

Shutesbury Planning Board Meeting Minutes
November 20, 2017 Shutesbury Town Hall

Planning Board members present: Deacon Bonnar/Chair, Robert Raymond, Linda Rotondi, Steve Bressler, Jim Aaron, and Jeff Lacy

Staff present: Linda Avis Scott/Administrative Secretary

Guests: Greg Caulton

Bonnar has recused himself for the special permit public hearing for case 17.02 therefore Raymond moves and Bressler seconds the motion for Lacy to be acting chair; motion passes unanimously. Lacy calls the meeting to order at 7:31pm.

1. Continue Special Permit Public Hearing Case 17.02: Lacy opens the continuance for the Patton, Patton, and Bonnar common driveway special permit application and asks for a motion to suspend the hearing in order to attend to a public comment request. Raymond moves and Rotondi seconds the motion to suspend the hearing in order to attend to a public comment request; motion passes unanimously.
2. Public Comment: Greg Caulton/233 West Pelham, representing his wife Emily Bayard, reads a letter from Bayard into the record; the letter is in regard to chemicals that could potentially be used at the Wheelock Solar Project site. A copy of Bayard's letter is received for the record. Lacy: the special permit for the Wheelock Solar project has been granted and the project is underway; there is no trigger for an environmental review by the State; one of the pre-construction conditions required the list of chemicals as well as the associated Material Safety Data Sheets (MSDS); Roundup has been removed from the list; herbicides can only be used for spot treatment of invasives; mechanical means are being used for vegetation control, i.e. mowing; invasive species will most likely not be a concern for the solar site; many of the chemicals on the list are related to heavy machinery use; nothing, as far as Lacy knows, is to be applied to the surface of the ground. Rotondi: some of the chemicals on the list will not be used, i.e. a wasp killer. Bressler: how typical is this list to one for the construction of a new home? Lacy: the list would probably be similar because the same type of machines would be used to clear a house site. Bressler: the list is intimidating because it is a comprehensive list of what could possibly be used. Aaron cites products, such a Roundup, that are used on a household basis. Lacy states that he visits the site 1-2x/week and that Mickey Marcus/SWAC produces a weekly site inspection report. Caulton is provided with a copy of the "Shutesbury Solar Construction Status Inspection" completed 11.17.17. Caulton asks how Bayard may ask any additional questions. Lacy agrees to ask Kevin Sullivan/site manager if he would be available for questions from Bayard. In answer to Aaron's question, Caulton states that his home is approximately one mile from the site.

At 7:50pm, the public hearing for Case 17.02 is resumed. Bonnar presents the revised "Common Driveway Maintenance Agreement By and Among Susan E.

Patton, Sarah E. Patton, and Deacon Bonnar” dated 11.20.17 and with notarized signatures. Lacy and Bressler confirm that all three parties are joint tenant owners of Parcel A and Parcel B and that all buildings are owned in common. Raymond confirms the Common Driveway Agreement will eventually be recorded at the Registry of Deeds. At 7:55pm, Rotondi moves to suspend the hearing in order for Bonnar to obtain an additional document; Bressler seconds the motion that passes unanimously.

3. Wheelock Solar Project: Lacy reports visiting the site with Emily Stockman/wetland consultant and Kevin Sullivan/site manager for the purpose of inspecting the erosion control installation; once Stockman’s list of corrections was attended to, Sullivan was given permission to begin construction. On 11.18.17, Lacy observed that the road/driveway to the first basin had been constructed; the first basin was roughed out and ready to handle water; the road continues to the south end; most of the trees have been removed from the westerly section with additional clearing above the slope exclusion area; about two acres have been cleared thus far; a maximum of five acres can be cleared at a time; the main problem now is finding a market for the cut wood.
4. Planning Board Meeting Minutes: Raymond moves the Planning Board approve the 11.6.17 meeting minutes as amended; the motion is seconded by Aaron and passes unanimously.
5. Proposed Zoning Bylaw Amendments: The list of “Amendments for Planning Board Consideration at a 2017 STM” is reviewed.
 - A. There is no comment regarding the proposed change to common driveway regulation language.
 - B. Bressler agrees with with two-year extension though asks how any subsequent bylaw changes would affect an application. Lacy suggests and all agree to remove “or eliminated” from the language change for Open Space Design under Article V.
 - C. Bressler speaks to his reservations for increasing the allowable living area for an accessory apartment; 800 square feet is adequate. Rotondi agrees with Bressler. Lacy: the ZBA sensed a demand for an increase in the square footage of an accessory apartment. Raymond: how does it serve the town if an applicant has to block off any space that is greater than 800 square feet? Lacy: if increasing the square footage is controversial at the Planning Board level, the ZBA could bring the amendment forward at annual town meeting. Lacy: an accessory apartment creates additional living space for a variety of reasons; there are specific standards that must be met.
 - D. Bonnar: regulating the keeping of pigs through zoning does not seem appropriate. Aaron asks about the rationale for regulating fixed site sawmills. Lacy: noise. Rotondi: the Board of Health needs to weigh-in on what they are asking for. Lacy: the Board of Health wants to require a special permit for the keeping of pigs on lots less than five acres; it seems that they may be requiring additional regulation. Rotondi supports restrictions in the Lake

Wyola District; a restriction in the other districts is not appropriate. Raymond states his alignment with the concerns about over-regulation.

- E. The Board agrees with reducing driveway width from twelve to ten feet.
- F. The Board considers DeChiara's "Amend zoning regulations for signs". All agree the proposed amendments present a complicated issue.

Lacy suggests the Planning Board bring forward the proposed amendments to Common Driveway Regulations, the edited version of the Open Space Design construction period and the reduction in the driveway width requirement.

Caulton returns at 8:36pm and asks how Bayard can get answers to the questions listed in her letter. Lacy: Mickey Marcus/SWCA is the permitting consultant and responsible for monitoring the site; there is a sign at the entrance to the site with a phone number for concerns about site conditions.

The public hearing for Case 17.02 is resumed at 8:39pm. Further review of the "Common Driveway Maintenance Agreement" is conducted. Lacy asks if the Board needs any further information. None is required. Bressler moves the Board close the public hearing; Raymond seconds the motion that passes unanimously. The Board enters deliberation. Bressler moves the Planning Board assign drafting the special permit decision to Lacy. Raymond seconds the motion. Lacy agrees to draft a decision for discussion at the next meeting and the motion passes unanimously.

Bonnar resumes chairmanship.

- 6. Recordation: Lacy, referring to #19 of the special permit checklist: applicants usually complete recordation; input on the matter is being sought from other Planning Boards. Further discussion is continued to a future meeting.
- 7. Planning Board Membership: The Board considers potential candidates to fill the vacant position.

Meeting is adjourned at 8:52pm.

Documents and Other Items Used at the Meeting:

- 1. 11.20.17 letter from Emily Bayard
- 2. 11.17.17 "Shutesbury Solar Construction Status Inspection – Weekly/Storm Report" from Mickey Marcus/SWCA
- 3. "Amendments for Planning Board Consideration at 2017 STM"
- 4. "Common Driveway Maintenance Agreement By and Among Susan E. Patton, Sarah E. Patton, and Deacon Bonnar" dated 11.20.17

Respectfully submitted,
Linda Avis Scott
Administrative Secretary