

Shutesbury Planning Board Meeting Minutes
November 9, 2020 Virtual Meeting Platform

Planning Board members present: Deacon Bonnar/Chair, Michael DeChiara, Robert Raymond, Linda Rotondi, Jeff Lacy, Steve Bressler, and Nathan Murphy
Staff present: Tessa Dowling/Land Use Clerk

Guests: Mary Lou Conca, Janice Stone, Miriam DeFant, Henry Geddes

Bonnar calls the meeting to order at 7:03pm.

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

Capital Budget

Dowling reads the letter to Committees concerning the budget request for fiscal year 2022 and asks if the Planning Board has any Capital Budget requests. Members do not think there were any capital budget requests submitted last year.

The question is raised whether money needs to be put aside to pay for advice from town counsel, Donna MacNicol. Per Bonnar, legal fees and paying for the town counsel's time is not paid out of the Planning Board budget.

The budget discussion will be continued to the next meeting.

Minutes

1. At 7:11pm, DeChiara moves and Raymond seconds a motion to approve the 9.14.20 meeting minutes. Roll call vote: Lacy: aye, DeChiara: aye, Rotondi: aye, Bressler: aye, and Bonnar: aye; Raymond and Murphy recused as they did not attend the meeting; the motion carries.
2. DeChiara has questions and edits concerning the 10.19.20 meeting minutes. His last name "DeChiara" is misspelled and he would like more clarification on the agenda items. Per Bonnar, the minutes need to be understood by someone who did not attend the meeting. Suggestion to send edits to Dowling via e-mail. Bonnar will put the October minutes on the next agenda.

CPTC workshops

The workshops are attended and taught by people from a variety of occupations, including building inspectors, planners, and lawyers. The workshops were generally held at the College of the Holy Cross, but right now they are on-line. Workshop costs can be covered by the expense budget, but not travel expenses.

Lacy highly recommends attending the workshops.

Discuss Historical Commission and special permits

At 7:26pm, Bonnar opens the discussion with the Historical Commission. Henry Geddes and Miriam DeFant attended the discuss as members of the Historic Commission.

The Historical Commission is interested in increasing the collaboration with the Planning Board. Town zoning bylaw on Special Permits section 9.3-2B Specific Finding #2 refers to the need to protect the historic resources in the Town when considering Special Permit applications. The Historical Commission requests earlier notice on projects so there is time to conduct research,

based on documents, deeds, narratives and outreach to groups such as the Nolumbeka Project. Research findings would be submitted in a report to the Planning Board. Geddes and DeFant mention examples of Native presence on the landscape. Some recorders are obtained confidentially.

Per Murphy, the Attorney General has cautioned the town that they should not prevent solar protections without due reason. This could cause issues if historic sites had to remain confidential. Per Geddes, there are ways to share concerns without specifying where the issues for development are located.

The Board supports the collaboration and recognizes that the Planning Board has asked for input from other town committees, such as the Board of Health or the Conservation Commission.

Education and Guidance for Landowners

Per Lacy, I have been talking to someone over the phone on Cooleyville Rd but they are not here tonight. There is no guarantee they will attend a meeting as they may lose interest in a project when they learn more about the cost and time commitment that is required for permitting.

Who gets development inquiries?

Per DeChiara emails go to Planning Board email and not everyone gets those emails.

All Board members express an interest to have the planning board emails forwarded to their email.

DeChiara Disclosure

In 2015, Cowls Company issued a trespass order against DeChiara. Town Counsel has determined that since the order was issued before he became a board member it trumps his current Planning Board member status. DeChiara has sent an ethics commission disclosure form to the Town Clerk and Bonnar. He does not need to recuse himself from Cowls projects but cannot go on site visits. Lacy suggest writing a letter to Cowls requesting an exemption for Planning Board site visits. DeChiara will draft the letter for next meeting.

Bonnar Abutter to Possible Leverett Road Solar Site

Bonnar was sent an abutter notice for the ANRAD for Leverett Rd at lot ZF-15, however, he is more than a mile from the site and landowners are only considered ANRAD abutters if they are 300ft from an applicate's property. Per Lacy, if a real estate appraiser shows that you do not have a financial interest in the project you might not need to be recused. Bonnar will follow-up on whether or not he qualifies as an abutter.

Associate Members

Board members suggest amending the town bylaws to include a bylaw concerning associate members to ensure that the Board will still have a quorum even when members have to recuse themselves. DeChiara will research the associate member bylaws of other towns.

Municipal Vulnerability Preparedness

Per DeChiara, the Fuss O'Neill report ranks projects as high, medium, and low priority projects for Shutesbury.

High priorities relevant to the Planning Board included:

- I. Update Master Plan for Climate Change

- II. Review bylaws in light of a possible increase in flood risk and stormwater, consider the areas covered by impervious surfaces
- III. Assess green infrastructure and low impact development.
- IV. Focus on town regulations around Lake Wyola
- V. Assess access to grocery stores.
- VI. Support investments in self-sufficiency, possibly offer incentives

The discussion of these priorities will continue to another meeting.

Unanticipated business

1) Cowls Projects

Bonnar asks how far along are the ANRADs submitted by Cowls in the Conservation Commission permitting process.

Per Dowling, there are six ANRADs (Abbreviated Notice of resource Area Delineation) in front of the Commission at various stages of the process. Two of the ANRADs are new and their hearings will be opened at the November 12, 2020 meeting. The ANRAD for Pratt Corner Rd Parcel ZG-2 continued hearing has gone through the peer-review process and the revised wetland delineation maps and the peer-review comments will be reviewed by the Conservation Commission also at the November meeting.

The Board discusses hiring a project manager, at the applicant's expense, under Mass General Law Ch. 40 section 53G and the town bylaw 9.6, if Cowls submits four or five projects at the same time. Town Counsel can clarify who the Board could hire to assist with multiple projects. The Board should consider starting the search for who they could hire as a project manager. The project manager's experience should include working on solar projects and coordinating multiple projects within specific deadlines. Bob Mitchell from Boston might be a possibility. Also, it might be possible to add more Land Use Clerk hours for the projects.

Bressler raises the possibility of raising the Special Permit fee to \$1000. Bonnar recommends looking at the fee set by other towns. From a quick look on-line Bressler saw a residential fee cap of \$500 and a commercial cap of \$1000.

Members cite the importance in sharing communication between boards on solar projects. It is pointed out that emailed attachments can get lost. Google Drive might be useful, although no discussion can take place outside of public meetings.

2) Ayers Hall ANR

Hard copies of the ANR plans have not been received yet. Lacy supports the approval of the plans if the hard copies show the same plan as was submitted by e-mail. Bonnar will compare the hard copy plan to the email version and can sign the plans on behalf of the Planning Board if the Board votes to authorize him. The vote would be certified by the town clerk and registered with the Franklin County Registry of Deeds.

At 9:04pm, DeChiara makes a motion under the provisions of GL Ch. 41 Section 81P (ANR plans) and 81X (subdivision plans) to authorize Deacon Bonnar to endorse plans

on behalf of the Board. The motion is seconded by Bressler. Roll Call Vote: DeChiara: aye, Rotondi: aye, Lacy: aye, Raymond: aye, Murphy: aye, Bressler: aye, and Bonnar; the motion carries.

At 9:06pm, Lacy moves and DeChiara seconds a motion to approve the end the meeting. Roll Call Vote: DeChiara: aye, Rotondi: aye, Lacy: aye, Raymond: aye, Murphy: aye, Bressler: aye, and Bonnar; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk