

Shutesbury Planning Board Meeting Minutes
April 9, 2018 Shutesbury Town Hall

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

Planning Board members absent: Jim Aaron

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Michael DeChiara, Casey Pease, and Kevin Sullivan

Bonnar calls the meeting to order at 7:33pm.

7:30pm Zoning Bylaw Amendments Public Hearing: Bonnar calls the public hearing to order at 7:33pm. Raymond reads the “Town of Shutesbury Public Hearing Notice Shutesbury Planning Board”, as published and posted, into the record.

1. Article 1. “Common Driveways”: purpose is to clarify that shared driveway special permit review is by the Planning Board.
2. Article 2. “Driveway Width”: this amendment will make the requirement reflect the common driveway width in Shutesbury.
3. Article 3. This amendment will give the Planning Board the ability to extend the period until lapse for Open Space Design projects under Article V of the Shutesbury Zoning Bylaw. Per Lacy and Bonnar: no public purpose is achieved by speeding up these projects. DeChiara suggests that there be a term that could then be extended by the Planning Board. Lacy: the best option would be for the Board to be able to decide the initial period and subsequently decide upon the renewal term. Bressler: the Board’s initial thinking was to allow the flexibility to extend based on the specificity of a particular owner’s/project needs. The Board refers to Zoning Bylaw Section 9.1-3 G: “Any Site Plan approved under this bylaw will lapse within two years if construction has not begun, and is not carried forward to completion as continuously and expeditiously as is reasonable”; no provision to extend is included. Bonnar: the ability to extend would be useful even if the period before lapse were to be other than two years. Lacy: the proposed language is broad enough; language about the ability to extend will need to be included in the site plan review document; recommends requesting review of the proposed language by Town Counsel Donna MacNicol.
4. Article 4. “Section 8.11 Temporary Moratorium on Recreational Marijuana Establishments”. Per Lacy, the Attorney General has allowed these moratoria to be in effect until 6.30.19. Casey Pease notes that he is a non-resident and suggests making the change to 6.30.19 within a town meeting. Bonnar and Lacy explain the rationale for choosing annual town meeting (6.30.19 expiration date) versus a special town meeting (12.31.18 expiration date). Raymond states concern for those seeking licenses if a moratorium is in effect until 6.30.19. DeChiara: per the Mass Municipal Association (MMA), 133 out of 351 towns have created moratoria and most of these will expire 12.31.18; thus far, only 5% of these towns have enacted bylaws. DeChiara: those inquiring about setting up a marijuana establishment in Shutesbury do not seem to be interested once they learn about

the lack of town sewer and other infrastructure in Shutesbury; applications must go before the Cannabis Control Board before local approval can take place. DeChiara: because the regulations are so specific and limit what might be possible in town, what would the net result be if Shutesbury did not have a moratorium, i.e. Shutesbury does not have one retail alcohol sales business. Bressler, citing the example of the large-scale solar project, notes that Shutesbury does not want to be caught off guard. Lacy put the moratorium question to a planning professionals list serve; the responses indicated that a town that voted for the legalization of recreational marijuana will be better off with a bylaw; offensive odor and intrusive lighting were noted as concerns. Lacy recommends the Board have time to gather more information on which to base a bylaw. Bressler: given time, the Board will be able to learn from the experiences of other towns. Raymond is opposed to extending the moratorium beyond 12.30.18. Bressler: as Bonnar and Lacy pointed out, given a 12.30.18 end date, a special town meeting does not draw significant attendance. DeChiara: with a 12.30.18 date, the moratorium would lapse while the Planning Board is in the process of writing a bylaw. Raymond seeks to strike "other uses related to non-medical marijuana" (8.11-3 Temporary Moratorium) because "marijuana establishment" is sufficient. Lacy: non-medical marijuana establishments/uses can include testing laboratories, transporters, marijuana coops, etc. Bressler refers to "Currently the Town's zoning bylaw does not specify marijuana establishments as that term is defined in G.L c 94G. §1". Lacy suggests the Board ask Town Counsel MacNicol for guidance on the timing for changing warrant article language and whether such a change is recommended. Bonnar notes the areas of concern: end date for the moratorium and Raymond's suggested change. Bressler: if no motion is made, the end date will stay as is. Lacy: the Board can request an extension to the moratorium during a fall special town meeting. The Board decides to leave the end date as 12.31.18. Raymond, referring to 8.11. -3 moves to strike "other uses related to non-medical marijuana" as this may effect personal marijuana growing; this motion is seconded by Lacy. Bressler suggests deferring a decision on this motion until receipt of MacNicol's guidance; if there is not a significant reason to maintain this language, Bressler is in support of striking "other uses related to non-medical marijuana". The Board, conditionally based upon MacNicol's guidance, unanimously approves the striking of "other uses related to non-medical marijuana". At 8:23pm, Bonnar closes the public hearing. Kevin Sullivan shares his experience as a member of the Connecticut Agricultural Commission: the Commission determined the product was pharmaceutical not agricultural, noted the need for commercial ventilation on behalf of abutters, inside growing is necessary, disposal of left over growing materials is an issue, and if grown outdoors, down-flow is a concern.

Wheelock Solar Project Update: Kevin Sullivan/Site Manager: the site is mechanically complete and ready to ship power; 85% of the panels have been installed and all the cables are in place; due to delays on the part of National Grid, the earliest activation will be in the fourth quarter of 2018; PILOT payments will not begin until power can be shipped; Chapter 61 taxes will be paid in the interim. Sullivan: at this point, there will be

8-12 staff at the site for the next 3-4 weeks; after the spring rains, staffing will increase for seeding; then approximately 4 staff will review the infrastructure to determine how it fared after the cold winter. Sullivan, to answer DeChiara's question: at this point, there will be nominal truck traffic; when the trailers are removed from the site, there will be one day with large truck traffic; the site did well during the recent rains; there is significant infiltration now that the ground is not frozen. Lacy: the site looked to be well under control during his visit earlier 4.9.18.

Lacy moves and Raymond seconds the motion to approve the 3.12.18 Planning Board meeting minutes; the 3.12.18 minutes are unanimously approved as presented.

Executive Office of Energy and Environmental Affairs (EOEEA) Planning Assistance Grant: Lacy refers to the "O-32: Master Plan Vision Implementation Study 10.17.17": the purpose of the MPWG was to update a portion of the Master Plan; the significant recommendations included the creation of a multi-purpose senior/community center/library, senior housing, pedestrian walkways and renewal energy; the suggestion was to look at Lot O32, a centrally located town owned parcel; the Select Board approved the EOEEA grant application and, concomitantly, a proposal was written to include work by the Conway School of Landscape Design to conduct a feasibility study about what may be possible on Lot O-32; the project was set move forward, however, during their 1.23.18 meeting, the Select Board voted to put the project on hold. Lacy continues: subsequently, the Select Board has become interested in seeking funds for climate resiliency; the EOEEA grant was approved for the Lot-O32 project, however, since that project was put on hold, the grant funds could be used for another project, i.e. the Select Board climate resiliency proposal. Per EOEEA, there will be another round of grant funding and the Planning Board can reapply to fund the Lot O32 project for Spring 2019. Pease: the Lot O32 proposal included renewable energy/climate resiliency. Lacy: because the MPWG has been dissolved, the impetus for the grant will now come from the Planning Board. Bressler suggests tabling the application until after 6.30.18. Lacy: the application will need to be submitted before 6.30.18 therefore recommends the Planning Board endorse submission of the application. Bressler supports resubmission of the EOEEA planning grant application for the due date and, subsequently, seeking Select Board support in the new fiscal year. Raymond confirms that the Planning Board is being asked to support resubmission of the grant application without approving any specific project at this time and asks how exploration of the clean up will be handled. Bressler refers Raymond to Task #2 of the "O-32: Master Plan Vision Implementation Study 10.17.17". Raymond moves the Planning Board sponsor resubmission of the EOEEA Planning Grant application without endorsing a particular project; Bressler seconds the motion. Raymond wishes to know the Select Board's objection to the Lot O32 project. The motion is passed unanimously.

Casey Pease states he is a candidate running for State Representative, is interested in the work of the Planning Board and is concerned about the broadband issue and that young families are moving away from towns without broadband.

At 9:07pm, the meeting is adjourned.

Documents and Other Items Used at the Meeting:

1. "Town of Shutesbury Public Hearing Notice Shutesbury Planning Board"
2. "Planning Board Recommended Zoning Amendments for Consideration at 2018 TM"
3. SWCA "Shutesbury Solar Construction Site Inspection – Weekly/Storm Report" #14 dated 4.4.18
4. "O-32: Master Plan Vision Implementation Study 10.17.17"

Respectfully submitted,
Linda Avis Scott
Land Use Clerk