

Shutesbury Planning Board Meeting Minutes
September 13, 2021, Virtual Meeting Platform

Planning Board Members Present: Deacon Bonnar/Chair, Michael DeChiara, Jeff Lacy, Steve Bressler, Linda Rotondi, Nathan Murphy, Robert Raymond

Guests: Mike and Kathleen, Leslie B (Cerier), Miriam DeFant, Renee Moss, Mary Lou Conca, Eric Bachrach

Call to Order:

Chair calls meeting to order at 7:02 PM. Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Bonnar.

Public Comment:

None

Associate Members:

DeChiara wrote an announcement about associate members to be sent on Town Announce and sent it to the web committee, but it has not yet been distributed publicly.

DeChiara will send the announcement via Town Announce and post the announcement on the Planning Board web page. (It is noted that the next meeting will be 10/18)

Minutes of 8/25:

At 7:09 PM DeChiara moves to approve the minutes from 8/25/2021.

Lacy seconds.

Discussion: Minor corrections are provided by members of the board. Notably, we changed "would" to "could" with respect to the impressions that Whitman had about the number of building lots that could be allowed under open space design.

Roll Call Vote: DeChiara: aye, Lacy: aye, Rotondi: aye, Bressler: aye, Raymond: aye, Murphy: aye, and Bonnar: aye; the motion carries unanimously.

Wheelock Site Visit:

Some board members are encouraged by the amount of vegetation present on the site. It is not a wildflower meadow, but the site is close to 90% vegetated. Lacy acknowledges the fact that the wildflower meadow is a condition of the special permit but notes that successfully meeting this condition may be difficult because of the type of soil on the site and that adding soil amendments to achieve a wildflower meadow is not a condition of the permit. There is greater concern about the water and drainage at the site. There is erosion on the driveway.

The ditch on the side of the road that goes along the solar field may need to be hardened with large angular rocks. It does not appear that any fresh sediment has washed out from the retention basin since the site was constructed. It is also noted that the retention basin was designed to drain after being filled with runoff, however, since the beginning there has been water that has not drained as was intended in the design.

Miriam DeFant of the Conservation Commission (ConCom) – there are three asks from the ConCom:

1. What is the source of the ferrous material?
2. A prescribed storm water monitoring program to be reported back to the Board and the ConCom.
3. Include the entrance from Pratt Corner Rd in the monitoring.

DeFant also asks a question about a soil test at the location of the retention basin that was not able to be done during the special permit hearings but that was supposed to be done during construction. Lacy indicates that we did hear back and that the test, and the consultant hired by the Board, confirmed that the soil would support the use of a retention pond in that area.

There is further detail from DeFant in emails to the Planning Board dated 8/26/2021 5:04 PM with attached file [8.25.21.Wheelock Tract Site Visit Report-MDeFant, SCC](#) and 9/12/2021 6:03 PM.

It is noted that the Board cannot impose new conditions that are not included in the initial decision. The board can request field visits as often as it wishes and ensure compliance to the conditions in the permit.

The Board shifts its discussion to the retention basin and what to do about its condition. It is noted that the reason it is not functioning as designed may be due to sediment buildup during construction and that perhaps now that the site has stabilized, if the basin were scraped out, it may function as designed. In requesting that the vegetation and sediment buildup be scraped/removed from the basin, the aim is to increase the capacity of the basin.

DeFant notes that there is an appendix to a storm water system maintenance plan that calls for quarterly clearing of vegetation from the stormwater basin. Penny Jaques notes that the access road should be repaired prior to winter. It is noted that one of the NextEra representatives indicated they had plans to visit the site after significant storm events – this being the case, they may be willing to share information from such visits.

The Board decided to change the next Planning Board meeting date from 10/18 to 10/04.

At 7:50 PM DeChiara moves that Lacy write to the NextEra contacts and convey our three concerns:

1. Capacity of the Retention Basin
2. Ditch along road needs to be hardened.
3. Erosion on Driveway itself needs to be repaired (being requested to be repaired prior to winter.)

Further, the board requests that they submit a report of their plan for addressing these concerns to the Board prior to the 10/4 meeting and attend the meeting to discuss.

Bressler seconds.

Discussion: The motion is clarified for purpose of capturing minutes.

Roll Call Vote: DeChiara: aye, Lacy: aye, Rotondi: aye, Murphy: abstain, Raymond: aye, Bressler: aye, and Bonnar: aye; the motion carries.

Special Permit Fee Schedule Note:

DeChiara has emailed language to the Board, dated 9/13/2021 3:07 PM, with SPECIAL PERMIT FEE SCHEDULE revised draft 7-12-21, a revised copy of the Special Permit Fee Schedule attached. The language is for a note that will be added to the Board's Special Permit Fee Schedule to address how fees in situations where multiple special permit applications for residential use are submitted to the Planning Board in a joint hearing. The language was reviewed by Bressler and the Chair. The Special Permit Fee Schedule is a document currently posted to the Planning Board website at https://www.shutesbury.org/sites/default/files/offices_committees/planning_board/SPECIAL%20PERMIT%20FEE%20SCHEDULE%20-%20approved%209-13-21.pdf

The language submitted to the board is as follows:

**When multiple special permit applications are required for a residential project, the applicant may choose to consolidate the applications so they are considered by the Planning Board during a combined public hearing. This intention should be communicated in writing to the Chair at the time of application. In this instance, the application fee will be adjusted to reflect the consolidated applications and hearing. The adjusted fee will be calculated as follows: the full amount of the most expensive application fee plus one-half of each additional application fee. Please note that if subsequent hearings are scheduled for separately submitted applications, the full fee for those applications will be required.*

Note Regarding Non-Permitted Work: Any work beginning before a permit has been issued is subject to double fees and a stop work order removal fee.

At 7:58 PM Lacy moves that the board accept the language and allow DeChiara to post the updated document to the website.

Rotondi Seconds.

Discussion: The portion of the minutes regarding DeChiara's un-recusal for Wheelock issues is moved from unanticipated business to the section on the Wheelock report.

Roll Call Vote: DeChiara: aye Lacy: aye, Rotondi: aye, Murphy: aye, Raymond: aye, Bressler: aye, and Bonnar: aye; the motion carries unanimously.

Request From Member of Public:

Lacy notes that a member of the public has requested that the chat function be enabled on Zoom. The chat function remains disabled for various reasons, notably that the chat would not be available for people accessing the public meeting by phone and additionally may not be available to include in the public records of the meeting.

Community Preservation Representative:

DeChiara is the current designee to the Community Preservation Committee; and though he has invited other members to serve in this capacity, none have volunteered to do so.

At 8:02 PM Murphy moves that the Board recommend DeChiara to serve on the Community Preservation Committee.

Raymond seconds

Discussion – DeChiara inquires as to whether anybody else would like to volunteer – no one does.

Roll Call Vote: Raymond: aye, Murphy: aye, Rotondi: aye, Lacy: aye, DeChiara: aye, Bonnar: aye, Bressler: aye. The motion carries unanimously.

Unanticipated business:

DeChiara notes that the Board should think about any potential bylaw amendments for 2022 Town Meeting.

There is discussion regarding the question about the zoning bylaw being too prohibitive with respect to habitat (Bio Map / Critical Habitat) requirements for Large Ground Mounted Solar. It is noted that this is a restriction that can be waived. Lacy indicates that after discussion with Town Council and Bob Ritchie, it does not seem that the bylaw is ripe to be challenged on its face because the Board has discretion to apply the provision in a reasonable way but may waive the provision if it finds its application would be unreasonable.

DeChiara notes that tiny houses for affordable housing may be a potential area for a discussion for bylaw amendment.

DeChiara notes that he sent an email to the board about the 2021 MVP grant awards, dated 9/1/2021 8:18 PM. There were 328 communities in the Commonwealth that received grant money under the program, and this is something that the Board should consider pursuing for 2022. Murphy notes the damage caused to dirt roads in town after heavy rain events over the summer and suggests the town might pursue MVP grants to address drainage and storm runoff

issues. Murphy inquires if other members have ideas as to what priorities might be pursued with respect to major storm events. Lacy suggests paving the dirt roads. Murphy indicates interest in looking into paving the roads. It is noted that paving dirt roads is not widely supported by the Board or the public. DeChiara suggests pursuing MVP grant money to facilitate updating the Master Plan to incorporate climate change.

Lacy brings up ZBA and potential for changes to zoning for Lake Wyola district. Particularly – the changes may pertain to the allowed height of buildings in the zoning district for non-conforming lots. Certain work for lawfully non-conforming lots may require a special permit and can raise questions of whether proposed changes increase the non-conformity and pose a substantial detriment to the neighborhood. The Chair of the ZBA would like to have a joint meeting with the Planning Board to discuss zoning in the Lake Wyola district. DeChiara asks whether the question of height is related to the way it affects neighbors view of the lake or whether it is an environmental issue by increasing the capacity of the dwellings around the lake. Lacy indicates that both are considerations but that the issue of view obstruction is what the ZBA typically addresses during special permit hearings. The ZBA will be added to the agenda of the 10/04 meeting to open the discussion. It is noted that there was a similar topic raised in the past that never resulted in changes. It is also noted that raising the membership of the ZBA from 3 to 5 members may also be raised.

Adjourn:

At 8:31 PM DeChiara moves to adjourn.

Lacy seconds.

Discussion: none.

Roll Call Vote: DeChiara: aye, Lacy: aye, Rotondi: aye, Murphy: aye, Raymond: aye, Bressler: aye, Bonnar: aye. The motion carries unanimously.

Related Documents:

- **8.25.21.Wheelock Tract Site Visit Report-MDeFant, SCC.pdf**
- **SPECIAL PERMIT FEE SCHEDULE revised draft 7-12-21.docx**

These minutes were approved by the Planning Board on 12/13/2021.

Respectfully Submitted,
Nathan Murphy