

Shutesbury Planning Board Meeting Minutes
February 8, 2021 Virtual Meeting Platform

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

Guests: Henry Geddes, Miriam DeFant, Mary Lou Conca

Bonnar calls the meeting to order at 7:03pm.
Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Bonnar.

Public Comment

There were no public comments.

Minutes

At 7:05pm, DeChiara moves and Murphy seconds a motion to approve the 01.11.21 minutes with the following edits:

- Three friendly grammatical edits from DeChiara
- On page 3, Bonnar clarifies his reference to section 9.3 B of the town zoning bylaw. He wants the Board to consider the existing text of the bylaw. Additional members are referred to as "alternates" for the ZBA and as "associates" for the Planning Board.
- Roll call vote: DeChiara: aye, Murphy: aye, Lacy: aye, Rotondi: aye, Raymond: aye, and Bonnar: aye; Bressler abstains as he did not attend the meeting; the motion carries.

Reviewing the section of the minutes concerning the Assessors' request to revise solar areas, described in the town solar bylaw, prompted a short discussion on the connection between solar arrays and town tax revenue.

Amendment for Associate Members

DeChiara has created a new draft of a town bylaw regarding Planning Board associate members based on previous comments from the Board.

DeChiara screen shares the bylaw draft for review by the Board.

Main Components of the Bylaw were as follows:

- The Planning Board would inform the Select Board that they were initiating an appointment of an associate member and then the associate would be jointly appointed by a majority of members from the two boards.
- The Planning Board can renew (or choose not to renew) associate appointments without the involvement of the Select Board.
- Associate terms are set at three years
- Associate members would be designated by the Chair to serve as a voting member for a specific purpose or time frame.

Deadlines for sending in bylaw amendments for town meeting are not set yet.

DeChiara will send the associate bylaw draft to Town Counsel for comment.

At 7:27pm, Murphy moves and Lacy seconds a motion to accept the associate bylaw as edited for warrant to town meeting. Roll Call Vote: DeChiara: aye, Murphy: aye, Bressler: aye, Lacy: aye, Rotondi: aye, Raymond: aye, and Bonnar; the motion carries.

Response to query regarding Open Space and Recreation Plan

The Planning Board received an email with questions to help update to the town's Open Space and Recreation Plan (OSRP). Bonnar drafted responses to the questions and forwards the drafted answers email to the rest of the Board. The email is shared on the Zoom screen.

The second questions asked if the Board knows what the build-out multiplier would be for the town based on the 2004 Master Plan build-out analysis. Members comment that there were assumptions made to create the 2004 Build-out analysis, but are fine with Bonnar's answer: *The 2008 zoning was not designed to change potential maximum buildout. The intent was to guide development in a fashion promoting a set of ecological and community goals detailed in the zonings' statement of purpose.*

Members approve of the drafted responses and Bonnar will send the email.

The Board can also give input later during the OSRP updating process and the OSRP update group can join a Planning Board meeting to discuss questions in more detail.

Special Permit fees

At the December 2020 meeting the Board approved a new fee schedule for Energy and Utility Use, Large-Scale Ground-Mounted Solar, and Electrical Installations. The fee update is posted on the town website. Lacy was asked to check whether any of the permit categories on the fee schedule only related to ZBA Special Permits and not to Planning Board Special Permits. Per Lacy, ZBA Special Permits mostly relate to residential uses.

DeChiara screen shares the full fee schedule proposal spread sheet.

After discussion, the following changes were made to the proposed fee schedule:

- The application fees for residential uses, community uses, and general business uses was increased to \$400, based partly on the ZBA application fee schedule.
- The abutter notification fee was set at "None" for all projects
- The legal notice fee was set at "None" for residential and community use projects
- The Small-Scale Ground Mounted Solar project application fee was increased to \$1000 and Small Wind Energy systems project application fee was increase to \$750.

At 8:13pm, Bressler moves and DeChiara seconds a motion to accept the special permit fee schedule as edited. Roll Call Vote: DeChiara: aye, Murphy: aye, Bressler: aye, Rotondi: aye, Raymond: aye, Lacy: aye, and Bonnar; the motion carries.

Email response

Due to concerns about the response time to Planning Board emails, DeChiara suggests having an automated response to any email that comes in. He screen shares the automated email response used by the Select Board.

The Board discusses when an automated response is appropriate, for example, when an email contains comments but not questions about a topic. Bonnar asks if there is an easy way to set up a template email that can be used. DeChiara will look into a low-tech possibility to do this. They

agree that the Chair should delegate longer email responses to individual members when needed. Short bylaw questions have been answered via email. Long on-line conversations are not to be encouraged. The public can be invited for education/guidance at open meeting.

DeChiara recusal status

DeChiara has been in communication with the Massachusetts Ethics Commission to determine the procedure for not being recused as an abutter if a Special Permit application for Pratt East (Lot ZG-2), which is owned by Cowls, came before the Board. An independent appraiser report found that the value of DeChiara's house would not change in response to a project at lot ZG-2. Therefore, DeChiara would not have a financial interest. The Ethics Commission indicated that he would be able to participate in a Special Permit hearing regarding lot ZG-2.

The Board considers including money in the Planning Board budget to fund reimbursement of member's costs for this and similar appraisal reports to alleviate burdens of members being recused.

DeChiara currently is not allowed on Cowls owned properties due to a no trespassing order from Cowls. The Board sent a letter asking if DeChiara could be allowed on Cowls land in the capacity as a member of the Planning Board. The Board has not received a response to the letter.

Historical Commission meeting with Sen. Comerford

The Chair of the Historical Commission, Henry Geddes and DeFant met with Senator Comerford. DeChiara and DeFant explain that certain projects trigger the Federal National Historic Preservation Act (Section 106). If a project has federal funding or federal permit agency involvement than Section 106 might be triggered, although not necessarily at the same time as a project is getting permitting at the state or town level. The developer or a contractor for a project may be required to fill out an EPA permit form and check whether there are historic sites on the site or not. Permitting in wetlands would involve the Army Corps of Engineers and may trigger Section 106. The Historic Commission recommends that the town talks with applicants, and brings in historic consultants and tribal members, early on in the permitting process. Per DeFant, historic consultants would be allowed on projects site under Section 106. The Historical Commission is preparing guidelines for the Planning Board.

DeChiara references Section 8.10-3 of the town zoning bylaw that states that ground mounted solar projects "shall be consistent with all applicable local, state and federal requirements." The Board could request confirmation that all federal permit requirements are met, including Section 106, if applicable.

AMP Solar update

Lacy informed the Board that the date (January 26, 2021) had past that would allow solar array projects to be grandfathered in under the older zoning bylaws. Any solar array project that come in would be subject to the new solar bylaws concerning the number of solar array project allowed in each town solar division.

Per DeChiara, the Select Board will be meeting with Amp Energy to discuss a possible Memorandum of Understanding between the town and Amp Energy.

Dowling and DeFant give an update on the ANRAD (Abbreviated Notice of Resource Area Delineation) applications from Cowls in front of the Conservation Commission at this time. Dowling recommends going to the UMass Clean Energy Extension website for information about the state solar program SMART (Solar MA Renewable Target).

Unanticipated business

There was no unanticipated business.

At 9:14pm, DeChiara moves and Murphy seconds a motion to adjourn the meeting. Roll Call Vote: DeChiara: aye, Raymond: aye, Bressler: aye, Murphy: aye, Rotondi: aye, Lacy: aye, and Bonnar; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk