

Shutesbury Planning Board Meeting Minutes
January 11, 2021 Virtual Meeting Platform

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

Guests: Henry Geddes, Miriam DeFant, Kevin Rudden, and Janice Stone

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.

Public Comment

At 7:04pm, per DeFant, the Historical Commission is interested in purchasing a license for ArcGIS and wants to know if other Boards are interested in purchasing a joint ArcGIS license. Per Rudden, the Board of Assessors have a single use ArcGIS license and were able to get a deal where the first year was free and subsequent years will be between \$200-\$300. The plan is to use ArcGIS to create maps that show town trends, such as house sales. There may be a possibility to buy a multi-user license when the license is renewed.

Board members suggest reaching out to the Franklin Regional Council of Government (FRCOG), especially Peggy Sloan, to see if there is support for Shutesbury to get a multi-user ArcGIS license.

Assessors' Request to Revise Solar Areas

Rudden raises assessor concerns with the solar array zoning districts outlined in the zoning bylaw. District 6 is primarily state (Department of Conservation and Recreation) owned land and portions of districts 5 and 9 are also owned by the state. He recommends that district 6 be removed as a solar district so that any solar projects that are built in Shutesbury are built on town land where the payments-in-lieu-of taxes (PILOT) money goes to the town and not the state. The Wheelock solar development so far has led to lower town taxes (96 cents per dollar now versus 98 cents per dollar before).

Per Lacy, the Department of Conservation and Recreation (DCR) pays PILOT money to the town and if a solar project was built on their land the value of the land might increase which could increase the PILOT money.

Per Rudden, DCR sets a statewide per acre PILOT price on their land, which is often less than a third of the assessed value of the land. The PILOT money would be unlikely to increase if the land had solar developments.

Lacy and DeChiara raise concerns that 1) removing a zoning district might be seen as unreasonably limiting solar development and the removal might not be upheld by the state or the Land Courts, and 2) proposing changes to the solar bylaw at town meeting when five special permit solar projects are expected to be brought in front of the Planning Board this year would not be a good idea.

Rudden does not want the Board to forget the Board of Assessor's district concern but is fine with waiting before bringing the proposal to town meeting.

Rudden will share with the Board a new Bond Bill (H5250) that changes the requirement for a two-thirds vote to a majority vote for some zoning votes.

Minutes

Minutes from three meetings (10.19.20, 11.09.20, and 12.14.20) were on the agenda for review.

At 7:34pm, DeChiara moves and Murphy seconds a motion to approve the revised 10.19.20 minutes with the following edit:

-On page 4, the last sentence of paragraph 3 should read “Preliminary solar plans were denied due to missing information and noncompliance with state statutes and town subdivision bylaws.”

Roll call vote: DeChiara: aye, Murphy: aye, Lacy: aye, Rotondi: aye, Raymond: aye, and Bonnar: aye; the motion carries.

At 7:37pm, DeChiara moves and Raymond seconds a motion to approve the revised 11.09.20 minutes with the following edits:

-On page 2, “I do” should be “he does” and “member” should be “members”

-On page 3 the spelling of “abbreviated” needs to be corrected.

Roll call vote: DeChiara: aye, Murphy: aye, Lacy: aye, Rotondi: aye, Raymond: aye, and Bonnar: aye; the motion carries.

At 7:39pm, DeChiara moves and Raymond seconds a motion to approve the 12.14.20 minutes with the following edits:

-On page 3 “associated” was missing a “d” and “consultants” was misspelled.

Roll call vote: DeChiara: aye, Murphy: aye, Lacy: aye, Rotondi: aye, Raymond: aye, and Bonnar: aye; the motion carries.

Board members approve of using the summary format for future minutes. The Board requests that files and correspondence discussed in the meeting are mentioned clearly in the minutes.

Associate Members Proposal

On December 31, 2020, DeChiara submitted to the Board via email two versions of a draft associate member town bylaw. On January 11, 2021, DeChiara submitted a third option for how an associate member would be selected to the Board via email.

At 7:44pm, the Board discussed three aspects of the drafted bylaw: how an associate member would be selected, the term for an associate member, and how an associate member would participate in a meeting.

DeChiara asked the Select board and they are interested in jointly appointing associate members with the Planning Board. The Board discussed providing the Select board with recommendations for associate members and jointly appointing an associate member for a three-year term. After the first term the Planning Board could independently extend the associate for another three years, but a second extension would be conducted jointly with the Select Board. The Planning Board could also set a time limit for the Select Board to organize the initial joint meeting. If the deadline passed the Planning Board would appoint a member independently. If there were more associate member applicants than vacancies than the Planning Board would winnow down the choices. The Chair could initiate a vote to remove an associate member.

In regards to the participation of an associate member, the Board discussed having the Chair designate when an associate member will participate as a full member at public meeting and explain the purpose and time period of the participation. When not participating as full members, associate members could contribute to deliberations with Chair approval although they could not vote.

Associate members cannot be used to fill the balance of a term of a full member if a full member resigns mid-term.

Per Bonnar, section 9-3B of the town zoning bylaw, regarding Planning Board associate members, needs to be taken into account when creating a bylaw amendment.

DeChiara will incorporate Board comments into a new draft of the associate member bylaw.

Response to Questions on Open Space and Recreation Plan

On December 22, 2020, Tamsin Flanders, from FRCOG, sent an email to the Planning Board requesting answers regarding updating the Shutesbury Open Space and Recreation Plan.

At 8:36pm, Dowling screen-shares the email.

Question 2 referred to the 2004 build out analysis. The Board expressed reservations about the use of the build out analysis as it is based on many assumptions and is often predicts a higher amount of development than is reasonable.

Per DeChiara, question 4 regarding the Pratt Corner Rd junkyard is straightforward and question 3 is untenable as there are no solar projects under review by the Planning Board currently.

Question 1 regarding town sewer and water limits could be discussed.

Bonnar will draft replies to the questions that can be reviewed by the Board at a future meeting.

Relationship with Historical Commission

At 8:44pm, the Board discusses how the Historical Commission will work with the Planning Board. DeFant and Geddes provide an update on Historical Commission activities. The Commission has reached out to possible Native consultants (anthropologists, Nolembeka Project, Tribal authorities) who could conduct field work and map historic features in town. ArcGIS would be helpful with this process. After mapping process was complete creating a project report could be written fairly quickly. It would be helpful to have data files that show the boundaries of the property to help locate a project.

Data files are not required by town bylaw as part of application materials, but the Board could ask for this information from an applicant.

Board members suggest the Commission create a packet of information to explain what parameters or historic write-up they would want an applicant to provide. A historic consultant could be hired at the applicant's expense.

Amp Energy Meeting

On December 16, 2020 Select Board members and members of some town boards met with Amp Energy representatives. Bonnar was invited but did not attend because he did not feel comfortable attending a meeting that was not held publically.

Per DeChiara, Amp Energy is asking for a letter of support for the solar project from the town by March.

Per Dowling, the Select Board will be submitting a summary of the meeting to the public.

Dowling and DeFant explained that only wetland mapping permits (ANRADs) are in front of the Conservation Commission at this time on Cows properties.

Electronic Special Permit Filing

Dowling would like to ask applicants for electronic copies of special permit application files that could be placed on the Planning Board town webpage. The Conservation Commission and the Zoning Board of Appeals ask for electronic versions of applications and post them on their webpages.

Board members recommend changing the Special Permit form to reflect a requirement for an electronic copy.

Per Lacy, the Board could open a hearing with an incomplete application but could deny the permit if the applicant did not submit the hard copies and the electronic copy.

At 9:25pm, DeChiara moves and Lacy seconds a motion to add language to the Special Permit application form that states, "The Planning Board shall require an electronic copy of any Special Permit and additional materials to be submitted to the Town Clerk". Roll Call Vote: DeChiara: aye, Lacy: aye, Murphy: aye, Rotondi: aye, Raymond: aye, and Bonnar; the motion carries.

At 9:27pm, Lacy moves and DeChiara seconds a motion to approve the end the meeting. Roll Call Vote: DeChiara: aye, Lacy: aye, Murphy: aye, Rotondi: aye, Raymond: aye, and Bonnar; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk