

Planning Board Meeting Minutes
November 6, 2017 Shutesbury Town Hall

Planning Board members present: Deacon Bonnar/Chair, Jeff Lacy, Robert Raymond, Jim Aaron, Steve Bressler, and Linda Rotondi

Staff present: Linda Avis Scott/Administrative Secretary

Guests: Mark Johnson, Mark Wamsley/Kestrel Land Trust, Kevin Sullivan/Wheelock Project Site Manager, and Karen Traub

Bonnar calls the meeting to order at 7:03pm.

1. Janowitz/711 Wendell Road Approval Not Required (ANR):

Mark Wamsley/Kestrel Land Trust representing Julian Janowitz: the ANR proposes to carve out an 8.8 acre parcel around the existing home to be inherited by Julian Janowitz's family; the remaining 132 acres is being willed to Kestrel Land Trust; the goal is to create a parcel that will not be developed. The Board reviews the plan dated 7.21.17: "Subdivision Approval Not Required prepared for Julian Janowitz" by Harold L. Eaton & Associates. Lacy: based on the frontage, the Board needs to advise that the existing structure could be converted to a duplex or there could be a detached accessory apartment or an accessory apartment within the existing dwelling. Karen Traub: does the proximity to the pond limit the construction possibilities? Bonnar: an Open Space Design plan could be possible. Lacy: in the calculations, the acreage of the pond would need to be subtracted; the duplex is "by-right"; accessory apartments are by Zoning Board of Appeals Site Plan Review. Wamsley: these possibilities may be of interest to the inheritors; notes the need to ensure these possibilities are agreeable to the current owner. Lacy moves the Planning Board approve the "Subdivision Approval Not Required prepared for Julian Janowitz" plan dated 7.21.17 as there is adequate frontage on a town road; the motion is seconded by Raymond and unanimously approved. Planning Board members sign the plans.

2. Wheelock Solar Project: Kevin Sullivan/Site Manager: the public exposure to the entryway has been reduced by over 60%; the clearing has been narrowed to about 35' so that the three utility poles will be more hidden; native soils from construction of the access driveway are being put into a pile and will be used to restore the "mountain look" more quickly; we are sensitive to the neighborhood; 90% of the erosion control is installed; the water level is creating messy conditions in one area therefore this section will wait until December. Sullivan: we are struggling with the inventory of sawlogs waiting for shipping; the site is being cleared and Wagner is handling some of the logs while Cowls set others aside for shipping. Sullivan states that there is a need to make headway on the detention basins and ensures the Planning Board that he is onsite each day and is available to meet with Board and answer any questions; the goal is to maintain strong compliance; we are looking for off-site parking for the trucks delivering the panels and it seems best to escort the trucks in one by one; currently the project is six weeks behind schedule; we have to be mechanically complete by the

end of March 2018; TerraSmart, the panel installer, is a Massachusetts company therefore will understand the site conditions. Lacy: subsequent to the last meeting, we had an onsite visit that included Emily Stockman/wetland consultant; since then, he has conducted three visits to the site; the access via Reed Road was allowable for the pre-construction phase and the condition of Reed Road looks fine. Sullivan: now that the driveway is in, Reed Road is not being used. Lacy: the erosion control is well installed, however, there are two spots that need to be reinforced and watched carefully to avoid siltation reaching the wetland resource area. Lacy appreciates the work done to lessen the impact of the entryway; the width of the road is greater than 14' due to necessity; after construction, the stockpiled native soils will be installed right up to the 14' width, so the end result will be forest right up to the 14' cart way. Sullivan: a temporary #130 Pratt Corner Road sign will be installed for OSHA reasons. Aaron asks about the size of trees left near the entryway. Sullivan: there will be a general thinning. Lacy: there will be three poles off the road then the rest of the line will be underground. Sullivan: the underground line has to have 24" of cover. Lacy: Emily Stockman will accompany him to inspect the remaining erosion control installation; suggests the Planning Board delegate Stockman and himself to determine whether the installation is satisfactory and the next phase can proceed; alternatively, the Planning Board would need to meet and consider their reports. Sullivan: the next phase is the prevailing site work – logging and stumping of the interior site. Bonnar asks about the building inspector's role. Sullivan: typically, the building inspector becomes involved once the solar panel installation begins. Raymond moves the Planning Board authorize Stockman and Lacy to inspect and, if appropriate, approve the erosion control installation and the start of interior work. Rotondi seconds the motion. Bressler: would this mean you, Lacy, would be approving a condition? Lacy reads pre-construction condition # 6 into the record: "Once limit-of-work flagging and erosion control/sedimentation (E/S) controls are installed as depicted on the approved plans, and prior to any further clearing or construction, the applicant shall notify the Planning Board. The board shall itself or forthwith engage the services of an outside consultant under C.44, §53G to then assess the positioning and installation of such E/S controls relative to the offsets shown in the plans. Clearing and construction shall not commence until the Planning Board or its designee certifies such installation is in accordance with the plans." Motion is passed unanimously.

3. Proposed Zoning Changes: Lacy refers to "Amendments for Planning Board Consideration at 2017 STM (special town meeting)": the goal is to put together a slate of non-controversial amendments that may be easily passed. Lacy reviews the proposed changes:
 - Common Driveways are allowed by Special Permit (add) "*from the Planning Board*"
 - Add "*For Site Plans approved under Article V of this bylaw the period until lapse may be extended beyond two years or eliminated if so authorized by the Planning Board in the approval document.*" This would pertain to the period before construction must begin on an Open Space Design under Article V.

- Change the allowable living area for an accessory apartment from 800 to 1,000 square feet as requested by the ZBA. Bressler states his opposition to this proposal; small dwelling units are on the rise. Lacy notes that an accessory apartment can have no more than two bedrooms and share examples of accessory apartment Site Plan Review cases that have come before the Zoning Board of Appeals.
- Tighten the regulations on the keeping of pigs as requested by the Board of Health. Lacy: the proposal is that on lots of less than five acres, the keeping of pigs shall require a special permit from the ZBA. It is noted by Rotondi and Bonnar that there is a better argument for regulating the keeping of pigs in the Lake Wyola district rather than the Town Center or Rural Residential districts. Bonnar: zoning does not seem to be the best way to control agricultural animals.
- Reduce driveway width from 12 feet to 10 feet as proposed by Lacy: *“The traveled portion of a driveway shall be a minimum of ten feet wide in order to insure such access.”*

Lacy refers to Michael DeChiara’s proposal to amend zoning regulations for signs. Lacy notes #3 requiring Select Board approval of certain signs and that, in general, these proposed regulations are stricter. Aaron and Rotondi ask why the Board would be regulating something does not seem to be a problem. Lacy: any proposed changes to the sign bylaw would need to come before annual town meeting. Bressler, Rotondi and Aaron note that holiday decorations should not be regulated (proposed 8.4-3 B.8). Bressler: to support DeChiara’s proposal regarding holiday lights, we would be overstepping our bounds. The Board plans to continue the discussion regarding proposed amendments during the next meeting.

4. Continue Special Permit Public Hearing Case 17.02: Lacy assumes chairmanship and Bonnar recuses himself. Lacy reopens the special permit public hearing. The Assessors’ Office, Board of Health, Conservation Commission, Fire Chief and Police Chief were notified. Scott reports that the Conservation Commission reviewed the plan and GIS map and there is no Commission jurisdiction. Bonnar: the shared portion of the driveway is just less than 900’ in length and extends to the property line. Lacy: generally, a shared driveway must meet the same requirements as a driveway; the portion to the new dwelling is less than 1,000 feet; the section with the 17% slope is not within the common driveway therefore this aspect will be considered by the building inspector. Lacy: per Donna MacNicol/Town Counsel, the language in the “Common Driveway Agreement Parcels ‘A’ and ‘B’” is not adequate; MacNicol has a model for Bonnar and the Pattons to consider. Bonnar agrees to consider MacNicol’s model. Lacy: the public hearing needs to remain open until an acceptable agreement is created. Bonnar agrees to continue the public hearing. The need for a super majority is affirmed. The public hearing is continued to 11.20.17 at 7:30pm; Bonnar and Lacy sign the Agreement to Continue Public Hearing document to be delivered to the Town Clerk 11.7.17.

5. Planning Board Meeting Minutes: Lacy moves to approve the minutes for the 10.13.17 Planning Board meeting as amended; Raymond seconds the motion that passes unanimously.
6. Master Plan Working Group: Per Lacy, the current seven members are continuing to develop recommendations to the Select Board focusing on three areas: infrastructure, fiscal, and low hanging fruit. Infrastructure is focusing on Lot O32 and how much of the infrastructure talked about in the vision statement can be accomplished on this parcel; a State grant is being pursued to cover the cost of the standard studio fee for the Conway School of Landscape Design assessment of the site. Per Lacy, fiscal is a much more difficult topic on which to develop recommendations for the Select Board.
7. Special Permit Recordation: Referring to the “Shutesbury Special Permit Checklist” the question at hand is who is responsible for and how is recordation demonstrated. Lacy recommends a condition be included in the special permit decision; in order to be in effect, the building inspector needs to ensure the special permit has been recorded. Lacy will review the relevant statute and the discussion will be continued during a future meeting.
8. Planning Board Membership: Miriam DeFant’s resignation from the Planning Board is acknowledged. The need for an additional member is recognized.

Unanticipated Topic:

Bressler asks for an explanation of the 10.28.17 email from Michael DeChiara. Lacy: Town Counsel Donna MacNicol added the Select Board signature to the Surety Agreement; due to the delay in the Select Board signing of the document, work proceeded prior to its signing; the Select Board will be writing a letter to the building inspector regarding the matter.

At 9:12pm, Bressler moves to adjourn the meeting; motion is seconded by Raymond and passes unanimously.

Documents and Other Items Used at the Meeting:

1. Wheelock Solar Project Special Permit
2. “Amendments for Planning Board Consideration at 2017 STM”
3. Patton, Patton, and Bonnar Common Driveway Special Permit Application
4. 10.28.17 email from M. DeChiara “Request Planning Board & Lake Street at Oct. 30 Select Board meeting
5. “Town of Shutesbury Surety Agreement for a Solar Site Decommissioning Fund”

Respectfully submitted,
Linda Avis Scott
Administrative Secretary