

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

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

Planning Board member absent: James Aaron

Staff present: Linda Avis Scott/Land Use Clerk

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

Public Comment: None offered.

DeChiara moves and Lacy seconds a motion to approve the 11.18.19 meeting minutes. Raymond abstains and Rotondi is not present for this item; all others aye and the motion carries.

Complete Streets: DeChiara: submission by Torres to Mass DOT is pending.

Mass Vulnerability Preparedness Grant: DeChiara reported to the Select Board during their 11.26.19 meeting that the Planning Board unanimously supports applying for a MVP grant; the Select Board is responsible for submitting the application. DeChiara will coordinate with Town Administrator Becky Torres to prepare the application for submission by the 1.15.2020 due date. Per DeChiara, Torres will ask members of the Small-Town Administrators group for references from the official list of vendors. Lacy: first, we need to determine what Shutesbury needs to do to prepare for climate change.

Possible 2020 Zoning Amendments: Bonnar refers members to the list of “Possible 2020 Zoning Amendments” that now includes “Distinct conservation areas in open space designs” and “Lapse period for lot creation in open space designs”.

Lacy refers to proposed changes to “Article V. Open Space Design”. Lacy to Bressler’s question about 5.1-2 B: by switching from site plan review to special permit, the Board can assess the open space design project for conservation values, assess the number of building lots and whether the number of lots will affect the conservation values of the property. Lacy notes the proposed addition to Section 5-6.1 “or by other means acceptable to the Planning Board” which provides another option when a qualified conservation restriction holder cannot be found. Lacy to DeChiara’s question: other options for protecting open space might include conservation easement, covenant or zoning restriction. Lacy, referring to Section 5.3-2 Unit Calculation, suggests the Board consider rounding down. Bressler supports the concept of “no rounding” noting there is a universal provision for cause. Lacy: the proposed changes are based on the Board’s experience with three cases. Lacy suggests adding “5% of the *whole* parcel” to Section 5.3-2 C.; it is important to ensure applicants are doing their calculations correctly. Bonnar: when the open space is designated, it should be contiguous. Bressler: this is consistent with the open space concept. DeChiara confirms that the proposed changes would not affect a project fully approved before the changes are approved by annual town meeting. DeChiara supports the change from site plan review to special permit as it will more fully protect conservation benefits. DeChiara notes the conundrum of requiring a conservation restriction and the possibility that doing so might not possible. Lacy: open space design and the protection of the open space is

desired; an easement could be granted to the Town. Scott explains the conservation restriction (CR) stewardship fund model now used by the Conservation Commission: the owner of the CR provides a certain sum, held in special account, to be used by the Commission to monitor the CR. Lacy: the subdivision provision, including the creation of a new road, is an absolute right to subdivide. DeChiara supports having Lacy further develop the changes to Article V and Lacy agrees to do so. DeChiara moves and Bressler seconds a motion for Lacy to contact Bucky Sparkle/the Zengineer to let him know about the calculation errors in his "Open Space Design Worksheet". Lacy, at Bonnar's request, will also consider the lapse period for lot creation in open space designs.

The Board considers potential changes to Section 8.10 Ground-Mounted Solar Electric Installations. Lacy referring to 8.10-3 B. "Mitigation for Loss of Carbon Sequestration and Forest Habitat, reads the definition of "Large-Scale Ground-Mounted Solar Electric Installation" into the record: "shall mean a Ground-Mounted Solar Electric Installation which occupies more than one and one-half acres of land and no greater than fifteen acres of land." Bonnar states his concern about the proliferation of large-scale installations and the damage to contiguity of forest; the State is supporting six megawatt sites which result in the clearing of thirty acres. Bressler: is there a way to limit the number of sites in town? Bonnar: a recent Wendell Planning Board notice referenced a solar overlay district. DeChiara: overlays can cover current zoning; in Shutesbury the overlay would be for the Forest Conservation (FC) district. Lacy: large-scale installations require a 500' back setback; all of Shutesbury's FC has a road network around it. Bonnar: the Board has an obligation to permit some solar sites. DeChiara: these are industrial scale sites in a town that is not industrial; how do you deal with environmental responsibility and what is appropriate development? Bressler: how do we do that when we cannot unreasonably regulate solar installations; is our town's character enough of a rationale? DeChiara: climate change is a concern and road erosion is an issue, i.e. there is more stormwater flow on Pratt Corner Road since the installation of the Wheelock site. Bonnar notes the Wheelock site's proximity to the substation. Lacy to Bressler: he is not aware of any towns placing a limit on the number of large-scale solar installations and that any overlay will have a concerned constituency. Raymond: the contribution to climate change may influence his willingness to have a large-scale installation in nearby woodlands. Bonnar: defining the overlay as the FC is redundant; more information about overlays is needed. DeChiara: incentivization to install rooftop solar would have a direct benefit. Lacy refers to "no more than fifteen acres of land": this could be changed to be the entire area of disturbance. Bressler: can we dictate how much area must be in between these installations; we are trying to avoid the land being carved up. DeChiara suggests taking an open space design approach in order to force clustering of large-scale installations. Lacy suggests dividing the town into quadrants and limiting to one large-scale per quadrant. DeChiara: this would support the concept that the town can only support so much development in FC. Bressler: the Master Plan supports a certain quality of life; how does this square with the State's mandate to limit regulation of large-scale installations? Bonnar: could there be a yearly limit on permitted facilities? Bressler: the presence of wetlands and the 500' setback limits the possible sites. DeChiara suggests limiting the submission of one special permit for a large-scale installation at a time and that another large-scale special permit application cannot be submitted until the active case is resolved. Bonnar: when the town had a building permit moratorium, people got into line. Bonnar to Raymond's question: his concern is the contiguity of the forest - the breakup of backland. Lacy agrees to ask his planning professional resources for guidance. Bressler leaves

the meeting at 8:15pm. The Board agrees to consider the rate of permitting, sequential permitting, and fifteen acres total disturbance during the 1.13.2020 meeting. DeChiara will revisit Section 8.4 "Sign Regulations"; his intent is for the section to be clearer and more comprehensive. Lacy refers DeChiara to the Reed vs. Town of Gilbert, Arizona Supreme Court of United States case; for the small businesses in town, the Board needs to be laissez-faire.

At 8:24pm, Raymond moves and Rotondi seconds a motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. "Possible 2020 Zoning Amendments"
2. Proposed changes to "Article V. Open Space Design"

Respectfully submitted,
Linda Avis Scott
Land Use Clerk