

Shutesbury Zoning Board of Appeals Meeting Minutes  
January 9, 2017 Shutesbury Town Hall

Zoning Board members present: Chuck DiMare/Chair, Tom Williams, and Jeff Lacy

Zoning Board alternate present: Andrew Berg

Staff present: Linda Avis Scott/Clerk

Guests: Russ Anay/Avid Solar LLC and Michael Aldrich/383 Montague Road

DiMare calls the meeting to order at 7:00pm.

Williams moves and Lacy seconds a motion to approve the 8.29.16 meeting minutes as presented.

Case 17-001 383 Montague Road/Aldrich Site Plan Review

The Site Plan Review (SPR) application was filed with the Town Clerk on 1.4.17 by Aldrich who is represented by Russ Anay/Avid Solar LLC; the proposed project is the installation of a ground-mounted photovoltaic system in the rear yard of 383 Montague Road located in the Roadside Residential (RR) land use district. DiMare explains that the Board will be applying SPR criteria as per Section 9.1-2 of the *Town of Shutesbury Zoning Bylaw*. The four Board members present conducted a site visit on 1.8.17 from 1:30-2:15pm. Anay: the project conforms in all ways. Aldrich: visually, the site meets all criteria; the abutters on each side have been informed and have no issues with the proposed project; the array will not be visible from the left and will not be visible on the right when foliage is present. Anay and Aldrich offer no evidence beyond that presented in the application. Lacy: the purpose of SPR is to avoid prominent placement of solar arrays; this is a by-right use; in this case, placement could not be better located. DiMare, Lacy, and Berg have no questions. Planning Board versus Zoning Board of Appeals jurisdiction is clarified for Williams. The purpose of the Ground-Mounted Solar Electric Installations portion of the Bylaw is reviewed. Per Lacy, no aspect of the Solar Bylaw applies to this project; standard zoning dimensional requirements apply. There are no further questions from the Board or the applicant. DiMare closes the evidentiary portion of the review. The ZBA agrees that there are no violations to SPR criteria A-L. Lacy notes that the Board of Health had concerns about the project's setback to the leach field. Anay: the gap between the modules will decrease storm-water runoff - this satisfied the Board of Health concern about the modules creating increased runoff. Anay: "earth screw" installation is the least impactful mounting system; no excavation is required. Williams moves and DiMare seconds the motion to approve the Case 17-001 Site Plan Review; motion passes unanimously. The project will be constructed as per the plan. Lacy will finalize the draft SPR Decision document to be signed by DiMare on 1.13.17. The twenty day appeal period is explained to the applicant.

Berg reports on updates to the ZBA webpage: the *Town of Shutesbury Zoning Bylaw*, application forms and list of fees have been added. All members of the Board agree to post approved meeting minutes on the page.

DiMare will re-contact the potential Amherst College student intern.

The “Zoning Board of Appeals – Town of Shutesbury Rules and Regulations Adopted Pursuant to MGL C. 40A §12” document will be reviewed and considered at a future meeting. Berg will work on converting the typed document to a digital version.

The FY16 Zoning Board of Appeals Annual Report, as prepared by Scott, is received.

The Board agrees to make no changes to the ZBA budget lines. The cost of legal ads will be tracked; no action toward creating a “revolving fund” for filing fees and ad costs is taken at this time.

The 12.12.16 letter from James Hawkins/Building Commissioner to Charles Bado regarding 12 Old Egypt Road is received; a SPR for an accessory apartment will be required. Lacy states that he will need to recuse himself from this case when it comes forth.

The meeting is adjourned at 7:46pm.

Respectfully submitted,  
Linda Avis Scott  
ZBA Clerk