

Shutesbury Planning Board Minutes

DRAFT Minutes – 07.18.2022

(Approved-08.17.2022)

Virtual Meeting

Meeting Start: 7:00pm

Members Present: Deacon Bonnar, Michael DeChiara, Jeff Lacy, Nathan Murphy, Robert Raymond, Jeff Weston

Members Absent: Steven Bressler

Associate Members: None

Associate Members Absent: Ashleigh Pyecroft, Jake Messier

Other Present: Tom Reidy, Troy Tanzer, Miriam DeFant, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

Public comment

None

Cowls ANR - Leverett Road, ZH12

Bonnar: Tom Reidy, an attorney representing W.D. Cowls, is in attendance to present to the PB regarding the ANR project submitted in December 2021. Reidy: The ANR is a 41 acre parcel that includes Lot 1 on the left side (8.8809 ± acres) that is to be conveyed to the inhabitants to the town of Shutesbury – it has about 72ft of frontage on Leverett Rd and the remaining area in the back (32.8746 ± acres) that will remain with Cowls. There is a proposed 75ft X 100ft (7500 sqft) easement area that is for Cowls' logging use; there is proposed 20ft right-of-way that is over Lot 1 leading to the remaining Cowls area in the back – to be used by Cowls as an access road for the logging area within the labeled remaining area. There is also a Highway Department shed on the abutting lot that encroaches onto Lot 1 currently.

Bonnar: This land swap has been in the works for a long time and required special legislation to enable this land conveyance to occur. What Cowls is looking to do is, since they own this entire parcel, is to divide the parcel, retain the back land, and convey Lot 1 to the town. For the conveyance to occur, they need to have the ANR signed off on as he has discussed with Donna MacNicol, Town Counsel. Lacy: this parcel is currently one piece - with one book and page number? Reidy confirms correct. Lacy: the only thing that is occurring is the dividing of the remaining area in the back which is that one property line? Reidy confirms correct. Lacy: one aspect of Shutesbury's zoning that would affect the right-of-way is that there is a 15ft property line offset for driveways - PB would have to determine if this a is a driveway because usually there is something at the end of driveway such as a building or structure. Reidy: the intent here is to reserve the right to get back to the timber land. Lacy: the driveway would come into play if something were constructed there.

DeChiara: the crosshatching represents wetlands? During a discussion last week, the Conservation Commission Chair, Miriam DeFant, pointed out that there is a question of whether there are wetlands present in that area. Reidy: no, that area represents the main easement area, connecting it to the Landing Easement Detail illustration above and the Barring Table all the way to the right. DeChiara: it is my understanding that there are two motivations for the town wanting Lot 1: the first being the encroaching Highway Department shed and the second that the town is also interested in putting in a well in this area due to contamination of an abutter's well, correct? Reidy confirms DeChiara's understanding as correct and states the contaminated well water issue has been resolved in another manner but having a backup if a well needed to be installed is a good idea.

DeFant: the crosshatched area has been reviewed by the Conservation Commission (SCC), last summer because the Highway Department applied for a permit around that area. SCC delineated a wetland within that hatched area. On the DEP maps there is a stream crossing and a large wetland in that area. DCR allows forest roads for forestry practices even if wetlands are present but Miriam is not sure how it works in terms of the town's agreement – is part of the agreement that it would be for a forest cutting plan? If it were going to be a permanent road then it would require a Notice of Intent (NOI) because paved roads are not exempt but if it is a temporary forest road then it is exempt. Reidy: if it requires an approval then we will get an approval. He believes the limit of agreement with the town was for Cowls' use for timber land. DeFant: she is wondering that if the language used in the agreement clarifies that it needs to be a temporary road and stream crossing. Reidy: he doesn't believe it is permanent but he will check with Cowl's Shane and town counsel MacNicol.

DeChiara: in the planning handbook, one thing in an ANR process is that a Planning Board can require Subdivision plans rather than ANR on account of wetlands. Lacy: ANRs can be denied in certain situations; the mere presence of wetlands is not sufficient. If the wetland along the frontage prevents access that would be the basis of a denial. DeChiara: reads '...if the wetland prohibits the safe access from the way or to the buildable portions of the lot' but it doesn't sound like were discussing buildable portions and Lacy's clarification helped. Reidy shares the Mass DEP Wetlands Map with the PB to review. Reidy: it appears there are wetlands near but not where the easement is proposed. There is also a 'break' or road running through wetlands further back into/ closer to the middle of Lot 1. Weston: does Cowls have to state why they want to have this road? Reidy: as part as the ANR process no, he doesn't believe so – they reserve the right to pass on the plan. Weston: who maintains the road and plows it? Will it be private? Reidy: yes it would be private and Cowls would maintain it but it they cannot restrict it because it is conveyed to the town (public land). **DeChiara moves to approve ANR for land on Leverett Rd that is owned by Cowls to be divided into Lot 1 and Lot 2, Lacy seconds. Vote: DeChiara- Aye, Lacy- Aye, Murphy-Aye, Raymond- Aye, Bressler-Aye, and Bonnar-Aye. So moves.**

Motion to Adjourn: DeChiara moves to adjourn, Murphy seconds. Vote: DeChiara- Aye, Lacy- Aye, Murphy-Aye, Raymond- Aye, and Bonnar-Aye. So moves.

Meeting Closed: 7:38pm

Documents Used

- ANR Lot 1 December 2021
- Form 1 ANR Lot 1 December 2021