

Shutesbury Zoning Board of Appeals

Minutes – November 2, 2023

Approved – August 5, 2025

*Virtual Meeting***Board Members Present:** Jon Thompson, Jeff Lacy, Mary David, John Aierstuck**Board Members Absent:** None**Other Staff Present:** Carey Marshall (Land Use Clerk)**Others Present:** None**Call to Order:** 7:04pm

Thompson defers Chair for this meeting to Associate Member Lacy.

Public Comment

None.

Education and Guidance

None.

Past Meeting Minutes

June 28, 2023. Lacy proposes amendments to clarify and correct some minor errors.

Motion to approve the minutes of June 28, 2023 as amended: David; second: Thompson.Approved unanimously.

July 13, 2023. Lacy proposes amendments to clarify and correct some minor errors.

Motion to approve the minutes of July 13, 2023 as amended: David; second: Aierstuck.Approved unanimously.

September 7, 2023. Lacy proposes amendments to clarify and correct some minor errors.

Motion to approve the minutes of September 7, 2023 as amended: David; second: Aierstuck.Approved unanimously.**Chair and Clerk Offices**

Lacy notes state law requires Zoning Boards elect a chair and clerk from its own membership. One person can serve in both roles. As he is now an Associate Member living out of town, he cannot chair the Board beyond irregular situation or meetings with no regulatory votes. Because ZBA is an appointed board and not elected, people who live outside of town can serve on the board, so Lacy will remain as an Associate Member and continue to offer advice.

Aierstuck indicates he feels prepared for running a meeting but does not have the zoning expertise yet to step up as chair. Thinks ZBA would be better served with a chair who has more awareness of those details and more time to address the work that happens between meetings.

David expresses similar sentiment regarding her lack of familiarity with the rules and regulations after having served on the Board for only a few months so far.

Thompson notes that he joined the Board at Jeff's invitation as an Associate Member in order to lend his expertise in zoning but he served as clerk for fifteen years and as chair of Planning Board for seven years. No longer feels he has the time or energy to fill the role. Asks Lacy about Michael Pill's interest in the ZBA. Lacy notes he had expressed interest at same time as Thompson. Thompson notes Pill knows the law and can run a meeting. David is concerned that Pill might lack impartiality. Aierstuck notes he was a candidate before the Select Board for appointment when he and David were appointed and there was concern from some members of the public that Pill's representation of certain clients might result in a conflict of interest with ZBA matters. Lacy notes that Pill brings considerable knowledge but also concerned he lacks the temperament to serve on the Board fairly.

Aierstuck recalls a discussion about having someone who could serve on both the Planning Board and ZBA to be a bridge between the two. Lacy considers it good practice and many towns do it. Would be willing to see any current Planning Board members do it. David notes she has expressed interest in being an Associate Member of the Planning Board. Aierstuck recalls that Jeff Weston appeared before the ZBA to address the Wightman project and wonders if he might be interested in serving on both. Lacy points out this would not solve the problem of finding a chair, though, since such a person would need time to get up to speed and learn about the Board.

Aierstuck notes Thompson's expertise and asks if there might be a way to mitigate the chair's role to make it palatable. Thompson says it is too much responsibility due to other obligations.

David asks Thompson for ideas. Thompson notes that in Amherst, the ZBA and Planning Board rotate the chair from meeting to meeting so everyone shares the load of running meetings.

Lacy notes that being chair is easier now that the town has a Land Use Clerk to handle many of the administrative functions the chair and clerk used to have to deal with. David agrees and hopes that, when Marshall Carey leaves, the town will find someone who can handle the job.

Lacy proposes the idea of rotating the chair from meeting to meeting until someone feels ready to step up into the role permanently. Offers to continue as Associate Member to offer his expertise and to write decisions until the chair feels ready to do it.

Thompson recalls that in Amherst the person serving as ZBA chair remains chair until the case under consideration is resolved, no matter how many meetings that might take. Then, when a new case comes in, someone else on the Board steps up as chair for that case. In Shutesbury, though, most cases are resolved in a meeting or two, so that might not make sense. He notes that this would help David and Aierstuck get up to speed very quickly. Marshall notes that the Land

Use Clerk handles the abutter notices, ads, and most behind-the-scenes work, so the chair would really just be scheduling and running the meeting.

Thompson indicates he is willing to try this system. Aierstuck worries that this means there will still be problems if he is not quite ready to chair and it becomes his turn, especially if it comes after Marshall leaves and before the new Land Use Clerk is up to speed. Lacy points out that the ZBA has very detailed checklists with timelines, so they make it much easier to manage.

Aierstuck asks Lacy how long he can continue to help the ZBA. Lacy answers he will continue if he is needed, but as a resource person, not as chair.

David asks if Thompson would serve as chair for a complicated or contentious case if David or Aierstuck would be willing to take on the role for a simpler case.

Marshall notes the ZBA has received an email with inquiry about a project at the lake that could be a complex Special Permit in the near future.

Aierstuck suggests they see what comes in and then decide who will chair for that particular project. Thompson and David agree to that plan.

Adjournment

Motion to adjourn: Thompson; second: David. Approved unanimously.

Adjourned: 8:20pm.

List of Documents Used:

- Minutes of June 28, 2023
- Minutes of July 13, 2023
- Minutes of September 7, 2023