

**Planning Board Meeting  
Minutes of December 13, 2021  
Virtual Meeting Platform**

Present: Members - Deacon Bonner, Steven Bressler, , Jeff Lacy, Nathan Murphy, Michael DeChiara, Robert Raymond. Associate Members- Jake Messier, Ashleigh Pyecroft  
Absent: Linda Rotondi  
Guests: Leslie Bracebridge, Miriam DeFant, Penny Jaques, Don Wakoluk

Deacon called the meeting to order at 7:05 pm and read the Governor's announcement regarding virtual meetings. The agenda was reviewed.

**Welcome to Associate members**

Deacon welcomed Jake Messier and Ashleigh Pyecroft as the newly appointed Associate Members. Board members welcomed Jake and Ashleigh and clarified the expectations for their participation.

**Public comment**

No comments were made

**Wheelock site visit review**

Board discussed correspondence received from Tim Garcia, representative of Nextera regarding requested repair work at the Wheelock Tract. Nextera indicated that it already made repairs to the road, regrading as requested but it indicated that work on the ditches alongside the road and to the retention basin would be done after the winter due to safety concerns. The board instructed Jeff to communicate that its preference for the work to be completed around May 2022. The board confirmed that the repair work would be on existing infrastructure, not in new areas.

The board discussed the possibility of a site visit following the road repairs. Jeff will inquire with Nextera about possible times. Jeff will also ask, on behalf of the ConComm, whether the silt fences were removed from the area outside of the metal fencing near Reed Road.

**Lauenstein query re apartments**

No one showed up. Topic not discussed.

**Open Space Plan (OSP) – Planning Board Input**

Penny Jaques presented on the Open Space Plan that has been developed for Shutesbury. She and Gail Fleischaker have been working with FRCOG staff to update Shutesbury's plan; the previous version expired in 2019. Penny explained that it is advantageous to have an OSP for two reasons: first it is good practice to get a current sense of residents' interests regarding open space and recreation and it also makes the town eligible for a variety of state grants. The draft plan is 180 pages long and is posted on the town website. The plan spans a period of 7 years.

The purpose of the meeting is to get buy-in from committees with responsibilities regarding actions identified in the plan. The Planning Board is responsible in full or in part for four objectives (each with sub actions).

- A.1 Prioritize the protection of lands that contain and support the function of natural, recreational, and cultural resources in Shutesbury.
  - Jeff suggested adding scenic as an additional function
  - The Planning Board agreed that it could be responsible, in part, for this objective and its associated actions
  
- A.2 Use Shutesbury's land use regulations to increase protection of valued natural and cultural resources, and to support climate change mitigation and adaptation strategies.
  - There was discussion about the lack of a clear process for notifying town bodies when properties come out of Chapter 61. There was agreement that there is currently no timely process in place; the reason for this was not clear and could have multiple reasons. More research is required. Robert will share guidance from Wenham, MA.
  - Jeff suggested adding a review of zoning bylaws, in addition to a review of the general town bylaws.
  - There was discussion regarding issues of development at Lake Wyola, and in particular stormwater management - impervious surfaces and discharges into the lake.
  - The Planning Board agreed that it could be responsible, in part, for this objective and its associated actions
  
- A.6 Protect scenic and historic landscapes and structures.
  - Jeff suggested expanding the definition of scenic to include protecting long, undeveloped road segments (approx. 1000 feet). Miriam stated that the Historical Commission is also looking at the definition of scenic to include things like stone walls. Penny indicated that the most iconic roadway in town is the "S Curves". Michael suggested that an overlay district may not be the best approach to achieving this.
  - The Planning Board agreed that it could be responsible, in part, for this objective and its associated actions
  
- C.3 Improve pedestrian access and safety.
  - Ashleigh supported looking at the promotion of bike access as well as pedestrian. Access. Michael pointed out that the Complete Streets policy approved by the Select Board enables the town to apply for grants to implement bike and pedestrian oriented projects.
  - There was general support for a walking path through the wood from the elementary school to a potential library on Lot O32.
  - Planning Board agreed that it could be responsible, in part, for this objective and its associated actions

### **Follow-up regarding SJC Solar Case and Associate Member Reconsideration**

Jeff reported that he had separate discussions with Bob Ritchie and town counsel, Donna McNicol, regarding an Amicus brief to the SJC regarding the Tracer Lane, solar case and following up about a possible appeal of the Attorney General Office interpretation of town meeting approved version of the Associate Member bylaw.

Amicus brief: Donna said she would not do this for the town of Shutesbury because it would take too much time given the documentation requirements for such a filing. Donna did indicate that the Mass. Municipal Lawyers Association is considering filing an amicus brief. Jeff was asked by the board to follow-up to find out if Shutesbury could sign onto the MMLA amicus.

Associate Member bylaw: Both Donna and Bob agreed that the AG's more narrow interpretation of what associate members could do was incorrect; they agreed with the scope of the original bylaw. Donna suggested that the best way to proceed is for the town to ask its legislators to submit specific legislation allowing associate member of Planning Boards to have the same broad powers given in statute to **alternate** members for all Zoning Boards of Appeals. Jeff also reported that he had the opportunity during a webinar to ask Margaret Hurley, who wrote the decision for the AGO, what a town should do if it disagreed with an AG decision. Her response was that "you can take us to court". Jeff interpreted this to mean that re-submitting the original bylaw to town meeting and then to the AGO did not seem like a productive pathway.

Michael and Jeff will attend a Select Board to notify them about the Planning Board's interest in pursuing legislation regarding the associate member issue.

### **Cell tower update**

Jeff reported on the status of the Vertex Tower development on Wendell Road and asked if the Planning Board wants to do a site visit to follow-up on conditions. Steve and Jeff reported that the driveway and the concrete pads are already installed. It was unclear that a building permit had been issued (issuance of a building permit in early December, following the beginning of construction, was confirmed by Penny Jaques later in the meeting).

*- Jeff and Robert both left the meeting at 8:35pm-*

### **Municipal Vulnerability Preparedness**

Michael reported that the state recently opened up a new round of grants for Municipal Vulnerability Preparedness (MVP) Action grants which would fund implementation of MVP projects. The preferred deadline for an Expression of Interest is Jan. 21. The Select Board has asked for input on what committee priorities are based on the high priority items identified in the Shutesbury MVP report from August 2020. He reviewed the high priority items that would involve the Planning Board.

The board identified the following priority as the one to recommend to the Select Board:

**Assess green infrastructure opportunities for stormwater management** to develop a list of specific priorities, assess feasibility and cost, rank priority projects in terms of climate resilience potential, and develop concept designs for key projects. Review Town regulations and update as necessary to support green infrastructure and low-impact development and encourage green infrastructure to be incorporated into all roadway projects. Focus on known problem areas for stormwater runoff, including Locks Pond Road and the Lake Wyola area. Assess opportunities to reduce runoff from private driveway to roadways, such as encouraging Green Infrastructure practices at private residences. Encourage stormwater harvesting and reuse practices on private and Town-owned properties.

The board suggested that the concept of “Green Infrastructure” be presented as an umbrella that could include other priorities including, a focus on stormwater regulations and the promotion of residents’ self-sufficiency that includes not only energy storage and generation but also agriculture.

### **Minutes**

Sept 13, 2021 minutes.

Michael moved, Steve seconded. Michael – aye, Deacon – aye, Steve – aye, Nathan – aye. Approved.

October 4, 2021 minutes

Michael moved, Steve seconded. Michael – aye, Deacon – aye, Steve – aye, Nathan – aye. Approved.

October 12, 2021- joint meeting with Select Board.

Michael moved, Steve seconded. Michael – aye, Deacon – aye, Steve – aye, Nathan – aye. Approved.

### **Battery bylaw**

Michael wrote up a draft of a battery bylaw but forgot to distribute to the Planning Board. This would be a standalone battery bylaw regardless of the generation source. The PVPC Solar Guide recommends a battery policy. In addition, all SMART projects will need to have batteries to be approved, so having a battery bylaw in place would be prudent.

### **Land Clerk**

Deacon reported that a second person has been interviewed for the Land Clerk position and references were being checked. Michael suggested that if this person was not hired, the Planning Board might want to consider hiring someone just to take minutes for the interim until a Land Clerk is hired.

### **Unanticipated business**

Steve moved to adjourn. Nathan seconded. Michael – aye, Deacon – aye, Steve – aye, Nathan – aye. Approved. Meeting adjourned at 9:05 pm.

*Respectfully submitted by Michael DeChiara*