

Shutesbury Planning Board Meeting Minutes  
October 19, 2020 Virtual Meeting Platform

Planning Board members present: Deacon Bonnar/Chair, Michael DeChiara, Robert Raymond, Linda Rotondi, Jeff Lacy, Steve Bressler, and Nathan Murphy  
Staff present: Tessa Dowling/Land Use Clerk

Guests: Shane B., Alison Cunningham, Elizabeth Murphy, Evan Turner, Miriam DeFant, Paula Lyons, Daniel Salses

Bonnar calls the meeting to order at 7:02pm.

Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Bonnar.

Bonnar introduces Dowling as new Land Use Clerk.

Bonnar welcomes Murphy to his first planning board meeting.

Public Comment:

1) Query on open space design- Alison D Cunningham

Cunningham owns a 9.3-acre homestead on 45 Schoolhouse Rd. Cunningham raises goats and takes in interns to educate about goat rearing. School groups come to the property for educational purposes. The property is run as a non-profit. There is a cabin where Cunningham would like to house interns who help with the goats. The structure is approximately 7ft by 20ft. It is one floor, low ceiling, with a heater and sink, but no bathroom. The structure is on skids. The building inspector thought it needed to get permitted if used for housing.

The question to the board is whether an open space design would apply to the property?

Per Salses, there is not enough frontage on the property to create a back lot, but thought it might fit open space concept.

The Board explains that two single family structures on one lot would be permitted under lawful accessory apartment (Shutesbury Town Bylaw section 13.2) or it might be permitted as a free-standing unit. Accessory apartments are required to be within 75 feet of the house. The open space design is a complicated process involving a conservation restriction and a public hearing. The applying for an accessory apartment is a simpler, shorter permitting process that involves site plan review but no public hearing. Cunningham would have to check with the Building Inspector to learn whether accessory apartments are required to have a bathroom.

The board recommends that Cunningham look into the feasibility of moving the cabin within 75ft of the house because permitting the cabin as an accessory apartment would be the easiest solution to the issue.

2) Amp Energy solar projects- Evan Turner

Turner is an independent contractor who has been hired by Amp Energy for the past three years to assist with solar development in Massachusetts. Amp Energy is looking at the larger Amherst area on WD Cowl's properties to site solar projects.

Turner explains that first Cows is completing wetland permitting with the Conservation Commission. Amp Energy started with four projects and ended liking three of those four. One of them off Baker Rd, had too many wetlands. They added two new upland sites. Now looking at five locations and the projects would try to avoid working in wetlands.

He screen-shares a Google map of potential solar project sites. The three blue markers are the original sites, the two green markers are the new solar sites, and the red site (Baker Rd) is the original project site Amp Energy decided not to use. The goal is to connect the 5 active project sites (blue and green) using power lines.

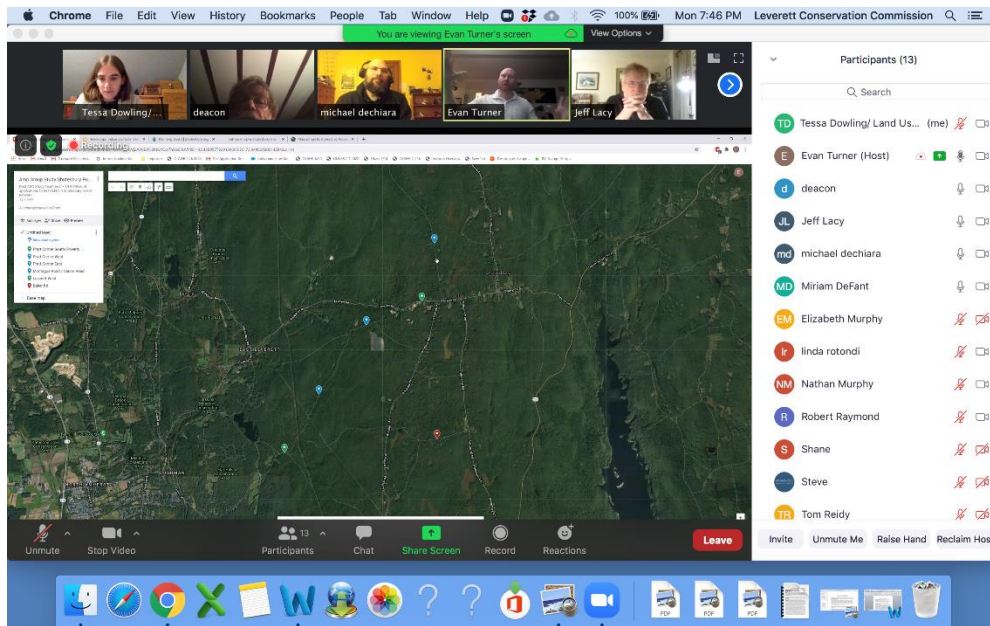
The five sites would create a 20-megawatt system. The Wheelock array was a 4.5-megawatt system. The megawatts between the connection and the field is a difference of a factor of two. Example: a 20-megawatt connection with the use of batteries would be 40-megawatts in the field. During the winter approximately 10% of the power goes into the batteries, during the summer it is neutral, approximately 16 hour per day during operation. the substation would require a \$10-12 million upgrade as it is small and old. There would be three phases to connecting the five projects. Two miles total upgraded. Baker road site is out of the way in relation to the other five sites. the community builds credit which does not equal cash. The utility company receives the cash. The state solar program (SMART) program is not competitive. All the power would go to National Grid. SMART guarantees rate for the solar company for 20 years, incentives get smaller over time. There are incentives for working with municipalities. Amp Solar is looking into agriculture under the arrays at 2 sites with MA Department of Agriculture.

Amp Energy is not offering joint ownership of the arrays to the town but would give PILOT (payment in lieu of taxes) fees. The PILOT contract is negotiated by the Select Board and Amp Energy. There are discounts for the town to use the solar energy and Amp Energy could pay the town to maintain the arrays. DeChiara raises concerns about risk if the town maintained the arrays. Per Turner, risk is not defined in MOM, Ministry of Manpower, contract. DPWs often have equipment.

The Board asks about the timeline for the projects. Per Turner, Pratt East should be submitted at the end of the year, Montague and Pratt Corner West will likely require a Notice of Intent. Pratt East might use the facility and access road for existing solar array at the Wheelock property.

The Board raises concerns about the length of the Carver project driveway and the fact that the site is a water supply source and is very swampy. There is a 1000ft limit for a driveway in Shutesbury and that the Wheelock solar project was held to 1000ft limit. Turner states that he will consider this when designing the project and writing the application. Perennial streams would be the boundaries for that 8-acre project. It would not interfere with water supply.

Turner asks about the requirement in town bylaws to contact Native American stakeholders and how to locate these groups. The Board suggests reaching out the community for help on this question.



### Deadline for Attorney General Review of Bylaws:

The Attorney General's review of the new bylaws is extended to 11.07.20.

### Meeting Minutes:

At 8:43pm, DeChiara moves and Raymond seconds a motion to approve the 9.14.20 meeting minutes. Roll call vote: Raymond: aye, Bressler: aye, Murphy: aye, Lacy: aye, DeChiara: aye, Rotondi: aye, and Bonnar: aye; the motion carries.

At 8:50pm Evan Turner accidentally ends meeting for everyone when he exits the meeting. Dowling sent out e-mail to board members resending link to the meeting, restarted the meeting, and all board members rejoined the meeting by 8:57pm. Dowling will learn from previous Land Use Clerk, Linda Avis Scott, how to allow multiple people to share screen without sharing hosting privileges.

Bonnar explains the meeting minutes from the 9.15.20 joint Planning Board and Select Board meeting will be on the November meeting agenda.

### Municipal Vulnerability Preparedness Grant:

DeChiara explains that the MVP Grant provides the town with funds to investigate how Shutesbury can address and adapt to climate change and migration connected to climate change. Under the grant, the town has engaged with 40 people from various town committees and the community to assess climate change threats and solutions. Becky Torres, the Town Administrator, is the point person on the project. MVP report outlines high, medium, and low areas of risk or areas to priorities. The Master Plan is identified as a high priority to revise in regards to climate change risks. Zoning was identified as a high priority. Other topics from 40 people meeting: stormwater, green infrastructure, homes with off-the grid batteries.

Concerns raised by the Board included protecting land, and the impact of increases in severe rain storms, flooding, drought conditions, solar development, climate migration, and the number of people living on unpaved roads.

Protecting open space may be a solution. Also, seeking information or assistance from the Franklin Regional Council of Governments, FRCOG, which is working on climate change zoning amendments.

Murphy suggests looking into frontage/lot size requirements and analyze the number of new houses that could be added under current bylaws.

Per Lacy, build out analysis was part of the 2004 Master Plan. The analysis is tedious and not very accurate if done by GIS mapping and not by hand. There are open space designs available under current bylaws. Future driveways can be shared. Eighty percent of area could be open space.

The discussion of the MVP report and the town 2004 Master Plan will continue at a future meeting.

#### Approaches to Excessive Special Permit Work:

DeChiara explains that the four or five solar projects could all come before the board at the same time and that if a deadline were missed the project would automatically be approved. He raised the possibility of the planning board hiring a consultant or project manager to help with the potential high workload.

The Board discussed the solar project permitting process. Under the town bylaw solar projects are submitted as Special Permits. Special Permits must be opened 65 days after the project is filed with the town clerk and a decision on the project must be returned to the applicant 90 days after the hearing is closed. Project hearings can be continued if the board and applicant both agree, and the Board can deny a project if the information submitted is not complete as long as the Board adheres to state laws. New town bylaws limit the number of solar projects per town division. Amp Energy has argued that the projects could be grandfathered in under the previous bylaws. Preliminary solar plans were denied due to missing information and noncompliance with state statutes and town subdivision bylaws.

The Board asks for an update on where the Conservation Commission permitting process is at this point. DeFant, as a member of the Conservation Commission, explains that the ANRADs (wetland delineations) on Cowls properties are not complete. The Commission is waiting on information and revised maps from the hired peer-review consultant Emily Stockman.

#### Unanticipated Business:

Murphy has disclosed a possible conflict of interest with his new membership on the planning board due to his employment at ISO New England and the solar installation projects that will be coming in front of the board. ISO New England is not currently working with Amp Energy, the company proposing solar projects in Shutesbury. The State does not think there is a conflict of interest. Murphy is also discussing the employee code of conduct with Human Resources at ISO New England.

It is important to determine whether a member needs to recuse themselves from a project because special permits decisions require a supermajority and so all board member votes are pivotal.

DeChiara will look into municipal special employee guidelines on conflict of interest.

At 9:49pm, DeChiara moves and Rotondi seconds a motion to adjourn the meeting. Roll call vote: DeChiara: aye, Murphy: aye, Rotondi: aye, Bressler: aye, Raymond: aye, Lacy: aye, and Bonnar: aye; the motion carries.

Respectfully submitted,  
Tessa Dowling  
Land Use Clerk