

Shutesbury Planning Board Meeting Minutes  
November 14, 2016 Shutesbury Town Hall

Planning Board members present: Deacon Bonnar/Chair, Jeff Lacy, Jim Aaron, Linda Rotondi

Planning Board members absent: Ralph Armstrong, Steven Bressler

Staff present: Linda Avis Scott/Administrative Secretary

Guests: Attorney Michael Pill/representing Lake Street Development, Al Springer, Miriam DeFant, Rob Kibler, Michael DeChiara, Marylou Conca, Sarah Kohler, Gail Fleischaker/Conservation Commission, Mark Olszewski, Chuck DiMare, Emily Boss/Franklin Land Trust

Bonnar calls the meeting to order at 7:05pm.

1. Solar Project Update: Per Bonnar, the Planning Board has received no new archeological reports. Lacy reports speaking with Eric Johnson/UMass Archeological Services (UMAS) in August and October; per Johnson, SWCA/Lake Street's archeological consultant has hired a new archeologist; per Johnson, SWCA is working on addressing Johnson's concerns with their report; as of today, there are no dates certain for any additional fieldwork; funds from Lake Street to cover the costs of Johnson's additional work are pending. DeFant: since Johnson is working for the Planning Board, she wants to know who the SWCA new contact person is. Pill suggests DeFant's questions be passed onto Town Counsel Donna MacNicol. Lacy suggests DeFant consult the SWCA website and notes that the archeologist will be named in the report; DeFant may also contact Johnson directly and he will decide whether to answer the question. Pill states concern about the accuracy and completeness of what DeFant may take away from a conversation with Johnson who is working on behalf of the Planning Board; Lake Street will not pay for any time Johnson spends with DeFant. Pill questions the propriety of allowing DeFant to contact Johnson. Lacy will advise Johnson that the Planning Board has not authorized anyone to contact him. Conca: we are concerned community members. DeFant states that she is asking the question in the interest of clarity. DeFant: at the last Planning Board meeting, she understood that Doug Harris/Narragansett Deputy Tribal Historic Preservation Officer renewed his interest in working with the Planning Board. DeFant requests the Planning Board deliberate about this matter. Bonnar: the Planning Board is not clear that Harris is willing to do work for the Board without access to the property. DeFant: would the Planning Board ask Harris back for further conversation? Lacy: the Planning Board has, at least twice, let Harris know of their interest in working with him; Harris has publicly rebuffed the Planning Board; if Harris submits a proposal, the Planning Board will consider it. Pill: Lake Street will not pay for any involvement between Johnson and Harris; also, Harris witnessed John Brown/Narragansett Tribal Historic Officer threaten Cinda Cows. Kibler: someone could provide valuable insight to the Planning Board without having access to the site, i.e. providing guidance on what to look for. Bonnar: closes the discussion. Lacy: reports, when received, will be provided. DeFant: historically, the Planning Board issues agendas the Thursday before a scheduled

Monday meeting; requests an earlier posting to allow notice for those coming from a distance. Bonnar and Lacy: reports will be provided in time to allow a reading period.

2. Pelham Hill Road/Springer – Approval Not Required (ANR): Springer is seeking to expand his house lot from one acre to 90,000 square feet as currently required by the Zoning Bylaw. Planning Board members present sign the surveyed site plan documents; Springer will have the document recorded at the Franklin County Registry of Deeds.

3. Lot D18 Locks Pond Road/Olszewski – Open Space Design (OSD)/Conservation Restriction (CR): Boss/Franklin Land Trust who is working with Olszewski on his Conservation Restriction (CR) asks the Planning Board for a report on where the project stands. Lacy: the Board has had informal discussion with Olszewski and is working with the Conservation Commission (SCC) on the OSD; Bonnar and Lacy, as well as members of the SCC, have visited the site; sketches and proposals have been reviewed – the proposal includes a ~ 1,000' driveway with a house site and open land further into the lot; informally, this plan makes sense to the Planning Board. Olszewski: the goal of this meeting is to present a preliminary site plan. Lacy: in consultation with SCC, the Board will consider the OSD. Fleischaker/Conservation Commissioner: the SCC has yet to visit the site relative to the proposed CR. Lacy suggests a joint site visit in the future. Boss: the CR is part of the OSD; the Franklin Land Trust Board has approved holding the CR on Olszewski's property and seeks to ensure the proper percentage of acreage is conserved. Boss, referring to the "Olszewski Parcel" orthophoto and topo maps, notes the narrow driveway access from Locks Pond Road, the yellow hatched area with two squares indicating the lot with proposed house and barn, and the red outlined CR; the boundaries of the property need to be confirmed. Per Boss: in addition to the land set aside for "normal living", the FLT is working with Olszewski to create a CR of ~ 3 acres that will allow forestry and agriculture as appropriate. Fleischaker confirms with Boss that there will be one contiguous CR area. Lacy supports the layout and notes that the narrow portion will be about 70 feet wide and the developed area is in one discreet block. Boss seeks to ensure the final acreage calculation is correct. Olszewski asks if the Planning Board will allow some leeway with the calculations for a site with one house. Lacy: there is a calculation for how much open space needs to be protected – reviews calculations as per the OSD bylaw specific to the "roadside residential" (RR) and "forest conservation" (FC) districts. Olszewski: the developed portion will be ~ 20% of the whole parcel. Fleischaker: the SCC's concern is that CR be contiguous. Boss presents a draft CR acknowledging that revisions will be needed; this is FLT's first OSD CR. Lacy suggests Boss review the Sumner Mountain CR for guidance. Next steps: 1. Field visit with members of the SCC and Planning Board, FLT representatives, and the owner prior to the next Planning Board meeting and 2. Submission of a Site Plan Review application including documents specified in the Zoning Bylaw; a precision site plan is required for the ANR.

4. Sumner Mountain ANR/CR: DiMare: the "Sumner Mountain Road Common Driveway Reciprocal Easement and Driveway Maintenance Restrictive Covenant" is ready for recording. DiMare presents "Form A, Application for Endorsement of Plan Believed Not to Require Approval" signed by the owners and notes that the Sumner

Mountain CR has been signed by the owners, the SCC and the Select Board, however, has yet to be signed and returned by the State. DiMare: one option is for the Planning Board to sign the ANR and hold the documents (Mylar and nine copies) in trust until receipt of the State signature on the CR. ANR site plan is reviewed by DiMare: 88% of land is in CR; an easement was required by the State to facilitate access to the southern end of Conservation Area #2; there are restrictions on the driveway material to be used in Conservation Area #1; the State required that the Reciprocal Easement and the CR have compatible language. Per DiMare, the Land Conservation Fund Agreement was signed by the SCC on 11.10.16 and is being held for one additional signature. The Planning Board has consensus for signing the ANR documents to be held in trust by Scott until the CR is signed by the State; subsequently, as a delegate for the Planning Board, Lacy will confirm that the fully signed CR has been received; once this occurs, the ANR documents will be released to DiMare for recording. Lacy: DiMare lives on one lot and two transferrable lots are being created. Form A is received and will be retained with the ANR documents. It is acknowledged that the Planning Board is signing the first OSD plan ANR documents in Massachusetts.

5. Master Plan Working Group (MPWG) Update: Lacy: the first visioning session was held 11.3.16; the second session is scheduled for 12.5.16.

Documents and Other Items Used in the Meeting:

1. Springer ANR plans
2. Olszewski GIS orthophoto and topo maps
3. Sumner Mountain Road Common Driveway Reciprocal Easement and Driveway Maintenance Restrictive Covenant and related 11.6.16 email from Joan Antonino
4. 9.2.16 DiMare ANR "Plan of Land" by Northeast Survey Consultants
5. 11.14.16 DiMare Form A
6. Minutes for the 9.1.16 SCC meeting with members of the Planning Board
7. 11.14.16 *Daily Hampshire Gazette* article "Judge to consider burial site concerns"

Meeting adjourned at 8:27pm.

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary