

Shutesbury Planning Board Meeting Minutes
December 14, 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: Miriam DeFant

Bonnar calls the meeting to order at 7:00pm.
Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Bonnar.

Budgets

The Fiscal Year 2021 Budget for the Planning Board is due. Bonnar will get the paperwork started.

New Signature Protocol

At the November meeting, the Board unanimously voted to authorize Bonnar to endorse plans on behalf of the entire Board. A letter describing the vote was signed by a majority of the Board on November 23, 2020. The letter was sent to the Franklin County Registry of Deeds, but unfortunately it was sent to the wrong address. Bonnar corrected the address and resent the letter on December 14, 2020. No issues regarding the registry of the plans for the Ayers Hall project have come to the attention of the Board or Land Use Clerk.

Minutes Discussion

Minutes from both October 19th and November 9th were on the agenda for review.

At 7:04pm, DeChiara moves and Raymond seconds a motion to approve the 10.19.20 meeting minutes with edits submitted to Dowling by DeChiara.

The Board discusses the most effective method of editing meeting minutes given concerns around sending edits to Dowling from all seven Board members. According the MA Open Meeting Law Guide and Education Materials meeting minutes must include a record of all votes and a summary of discussions of agenda subjects, but does not require a transcript of the meeting. It is suggested that Board minutes should focus on summarizing the meeting while maintaining exact language of all votes, which would make the minutes shorter and easier for the Board to review and for the public to read.

Board members also suggest asking any future visitors who come to present information to the Board for a copy of their Power-point or a list of talking points.

At 7:31pm, after the above discussion, the Chair asked the Board to vote on the motion to accept the minutes made by DeChiara. Roll call vote: Lacy: nay, DeChiara: nay, Rotondi: nay, Murphy: nay, Raymond: nay, Bressler: nay, and Bonnar: nay. The motion is denied.

At 7:33pm, DeChiara moves and Lacy seconds a motion to have Dowling summarize the 10.19.20 and 11.09.20 minutes and present the summarized minutes to the Board at the next meeting. Roll call vote: DeChiara: aye, Murphy: aye, Lacy: aye, Rotondi: aye, Raymond: aye, Bressler: aye, and Bonnar: aye; the motion carries.

Draft Letter to Cowls

Murphy recused himself from this discussion due to potential conflict of interest issues due to his employment with ISO New England. Murphy has been asked by ISO New England to recuse himself from all Special Permits connected to all ground mounted solar array projects.

DeChiara has informed the Board that Cowls has issued a no trespassing order against him. The Board reviewed two draft versions of a letter to the Cowls owner, Ms. Jones, requesting that DeChiara be allowed on Cowls property for site visits as a Planning Board member.

At 7:45pm, Lacy moves and Raymond seconds a motion to accept the second version of the letter after the Board corrected a few grammatical errors and organized the Board members names alphabetically. Roll call vote: Lacy: aye, Rotondi: aye, Raymond: aye, Bressler: aye, and Bonnar: aye; DeChiara: abstain, Murphy: abstain; the motion carries.

Associate Members

The Board is pursuing the process for choosing associate members so that the Board can maintain quorum even when a member or members need to recuse themselves from a project due to conflicts of interest or from being an abutter.

Members can miss one hearing on a specific project and maintain their right to vote on the project by reviewing the meeting minutes or the Zoom recording of the meetings while meetings are held remotely.

Mass General Law 40A Section 9 permits up to two associate members for Planning Boards that consist of more than five members.

DeChiara shares a document listing the Planning Board Associate Member Bylaws from six Massachusetts towns. A Shutesbury Associate Member Bylaw would need to be approved at town meeting.

The Board discussed how long the associate member would serve and who would appoint them. The service term could last the 3 years, the same as the term of a Planning Board member.

Appointments could be made jointly by the Select Board and the Planning Board if the Select Board wants to be involved. The Board is interested to know Donna MacNicol, Town Counsel's opinion on the scope of an associate member's position and could send the drafted associate bylaw to her.

At 8:12pm, Lacy moves and Raymond seconds a motion to have DeChiara draft a Planning Board Associate Member Bylaw. Roll call vote: DeChiara: aye, Murphy: aye, Lacy: aye, Rotondi: aye, Raymond: aye, Bressler: aye, and Bonnar: aye; the motion carries.

Amp Energy Meeting

Bonnar informs the Board that he has been invited to a meeting with the Select Board, the Town Assessor, Town Administrators, and Evan Turner, a consultant for Amp Energy.

The Board comments that once a project with Amp Energy is submitted, all meetings must be held publicly.

Fee Schedule

DeChiara shares two charts in regards to potential changes to the Board's fee schedule that would allow application fees to reflect the separate costs that can be associated with a project.

"Special Permit Fee Schedule Research" listed the application fees applied to different types of Planning Board permits by MA town and included the source link for each fee.

"The amended draft of the special permit fee schedule for the Shutesbury Planning Board" was a draft of what the fee schedule for Shutesbury could look like if the total fee was equal to the application fee, the cost of abutter notification and the legal notices, and the cost of consultants and staff time when applicable.

The Planning Board can hire consultants at the applicant's expense under Shutesbury Zoning Bylaw Section 9.6.

The Board decided to continue the fee schedule discussion to a future meeting, but to adopt line 10 from "The amended draft of the special permit fee schedule for the Shutesbury Planning Board."

At 9:03pm, Lacy makes a motion to adopt line 10 from "The amended draft of the special permit fee schedule for the Shutesbury Planning Board" document, "Energy and Utility Use - Large-Scale Ground-Mounted Solar - Electrical Installations," with an application fee of \$2000 based on: an abutter notification fee based on the cost of current mailing rates, a legal notice fee based on actual cost of the notice, a peer review fee for paying for consultants as needed, and a permit management fee for paying for consultant or additional staff expenses as needed. The motion was seconded by Raymond. Roll Call Vote: DeChiara: aye, Lacy: aye, Murphy: aye, Rotondi: aye, Raymond: aye, Bressler: aye, Bonnar: aye; the motion carries.

Municipality Vulnerability Preparedness

The discussion of the Municipality Vulnerability Preparedness report was moved to a future meeting.

At 9:11pm, DeChiara moves and Murphy seconds a motion to approve the end the meeting. Roll Call Vote: DeChiara: aye, Lacy: aye, Murphy: aye, Rotondi: aye, Raymond: aye, Bressler: aye, and Bonnar; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk