

## Planning Board Meeting 1/10/22

PB Members present

Deacon Bonnar , Michael DeChiara, Steve Bressler, Jeff Lacy, Linda Rotondi, Nathan Murphy, Robert Raymond. Associate Members Ashleigh Pyecroft & Jake Messier

ZBA Members present

Chuck DiMare, Herbert Gilmore, Jeff Lacy

Others present: Bob Blanchette

Andrew Korza. Family owns property on Carver Road for 30 years. Marketed and sold as building lot of 1.45 acres. Paid taxes for the first several years on property as a building lot. But Lawyers of abutters determined Carver was not a public road and that the lot was not buildable. After the legal challenge, taxes were paid on the property as a woodlot. Andrew and his brother Mike want know what they need to do to turn it back into a buildable lot.

Michael shares screen of the lot in question on a town map.

Miriam noted that the lot may have limitations due to wetlands.

Jeff suggests that Andrew ask the building inspector to assess in light of the Chapter 40A 4<sup>th</sup> paragraph section 6 of the state zoning act. If they get no satisfaction from the building inspector then come back to the PB to see what we might be able to do.

Deacon introduced Carey Marshall the newly hired land use clerk.,

Michael moves to approve minutes of 10/18/21 joint meeting of Zoning Board. Robert 2nds motion. Discussion: Michael notes a few typos of people's names and a few other changes. Voted on and unanimously approved.

Michael moves to approve minutes of 12/13/21. Robert 2nds motion. Deacon suggests on page 3, 3<sup>rd</sup> paragraph should read "alternate" instead of "all "members. Michael notes a few typos of people's names and a few other changes. Voted on and unanimously approved.

7:30 Chuck DiMare of ZBA opens the ZBA meeting with a quorum.

Joint PB and ZBA meeting starts with a report by Jeff Lacy about results of research on lakefront development and zoning in other communities in MA similar to Lake Wyola. Jeff reports that there was no general agreement from his research. He suggests that he will send the question about zoning in lakefront communities to MA Municipal Lawyer Assoc.

Discussion about some of the responses from town planners Jeff got from his question. Jeff asks for suggestions for any differences to the wording of his question prior to sending it out to the MA Municipal Lawyer Assoc. Chuck asks for some specific changes.

1

Chuck: What can a zoning bylaw do to protect lakefront views? Jeff notes that he will ask Bob Ritchie for some assistance on how to frame his question.

Chuck and Jeff continue to disagree about raising height structures on non-conforming lots at the lake. Chuck and Jeff continue to disagree about raising height structures on non-conforming lots at the lake. Chuck and Jeff still continue to disagree about raising height

structures on non-conforming lots at the lake.

Michael talks about making changes to the zoning bylaw of Section 6.3 - 6.1-3 *Extension of Alteration A. By Right and B. By Special Permit* to make it clearer. He reorganized the bylaw and, as well, proposed 4 changes.

1. Knock down rebuild
2. Change "substantial" to "significant"
3. Define neighborhood
4. Define detriment

Chuck notes #2 cannot be changed to "significant" since "substantial" is in the state statute. Lacy agrees.

Chuck reads the case law definition of neighborhood. Much discussion about proposed substantive changes to by-law. Michael asks for at least clarification changes in bylaw. Nathan maintains that it's not worth the time and effort involved to bring it to town meeting just to clarify the zoning bylaw. Herb Gilmore argues for making the clarification changes Michael was suggesting and feels that it's a good start.

Chuck reiterates his interpretation of the zoning bylaw that if there are no changes in the footprint you should be able to build to the height of zoning bylaw (28ft.) by right instead of a special permit. Chuck and Jeff still, after much more discussion, continue to disagree about raising height structures on non-conforming lots at the lake.

Deacon makes some suggestions to Michael's version of the by law he's trying to clarify. Discussion about whether to move forward on clarifying the bylaw or adding substantive changes. Herb asks that we at least move forward with Michael's clarification. Chuck agrees that we should reorganize the bylaw to clarify it without making substantive changes.

Michael-Donna MacNichols needs to review clarification for accuracy before sending it on to the select board.

Anna Mancebo, home owner on Lake Drive, comments on "knock down and rebuild" feels the language of the existing bylaw is clear enough. Feels it's important to have input from others at Lake Wyola, but advocates leaving the bylaw alone. Meaghen Mikolajczuk talks about interpretation in current bylaw.

It's generally agreed between ZBA and PB to just reorganize the bylaw without making substantive changes. Jeff Lacy makes a motion to move forward with the clarification. Robert Raymond 2nds. Voted on and unanimously approved.

Deacon asks about an amendment to move forward with expanding the number of members on the ZBA. PB has to hold a public meeting on the issue but first we need language for the amendment.

ZBA adjourns meeting.

#### **Wheelock Site Visit - Report by Jeff Lacy**

Not a great time for a site visit due to time of year. Annual report is being written and will be submitted on time. Jeff mentioned that the PB would be interested in a site visit after the snow is gone and when the basin is being improved. Site visit will be held in April or May with Joel Walker.

### **Sign Bylaw**

Michael noted two format errors in Section 8.4-3 municipal signs. Two paragraphs should have been 1 there are 2-1/2 pages that were unintentionally bold. These have been corrected by Town Clerk and reposted on the Shutesbury website.

### **Annual Report**

Michael sent out the annual PB report which was due on December 31. Jeff made a motion to approve the annual report and Nathan 2<sup>nds</sup> the motion. No discussion. Voted on and unanimously approved.

### **Chapter 61**

Need to establish a process for notification when a property is taken out of Chapter 61. Robert found language about the notification process from Wenham. PB will read the language and discuss establishing a procedure at the next PB meeting.

### **Battery Bylaw**

Any solar project in the state is requiring battery storage. Revised bylaw changes name from "battery" to "energy storage". Michael sent along a bylaw for PB members to review and begin the process of developing an energy storage bylaw.

### **Amicus Brief**

Jeff: MA Municipal Lawyers Assoc. will not write an Amicus brief on Solar Bylaws. Michael: Law Center at Clark University also decided not to pursue it. Jeff: Mass Audubon may be working with some lawyers who are writing an Amicus brief. Jeff and Michael will follow-up with Mass Audubon to see about signing on to their Amicus brief. Wendell has already signed on.

Jeff made a motion to adjourn. 2<sup>nd</sup> by Michael. Voted on and unanimously approved.