

Shutesbury Planning Board Meeting Minutes
September 13, 2017 Shutesbury Town Hall

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

Planning Board member present via remote participation:
Miriam DeFant

Planning Board member absent:

Guests speaking: Beth Adams/Leverett; Shutesbury
residents: Michael DeChiara, Mary Lou Conca Rob kipler
74 Pratt Corner road

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Deacon Bonnar calls the meeting to order at 7:09pm.

Public Comments: Deacon states that public
comments time limited to ten minutes.

Michael DeChiara, from Pratt Corner Road.

Shares concern that would like staging area for project
off Pratt Corner Road and up the projects private way,
and not right on Pratt Corner Road at the site recently
used for stacking logs.

Rob Kipler 74 Pratt Corner road states that developers
said by way of commitment that they would not use the

land Michael DeChiara refers to. Attorney for Project allays concern that road will be built in area objected to.

Mary Lou Conca reads letter dated Sept 13, 2017 indicating that Tribal Authority should be allowed entry, stating that MGLA 114 sec 17 may have been violated; She asks Board to revisit it's position on this issue; she also objects to excluding Miriam Defant from engaging from the considerations; she also asks to revoke Special Permit.

Jeff Lacy states that thorough consideration given to issues, that further revisiting not called for. Other Board members indicate agreement.

Elizabeth (Beth) Adams from Leverett: Indicates that she is reviewing legal challenge to issuance of special permit. She is concerned that Board did not take time to read Bettina Washington. Jeff Lacy responds that we did read the current Bettina Washington letter out-loud.

Response to Earlier Conca Letter

Jeff Lacy asks that two changes be made to his response to May Lou Conca's letter endorsed by the Planning Board at the last meeting. In last two paragraphs of response, he found mistake and wants Board to review

changes and approve. The change approved by motions per Jeff's submission and after further discussion "When reviewing and deciding on the project, the Planning Board did as part of a benefits/detriment analysis, consider the possible tax implications but without any firm estimate of the a firm estimate of the pilot payments"

The further discussion on above pertained to meaning of pilot payment, the amount of pilot payment, and the benefits to Town of same.

Jeff Lacy address Mary Lou Conca question explaining that PILOT stands for payment in lieu of taxes, that instead of assessors trying to assess and figure out value, the Town and developer come to agreement as to what payment would be in lieu of property taxes thus arriving at \$109,000 figure.

Submissions on Whellock Preconstruction Conditions

Roger Lipton, Attorney present

Insurance certificate is a one page document . Town of Shutebury named as certificate holder and as the insured.

Certificate of liability submitted in presentation -- amount is two million dollars. Jeff Lacy indicates that

he did speak to town counsel who thought the certificate appropriate , that limits appropriate, that certificate should be issued on annual basis. Jeff Lacey points out that the controlling language is Section 4, Special Permit, requiring sufficient insurance coverage and further requiring that such certificate be furnished annually.

Board expresses willingness to modify requirement of Utility notarization in Condition 7 as Utility will not per policy supply notarized statement contemplated. In lieu of that and as suggested by Town Counsel -- Marmon's managing partner, or other duly authorized person, will sign notarized statement attesting to Utility's compliance with terms of Condition 7.

Board also expresses gratitude and support for Jeff's role as spokesperson and inquirer on behalf of Board.

Discussion regarding Condition 3: "The Project proponent must submit a full report of all materials used , including but not limited to the use of cleaning products , paints or coatings, hydro-seeding additives, fertilizers and soil amendments. When available material Safety Data Sheets will be provided. "
In discussion, noted Jeff Lacy noted that 1083 different materials listed, noted that glass cleaners will be removed from list (per Conti Atty.), noted that Round-up apparently was removed (Jeff Lacy); noted that

quantities not mention (Rob Kipler); noted that Board does not have authority to impose requirements not contained in permit, e.g. quantity of chemicals used (Jeff Lacey); noted that neighbors have concern for chemicals used (Conca)

Discussion regarding Condition 8 which reads in part: "The applicant shall provide a form of surety, either through an escrow account, bond or otherwise, accessible to the Town of Shutesbury, to cover the cost of decommissioning in the event the lessee or owner fails to perform and the Town must remove the Project and remediate the site....". Points discussed include how figure was arrived at, who responsible for payment over time, fact that condition is ongoing for the duration of the Projects existence and attaches to successors in interest.

Discussion regarding Condition 2 which reads: " An on-site preconstruction meeting with the construction contractors shall be scheduled with the Planning Board and Conservation Commission. "

Points brought up include when first visit will take place, suggested that it should be before road cutting and soil testing. Further discussion with regard to sequencing of conditions (Michael D. and Jeff L.)

Suggestion that it would make sense of Condition 2 occur before for example conditions 5 and 6.

Stocker New Boston Road ANR

Plan reviewed concerning Stocker land and request to turn it into one lot...to facilitate construction of car port without encroaching on sub-lot boundaries. Plan approved and signed

Dated:

Meeting Notes of Sept. 13, 2017 Planning Board as taken by

Robert S. Raymond

Robert S. Raymond
Planning Board Member