristman and Ms. Moore said that they did not know who was shooting, and had not tried to speak with the shooter. Other residents indicated that the shooter was most likely Scott Malkasian on Dowd’s Lane. Some residents in the area expressed similar concerns and were annoyed by the noise from rapid-fire guns. Other residents in the area, while acknowledging hearing the gun shots, did not share the concerns.~ ~

A number of residents commented on the kinds of noise that rural residents should expect in addition to gunfire: motorcycles, chain saws, brush cutters, mowers etc. Representatives from the Norco and Nimrod sportsmen's clubs (whose ranges were not the source of gunfire described by Mr. Cristman and Ms. Moore) described regulations, setbacks and safety precautions which licensed gun owners follow, noting that individuals can legally shoot target on their own property with virtually no restrictions. Some residents who lived close to Norco and Nimrod stated that they were not bothered by noise and had no safety concerns. There is a state law concerning use of firearms within 500' of a dwelling or 150' of a public way.~

The Town does not have any general by-law regarding the discharge of firearms or any general by-law concerning noise.~ Several residents expressed opposition to any effort by the Town to regulate the use of firearms.~ Several residents described their private ranges. John Hay on Gleason Road suggested that the concerns of Mr. Cristman and Ms. Moore and other neighbors should be addressed at the neighborhood level by meeting with Mr. Malkasian. Mr. Hay offered to accompany them to a meeting with Mr. Malkasian to discuss the situation, look at Mr. Malkasian's range for possible safety concerns, and work out a system of advance notice when his range is being used.

After everyone had had an opportunity to speak, the PB concluded that the discharge of firearms, and concerns about noise and safety associated with the discharge of firearms, were matters outside of the jurisdiction of the PB.~ The PB suggested that Mr. Cristman and Ms. Moore and other concerned residents take up the offer of Mr. Hay to facilitate a meeting, and that if they wanted to pursue the matter further, they should approach the Board of Selectmen, and possibly consider a resident-sponsored warrant article for a general bylaw.~ John M. thanked everyone for attending and participating in the discussion.

The PB agreed to table other agenda items to the next meeting, and agreed to meet on Wednesday August 23, 2017.

9:10 PM PM voted all in favor (except Tom S. abstained) to approve minutes of June 21, 2017.

9:15 PM Board voted all in favor to adjourn.

Respectfully Submitted: Marie Auger, Admin. Assistant

Referenced Documents: Proposal for Mountainside Market

Upcoming meetings: August 23

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