

Shutesbury Planning Board Minutes

01.11.2023

Approved – 03.13.2023

Virtual Meeting

Meeting Start: 7:00pm

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

Members Absent: None

Associate Members: Ashleigh Pyecroft

Associate Members Absent: Jake Messier

Staff Members: Carey Marshall (LUC)

Other Present: Chuck DiMare, Miriam DeFant, Scott Billups, Mary Lou Conca, Harriet Smith, Mark Stadnicki (applicant engineer), Mac Tyrell, and all other unidentified individuals.

Chair's Call to Order at 7:02pm

Meeting is being recorded

Public Comment

DiMare comes back to the PB for further guidance about a special permit he submitted and which was approved by the PB in November 2016. An official ANR plan was created with the proposed edits he inquired about at the November 21st, 2022 meeting. The ANR plan is presented for the PB to review; PB has no comments. DiMare plans to submit a formal application in the near future.

DeFant, Chair of Shutesbury Conservation Commission (SCC), had earlier in the day emailed PB about the Chapter 91 license documents that were sent to both PB and SCC; asking both boards for comments if any. SCC will be discussing this at their next meeting (Thursday January 12th, 2023) and wants to discuss any comments, if any, at that meeting. PB has no comments.

Scott Billups (43 Leonard Rd) introduces himself as a resident who is an experienced electrical engineer working for the renewable energy market; past 8 years he has been working directly with battery storage systems. He is here to offer his knowledge about battery storage system to PB, if needed. He asks whether in the AMP solar proposals they offer the town money to keep their solar panels clear of snow. DeChiara responds that there are no current applications or proposals submitted to PB at this time.

Public Hearing on Special Permit Application by Mark Wightman for an Open Space Design plan for Lot H – 151 on Leverett Rd

Stadnicki states that the applicant, Mark Wightman, is proposing to create an Open Space Design single family residence on Lot H – 151 off of Leverett Rd. Previously when the plan was presented to PB the applicant had rounded up to a 3 lot subdivision which was incorrect – this is

now corrected to a 2 lot subdivision. However, Wightman is only looking to develop a single family lot. The amount of buildable area on the property was about 3.97 acres; they are proposing that the developable lot (Lot A) will be about 3.7 acres and the remaining amount of area will be an Open Space Conservation Restriction or Conservation Restriction easement. Wightman has not determined which option he is going to pursue. Bressler asks how long the driveway is; Stadnicki answers it is about 820 feet long and ends with a proposed emergency vehicle turnaround connecting to an existing wood access road that is deeded to W.D. Cows. The existing road is about 8 ft wide and comes off Leverett Rd; cutting through the property heading North to the forested land. Stadnicki states that this a deeded access road that doesn't specifically locate where the access road is placed. Due to the setback of the property lines, this will require some existing wooded area and stone walls to be removed. Percolator tests have been completed on the property and confirm that onsite waste disposal will function properly. PB reviews the language in the deed describing the conceptual access road.

Stadnicki notes that at the previous year's hearing, the Conservation Restriction Draft Form that was sent with the application was a point of concern. He explains that the draft was a sample that could be used for this property; SVE typically uses this form in Open Space Design projects where land is reserved for conservation. Wightman envisions that he will be owning and living in the home that is proposed to be built on the property. Lacy asks if the conservation restriction was not desired, then what alternative restriction was the applicant looking to place the land under? Stadnicki answers that he would advise Wightman to place to the land under a conservation easement.

PB discusses whether the special permit would limit the land owner to a single family lot as shown in the application if PB approves; even when the acreage allows for two lots. DeChiara states that in section 9.4-3 of the zoning bylaw confirms that an applicant would have to come back to the PB for an amended special permit if they were to seek changing the number of units, including accessory structures.

Mac Tyrell (97 Leverett Rd) raises concern over the proposed 48ft-49ft wide driveway that would potentially be less than 3ft from him home and, as seen on the site plan, potentially through a small portion of his neighbor's property which would result in the removal of a fence. He notes that he and his family had recently spend a large amount of money repairing and replacing part of the basement due to flooding. He is concerned that more damage would occur because the drainage of the driveway would be towards the east as stated in the application This is in the direction of his residence and in close proximity to the proposed driveway. He is concerned about future flooding damage to the basement. Lastly, Tyrell also notes that the entrance of the driveway is less than 10ft from the well on Tyrell's property (located in the left corner of the property closes to Leverett Rd). Stadnicki states that even though this is the currently proposed driveway, Wightman is looking to pursue an application for a zoning variance to allow the use of the current access road as a driveway as an alternative rather than the proposed driveway which meets the zoning requirements. He also states that, based on the ground water and grade of the site, the location of the driveway is downstream from Tyrell's residence and in theory should not be affected.

Bressler asks Stadnicki the reasoning for the width of the proposed driveway to be 47ft-49ft. Stadnicki states that this is due to grading required to complete the driveway; the land is currently 2ft-3ft higher than the access road. To prevent runoff from directly entering the western abutter, they are proposing a swail on the eastern side.

DeChiara shares that the idea of Open Space is to allow development but to also ensure that Open Space be preserved or created in some manner; this proposal is a one house development with Open Space in the back where there is already Open Space. Overall, this proposal is for a single family (not a large increase in development) but it greatly infringes on two neighbors due to the proposed driveway. Stadnicki notes that there will be a swail placed on the eastern side of the driveway to catch and carry runoff north to then be infiltrated away from the neighboring property. As to the concern about the well near the entrance of the driveway, they are proposing to dig only about 2ft-3ft down for the construction of the driveway and, based on soil reports of the property, he believes that the soil material is not rocky; preventing any harsh disturbance during construction. Lacy asks if it appears that the current access road/driveway is eroded – Stadnicki states it does not appear to be eroded.

Lacy asks if he is correct in understanding that in order to stay away from the side property lines on the East and West, to get the driveway centered in the right-of-way, he will have to deviate from the existing travelled way. Stadnicki confirms Lacy's understanding is correct; the proposed driveway is to meet the zoning bylaw with the 15ft setbacks off of abutting property lines. They plan to apply for a zoning variance to alleviate the setback requirements allowing them to use the existing driveway which would reduce the amount of impact. DeChiara asks Stadnicki to describe the conditions of the existing traveled way. Stadnicki describes the traveled way as grassy for the first few hundred feet but then transitions into an 8ft wide dirt access road with trees on each side.

Bonnar raises concern that Wightman has applied for the Open Space Design special permit before going to the Zoning Board of Appeals to apply for the variance as discussed; PB approval of the special permit includes the driveway which the applicants intends to change. PB wants to have a discussion with Town Counsel, Donna MacNicol, about this matter before going forward. Stadnicki would like to consult with his client about tonight's discussion before going forward.

Stadnicki formally requests that the PB continues this Public Hearing to the next meeting.

Tyrell's mother asks as the growing effects of climate change continue; will this affect the wetlands on the parcel to the point where large portions are unable to be delineated thereby allowing more lots to be developed. DeFant answers by stating that it would take a long period of time for wetlands to dry up and even in that event, the hydrological soils of a wetland will still remain represent for several years.

Motion: DeChiara moves to continue the Public Hearing for Lot H – 151 Leverett Rd, Lacy seconds. Vote: Bonnar- Aye, Bressler- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Aye, Raymond- Aye, and Weston- Aye. So moved.

Public Hearing will be continued on February 13th, 2023.

Lighting bylaw

Midway last year a resident came forward to the PB regarding about a Lighting Bylaw; PB was interested but it was too close to Annual Town Meeting to have a proper discussion and possibly development. The resident completed a citizen petition that was brought to Annual Town Meeting but was then withdrawn. DeChiara asks PB to keep this in mind for the near future, he'd like to follow-up about whether PB should develop a lighting bylaw.

Municipal Vulnerability Preparedness bylaws

DeChiara and DeFant are on the Energy and Climate Action committee and have been reviewing the recommendations of the Municipal Vulnerability Preparedness plan which includes the Hazard Mitigation plan. Both discuss the need for stormwater management and regulation of impervious cover. The town currently does not have any specific bylaws in regards to this; issue was briefly discussed at a Selectboard meeting. DeChiara asks PB to keep this in mind for the near future for he would like to see discussed further if PB does have a role in this process.

Special town meeting January 19/Solar bylaw amendment

The Solar Bylaw Revision is on the warrant for the Special Town Meeting on January 19th at 6pm; members are encouraged to go to support and answer any questions voters may have.

Unanticipated business

None

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

Meeting Close: 9:02pm

Documents Used:

- DiMare Draft ANR
- Wightman Open Space Design Special Permit Application