

Shutesbury Planning Board Meeting Minutes  
December 20, 2017 Shutesbury Town Hall

Planning Board members present: Deacon Bonnar/Chair, Jeff Lacy, Steve Bressler and Jim Aaron; at 8:20pm, Linda Rotondi and Robert Raymond join the meeting  
Staff present: Linda Avis Scott/Administrative Secretary

Guests: Mary Lou Conca and Miles Tardie

Bonnar calls the meeting to order at 7:37pm.

Miles Tardie begins video recording the meeting.

Public Comment: Mary Lou Conca reads paragraph one, a portion of paragraph three, paragraph five and the last paragraph of the undated letter submitted to the Planning Board and Conservation Commission into the record and, as requested by Robert Raymond, reads MGL Chp. 114 Sect. 17 into the record. Conca notes that the letter was hand delivered and sent by certified mail to the Planning Board and Conservation Commission and that the signatures are dated. Lacy asks Conca about the chemicals she is concerned about. Conca states that she researched one of the pesticides on the list and that it killed a person, however, does not have the name of the chemical available at this time. Lacy requests Conca review the list for chemicals that are not in common use for residential/construction purposes. Bressler: the chemicals on the list could be used by a contractor building a home; some of the listed chemicals may/may not be used at the solar site, i.e. wasp killer. Lacy: solar site vegetation is to be mechanically managed; access for the solar site is not via Reed Road; the Cote logging project is using Reed Road “by right”. Lacy: Reed Road may provide pedestrian access to the Wheelock parcel. Bonnar: the reference to a “secret vote” is not true. Bressler expresses concern about the accusation of a secret vote. Bonnar: there were members of the public present for the special permit vote. Bressler: the vote was taken in an open meeting. Lacy: the vote was taken during the Wheelock Solar Project special permit agenda item. Conca: these are issues for more than one person. Lacy states that he assumes the letter is referring to him when it mentions that a person inspecting the site is conflicted. Lacy notes that he has been inspecting the site one to two times/week. Conca: we believe Lacy’s interest is quite conflicted; this letter is asking for an independent monitor of these sacred grounds; you (Lacy) are employed by DCR and have a relationship with the applicant. Lacy states he has no conflict of interest, has no interest in the project, the site does not abut his property and that he has no business dealings with the relevant parties; his property does not abut DCR land; his land does, at one point, abut Cowls property. Conca: are you not loyal to the Town of Shutesbury? Lacy: loyalty to the Planning Board is loyalty to the Town.

Bressler, referring to the 12.20.17 ConCom memo “Recommendations for Wheelock Solar Farm”, supports the recommendation for an independent monitor; does not question Lacy’s loyalty, however, sees no downside to hiring an independent monitor. Lacy states he is uncertain the Planning Board has the authority to hire an independent monitor; Emily Stockman/Stockman Associates assessed the site, as per the pre-construction

condition. Lacy reads from Pre-Construction Condition #6 and notes that assessment of the erosion controls was completed by himself and Stockman under the provisions of Chapter 44 Sec. 53G. Bressler: it seems the ConCom and the signers of the letter are recommending the Planning Board/Town pay for an independent monitor. Conca states her willingness to remove the word “secret” out of the letter; asks how Lacy provides his site visit reports. Lacy: by verbal report to the Planning Board. Lacy and Bonnar: pre-construction condition #1 was met. Conca: it has left people to believe that if the Planning Board says “no” to having the site evaluated by a THPO, you are afraid of something being found; the Native Americans were here first. Lacy: given the inquiry the Planning Board was able to conduct and the many visits to the site and that we received little help from those (THPOs) that are knowledgeable, we did the best we could. Conca: the THPOs were trespassed. Lacy: the Planning Board asked repeatedly for help from THPOs. Conca: the THPOs have sacred knowledge that they do not share; they are federally recognized but not by the town of Shutesbury. At this point in the meeting, Tardie discontinues videotaping.

Wheelock Solar Project Update: The Planning Board further considers the 12.20.17 ConCom email “Recommendation for Wheelock Solar Farm”. Lacy states the hiring of an independent monitor is not necessary; Mickey Marcus/SWCA is responsible for monitoring the site. Bressler: an independent monitor would assist in addressing the voiced concerns. Lacy: the site manager is knowledgeable; Marcus and Kevin McCaffery/SWCA are monitoring the site; the stumps are being ground up and this material is being used to stabilize the site. Lacy questions whether the outflow of the first basin is sufficient; any areas of concern, such as this, are brought to the attention of site manager. Lacy: if any sediment gets into the buffer zone, a violation will have occurred and the ConCom will have jurisdiction. Bonnar to Lacy: would Stockman’s perspective add to Lacy’s site observations? Lacy: Stockman is a professional wetland scientist; Marcus is a professional wetland scientist. Lacy explains that his process is to review Marcus’s site inspection reports before conducting a site visit; his preference is to use in-house expertise rather than incur costs to the town; currently, the site is stable, however, if complications arise, additional site observations will be needed.

Bressler moves, as Bonnar has recused himself, that Lacy be temporary chair; Aaron seconds the motion that passes unanimously.

Case 17.02 Special Permit Bonnar, Patton and Patton: The draft special permit decision is reviewed. Bressler: what is the timeframe for making the second structure livable? Bonnar: construction for remodeling the studio into a residence is underway; once the common driveway special permit is approved, a building permit for certificate of occupancy can be applied for. Bressler moves the Planning Board approve the special permit for Case 17.02, Raymond seconds the motion the passes unanimously. Lacy, as acting chair, signs the permit to be submitted to the Town Clerk 12.21.17.

Lacy moves Bonnar resume chairmanship; Raymond seconds the motion that passes unanimously.

The discussion relative to the 12.20.17 ConCom email and Conca et al.'s letter is reviewed for Raymond and Rotondi. Raymond appreciates Lacy's skill, supports his site observations and recommends the Planning Board stand by their members' knowledge. Lacy states that he will ask for assistance if needed; any breach will result in ConCom involvement. Lacy reports finding a potential problem with the first basin that is not fully constructed; if the basin overtops and there is enough water flow, it could enter the wetland; this concern was brought to the site manager's attention. Lacy will revisit the site later this week. Per Lacy, the site is unrecognizable due to the size of the clearing resulting in an expansive western vista.

Bressler moves the Planning Board approve the minutes for the 11.20.17 meeting; the motion is seconded by Raymond and passes unanimously.

Lacy regarding proposed zoning amendments: there will not be a special town meeting therefore the Board will need to consider what to bring forward to annual town meeting.

Lacy, unless prohibited, Shutesbury may have to consider marijuana facilities; some towns are enacting moratorium bylaws. Bressler: the Board may want to consider a proactive bylaw. It is agreed that Lacy will research a model bylaw.

Raymond moves the Planning Board contribute \$161.16 toward the purchase of the flat file; Rotondi seconds the motion that passes unanimously. The flat file will be used to store full size site plans; the Record Storage Advisory Committee received a \$1,000 grant toward the purchase of the file.

The need for a new member is addressed.

At 9.15pm, Bressler moves and Rotondi seconds a motion to adjourn the meeting.

Documents and Other Items Used at the Meeting:

1. Undated letter to the Planning Board from Mary Lou Conca et al (signatures are dated)
2. 12.20.17 Conservation Commission email "Recommendation for Wheelock Solar Farm" with attached "Solar Farm Conditions"
3. 12.19.17 email from Christin McDonough/SWCA "Shutesbury Solar Inspection Report #5"

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary