

Shutesbury Planning Board Meeting Minutes  
February 10, 2020 Shutesbury Town Hall

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

Planning Board members absent: Robert Raymond, Jim Aaron, and Linda Rotondi

Staff present: Linda Avis Scott/Land Use Clerk

Bonnar calls the meeting to order at 7:11pm.

Public Comment: None offered.

DeChiara moves and Bonnar seconds a motion to approve the 1.13.20 meeting minutes; the minutes are unanimously approved as presented.

Planning Board Terms: Bonnar, Bressler, and DeChiara's terms expire 6.30.20; all three will seek re-election.

Municipal Vulnerability Preparedness Grant Update: DeChiara reports that the Town's MVP Grant application was approved for \$27,000, updating the Town's Hazard Mitigation Plan is also part of the process and Town Administrator Torres attended the necessary initial training. DeChiara states his willingness to serve as the Planning Board representative to the town's MVP team.

Complete Streets Update: DeChiara reports that Shutesbury's Complete Streets application received a score of 92 out of 100 and Town Administrator Torres attended the required training. Shutesbury is now certified as a Complete Streets community, which will allow the Town to apply for grants in the future.

Possible 2020 Zoning Amendments:

- a. Article V Open Space Design: Lacy: the current draft reflects input from the 1.13.20 meeting, DeChiara and Lacy's consultation with Town Counsel Donna MacNicol, and input from Penny Jaques. Per Lacy, 5.1-1 "Purpose" has been realigned to focus on conservation and the environment and further revised as follows: "An Open Space Plan Design that does not require approval as a subdivision is allowed by *special permit subject to* (was 'by right subject to Site Plan) approval by the Planning Board; the special permit will give the Planning Board more authority and discretion. Lacy continues: In 5.3-2 "Unit Count Calculations", "Fractional units shall be *rounded down to the next whole number*"; 5.3-3 "Density Bonuses", "Resulting fractional units shall be rounded down" and 5.3-3 C. "a maximum 10% density bonus per additional 5% of the *whole* parcel preserved as open space." Per Lacy: In Section 5.6 "Permanent Open Space", it is clarified that the open space set aside shall be "*configured as a separate parcel(s) from any building lots*" and in Section 5.6-1 a statement has been added to liberalize the method of conserving in cases where it is difficult to find a conservation restriction holder, "*or by other means acceptable to the Planning Board that achieve the conservation goals of this section. Such means may include easements under earlier*

sections of Chapter 184, zoning or subdivision conditions, or ownership by a conservation organization as described above”. Bonnar refers to Section 5.3-3 and notes that in an open space design, there may be more than one parcel. All members agree to change “parcel” to “project area”. All members present agree with the amendment to Section 5.3-1 “Net Acreage Calculations” B. proposed by Penny Jaques: “*The wetland scientist will prepare MA DEP WPA Form 4A Abbreviated Notice of Resource Area Delineation (ANRAD) that includes a wetland evaluation and map of the site. The ANRAD is submitted to the Conservation Commission, discussed at a public meeting and a decision issued on the extent and boundaries of the wetland resource areas.*” The process for Board approval and preparation for annual town meeting are considered. Lacy moves the Planning Board approve the revisions to Article V Open Space Design discussed this evening (2.10.20), including the recommendations from Penny Jaques, and that these revisions be incorporated into a new version for the public hearing. DeChiara seconds the motion that passes unanimously.

- b. Section 8.4 Sign Regulations: DeChiara presents a draft of Section 8.4 that incorporates changes considered during the 1.13.20 meeting, consultation with Town Counsel MacNicol specifically about prohibited installations and with Highway Superintendent Hunting who recommended signs should be about six feet from the road. Lacy suggests that, unless they are a nuisance, existing signs be grandfathered. Bonnar notes that revising the sign regulations is trying to solve a problem that does not exist. DeChiara: his goal is to clarify what signs are possible as well as what signs are allowed on town property. Bressler recommends moving Section 8.4-5 “Nonconforming Signs” to before 8.4-3 “Permitted Signs” and delete “*which was erected lawfully*”. DeChiara: the language for Section 8.4-6 “Enforcement” was clarified by MacNicol. Bonnar recommends that Section 8.4-2 B “Sign Dimensions” be revised to read “The area of a sign shall be determined to be the size of the *smallest rectangle that will include the entire area of the sign*”. All members agree with Bonnar’s change. Lacy, referring to Section 8.4-2 C. “Installation Guidance”, notes that the State Building Code does not apply to signs. All members agree to remove this requirement. DeChiara to Lacy’s question: per MacNicol, the language for Section 8.4-2 C.2. is standard and regarding “on the same lot or directly in front”, “directly in front” may be giving rights where there are none to give. It is noted that the current regulation reads such that signs do not have to be on the owner’s property. DeChiara: that language is problematic in that signs could be put anywhere in town; suggests “All signs shall be erected on the same lot as the premises, person or activity, *or by permission of landowner...*” Lacy suggests that for this round of bylaw amendments, DeChiara focus on the public property portion of the sign regulations to ensure Select Board support then wrestle with the rest of the changes during the next amendment go-round. DeChiara: it seems that the areas of concern are Section 8.4-2 C.2 and the distance, Section 8.4-2 D.2.; if the location is tied to the edge of road or travel lane, “located on the same lot” is not needed. All members agree to take out “on the same lot” and use “six feet”. Lacy: essentially, any new signs need to be located so they are kept out of where the tires go. Lacy moves for DeChiara to prepare the sign bylaw, as amended, and as a warrant article for annual town meeting; DeChiara seconds the motion. Bressler, Lacy and DeChiara: aye; Bonnar nay. Bonnar’s general view is to leave the sign bylaw as is and have a larger group consider whether to amend.

- c. Section 8.10 Ground-Mounted Solar Electric Installations: DeChiara and Lacy worked together and consulted Town Counsel on the proposed changes to Section 8.10 that are based on the Board's experience with the Wheelock solar site on Pratt Corner Road; the question is, how many sites are appropriate for Shutesbury. Board members review the draft revisions to Section 8.10. DeChiara refers to Section 8.10-4 A.3: the process is not only to identify locations, it is to assess the undertaking's effect and "*seek ways to avoid, minimize or mitigate any adverse effects on historic properties*". Lacy: this will require third party reviewers to visit the proposed site. Lacy to Bressler's question: the usual process is for the applicant to hire their consultant(s) and for the Board to hire its consultant(s); the Tribal Historic Preservation Officer (THPO) has their own authority. Lacy: the current Section 8.10-4 A.3. is based on what is already known. There is some agreement to use "*seek ways to avoid, minimize or mitigate any adverse effects on historic properties*". DeChiara will edit this section. Lacy would prefer no change to the section. DeChiara suggests a general statement regarding how effects be mitigated. Lacy: in the past, the Board offered to hire a THPO, however, the applicant would not allow the THPO on the land. Bressler suggests placing the statement about mitigation in Section 8.10-3 D. "Mitigation for Disruption of Historic Resources". It is noted that MacNicol recommended not using the language in Section 8.10-3 H. Lacy: the Zoning Bylaw allows only one principal use per lot therefore "I" is true and redundant. DeChiara: Section 8.10-3 J. is the primary mechanism for limiting the number of projects and the language in this section is okay with MacNicol. Bressler recommends tying the Open Space Plan language emphasizing conservation and forest contiguity into this section. Lacy refers to the map "Large scale solar installation zones": each block is limited to one large-scale solar installation. Bressler: by using this map, the Board will not be unreasonably regulating large scale installations; all other requirements will need to be met. All agree members support use of the "Large scale solar installation zones" map. Lacy: Section 8.10-3 F. is new: "*Construction shall be from paved road (bituminous or chip-sealed) Town roads. In the alternative, an applicant may propose, at their own expense and to Town specifications, to pave and improve...the Planning Board, after consultation with the Shutesbury Highway Department may accept or deny such alternative proposals*". DeChiara prefers "*The applicant may also propose posting a bond sufficient to maintain...*" for an unpaved road. Lacy: Section 8.10-3 G. requires that large-scale installations have 250' of contiguous frontage. DeChiara, referring to Section 8.10-4 C.1., asks who decides what defines "hazardous" and suggests including "carcinogenic". Section 8.10-7 B.1. is reviewed. Lacy: Forester Dave Kitteridge consulted on the definition of "tree stocking"; notes that Section 8.10-7 D.2. and the slope restriction are protective. Lacy moves that DeChiara and Lacy work to amend the document as discussed and bring it into bylaw format in preparation for annual town meeting; Bressler seconds the motion. Bonnar: the next meeting date is 3.9.20 with a tentative extra meeting date of 3.16.20 and a public hearing date in early April. The motion passes unanimously.

At 9:32pm, DeChiara moves and Bressler seconds a motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. 2.10.20 Draft “Article V Open Space Design”
2. 1.23.20 and 2.10.20 emails from Penny Jaques re: language recommendations for Article V Section 5.1-1 and Section 5.3-1B.
3. 2.1.20 Proposed Amended Sign Bylaw
4. 2.10.20 Draft “Section 8.10 Ground-Mounted Solar Electric Installations” and “Large scale solar installation zones”

Respectfully submitted,  
Linda Avis Scott  
Land Use Clerk