

Shutesbury Planning Board Meeting Minutes  
May 11, 2020 Virtual Meeting Platform

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

Planning Board members absent: Linda Rotondi and Jim Aaron

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Mark Wightman, Tony Wonseski/SVE Associates, Diane Jacoby and HenaSusha Schiffman

Bonnar calls the virtual meeting to order at 7:07pm.

Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Bonnar.

Public Comment: HenaSusha Schiffman is present to learn more about the work of the Planning Board.

Wightman Plans: Referring to the "Shutesbury Open Space Design Option 3.6.20" site plan for Mark Wightman's property, Tony Wosneski/SVE Associates explains that the 18.5-acre site was last surveyed in 2008 therefore the baseline information will need to be updated and that he and Wightman are seeking Planning Board guidance on the site plan and "Open Space Design Worksheet". Per Wosneski, the plan is for three single family homes clustered on the westerly side of the site with a 774' common driveway access off Leverett Road; the gravel surfaced driveway width will be sufficient for emergency vehicle access; the approximately 14.27-acre open space lot could be co-owned by the three lots or deeded to a third party. Wosneski continues: the parcel is within both the Town Center and Forest Conservation districts; the house lots will be 1.2 acres in size; the baseline update will include wetland delineation, test pits and soils evaluation. Wosneski to Lacy's question: there are deeded "paper rights" for access to the abutting property owned by Cowls. Wosneski to Bonnar's question: the language is not descriptive and the location is not defined; it will be mapped where it is least impactful to the wetlands. To DeChiara's question, Wosneski: the driveway access width is 49+ feet; the goal is to be environmentally friendly. Bonnar notes the need for a 15-foot setback between the edge of the driveway and the abutting property. Wosneski: the additional width will allow two vehicles to pass one another and room for emergency vehicle access; these details will be worked into a final plan. To Bressler's question, Wosneski: the site is a total of 18.5 acres, 3.9 are developable with remainder as open space. Wosneski to Raymond's question: the open space is mostly wetland resource area; a conservation restriction may allow certain activities; the access rights for Cowls will be maintained. Wosneski to DeChiara' question: there are areas other than wetlands in the open space acreage; the goal is to stay out of the 50' wetland buffer zone and for any hard impacts to be outside the 100' wetland buffer zone. Wosneski asks the Planning Board to email any additional questions; Wightman will be deciding whether to pursue an Open Space Design application. To Lacy's question, Wosneski: the site has a 6-7% slope running south to west; stormwater best management practices will be used to prevent discharge into the wetlands; the number of developable lots will depend upon the soil analyses. Lacy: more precision on the site plan and assessment of the developable land is needed; the installation of a common driveway requires a Planning Board special permit. Bonnar: given the input, the Open Space

Design Worksheet calculations look good; the wetland presence is significant. Wosneski confirms that a new wetland delineation will be completed. Wosneski and Wightman leave the meeting.

DeChiara moves and Raymond seconds a motion to approve the 3.9.20 meeting minutes. Roll call vote: DeChiara: aye, Raymond: aye, Lacy: aye, Bressler: aye, and Bonnar: aye; the 3.9.20 meeting minutes are approved as presented.

Special Permit Fees: Lacy's research indicates that there may be a way to increase filing fees for major projects, i.e. those with higher costs for publishing legal notices, abutter notification, and staff time; fees can be changed by Planning Board vote. Bonner: there will need to be a way to distinguish small versus large projects. DeChiara: there will need to be an objective measure. It is noted that the Assessors' office charges a fee, based on the number of abutters, to compile certified abutter lists. Bressler: the complexity of the project cannot be based on the number of abutters. Per Scott, the postage for abutter notification documents, two per special permit, is \$1.10 per abutter. Bonnar: the Building Inspector's fee is based on the complexity and cost of the proposed project. Lacy agrees to do further research to be presented during an upcoming Planning Board meeting.

Proposed Zoning Bylaw Amendments: Bonnar, given the uncertainty of plans for annual town meeting and the constraints of the COVID-19 emergency, suggests a virtual meeting on 6.1.20, when more is known, to schedule and plan for the Zoning Bylaw amendment public hearing. DeChiara concurs. Lacy: the tentative public hearing date will be 6.22.20. The Board plans to present the three proposed Zoning Bylaw amendments to the Select Board during their 5.26.20 meeting; it is anticipated that the Select Board will return the proposed amendments to the Planning Board on 5.26.20 who will meet on 6.1.20 to plan the 6.22.20 public hearing.

1. Article V: Open Space Design: Lacy reports that there have been no changes to the proposed amendments to Article V approved during the 3.9.20 meeting. Lacy suggests leaving the yellow highlights in order for readers to identify the changes. Bressler moves the Planning Board approve the proposed amendments to Article V: Open Space Design; DeChiara seconds the motion. Roll call vote: DeChiara: aye, Raymond: aye, Lacy: aye, Bressler: aye, and Bonnar: aye; the motion carries.
2. Section 8.4 Sign Regulations: DeChiara: the changes to the previously approved document reflect dimensional clarifications made by Town Counsel Donna MacNicol, i.e. the insertion of "combined" and "total combined" as highlighted in the document and the addition of the term "permitted" in "8.4-5 Sign Restrictions 2. Signs on Town Property".

DeChiara to Diane Jacoby's question: the existing sign bylaw has a lack of clarity in some of the detail and definitions; currently, the revision is more liberal in that it requires signs to be 5' back and signs currently in place are grandfathered; the revision clarifies and tightens the rules for signs on town property. Lacy: in order to erect a sign on other than the same lot as the premises, permission of the property owner must be obtained; many signs for small businesses are currently unlawful because they are in the right of way. Per Lacy, the new requirement is for signs to be 5' back from the edge of the road, they will still be in the right of way, however will be located out of the travel way.

DeChiara cites the U.S. Supreme Court decision requiring that temporary sign treatment be the same across usage. DeChiara to Jacoby's questions: the goal of the revision is to create more similarity for signs as a whole; to have a bylaw that is easier to read and understand; current signs will be grandfathered; the Building Inspector will enforce any new, non-compliant signs. Lacy: in general, the revision is more realistic for the type of signs in Town and it tightens the rules for signs on Town property and public land. Lacy moves the Planning Board approve the 5.8.20 version of Section 8.4 Sign Regulations; DeChiara seconds the motion. Roll call vote: DeChiara: aye, Lacy: aye, Bressler: aye, Raymond: aye, and Bonnar: aye; the motion carries.

3. Section 8.10 Ground-Mounted Solar Electric Installations: Lacy reviews the changes, in red, made to the proposed amendments to Section 8.10 subsequent to the 3.9.20 meeting and review by Town Counsel Donna MacNicol: Section 8.10-2 C. "special permit" added to restate the special permit requirement. Per Lacy, the addition of a requirement for the establishment of a wildflower meadow in Section 8.10-3 C. "Mitigation for Loss of Forest Habitat within the Installation" was requested by Raymond. Lacy to Bonnar's question: "perimeter" refers to the area between the array and the fence; the shade management area is distinct from the array and perimeter. Raymond asks that the developer comply with the "Pollinator-Friendly Certification Criteria for Massachusetts"; doing so would allow the Planning Board to ensure the proposed plan meet these criteria. Lacy: MacNicol recommended the wording highlighted in red. DeChiara suggests adding a bullet in 8.10-4 "Required Documents" to include "plans for pollinator-friendly vegetation establishment...". Lacy brings attention to the number of monitoring visits made by himself and Penny Jaques/Conservation Commissioner to observe the revegetation of the Wheelock solar site; forest soil characteristics make it extremely difficult to plant wildflowers; observing and monitoring is a tremendous amount of work. Lacy to Bressler's question: the Wheelock solar site special permit required the use of a wildflower seed mix; forest soils are acidic conducive to growing trees and mountain laurel. Raymond: research has shown that wildflowers have grown successfully on recently logged sites; these criteria will require the developer to address what inputs are necessary to grow wildflowers needed to support the health of wild bees. Raymond states his willingness and availability to assist with monitoring. Raymond to Bressler's question: based on the research, it will take 2-3 years to establish a wildflower meadow; the loss of 40 acres of forest could be turned into a pollinator oasis. Due to the difficulty in establishing a wildflower meadow, Bressler recommends using a groundcover compatible with forest soils. Lacy: a wildflower meadow will require churning up and amending the forest soils which is fundamentally at odds with keeping the forest soils intact to prevent erosion. DeChiara describes the changes to Section 8.10-3 H.: the addition of "and based on the Town's cost estimate to *fund* the paving and improvement of drainage...to meet the intent of this section as determined by the Planning Board". To Bressler's question, DeChiara suggests adding "in order to maintain the integrity and functionality of town roads" to the beginning of H. Raymond: hypothetically, if a direct abutter suffers hardship because the access route is right by their doorstep, is there the possibility of monetary compensation? Bressler: how would such a hardship be quantified? DeChiara, based on his experience as a Pratt Corner Road abutter to the Wheelock site: there are practical hardships, i.e. deterioration of the dirt road, heavy traffic during construction, and some deterioration of frontage. Raymond suggests

“because of excess hardship experienced during construction, as determined by the Planning Board, a certain sum will be paid to the abutter”. DeChiara: it is not a permanent hardship and would be difficult to quantify. Raymond: it would be for a period of temporary harm. DeChiara: there is a difference between a nuisance and devaluation of property. Bressler agrees with the difficulty in quantifying. Bonnar notes that logging and solar installations have some of the same disturbances. Raymond: this would not be required, however, it could be offered to an abutter suffering hardship. Bonnar recommends instituting a requirement that there be a plan for how the developer will limit impacts on abutters and residents on the road to be travelled. DeChiara supports Bonnar’s suggestion that sets expectations for “abutter hassle mitigation”. All agree to add “plans for avoiding and otherwise addressing construction and related impacts on abutting and area residents” to 8.10-4 “Required Documents”. In Section 8.10-8 A-1 “Removal Requirements”, Lacy notes that MacNicol’s change “or taken off line” is noted in red. DeChiara moves and Raymond seconds a motion for the Planning Board to approve Section 8.10 Ground-Mounted Solar Electric Installations as edited. Roll call vote: DeChiara: aye, Lacy: aye, Raymond: aye, Bressler: aye, and Bonnar: aye; the motion carries.

The Board considers preparations for presentation to the Select Board and public. For the ease of explanation, the changes to the solar and open space documents will be highlighted in yellow; it is agreed that because of the substantial changes to the language of the sign bylaw, there will be no highlighting. The plan to submit the three proposed amendments to the Select Board remains as stated earlier in the meeting.

Jacoby notes that because the Xerces Society helps with beneficial insect habitat, the website [www.xerces.org](http://www.xerces.org) may be helpful to the Planning Board.

At 9:07pm, Lacy moves and Raymond seconds motion to adjourn the meeting. Roll call vote: DeChiara: aye, Lacy: aye, Raymond: aye, Bressler: aye, and Bonnar: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. 5.11.20 email from Tony Wosneski/SVE: “Conceptual 3 lot plan Wightman Property” with attachments “Shutesbury Open Space Design Option 3.6.20” and “Open Space Design Worksheet”
2. Revised Article V: Open Space Design, Version 3.13.20 with 5.1.20 changes
3. Proposed Amended Section 8.4 Sign Regulations, Version 5.8.20
4. Proposed Amendments to Section 8.10 Ground-Mounted Solar Electric Installations with 5.4.20 edits
5. “Pollinator-Friendly Certification Criteria for Massachusetts 2019/2020” by UMass Amherst Clean Energy Extension

Respectfully submitted,  
Linda Avis Scott  
Land Use Clerk