

# Shutesbury Planning Board Minutes

11.21.2022

(Approved – 02.13.2023)

## *Virtual Meeting*

**Meeting Start:** 7:00pm

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

**Members Absent:** None

**Associate Members:** None

**Associate Members Absent:** Jake Messier, Ashleigh Pycroft

**Staff Members:** Carey Marshall (LUC)

**Other Present:** Chuck DiMare, Miriam DeFant, Hilda Greenbaum, Mark Wightman, Joyce Braunhut, Mark Stadnicki, and all other unidentified individuals.

Chair's Call to Order at 7:01pm

Meeting is being recorded

### **Public Comment**

None

### **Landowner Education and Guidance**

DiMare inquires about a special permit he submitted and that was approved by the PB in November 2016. He is looking to make three changes in relation to the findings of the special permit; Lot A has been conveyed to Lot 1 owned by himself and wishes to have the site plan reflect such, Lot 3 has been sold and owned by Kathleen LuGosch and wishes to have the site plan reflect such, and change the name of 'proposed Lot 2' to Lot 2'. DiMare plans to come back to the PB with an ANR in January.

### **Right of First Refusal - 212 B Wendell Rd (LAND 61B)**

**Motion:** Lacy moves the PB suggest the town not exercise its right of first refusal, DeChiara seconds. **Vote:** Bonnar- Aye, Bressler- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Aye, Raymond- Aye, and Weston- Aye. **So moved.**

### **Site Visit Leverett Rd H-151 Discussion**

Lacy informs Stadnicki, Wightman's engineer, that the site plan application should have been a special permit application due to recent changes in this section of zoning; non-subdivision projects to be permitted under special permits and not site plan review. Lacy reviewed his concern with Donna MacNicol, Town counsel, and she agrees that the applicant should withdraw the site plan application formally. Based on this information and discussion, Stadnicki asks for the PB to withdraw the site plan review application for Lot H – 151.

**Motion: Lacy moves to withdraw the site plan review for the proposed project on Lot H – 151, DeChiara seconds. Vote: Bonnar- Aye, Bressler- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Aye, Raymond- Aye, and Weston- Aye. So moved.**

DeFant, Chair of Shutesbury Conservation Commission (SCC), understands that the applicant plans to offer the town a portion of the site to be under a conservation restriction (CR) which would be regulated under the SCC. She asks if the CR needs to be completed in order to complete the special permit. She also knows there is an easement on the Lot H – 151, as she has discussed with Wightman, that is hard to locate due to how old the easement is; she is hoping to locate the easement in order to approve the CR. Lacy explains that for the CR the landowner, Wightman, needs to find ownership of the proposed CR; landowner can hold ownership of CR (like Old Orchard) or it could be offered to SCC, or other land trust parties – Wightman is considering SCC as preferred option. Lacy had discussed the easement with MacNicol in which she stated when easements are not mapped then the landowner is allowed to set the easement; can establish a pathway for the easement if it were to be exercised. Wightman informs PB after purchasing the property he met with a representative from W.D.Cowls to discuss the easement; representative was told it was between 113 and 115 Leverett Rd, also owned by Wightman, but representative was unable to locate the easement. Wightman believes the description of the easement does not match the landscape of the site. Wightman plans to discuss this further with an attorney as suggested by Lacy and MacNicol.

***Further discussion will occur at the Public Hearing for the Open Space Design Special Permit for Leverett Rd Lot H – 151 on for December 12, 2022 at 7:30pm.***

### **Solar Bylaw**

DeChiara wrote up the PB report to Town Meeting based on the Public Hearing for the Solar Bylaw Revision; the report is longer than usual since it is intended to document and reenforce the PB's rationale for the revisions, as suggested by MacNicol. Weston provided grammatical and spelling corrections which DeChiara shares with the PB; edits are considered. **Motion: moves to accept the PB Report from the Public Hearing for the Solar Bylaw Revision as reviewed, Lacy seconds. Vote: Bonnar- Aye, Bressler- Aye, DeChiara- Aye, Lacy- Aye, Murphy- Abstain, Raymond- Aye, and Weston- Aye. So moved.**

### **Minutes 07/18, 08/08, 09/12, 10/17**

*7/18* – Minutes were approved on 10/17/2022

*08/08 & 09/12* – Draft minutes from these two dates were sent to Bonnar and DeChiara for review.

*10/17* – Draft minutes are currently being worked on by Carey Marshall, LUC.

### **Wheelock Reporting**

Lacy details his site visit after a rain event from a Hurricane; he took photos noting the water was clear and basin was discharging through the drain pipe – performing its job well.

### **Unanticipated Business**

**Small Marijuana Cultivation** – DeChiara wants to review an email sent to the PB from Becky Torres, Town Administrator; there needs to be a host agreement between the applicant and SelectBoard, license application to Cannabis Control Board, and then lastly would have to submit a special permit application to ZBA. Lacy confirms this process is correct.

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

**Meeting Close: 8:15pm**

### **Documents Used:**

- DiMare Special Permit November 2016
- Open Space Design Special Permit and Site Plan Review Application Leverett Rd Lot H – 151
- DeChiara PB Report for 10/27 Public Hearing