

**Shutesbury Planning Board**  
**Minutes – February 10, 2025**  
**Approved – March 10, 2025**  
*Virtual Meeting*

**Board Members Present:** Jeff Weston, Deacon Bonnar, Michael DeChiara, Tom Siefert, Nathan Murphy (7:04pm), Ashleigh Pyecroft (7:04pm), Keith Hastie (7:04pm)

**Board Members Absent:** Robert Raymond, Steve Bressler

**Other Staff Present:** Matteo Pangallo (Land Use Clerk)

**Others Present:** Rita Farrell, Eric Stocker, Melissa Makepeace-O’Neil, Donna MacNicol, Adam Costa, Elaine Puleo, Allen Hanson, Linda Reimer, Gail Vendette Thomas, Rick Munroe, Peter Gees

**Call to Order:** 5:02pm

Michael DeChiara as acting chair activates Tom Siefert and Keith Hastie as full members for the purposes of this meeting.

The meeting is being recorded.

**Executive Session**

Motion to enter Executive Session for Reason No. 3, to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government’s litigating position (litigation specific to Complaint received from Cowls regarding the Shutesbury Solar Bylaw) and to return to open session: DeChiara; second: Weston. Approved unanimously.

Entered executive session at 5:05pm.

Returned from executive session at 7:02pm.

**Public hearing for the application of Sirius Inc, for property located at 72 Baker Road, Assessor’s Parcel ZR-12, for a special permit decision pursuant to Section 8.8-2 of the Town of Shutesbury Zoning Bylaw for a small wind energy system.**

Murphy opens the public hearing at 7:06pm and invites the applicant to describe the application. The applicant’s engineer, Rick Munroe, explains that this is for a wind turbine, generating up to 10kw, located 1,000 feet from the property lines in the middle of the Sirius property. This continues a project that began in 2007 but which has had multiple hold-ups. He reviews the history of the project. He believes all the documentation has been submitted and is in order and he is prepared to answer questions.

Joan Hanson asks if a windmill was on the property before. Munroe answers that there was one but that this is a different turbine in a different location. Hanson says that she heard thumping when the old one would run and it sounded like a constant helicopter noise. She supports wind power but wants to be sure that this one will be quiet. She notes that another neighbor has also

complained about the noise of the previous one. Munroe answers that the 3kw one would not make much noise unless the winds were over 34 miles per hour. Allen Hanson explains that was not the case and that they did hear noise from it. Munroe answers that the current one would not make noise. He says the old one did not, in his experience, make noise, and he suggests that the neighbors were actually hearing helicopters. Hanson disagrees with that and explains that they heard it constantly and there were no helicopters. Hanson wants to know if this will be quiet. The engineer cites the manufacturer's acoustic data that shows that when it is running it is the same noise level of a person talking at 100 feet. Joan Hanson asks what recourse neighbors would have if this one does prove to be noisy. Munroe insists that these units make whirring noises only, they do not make thumping noises and asks when they last heard the noise. Munroe answers it has been years. Munroe notes it has been shut down for eight years. Murphy asks when it was last heard. Joan Hanson answers that it has been years but she notes that it has not been running for eight years and she last heard it eight years ago. Munroe notes that the new products have quieter blades and that there were complaints years ago about the noise but that was an older product. Hanson notes she would not have a problem as long as it is quiet.

Elaine Puleo, who lives on Baker Road near the property, asks the Planning Board if there is a noise level restriction under ordinances and how that is monitored. Murphy notes there is a general bylaw regulating noise. He notes that the Board has the authority to impose conditions on a permit and that the permit can be conditioned on meeting those requirements. Munroe notes that there are also state statutes regulating noise and if it violates the noise limits, the turbine would be turned off. He notes that if it makes too much noise, the people who live at and use the Sirius property would be disturbed by it.

DeChiara cites the state law but says there is no town bylaw noise ordinance. He says that a complaint about noise would likely have to go to the Building Inspector or possibly the state. The Planning Board should probably make a decision about how to enforce this.

Linda Reimer notes that their application has all the documentation about noise levels for this particular product.

Seifert notes that there is a 1989 excessive noise bylaw. Pangallo shares the bylaw.

Gail Vendette Thomas speaks on behalf of her parents, Ed and Mary Vendette, who live across the street from Sirius. They also heard the same whopping sound of air that Hanson described and it has been several years since they heard it. She asks why Sirius is seeking to put in a new one if there is one already. She also expresses concern about the impact on birds and bats.

Munroe answers that the old one has been up since 1999 and is worn out. It puts out only 3kw and could only run a small house. The new one can run the whole community center is a better product. He says the whopping noise is not a noise the 3kw product could have made.

Allan Hanson answers there is no question that the noise was coming from the turbine blades.

Reimer points out that the old turbine was a two-blade model and the new one is three-blades. The documentation from the manufacturer and an independent acoustic evaluator state that it does not make noise.

Munroe suggests the noise from the old one was yaw-chatter caused by being two-blades. He says the new one would not make that noise.

Thomas expresses her doubt that the new one will not make noise because Munroe previously said the old one made no noise but is now admitting it could have made noise. She asks if the old one will be replaced with a two-blade or three-blade turbine. Munroe answers a three-blade.

Pyecroft, as an abutter, asks if wind speeds over a particular miles per hour will cause the 10kw product to produce noise like the 3kw one did. Munroe answers that the new one is quieter than the old one, even at high wind speeds. He says winds at over 34 miles per hour would make more noise in the trees than in the turbine. Pyecroft notes that the Zoning Bylaw's regulations on small wind energy cite the State's standards for noise.

DeChiara recalls that the approval of the cell tower on Wendell Road involved putting up test balloons to check sightlines and wonders if there is a way, pre-approval, to evaluate what the equivalent in decibels would be in the specific location. He asks if there is a way to do a noise test so people on the road could hear it for themselves. Munroe cites the acoustic company that already ran the test and rated the product and that it is the same as his speaking level. Murphy doubts there is a way to test the noise short of putting the product up. DeChiara notes that there are noise machines that can be set to produce noise at a particular decibel level.

Weston asks if the turbines Munroe described elsewhere are the same as those being used here. Munroe answers that they are the same. Weston proposes hiring an audio specialist to measure the noise levels at set distances from those sites. Munroe indicates that this data was already included in the permit application and that they were tested at 20 miles per hour at a distance of 100 feet and more. It is also on the product's website.

DeChiara shares the special permit application and reviews the section presenting acoustic data. Munroe explains the data. The data goes up to 13 meters per second, or 30 miles per hour, which reaches 65 decibels. Munroe explains that 65 decibels is average speaking volume. This is noise at 100 feet from the turbine but the closest abutters will be over 1000 feet.

Puleo asks if people are hearing air pressure changes rather than noise from the turbine itself. She also asks if anyone has gone to one of the other locations, such as in North Brookfield, to find out what abutters there think. Munroe did not ask the abutters in North Brookfield but the owners did not hear anything. Puleo thinks it would be due diligence to ask the abutters there about the noise. Munroe does not know how he would do that legally. He says again that the new products do not make much noise at all.

Munroe returns to the question of threats to wildlife. He notes that a whole line of turbines, a mile long, was found to kill birds, but in places where there is only one turbine, it does not result

in bird or bat kills. The animals know enough to go around them. He also cites the environmental benefit of wind energy and that it reduces carbon consumption.

Murphy asks Puleo if she heard noise from the previous turbine. She says no because she is down the hill to the west of the property. She notes that the noise complaints came from neighbors who are down the hill to the east of the property. Noise issues on Baker Road are really driven by which side of the hill people are on. She asks again for a survey of abutters at the North Brookfield property.

DeChiara notes that the Planning Board could consider a site visit to the North Brookfield property. Weston suggests renting equipment to detect the decibels if they do so.

Pyecroft notes that she is across the street from Sirius, but downhill, and over the past twenty years she did not hear it, but noise travels in peculiar ways and the hill is certainly a big factor.

Weston does not feel he is prepared to decide on the permit and would like more information from the North Brookfield site. Munroe points out that the specific topography of the site might differ from that at Sirius, which could mean the comparison would be inaccurate.

Hastie notes that the Planning Board's interests are in what the noise would be to the distance to the property line or closest abutter and not within 100 feet. Munroe agrees and notes that noise drops off over distance.

Siefert notes that there are many things in a town that make noise and this does not seem like a carefully designed experiment. He thinks that data generated by the experts is more reliable and that since the Board are not experts in acoustics this might not be a good use of time. He notes the ramifications for other noise-making activities, like boats and cars, and cites the excessive noise bylaw as a recourse if there is a problem.

DeChiara points out that the wind turbine would be running at all times whereas something like a boat is intermittent. He asks if there are other comments from the public about issues other than the noise concerns, since those concerns cannot apparently be resolved right now.

Murphy asks Munroe if he has information that he can share in the way of documentation about mortality rates for birds and bats.

Pyecroft asks where the energy from the turbine goes, like in a battery or to a building.

Munroe answers Murphy by citing the manufacturer's website for information about bird and bat mortality. He answers Pyecroft by explaining the electricity goes into a power inverter which is hooked up to the power system of the community center and any excessive power goes to the utility pole and onto the grid.

Murphy asks about the interconnection paperwork. Munroe notes it will increase what comes out of the solar system and that it will be kept at code. National Grid wants to make sure it will not

overload the transformer and they found that the amount of energy being produced would ultimately be trivial.

Weston asks what would happen if the energy goes over 10kw. Munroe notes the inverter has a capacity for 12kw and then would cut off. If the wind goes over 34 miles per hour, which is what produces that much electricity, the turbine is designed to turn out of the wind.

DeChiara asks how the turbine and equipment is delivered and the impact on the road. Munroe answers that the tower was delivered in 2009 and is already there. All that will arrive is an all-terrain crane that is built to drive off road without sinking into the ground. There is a roadway on the property that leads up to the site.

Murphy notes the Board did not do a formal site visit on this. DeChiara thinks it would be helpful but it would not answer the core concern about sound. He would like more data about the sound issue. He suggests continuing the hearing to see if there is a way to get more information about the sound and to deliberate on that concern. Munroe indicates that he is not sure how he can provide more data beyond the testing information in the application and on the website. DeChiara states that he would not ask for more information from the applicant; he just wants to think about how to balance that data with the experiential information from the neighbors. Munroe points out that the data for the new turbine is for a different product than the one the neighbors indicate that they heard, so this is an apples to oranges comparison. Reimer reiterates that this is a different product than the old one, and the old one is also being changed.

Weston asks Munroe for the address and owner of the turbine in North Brookfield so the Board can contact them about visiting the property. Munroe would not be willing to give out their name without their permission but could share the address. He urges the Board to move the project forward because it has been a long time in the works. Weston states he understands that but that the Board also has to balance the applicant's needs with the needs of the abutters, which in this case would involve researching what kind of noise the product makes. He adds that National Grid's approval for the project only exists for 380 days and that clock started this last summer, so it has to be up by the end of this summer or they will have to go back to National Grid.

Murphy doubts that doing a site visit in another town would be feasible and that they would not have permission to go on the property.

Puleo suggests contacting the Select Board of North Brookfield to see if there have been noise complaints. Murphy considers that reasonable.

DeChiara notes the applicant would have to agree to a continuance of the hearing. He still would like more information about the noise issue and the opportunity to do some additional research into the product. He had not thought too much about noise before the hearing but it is clear now that he should have more information about it.

Murphy notes that if the hearing is closed then the clock starts on the decision. He does not see how the Board could justify continuing the hearing if they are not asking for something very specific. DeChiara answers that the Board members could do independent research and not have

to require additional information from other parties such as the applicant or abutters. This would be for the Board to do its own due diligence.

Murphy states that he would like the information about the animal study beyond just the citation to the website. He would like that information submitted in an email to the Board. He would also like information about how the blades have been redesigned to be quieter.

Hastie again notes that the Zoning Bylaw states the project must comply with the Massachusetts noise regulation. There is therefore a recourse that neighbors can pursue if the turbine does end up making noise that bothers them. Otherwise, the Board is being asked to make a decision based on the fact that someone feels like it might make noise. About the danger to wildlife, he notes that smaller turbines are less well studied, but windows on houses kill birds as well. The Board does not have the expertise to make a decision based on wildlife conservation.

Murphy asks if Hastie is an abutter. Hastie says he is not. He did not receive a notice and is not in the official assessor's abutter list.

Because Pyecroft has to recuse herself as an abutter, Murphy activates Hastie and Siefert as voting members for the purposes of a quorum.

Weston says he would be willing to drive to North Brookfield to give his opinion about the noise from the turbine. He would like that information for himself and would share it with the Board. DeChiara would like to go with him.

Seifert notes that there are four Planning Board members, which does meet quorum. Murphy says that Associate Members can be activated whether or not there is a quorum.

Hastie asks about conditioning the permit on the turbine meeting the acoustical standards indicated by the manufacturer in the application materials. If the turbine exceeds those standards, it could be required to be shut down. He doubts that listening to the one in North Brookfield will tell them much more, particularly given the numerous variables that go into how sound travels.

DeChiara notes that putting in a condition about testing the sound level would be another cost on the applicant. It comes down to taking more time to get the data or costing more for the testing.

Reimer points out that Sirius went through this process in 2009 and these questions of noise came up then and it was approved at that time. Munroe suggests setting a condition that the turbine cannot exceed the standards set by the state statute for noise at the property line.

Bonnar clarifies that the Planning Board had nothing to do with the original permit in 2009. That one was issued by the Building Inspector because there was no bylaw provision on wind turbines at the time.

Weston indicates that he would be surprised if a wind turbine would trigger state regulations on sound. He feels the need to account for the abutters' concerns about noise and he feels he can only do that if he hears it for himself, even if it is not the one at Sirius.

Motion to continue the hearing to the next regular Planning Board meeting: DeChiara; second: Bonnar. Discussion follows.

Murphy asks if the applicants agree to the continuation. Reimer asks if they have an option. Murphy answers that they can decline to continue. State law requires permission from the applicant if the decision is to be made more than 65 days after the date the application is submitted. He asks if the petitioner would agree to a written agreement to allow the hearing to continue to the next regularly scheduled meeting. Reimer asks if that means the Board would have 90 days after the hearing closes next month to make a decision. Murphy answers that this is correct. Reimer notes that could put the decision into the middle of May, assuming there is not another continuation. Murphy indicates that the Board makes every effort to get through the process expeditiously but this is a volunteer Board. There would be no intentional delay but he cannot guarantee that it would be completed at the following meeting. DeChiara adds that the decision has to be written and so it gets voted on at the meeting after it is voted on.

Munroe would prefer a decision with the condition that it meets the noise requirement and not to have a continuation. He believes that the application has met all the requirements of law and that taking the risk of extending the project would potentially jeopardize it or increase its costs.

Weston asks if there has ever been a case where the Planning Board has voted an approval but then the conditions changed a month later when it voted on the permit decision. Bonnar says it has not. Weston asks if, with that in mind, if the project could proceed after that vote to approve even if the permit decision was not yet drafted or approved. Munroe points out that he cannot get approval from the Building Inspector to start work without the written permit.

Pangallo notes that there is no legal way to begin work before the decision is issued. He adds that there is also an additional 20-day appeal period following the decision date. Reimer expresses concern about the delay that would create.

Siefert asks if the Board could meet sooner than 30 days from today. He thinks that might help satisfy both expediting the process but giving the Board the chance to address its own concerns about noise. It seems like members of the Board were not adequately prepared to address the noise concern. DeChiara thinks the Board is trying to be flexible.

Vote: Siefert - Aye; Hastie - No; Bonnar - No; DeChiara - Abstain; Weston - Aye; Murphy - Abstain. The motion fails.

Motion to close the hearing: DeChiara; second: Bonnar. Vote: DeChiara - Aye; Weston - No; Hastie - Aye; Siefert - Aye; Bonnar - Aye; Murphy - Aye. The motion is approved.

## **Future Meetings**

At the March meeting, Murphy would like to schedule a date for a public hearing for the ADU bylaw. DeChiara notes that the next meeting needs to approve the permit decision for Peter Gees.

Murphy asks about the litigation with Cowls and PureSky. DeChiara said there will be an executive session meeting for the Planning Board and Select Board in late February.

## **Adjournment**

Motion to adjourn: DeChiara; Bonnar. Vote: DeChiara - Aye; Weston - Aye; Hastie - Aye; Siefert - Aye; Bonnar - Aye; Murphy - Aye; Pyecroft - Aye. Approved unanimously.

**Adjourned:** 9:47pm

## **List of Documents Used:**

- 1989 Excessive Noise Bylaw
- Special Permit application by Sirius Community for a wind turbine