

Planning Board Report to 2024 Town Meeting

Regarding Recommendations to Amend the Zoning Bylaw with a proposed Lighting Bylaw and four consolidated bylaw amendments

April 18, 2024

On April 8, 2024, the Shutesbury Planning Board held a public hearing to accept testimony regarding its recommendations for two warrant articles for the 2024 Shutesbury Town Meeting. These warrant articles would amend the Shutesbury Zoning Bylaw. The first warrant article would create a lighting bylaw. The second warrant article included four consolidated amendments: to amend Section 3.1-1 Use Table; Section 10.4 Associate Members; Section 9.3-2 Review Criteria; and Section 9.4-3 Amendment.

There following were in attendance:

- Planning Board present: Nathan Murphy, Chair; Deacon Bonnar; Michael DeChiara; Robert Raymond; and Associate Member, Tom Seifert
- Planning Board not present: Ashleigh Pyecroft, Steven Bressler, Jeff Weston, Associate Member Keith Hastie
- Public: none

Chair Nathan Murphy requested that Michael DeChiara review the two warrant articles and the amendments that were recommended in regards to the Shutesbury Zoning Bylaws.

1. LIGHTING BYLAW

Michael DeChiara reviewed the proposed lighting bylaw. It was noted that Town Meeting 2022 voted to request that the Planning Board bring forth a lighting bylaw. While this did not occur in 2023, the 2024 bylaw now complies with this Town Meeting request.

The purpose of the bylaw is to find a balance where outdoor lighting can be reasonably regulated to minimize light pollution, light trespass, unnecessary glare and sky glow in Shutesbury while not creating an undue burden on residents.

The bylaw provides background based on the five principles for responsible outdoor lighting by the Illuminating Engineering Society and the International Dark Sky Association. It further provides definitions regarding outdoor lighting. Section 8.12-4 of the bylaw outlines the design and use of outdoor lighting.

Two additional elements of the bylaw were highlighted:

The first was the recommended method for dispute resolution and enforcement. This would require any resolution to begin with residents seeking agreement amongst themselves. If this does not resolve the issue, a lighting complaint could be brought to the Select Board, which would assess the situation and can take further action. The Planning Board noted that this process is informed by the Select Board's role in addressing dog-related complaints.

The second highlighted element is that outdoor lighting which was installed prior to April 27, 2024 is exempt from this bylaw unless subsequent and significant improvements are made.

The Planning Board unanimously supported the Lighting bylaw amendment at a March 2024 Planning Board meeting; this recommendation remains with no changes requested.

2. CONSOLIDATED BYLAW AMENDMENTS

Michael DeChiara reviewed the four consolidated bylaw amendments included in the second warrant article. This consists of four separate amendments.

A. Use Table amendment

The first amendment would create an Industrial Use category in the Use Table. Four existing uses would be included in this category: Soil Mining, Light Industry, Wireless Communications Facilities, and Temporary Wind Monitoring Systems. The siting requirements for these uses would not change.

B. Associate Member amendment

In 2021, Shutesbury Town Meeting passed an Associate Member amendment that provided expanded roles and powers to Planning Board Associate members. In September 2021 the Attorney General approved this amendment in part, but rejected the basis for the expanded roles and powers. In 2023, Shutesbury Town Meeting voted to submit a Home Rule Petition to the Massachusetts Legislature to enable Shutesbury to provide its Planning Board Associate Members with the roles and powers that were intended in the 2021 Town Meeting vote. In 2024, Governor Healey signed the Home Rule into law, becoming Chapter 1 of the Acts of 2024.

This amendment would codify the expanded roles and powers of Associate Members. This would allow the Planning Board Chair to designate an Associate Member to act on matters, similar to that of a elected member, in situations where an elected member was unable to act.

Further this amendment removes the prohibition of an Associate Member participating in an Executive Session. With this prohibition removed, it will be up to the vote of the Planning Board to decide on a case by case basis.

D. De Minimis Changes to Special Permit

This amendment would enable the Planning Board or Zoning Board of Appeals, acting as the Special Permit Granting Authority, to vote to determine whether small and relatively insignificant changes to an existing special permit can be made without requiring the applicant to pay additional fees, resubmit unchanged documents and to forgo an additional public hearing. A request for project changes would need to be submitted in writing at least seven days prior to the open meeting where the request is considered.

The Planning Board unanimously supported the above four amendments at a March 2024 Planning Board meeting; this recommendation remains with no changes requested.