

Shutesbury Planning Board Meeting Minutes
July 9, 2018 Shutesbury Town Hall

Planning Board members present: Deacon Bonnar/Chair, Michael DeChiara, Steve Bressler and Jeff Lacy

Planning Board members absent: Robert Raymond, Linda Rotondi and Jim Aaron

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Sanford Lewis and Stephen Kelleher

Bonnar calls the meeting order at 7:39pm.

Election of Board Chair: Bonnar: given the new fiscal year, it is time to elect a new chair. Lacy asks Bonnar if is willing to continue to serve. To Bonnar's knowledge, no one else has indicated a willingness to chair. Lacy nominates Bonnar noting that he has been a stalwart chair especially during the zoning bylaw revision and Wheelock Solar project special permit processes. DeChiara seconds the nomination. DeChiara requests information in advance of meetings. Bonnar is unanimously elected Planning Board chair.

Public Comment: None offered.

Lot D18 Locks Pond Road ANR: Per Bonnar, Olszewski will not be present tonight, however, has requested guidance about the text for the Lot D18 Locks Pond Road Approval Not Required plan. Lacy has been providing guidance to the applicant regarding plan notations; citing the proposed "ANR Plan for Lot D-18", the suggested text will be to the effect "Building envelope as approved under a Site Plan Review Article V of the *Town of Shutesbury Zoning Bylaw* on 6.25.18"; the intention of the note is for the Building Inspector to know this is not an ordinary building lot. DeChiara cites the Select Board's policy about responding to individuals outside of open meeting; suggests that Lacy could be delegated to speak with a particular applicant. Lacy: in this case, no decision was made and the applicant was able to make progress on their project; as long as all conversations are disclosed for the Board's decision-making process, the full decision is made by the Planning Board. DeChiara: what would happen if a member has a different opinion about the guidance given to an applicant? Bressler: in the past, the Planning Board has often designated Lacy to proceed with a particular action; nothing Lacy has done is illegal or unethical; the applicant knows they are talking with a representative of the Board and that the decision will be made by the whole Board. Lacy: he informs the applicant that he is willing to offer guidance as an individual. Bonnar: in this case, the Board is considering language, for the Building Inspector, to describe decisions that are already in place. Bressler suggests leaving out "Site Plan Review". Lacy: the plan will state "Building envelope as finally approved under Article V of the *Town of Shutesbury Zoning Bylaw* on 6.25.18". "Notes" as written by Olszewski on the ANR plan are reviewed. Bonnar: does there need to be a comment that the acreage requirement does not apply; the acreage of the building envelope is not properly surveyed. Lacy: there is no acreage requirement under Article V. DeChiara moves the Board approve the proposed language, as stated above; motion is second by Bressler and passed unanimously.

Wheelock Solar Site Update: Lodestar is not present for the meeting.

Cannabis Advisory Committee Update: Sanford Lewis placed a notice on NextDoor and eCricket about the formation of a Cannabis Advisory Committee; the folks that have come forward do not have business experience so the potential membership does not look like the business development committee he imagined; they are folks, including Don Wakoluk, that want to learn about the regulations; those with business experience will most likely be from out of town. Lewis: while attending a meeting on cultivation and standards, he learned that the best opportunity for a backyard grower is to cultivate hemp which does not come under the Cannabis Control Commission regulations; this would be medicinal hemp which falls under a different set of State regulations. To DeChiara's question, Lewis states that hemp growing is considered agricultural. Lewis met several folks willing to do educational presentations; the question is why someone would grow in Shutesbury given that the growing conditions are much better in the valley. Lewis: in terms of writing a bylaw, he recommends thinking about the most plausible case for Shutesbury: a normalized place for consuming cannabis, i.e. permissive use at the Shutesbury Athletic Club. Bonnar: there is a case in pending in Worcester - the thinking is that tobacco smoking would have to already be permitted at such a site. Lewis: there are possibilities for growing in Shutesbury, however, the grower will need a knowledgeable business partner; the town does not have a role in the growing of hemp, however, the Planning Board may consider a bylaw requiring that only female hemp plants be grown because male hemp plant pollen can contaminate cannabis. DeChiara: it may make sense to have both cannabis and hemp growing related bylaws; it may be worthwhile to make our bylaws as liberal as possible. Lewis recommends requiring a special permit that allows the Planning Board to determine that growing on a particular site is not a nuisance. Bressler notes that there will be a need for enforcement. Lacy: the requirements for security are not attached to the growing of hemp. Lewis: the cannabis regulation lighting requirements are necessary for the security cameras. DeChiara suggests Lewis come to the next Planning Board meeting with recommendations for membership on the Cannabis Advisory Committee. Lewis suggests the Board wait until September before filling the committee; recommends holding a public information session and that the Board continue to consider relative bylaws. Lewis: various knowledgeable people in the industry are interested in providing information to the Board and/or committee. Lacy: zoning bylaws will have to do with what is allowed, where it is allowed and the permitting process; suggests the committee find out what is necessary for lighting and fencing. Lewis: the committee can react to suggested bylaws and can think about what is plausible for Shutesbury; it will be important to let potential members know they have a discreet task - to figure out the key questions. Plan: Lewis will begin planning for a series of meetings in September. Bonnar notes the need to keep moving forward on bylaw development in anticipation of a potential special town meeting. DeChiara suggests reviewing the different types of marijuana establishments and those that may be possible in Shutesbury. Lewis: it will be most efficient to focus on those activities that are most plausible. Lewis will provide an update, if there is one, during the August Planning Board meeting. An information meeting, organized by Lewis, will be under the auspices of the Planning Board and Sustainable Cannabis Project of Western Massachusetts.

Wendell Road Cell Town Inquiry: Stephen Kelleher/Vertex Towers LLC refers to the proposed cell tower site plan for Lot D35 Wendell Road and the relative *Town of Shutesbury Zoning Bylaw*: Section 8.7 Wireless Communication Facilities and reports that he has had the property

under an option to purchase for about two months; the tower will be sited on the twenty-acre parcel far enough from the road; the site is one of the high points in Shutesbury. Kelleher suggests the Board consider approving a special permit with the condition that a tenant carrier be obtained; Vortex will offer free space on the tower for public safety/emergency services; expects there to be a two-mile radius for coverage; a site in Wendell is also being considered; the company's goal is to fill gaps in cell phone coverage. Kelleher, referring to the plan: the 450' radius around the tower is as per the bylaw. To Bressler's question, Kelleher explains that the twenty-foot wide access road, noted on the plan, is actually twelve feet wide with clearing for equipment access and storm water management; the installation of the tower is subcontracted out. Bressler asks if the wiring will be underground. Kelleher: yes, to the extent that underground is feasible; two 4" conduits will be run down the sides of the access road; a 60'x60' fenced area will be cleared and covered with crushed stone; the propane tank site will provide generator fuel to be used by the carrier; the site is built for a potential of four carriers; the fencing, pole and access to fiber is provided by Vertex. DeChiara: the signal is the benefit; the carriers get taxed through the state and the structure itself would be taxed as personal property. Lacy: waivers will be needed for height. Kelleher: for five users, at ~10 feet apiece, the tower will have to be a minimum of 50' above the tree line. To Lacy's question about buildings on site, Kelleher states that most carriers now use a cabinet to store equipment. Lacy confirms that there will be only one pole. To Bressler's question about maintenance, Kelleher states that Vertex, as property owner, maintains the site, i.e. mowing, snow removal and post-storm assessment; the abutters will have a lot of tree cover; the goal is to have sites that can hand-off to other sites; the service area is topography driven. Kelleher, to Bressler's question about Broadband: it will not affect the need for cell coverage. DeChiara suggests Kelleher contact Shutesbury's Municipal Lighting Plant Committee. Kelleher: the proposal is conceptual at this time; this site would enhance coverage from the Pelham site. Bressler: the project will not go forward without a carrier. Kelleher: there are a number of other regulatory requirements; you may want to wait until we have a co-applicant with a valid lease; it is worthwhile to build the tower with one tenant; cites the bylaw allowing an exemption for public safety needs (8.7-3); anticipates a potential special permit application in the fall. Lacy: the Board has no discretion about whether someone applies; abutter and nearby resident input will be interesting. Kelleher: there is room to move the site if necessary; there will be limited visual of the tower for the abutters and travelers on Wendell Road. Lacy: curving the driveway may be better for storm water management. Kelleher: engineers will design the driveway; the site will be surveyed and wetlands flagged. Lacy: there is a significant amount of surface water on the site. Kelleher: drainage calculations will be done; typically, the design is for 50-60 years of usage; balloon tests demonstrating visual impact will be done prior to the public hearing; there will be an entrance gate that is posted as per FCC requirements. Kelleher will connect separately with public safety personnel. DeChiara: lake coverage will be a great benefit. Kelleher will forward any pertinent new information to the Board.

Bressler suggests tabling further agenda items, recusal report and 2019 bylaw proposals, until the next meeting.

Planning Board Meeting Minutes: DeChiara moves the Board approve the 6.25.18 meeting minutes; Bressler seconds the motion. DeChiara comments on the motion made by Raymond, during the 6.25.18 meeting, that was seconded however a vote was not taken on the motion; at

another point in the meeting, another motion was not seconded nor voted on; procedurally, these items were left hanging. Lacy: no action was taken on either motion. DeChiara reviews the sequence for voting procedures and refers to his "Procedure for Handling a Main Motion Note". Bressler: we often have a discussion in order to formulate a motion. DeChiara: if a motion is made, it needs to be seconded for discussion to ensue. Lacy: this should be left to the discretion of the chair. DeChiara: this is per *Roberts' Rules of Order*. Lacy: the Board will not take any action without discussion and a vote; the Chair may allow a little discussion before the second. DeChiara: motions may be retracted; acknowledges Bressler's point about informal discussion before a motion is formulated. The motion to approve the minutes, as presented, is unanimously approved.

At 9:30pm, Bressler moves to adjourn the meeting and table the remaining agenda items until the next meeting; motion is seconded by DeChiara and unanimously passed.

Documents and Other Items Used at the Meeting:

1. 6.28.18 ANR Plan for Lot D18 Locks Pond Road
2. FRCOG draft Adult Use Cannabis bylaw
3. 5.15.18 Select Board meeting minutes
4. Compiled Plot Plan and Compound Plan dated 7.6.18 from Vertex Towers LLC
5. *Town of Shutesbury Zoning Bylaw*: Section 8.7 Wireless Communication Facilities
6. DeChiara's "Procedure for Handling a Main Motion Vote"
7. 7.6.18 letter from Attorney General Maura Healey: "Shutesbury Annual Town Meeting of May 5, 2018 – Case #8965"

Respectfully submitted,
Linda Avis Scott
Land Use Clerk