

Shutesbury Planning Board Minutes  
DRAFT Minutes – 03.28.2022  
(Approved-05.09.2022)  
*Virtual Meeting*

**Meeting Start:** 7:15pm

**Members Present:** Deacon Bonnar, Michael DeChiara, Jeff Lacy, Nathan Murphy, Linda Rotondi, Steven Bressler, Robert Raymond

**Members Absent:**

**Associate Members:** Ashleigh Pyecroft, Jake Messier

**Other Present:** Miriam DeFant and all other unidentified individuals.

Chair's Call to Order at 7:15pm

Meeting is being recorded

Land Use Clerk, Carey Marshall, was unable to attend meeting- discussion of editing and approving minutes will be tabled.

**7PM Public Comment:**

Bonnar asks if anyone attending has any comments, questions or concerns they may have, no response is made.

**Review of amendment proposals:**

**Change of ZBA members from 3 to 5 and Energy storage** – DeChiara: He and Bonnar approached Select Board with copies of both the energy storage amendment and the change in ZBA members amendment – was told by the Select Board to reapproach once the amendment drafted are finished. Updated version of the energy storage amendment draft reflecting the deliberation held last meeting, March 14, 2022, and sent out to Town Counsel, Donna MacNicol. After discussion with Town Counsel, corrections and edits were made, creating a new updated version that were sent out an hour before tonight's meeting – shares updated version of energy storage amendment via screenshare.

Town Counsel suggested:

1. Creating a table in the Energy and Utilities section to define what Energy Storage Systems can be used in which districts in Shutesbury
2. Add foot notes, (for both Small and Large Scale Ground Mounted Solar Electric Installations and Small Wind Energy Systems), referencing to the Bylaw detailing the requirement for a special permit when using accessory energy storage in the project plan.

### 3. Applicability-

a. Add onto the intro paragraph the need for a special permit for ESS energy generation installations

b. subsection A – clarify ‘on site use’ in section title, add a phrase to refer to the new created table, add the ban on selling/disturbing more than 25% of the storage energy in a month, reference to special permit Bylaw, and add note that if not already issued a variance, ESS location must be 50 ft from generation site with a 25ft buffer.

b. subsection c – clarify ‘commercial use’ in section title, add a clause stating the ESS permitting Bylaw but Lacy suggests it is redundancy – DeChiara recommends adding the amend definition discussing commercial ESS as a clause instead to which PB agrees. Add a clause stating commercial ESS as an accessory to Small/Large scale Ground Mounted Solar Electric Installations will be located in or 100ft of the generation source - if wind generation, ESS accessory will be located 100ft of generation source. Overall, ESS accessory needs to be 50ft away from forested area to avoid risk of forest fire.

Bressler asks DeChiara how the percentage for stored energy distribution. DeChiara: he originally wrote ‘majority of the energy’ but Town Counsel recommended using a distinguished number percentage and mutually 75% would work best. DeChiara: In section of Safety and Environmental standards, a clause to be added to subsection B stating the in case of emergency, the operator will fund an emergency response team with proper equipment and training to Shutesbury. In the section, subsection C, add a clause stating to reduce risk of water contamination and in case of an emergency, an ESS is required to follow Section 9.3-2 B 8A in the Zoning Bylaw and ESS site is required to be 400ft away from the nearest water well (unless waived by the PB). Lacy: he questions the feasibility of the Bylaws 2 and 3 listed in subsection C of the same Section, is this possible to execute without the subsection C applicant needing to create an addition building? DeChiara: he had a different understand of them when reading it but agrees to rewording it. Lacy suggests removing the phrase ‘In the event of fire or combustion’ in subsection 2 to convey the acknowledgment in needing to directly vent heat during a fire/combustion – DeChiara agrees and reflexes that change. Lacy: Is subsection 3 possible engineering wise? DeChiara: He is unsure - when he was drafting it, applicants putting and a solar project in an area with no infrastructure then they will ne to but some in place to both provide and catch the water – without could cause environmental damage. Raymond asks if there are containers in the field of battery storage where the batteries are held in large containers therefore if a fire occurs the container can hold the water used to stop the fire? DeChiara: from his research, racks of batteries are placed in single container that may not hold the water causing it leak out. He notes that they Bylaw doesn’t require full prevention but to minimize contaminated water runoff. Lacy suggests taking out Section E due to it being redundant and PB agrees so it is removed. PB agrees to remove clause C, edit down clause 1 and to add a phrase above the clauses stating ‘In addition to all otherwise record reporting..’ in the Reporting Section. PB reviewed grammatical changes and language expansion suggested by Town Counsel and accepted the corrections. DeChiara will send revised version to Town Counsel for her sign off and then at next meeting we can vote to approve and send to Select Board.

**Extension and alteration on non-conforming lots** - Bonnar: He has been in contact with Chuck DiMare about the extension and alteration amendment, DiMare's point of view is that it creates conflict and his research suggests that the cost for a lawyer review would be \$1,500. Advises that Planning Board, PB, does not follow through with the extension and alteration amendment – present members agree. **Motion: Bressler moves to not go forward with spent funds on legal fees for the extension and alteration amendment, Lacy Seconds. Vote: DeChiara- Aye, Lacy- Aye, Murphy -Aye, Bressler-Aye, Bonnar- Aye, Rotondi- Aye, and Raymond- Aye. So moves.**

**Minutes 2/7, 2/16, 3/14:**

Murphy: He sent out 10.18.2022 minutes back in January, should we look and approve them? Deacon informs the board that Town Counsel has said that minutes not listed on the agenda cannot be approved. Lacy: Should we discuss on how we should meet with Land Use Clerk on how we should edit the minutes and explain what we are looking for in minutes? DeChiara: He has worked with Land Use Clerk on current minutes, she is willing to learn the different requirements/ standards for minutes of PB meeting versus minutes for Conservation Commission. PB agrees that Deacon and DeChiara shall help Land Use Clerk with minutes in person.

**Motion to Adjourn: Bressler moves to adjourn, DeChiara seconds. Vote: DeChiara- Aye, Lacy- Aye, Murphy -Aye, Bressler-Aye, Bonnar- Aye, and Raymond- Aye. So moves.**

**Meeting Close: 8:12pm**