

Shutesbury Planning Board Meeting Minutes
March 9, 2020 Shutesbury Town Hall

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

Planning Board members absent: Jim Aaron

Staff present: Linda Avis Scott/Land Use Clerk

Bonnar calls the meeting to order at 7:04pm.

DeChiara moves and Lacy seconds a motion to approve the 2.10.20 meeting minutes. Rotondi and Raymond abstain; the remaining members vote in favor of approving the minutes as presented; the motion carries.

Members receive the 5.4.19 amended version of the “*Town of Shutesbury Zoning Bylaw*”.

DeChiara provides an update on Community Preservation Committee (CPC) solicitation of project ideas from committees and boards. Lacy suggests the acquisition of “Summit Hill”. On 3.12.20, the CPC will hold their annual public hearing to receive input from the public on needs, possibilities and resources regarding the use of CPC funds and consider one application for the use of Open Space/Recreation funds for schematic design and engineering for the Amherst Pelham Regional School track and field project.

2020 Zoning Bylaw Amendments:

- a. Section 8.4 Sign Regulations: Board members review the 2.28.20 version of the “Proposed Amended Sign Bylaw”. Bonnar provides DeChiara with a rewrite of 8.4-1 “Purpose” to clarify the language. DeChiara to Bressler’s question regarding 8.4-3 A. “Signs Permitted by Right”: some were carried over from the existing bylaw and some were revised and categorized by use. Lacy to Bressler’s question about allowing 24 square foot signs: the current bylaw limits signs to 30 square feet. DeChiara cites the Supreme Court case and the need for there to be consistency between types of signs. To Raymond’s question, Lacy reviews the permitted location of signs addressing the various types of roads in Shutesbury and notes that existing signs are grand-fathered. To Bonnar’s question, Lacy explains that only municipal signs may be located in the right-of-way which is town property. Bressler suggests that 8.4-5 “Nonconforming Signs” be located earlier in the document. DeChiara will move this section so that it is between 8.4-3. B and C. Bressler affirms that the most substantial change to the sign bylaw is related to signs on town property. Lacy: the revision is stricter regarding signs on town property and more liberal and more realistic for the sign infrastructure currently in town. DeChiara will make the corrections. Lacy moves the Planning Board approve the amended Section 8.4 Sign Regulations with the changes noted 3.9.20 and for DeChiara to prepare it as a warrant article for the required public hearing and annual town meeting; the motion is seconded by DeChiara and passes unanimously.
- b. Article V. Open Space Design: Lacy reviews the changes to Article V as noted in version 3.5.20 and approved during the 2.10.20 meeting. Bonnar notes that Section 5.3-4A.3b

needs to be corrected to read "*Fractional units shall be rounded down to the next whole number*" and Section 5.3-3C needs to be corrected to read "*whole project area*" as approved 2.10.20. Lacy: in general, the Open Space Design application process is tighter; Section 5.6-1 "Permanent Preservation of Open Space Land" is more lenient. DeChiara moves the Planning Board approve Section V. Open Space Design, as amended, and for Lacy to prepare it for the required public hearing and annual town meeting; Raymond seconds the motion that passes unanimously. Bressler notes that the revision to 5.1-1 "Purpose" reflects the Town's Master Plan. At 8:02pm, Lacy leaves the meeting.

- c. Section 8.10 Ground-Mounted Solar Electric Installations: DeChiara reviews the previously approved changes to Section 8.10. Bonnar, referring to Section 8.10-3 B., recommends an exception to the "*prohibition of commercial forestry*" that addresses the occurrence of a natural event that would require salvaging damaged timber. DeChiara will revise the language to reflect Bonnar's recommendation. Bressler, referring to Section 8.10-3 H., suggests strengthening "*restore*". DeChiara suggests adding "*to the satisfaction of the Shutesbury Highway Department and Select Board*" to the sentence ending in "*used for construction access*". DeChiara refers to the map, "Large Ground Mounted Solar Electric Installation Districts" depicting nine districts, and notes that one installation per district is allowed though applicants also need to comply with all other bylaw requirements. It is noted that Section 8.10-6 G. requires access driveways to be consistent with the rest of town. In Section 8.10-7 B.1, the sentence about "tree stocking" has been removed in order to be consistent with Section 8.10-3 B. Bressler relays a suggestion from Penny Jaques to replace the language in Section 8.10-7 D1. with wording that requires every applicant to submit an Abbreviated Notice of Resource Area Delineation (ANRAD). Members agree for DeChiara to make this revision. On behalf of Jaques, Bressler asks if enforcement of site maintenance is written into the bylaw; how does the Planning Board enforce if the primary applicant no longer leases the site. It is noted that the "6.7.16 Special Permit for the Wheelock Solar Project" requires the applicant to submit an annual report (Operation Condition #5). DeChiara reads *Town of Shutesbury Zoning Bylaw* Section 10.2 "Enforcement" into the record; this section states that the Building Inspector is the enforcing authority for the bylaw. Bressler suggests that Section 10.2 be referenced in the solar bylaw amendment. Bressler, noting that the applicant has violated the annual report requirement, suggests Bonnar contact Jeff Macel/Lodestar to request submittal of the required annual report. Raymond moves the Planning Board approve Section 8.10 Ground-Mounted Solar Electric Installations, as amended, and for Lacy to prepare it as a warrant article for the required public hearing and annual town meeting; DeChiara seconds the motion. Bonnar confirms that the Board has settled on the proposed changes. The motion passes unanimously.

Next steps: The public hearing date is set for 4.13.20; the final text for the proposed bylaw amendments must be received by the Town Clerk prior to the publication and mailing of the legal notice. Bonnar will prepare the public hearing legal notice for submittal to the newspaper by 3.24.20. DeChiara and Lacy will prepare the proposed amendments.

At 8:55pm, Bressler moves and Raymond seconds a motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. “Section 8.4 Sign Regulations” version 2.28.20
2. “Article V. Open Space Design” version 3.5.20
3. “Section 8.10 “Ground-Mounted Solar Electric Installations” version 3.4.20
4. 6.7.16 “Special Permit for the Wheelock Solar Project”
5. *Town of Shutesbury Zoning Bylaw*

Respectfully submitted,
Linda Avis Scott
Administrative Secretary