

Shutesbury Planning Board Minutes
DRAFT Minutes – 04.10.2023
(Approved-TBA)
Virtual Meeting

Meeting Start: 7:00pm

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

Associate Members Present: Ashleigh Pyecroft

Associate Members Absent: Jake Messier

Staff Members: Carey Marshall (LUC)

Other Present: Penny Jaques, Mark Wightman (Applicant), Leslie Bracebridge, Mary Lou Conca, and all other unidentified individuals.

Chair's Call to Order at 7:03pm

Public comment

None

Landowner guidance and education

None

Energy storage (Attorney General)

DeChiara explains that he and Lacy met with Town Counsel, Donna MacNicol, earlier today to discuss the rejection of the Wendell standalone solar bylaw by the A G. MacNicol recommended that, since this is related to the Cows/Amp complaint letter that the PB received, PB should review the letter being sent to the AG in an executive session. The letter will become a public document once sent but when drafting the letter, it shall remain exclusive to PB during executive session(s). DeChiara volunteers to begin the draft of the letter. Lacy states his initial concern was the rejection of the Wendell solar bylaw that prohibits standalone energy storage systems since it is similar to Shutesbury's recently approved Solar Bylaw at Special Town Meeting. Sending a proactive letter to the AG explaining Shutesbury's rationale regarding the Solar Bylaw Revision is therefore appropriate. Subsequent of the AG's decision regarding Wendell, W.D Cows' and Amp's complaint letter was received. Since this is now a legal matter, discussing the justification for further detail should occur in executive session. DeChiara reminds the board that, similarly to their associate member bylaw, PB can't appeal a decision made by the AG, so it is important that PB communicate with the AG prior to their decision. DeChiara states there is a state of urgency for the PB to act on this matter since the SB, meets on April 25th. If draft letter is completed, it can be sent to SB for review it meets.

PB plans to have an executive meeting on April 20th at 7pm.

Minutes 3/13

03/13 minutes have not been completed; minutes will be revisited next meeting.

Wheelock annual report

Lacy has reviewed the report stating it is fairly accurate in detailing what had been done to the roads, drainage ditches, and basin; whether the work completed to PB's satisfaction is a matter to discuss. The report was completed similarly to the past reports such as listing how much energy was generated, what problems occurred and when. He notes that the retention basin was not completed exactly as described in their plan; basin is supposed to be a retention basin meaning it allows for all water in it to drain into the soil but this basin seems to maintain some level of water at all times. Overall, the basin is serving its purpose properly.

Discussion will continue at next meeting

Mark Wightman Open Space Design plan for H-51 on Leverett Road

Lacy summarizes that at the last meeting, PB completed drafting the special permit but ran into an issue regarding voting; Lacy, being the Chair of the ZBA, wanted to abstain since the permit was guiding Wightman to obtain a permit from the ZBA for the driveway. Since that meeting, Wightman has expressed concern about what is being allowed via email as he also did in the previous meeting. Lacy shares the current draft of the special permit for PB to review. The permit currently reads that the building lot allows for up to one single family dwelling and accessory structures which matches with what was requested in the submitted application. In the first meeting regarding the special permit where Wightman was not present, Wightman's representative presented the project on behalf of Wightman repeatedly stating that his client, was only interested in a single family dwelling. In the next meeting, at which Wightman was presented, Lacy believes the matter of what was being requested was not dealt with, rather what was discussed was the matter of what could be permitted on the building lot as stated in the zoning bylaw. Shutesbury Open Space Zoning would have allowed for either a duplex, single family dwelling, or a single family dwelling with accessory dwelling. Wightman expressed his preference not be limited to a single family dwelling. The PB noted that with Open Space proposals, it has the ability to exercise discretion by weighing the benefits and detriments of permitting more dwelling units than otherwise would be allowed by right.

Lacy shares that he has added text to condition #6 to document the verbal agreement between the landowner and applicant involving a monetary agreement if landowner wishes to complete the vegetated barrier on their own.

DeChiara reviewed the February 13th, 2023 meeting video and the drafted special permit from the March 13th, 2023 meeting. He agrees that the special permit application specifically requests a single family dwelling for the buildable lot on the property. In the February meeting, he recalls being part of the discussion that the lot is limited in options since the special permit seeks an individual driveway and not a common driveway. With an individual driveway the options are; single family dwelling, duplex or single family dwelling with accessory structure. But based on conversation with the applicant about minimizing the traffic and impact on the current residents, and what was written in the application, he supports keeping the permit limited to a single family dwelling rather than a duplex.

Raymond asks Wightman what he desires from the permit. Wightman summarizes that at the last meeting, he believes members perceived him as ‘pulling a trick to allow himself to have a single family, duplex, or single family with an additional family unit’. He felt that two members from the board accused him of stating he was limiting himself to a single family dwelling which, after he reviewed the February meeting recording, he confirms are false; he did not make those claims. According to Wightman, during that discussion at the February meeting, he asked Lacy what was allowed on the property and Lacy explained. Wightman repeated back to Lacy what he had stated to ensure he understood and then thanked Lacy for his explanation. Wightman understands it is up to PB to approve what will be permitted and agrees with PB that a single family dwelling makes the most sense but what he stated in the last meeting did not change from the meeting prior. He was taken back by the two board members who were insisting that he made those claims. Wightman explained again that the application was completed by an amateur engineer who confused the term single family dwelling and residential lot. Wightman also stated that he was not at the first meeting because he was ill. Wightman stated that he did not say in the last meeting that he was interested in a duplex but rather asked if he had that option of doing a duplex. Regardless, he believes that a single family dwelling makes sense specifically because of the neighbor who expressed concerns over the project. This has been a long process which he understands because special permits are difficult; he appreciates the board’s time and work they do as a volunteer board in Shutesbury.

Lacy apologizes to Wightman for his confusion about what the engineer said and what Wightman had said. Wightman clarifies the engineer was not well versed in these terms which is where the confusion started but he understands the PB’s position in that the residents of the town and specifically the neighbor have read this as a single family dwelling. DeChiara apologizes to Wightman as well for confusing what the engineer stated versus what Wightman had stated. After reviewing the recordings, he agrees with Wightman that in that February meeting and last meeting, he was asking for clarification for what was allowed on the property with the individual driveway. Wightman thanks DeChiara for his apology but points out that in the beginning of this meeting, they went right to the permit and the discussion of what the engineer had stated and not what he [Wightman] stated even though both DeChiara and Lacy admitted to listening to both meetings; wanted to make sure this dynamic was brought up and documented.

Lacy states that his reservation for allowing this lot to be built on as a duplex is due to the amount of traffic going through the driveway which is narrow to preserve existing alignment, rock walls, and trees in the surrounding area. PB would have to discuss their ability to increase what is permitted in the special permit. Wightman believes it is not in question because no one, including him, believes it is a good idea to have anything besides a single family dwelling on the property. He intends to sell the property and if the buyer wants to build a duplex then they will have to come back to the board to discuss that option and the issue of the driveway. Wightman stated that he has all of the documents completed for the ZBA application but is running into time conflicts with the hours available to drop them off; plans to drop them off soon.

PB makes grammatical and spelling corrections to the special permit.

Motion: DeChiara moves to approve the special permit for Wightman’s Open Space Design plan for H-51 on Leverett Road, Murphy seconds. Raymond clarifies he was not at the last meeting but after this discussion he is clear on the matter; isn’t sure if his absence at the last hearing disqualifies him from voting. Lacy states that members who have attended both the January 11th and February 13th meetings can vote on the special permit. Raymond was not at the February 13th meeting therefore must abstain. **Vote: Bonnar- Aye, Bressler- Aye, DeChiara- Aye, Lacy- Abstain, Murphy- Aye, Raymond- Abstain, and Weston- Aye. The motion carries.**

Possible 2023 Zoning Bylaw Amendments

Due to the current issues PB is facing and the agreement among the board that there isn’t enough time to properly draft any zoning amendments, PB decides to not to submit any bylaw amendments for this year’s Annual Town Meeting.

Community Preservation Committee (CPC) member

Messier is no longer the PB representative to the Community Preservation Committee; new representative needs to be selected. DeChiara informs PB that CPC meets once a month to discuss applications that are submitted in the late fall and are reviewed/considered in winter in preparation for annual town meeting. PB representative would attend meetings and report back to PB with any information regarding the PB’s preview of an application/proposed project. He adds that this doesn’t require a person to be on the PB; simply needs to be the PB’s representative so it can be anyone that PB believes is fit to represent the board. Bonnar suggests that this matter be discussed at the next meeting; PB agrees.

Unanticipated business

Shutesbury Elementary School Cell Service – Murphy points out that there isn’t any cell service within Shutesbury Elementary School and asks what the proper way to get a cell tower or extender would be. DeChiara shares he is unsure what the process would be but believes getting a tower placed in the back fields would be costly and complicated; believes extenders would mostly likely be best. Mary Lou Conca expresses concern of having a cell tower placed close to the Shutesbury Elementary school because she recently attended a webinar that discussed the increasing number of children being diagnosed with health effects from nearby cell towers; specifically, brain cancer/tumors. Due to this, she expressed strong discouragement of any cell towers near the school. Weston notes that as his time as a teacher, he has watched the effects of cell phone use in children and their productivity in school over the years as cell phones have become popular; he does not think expanded cell access for students is helpful. Pyecroft, currently a teacher, strongly agrees with Weston’s comment about increased cell phone usage with students; she is also strongly against cell tower near the school. Murphy appreciates the feedback but was interested in having parents being able to communicate when at the school. DeChiara suggests the school look into getting extenders for the main office.

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

Meeting Close: 8:15pm

Next Meeting: April 20th at 7:00pm

Documents Used:

- AG letter rejecting Wendell's solar bylaw
- 2023 Wheelock Report
- Wightman Open Space Design Plan for H-51 on Leverett Road Application
- Wightman Open Space Design Plan for H-51 on Leverett Road Special Permit