

Shutesbury Planning Board Minutes

10.17.2022

(Approved – 02.13.2023)

Virtual Meeting

Meeting Start: 6:45pm

Members Present: Deacon Bonnar, Michael DeChiara, Jeff Lacy, Nathan Murphy, Jeff Weston, Robert Raymond

Members Absent: Steven Bressler

Associate Members: Ashleigh Pyecroft

Associate Members Absent: Jake Messier

Staff Members: Carey Marshall (LUC)

Other Present: Henry Geddes, Michael Vinskey, Donna MacNicol, Miriam DeFant, Leslie Bracebridge, Elizabeth Fernandez O'Brien, Sharon Weizenbaum, and all other unidentified individuals.

Chair's Call to Order at 6:52pm

Meeting is being recorded

Public comment

None

Lacy informs Bonnar that he has advised several parties in regards to zoning interpretation; he suggests that landowners be directed to come to the next scheduled PB meeting to discuss their inquiry with PB (not just himself) as it would be beneficial for the board to hear in case projects were to result in a permit application. Murphy suggests an alternative in which the landowners would be directed to the Building Inspector instead of the meeting. Lacy disagrees because the Building Inspectors surveys multiple towns/cities and is not well versed in Shutesbury's zoning bylaws – would rather PB answer any inquires. PB agrees with Lacy suggestion; if landowners have inquiries they will come before the board at the next scheduled meeting under the agenda item 'Education and Guidance'. Donna MacNicol, Town Counsel, agrees with their decision; adding the Lacy should not be speaking for PB. MacNicol stated it would be best for Lacy to direct a landowner's inquiry to PB or to Building Inspector. PB agrees.

Public Hearing for Solar Bylaw Revision

Bonnar opens the Public Hearing for the Solar Bylaw Revision at 7:00pm

DeChiara reads aloud the Public Hearing Notice for the Solar Bylaw Revision and states that the proposed revision is posted on the town's website to be available and accessible to anyone interested. Lacy summarizes that the Solar Bylaw Revision was in primarily in response to the Tracer Lane Supreme Judicial Court (SJC) decision, making clear that reasonings for the bylaws is to ensure the protection of public safety, health and welfare, and to address the issues of the

Energy Storage Systems (ESS) bylaw raised during 2022 Annual Town Meeting. The PB incorporated relevant sections of the ESS proposed bylaw, prohibiting standalone EES into the revised Solar bylaw. Lacy pointed out that some additional required documentation submissions and restrictions were also included in the revised Solar bylaw. DeChiara adds the revision included reorganizing the text so it was more understandable to read and that it inserted existing definitions of large scale solar and small scale solar that previously only appeared in the general definitions section of the zoning bylaws.

MacNicol informs members of the public present that SJC recently made two decisions involving solar array zoning that are significant. Mass General Law Chapter 40A Section 3 (Dover Amendment) discusses what can't be regulated by zoning such as education, religion, and daycares; solar was later added to this but with specific language which applies to public health, safety and welfare. In the first case, Tracer Lane, the SJC affirmed that solar regulation must only focus on public health, welfare and safety. It also specified that there be sufficient land zoned for solar; in the Tracer Lane case less than 2% of a town was considered unreasonable. With the second case, Kearsarge Walpole v. Lee, the SJC indicated that municipalities need to balance how much land area is available for solar development. In both cases the regulations cannot be so onerous that zoning technically forbids solar development. Donna shared her gratitude for DeChiara's successful efforts in revising the Solar bylaw to comply with the SJC's decision..

Michael Vinskey (391 West Pelham Rd) shares his concerns of global warming and the growing pressures on the electrical grid; wants to see Shutesbury move towards clean energy and notes that the Energy Committee has been reactivated. He asks if Shutesbury heading to become more energy independent? DeChiara responds by stating that town is looking at an array of energy alternatives and as Chair of the Energy and Climate Committee he invites Vinskey to come to one of their meetings for a more in-depth discussion. Lacy informs that the energy usage in Shutesbury is equivalent to the energy produced by Wheelock solar array.

Henry Geddes, Chair of Shutesbury Historical Commission (SHC), reads aloud SCH's testimony regarding the Indigenous Tribes section in the Solar Bylaw Revision. PB considers these suggested edits. DeFant shares that SHC's suggested edits were to better reflect the rationale presented; wanted to tie it better with public health, safety, and welfare.

MacNicol and Deacon share their grammatical and spelling corrections for DeChiara to change in the Solar Bylaw Revision.

Motion: Lacy moves to close the Public Hearing for the Solar Bylaw Revision, DeChiara seconds. Vote: Bonnar- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Abstain, Raymond- Aye, and Weston- Aye. So moved.

Motion: DeChiara moves that the Planning Board endorses the Solar Bylaw Revision subsequent to the minor edits to the Historic and Cultural Preservation section, Lacy seconds. Vote: Bonnar- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Abstain, Raymond- Aye, and Weston- Aye. So moved.

DeChiara agrees to write a committee report that will be discussed at the next meeting.

Minutes 11/8, 6/13, 7/11, 7/18

11/18/2021 – Motion: DeChiara moves to approve the minutes for 11/18/2021 meeting, Lacy seconds. Murphy reviews suggested edits from DeChiara; edits are considered. Vote: Bonnar- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Aye, Raymond- Aye, and Weston- Aye. So moved

6/13/2022 – Motion: DeChiara moves to approve the minutes for 6/13/2022 meeting, Murphy seconds. Vote: Bonnar- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Aye, Raymond- Aye, and Weston- Aye. So moved

7/11/2022 – Motion: DeChiara moves to approve the minutes for 7/11/2022 meeting, Lacy seconds. Vote: Bonnar- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Abstain, Raymond- Aye, and Weston- Aye. So moved

7/18/2022 – Motion: DeChiara moves to approve the minutes for 7/18/2022 meeting, Lacy seconds. Vote: Bonnar- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Aye, Raymond- Aye, and Weston- Aye. So moved

Unanticipated business

Wheelock – Lacy confirms that PB has permission to do inspections of Wheelock during rain events.

LUC – Carey Marshall, LUC, announces that she plans to resign in beginning of the upcoming year; updates to follow. Lacy reviews both checklists for Site Plan Review and Special Permit in case of an event there is no one in the LUC position when one of these applications are submitted.

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

Meeting Close: 8:48pm

Documents Used:

- Public Hearing Notice for Solar Bylaw Revision
- Solar Bylaw Revision
- Historical Commission Testimony, Solar Bylaw