

Shutesbury Planning Board Meeting Minutes
September 9, 2019 Shutesbury Town Hall

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

Planning Board member absent: Robert Raymond

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Jeff Macel and Kevin Medei/Lodestar, Joe Hamel/NextEra Energy, and Becky Torres/Town Administrator,

Bonnar calls the meeting to order at 7:13pm.

Continue Public Hearing for Case PBSP #19.02/LSDP 12, LLC:

Bonnar resumes the public hearing and notes that the hearing is being recorded for the benefit of absent Planning Board members. DeChiara, as an abutter, recuses himself from participating in the public hearing. Lacy states that, subsequent to the 8.19.19 site visit, he has no concerns about the proposed system resiliency infrastructure. Lacy notes the Conservation Commission's concern about the site's patchy vegetation. Kevin Medei/Lodestar: SWCA has cleared the site for termination. Jeff Macel/Lodestar: when that happens, Lodestar will formally request the Planning Board to close out the original special permit. Macel notes that fall will be an optimum time to reseed the site. Lacy: fertilization and liming are allowed. Lacy continues: prior to the closing out of the special permit, Lodestar needs to review the Planning Board Special Permit (Case PB SP 6.5.15) conditions (issued 6.7.16) to ensure they are met. Lacy: the system resiliency infrastructure sites are located in previously disturbed areas. Bonnar agrees: the proposed infrastructure impacts a very small area. Lacy: backup storage is now very common around the State. Bonnar: Fire Chief Walter Tibbetts' concerns have been addressed by the 8.6.19 plan revision (see file). Medei: the pad for #1 was moved about 4' to stay clear of the fire lane (see the 8.6.19 plan). Macel: as requested by Tibbetts, four Class E fire extinguishers will be provided. Lacy will include this as a condition and will consult with Electrical Inspector Maurice Gregoire as well. It is noted that an electrical permit is required for the proposed battery storage system. Bonnar asks whether Board members require any additional information. Becky Torres/Town Administrator notes that the new SMART regulations from DOER include system resiliency; she supports having the system resiliency system built as soon as possible; Torres and Kevin Rudden/Administrative Assessor will be bringing the system resiliency PILOT to the Select Board. There being no further questions from Planning Board members, Bressler moves and Lacy seconds a motion to close the public hearing at 7:25pm. The motion passes with affirmative votes by four members; DeChiara abstains.

Due to lack of quorum, a decision regarding issuance of the special permit cannot be made. Special permit conditions are considered including Tibbetts' fire extinguisher request. Lacy will consult with Tibbetts, Gregoire and the ConCom about conditions relative to the system resiliency proposal. Bonnar notes that planting and reseeding are covered by the 6.7.16 special permit. Bonnar: we are permitting particular equipment that is not described in the application. Macel: this special permit is for use - the installation of pads for the system resiliency lithium ion batteries and transformers; the specifics of the installation will be covered in the building permit application and the electrical permit. Lacy: given the content of the public hearing and guidance

from the Board, he will draft a decision for consideration at the next meeting. Bressler suggests Lacy research how other municipalities have conditioned similar permits. Bressler: is the system resiliency included in the decommissioning bond? Macel acknowledges the question and notes that the bond will most likely cover the cost of removing the system resiliency structures. Bressler moves Lacy research relative conditions and draft a decision; Rotondi seconds the motion that passes with affirmative votes by four members; DeChiara abstains. Next meeting: 10.7.19; consider the special permit decision at 7:15pm.

DeChiara moves and Lacy seconds a motion to approve the 8.5.19 meeting minutes; four members approve the minutes as presented and DeChiara abstains; the motion carries.

Lot O32 Planning Grant/Conway School of Landscape Design Study: Lacy will review the Conway School of Landscape Design Lot O32 final report document during a future meeting. Per Lacy, Lot O32 is an interesting parcel; there is a wet, disturbed mid-section with an interesting unique ecosystem, there is a buildable area in the rear intact forest; there are problems with accessing the interior, however there are two potential alternate access routes from Pelham Hill Road; the front of the parcel is open however has some wetland constraints. Aaron joins the meeting at 7:52pm. This topic will be continued to the 10.7.19 meeting.

Complete Streets: DeChiara will prepare a draft for consideration during the 10.7.19 meeting.

Planning Board Webpage: DeChiara provides a printout of the updated webpage. The ANR documents are being retyped. Lacy's "Roles of the Shutesbury Planning Board" will be included. DeChiara requests the Board discuss when to add information about "Recent Projects". Lacy has reservations about all projects being listed and suggests listing be done at the Board's discretion. Bonnar: the Wheelock solar project and the Vertex cell tower project are the only two large projects to come before the Board in recent history. DeChiara suggests listing large projects that may have community interest at the discretion of the Board. Bonnar notes that proposing zoning bylaw amendments is part of the Board's work. Lacy suggests including zoning amendments that are under consideration. Bressler recommends including only those amendments that have been agreed upon by the Board. Lacy: unless an amendment is being proposed by citizen petition. Bonnar: any zoning amendment to be considered in a public hearing needs to be posted. Lacy, regarding the Wheelock file: it is a built project well past the appeal period. DeChiara: that is a satisfactory criteria for archiving a file; with the installation of Broadband, the Master Plan can be consolidated into an 18-megabyte file.

Mass Vulnerability Preparedness Grant: DeChiara, referring to his 2.21.19 email, reports attending a meeting about the Mass Vulnerability Preparedness Grant (MVP); the vast majority of towns/cities are enrolled. DeChiara volunteers to track the MVP Grant so that when it again becomes "live", there can be a conversation about enrolling Shutesbury.

Possible 2020 Zoning Bylaw Amendments: Bonnar recommends that the Board begin generating an initial list of possible 2020 revisions. Lacy will provide the list from 2018-2019. DeChiara suggests revisiting the proposed driveway width amendment in consultation with Fire Chief Tibbetts and the sign bylaw. Lacy: the ZBA recommended an increase in the size of accessory apartments that was passed over by the Planning Board. Bressler: the Board did not think it was

necessary to increase the square footage. Lacy, as a member of the ZBA, notes that the ZBA has witnessed the challenges faced by those whose situations are at/near the current maximum square footage; other towns are using 900-1,000 sq. ft. Bonnar: the time period within which ANR lots must be created within the Open Space Design criteria should be considered. Lacy: non-subdivision proposals may be considered as a special permit versus site plan review. Bressler agrees with this suggestion. Bonnar: review of the current list will be done during the 10.7.19 meeting.

Scott reviews the 9.5.19 “Attorney General’s Notice Town of Shutesbury Case No. 95915 Annual Town Meeting of May 4, 2019 Articles #17,18, 19, and 20” ; the posting and publication of this notice has been completed; after the expiration of a 21-day period, the Town Clerk will submit a “Certificate of Compliance” to the Attorney General’s office indicating whether there have been any claims; if no claim is made, the Attorney General has the discretion to waive the claim, however, if a claim is made, the defect may not be waived; the 90-day period, now suspended, will resume once the Attorney General’s office receives the certificate.

Possible Town Purchase of 32 Leverett Road/Baptist Church Parsonage:

Lacy and Rotondi attended the 9.3.19 site visit. Rotondi: the parcel, a little over an acre in size, is strategically located for the town; the house is gutted and water is provided by the Fire Station well; the site would not pass Title V and would need a raised system. Lacy: the ground water level at the site is high; the parcel is surrounded on two sides by Town-owned land. There is some general discussion about the efficacy of obtaining the parcel. At 8:33pm, Bressler leaves the meeting.

Anti-Discrimination Training: The training is scheduled for 9.25.19 from either 3:00-5:00pm or 6:00-8:00pm.

Unanticipated Business:

As a member of the Community Preservation Committee, Scott requests Planning Board members to consider identifying one member to represent the Board on the CPC.

At 8:39 pm, DeChiara moves and Lacy seconds a motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. 8.6.19 email “System resiliency plan” from Kevin Medei/Lodestar that includes the 8.6.19 plan revision
2. “Roles of the Shutesbury Planning Board” by Jeff Lacy
3. 2.21.19 email “Municipal Vulnerability Preparedness grant info” from DeChiara
4. Attorney General’s Notice Town of Shutesbury Case No. 95915 Annual Town Meeting of May 4, 2019 Articles #17,18, 19, and 20

Respectfully submitted,
Linda Avis Scott
Land Use Clerk