

Shutesbury Planning Board Minutes

Minutes – April 8, 2024

Approved – August 11, 2025

Virtual Meeting

Board Members Present: Deacon Bonnar, Michael DeChiara, Nathan Murphy (Chair), Robert Raymond, Tom Siefert (Associate Member)

Board Members Absent: Ashleigh Pyecroft, Steven Bressler, Jeff Weston, Keith Hastie (Associate Member)

Staff Present: Carey Marshall (Land Use Clerk)

Others Present: None

Call to Order: 7:00pm

The meeting is being recorded.

Public Comment

There is no public comment.

Approval Not Required Request for 64 Lake Drive

Marshall shares the application and plot plan for the ANR request for 64 Lake Drive. Murphy explains that the request is to remove the interior lot lines on the parcel. Raymond asks what the purpose is for doing so. Murphy thinks it may be because the owner wants to do some kind of work on the house and the existing lot lines might create an issue of non-conformity or setback rules. DeChiara thinks that at some time there may have been another parcel.

Seifert asks if the Board has any of the purchase history of the property and notes that the lower two lots are Z lots together and the top lot, B-117, had a different owner until recently. He thinks the owner is looking to combine the three lots but each parcel would still retain a separate ZB number, which is how two parcels receive a single tax bill. He notes that the applicant does have applications before the Conservation Commission that may be relevant to this request. Marshall notes the owner has already received a permit from the Conservation Commission but that this is likely a result of the ANR approved by the Board at its previous meeting for the property to the north of this.

Murphy observes that the Board's objective with an ANR request is simply to determine whether or not the plan shows a subdivision or creates a zoning violation, in which case an ANR would be rejected; otherwise, it should be endorsed. Murphy reviews the documentation submitted with this ANR request, including the deeds, and considers everything in order.

Motion to endorse the Approval Not Required request for 64 Lake Drive: DeChiara; second: Raymond. Vote: Bonnar – Aye; DeChiara – Aye; Murphy – Aye; Raymond – Aye. Motion approved unanimously.

Public Hearing for Two Proposed Zoning Bylaw Amendments

Murphy opens the public hearing at 7:15pm and states that the hearing is to consider two proposed Town Meeting warrant articles to amend the Zoning Bylaw. The first article is for an addition under Article VIII and would regulate outdoor illuminating devices, lighting practices, and uses to minimize light pollution, light trespass, unnecessary glare, and sky glow. The second article would provide several amendments to the Zoning Bylaw: create an Industrial Use section of the Use Table (Section 3.1-1); update the roles and responsibilities of Planning Board Associate Members (Section 10.4); update the Special Permit review criteria (Section 9.3-2); and add provisions to waive certain requirements for *de minimis* changes to Special Permit conditions (Section 9.4-3).

DeChiara shares the text of the first proposed article and provides a summary explanation of its contents and its history. Murphy invites comments from the public. No members of the public provide testimony.

DeChiara shares the text of the second proposed article and provides a summary explanation of its contents and its history. Raymond asks under what situation the Chair could activate an Associate Member and DeChiara explains that it could be done under certain scenarios when elected Planning Board members are unable to act due to absence or conflict of interest. Murphy notes that State law does not allow the Chair to activate an Associate Member if the Chair needs to recuse themselves due to a conflict of interest. Murphy asks for clarification about the timing of allowing *de minimis* changes and DeChiara explains how it would work. Murphy invites comments from the public. No members of the public provide testimony.

Motion to close the public hearing: DeChiara; second: Raymond. Vote: Bonnar – Aye; DeChiara – Aye; Murphy – Aye; Raymond – Aye. Motion approved unanimously.

The public hearing is closed at 7:33pm. DeChiara volunteers to write the Board's report to submit to the Select Board and Town Clerk for distribution at Town Meeting and he offers to send it to the rest of the Board for feedback.

Unanticipated Business

DeChiara reports that a State commission on permitting and siting has made recommendations to the Governor regarding energy permitting and siting. The State is going to be looking to expedite permitting for solar by requiring consolidated permitting at the local level and constructive approval if no decision is issued after a year. He also reports on a concerning bill to consolidate all energy permitting at the State level and removing any local oversight or regulation while also making constructive approval take effect after only six months. DeChiara offers to send the bill and updates on the commission's report to the Board. Raymond asks if it would be a problem for energy siting to be done at the State level since that could possibly save the Town money in the case of legal challenges. DeChiara notes that the State agency would most likely approve most

solar projects or be so overwhelmed by being the one entity reviewing projects, and with no local knowledge, it would have such a backlog that everything would end up getting constructive approval. He does agree, though, that if the Commission came up with strong criteria that follow DOER's guidelines then it would be beneficial because the Town could not then be sued for following the State's own criteria, but that depends on having scientifically-based criteria rather than just expediency-based criteria.

Motion to Adjourn

Motion to adjourn: DeChiara; second: Raymond. Vote: Raymond – Aye; DeChiara – Aye; Bonnar – Aye; Murphy – Aye. Motion approved unanimously.

Adjourned: 7:41pm

List of Documents Used

- Approval Not Required Application and Plot Plan for 64 Lake Drive
- Draft of proposed amendment to Article VIII of the Zoning Bylaw
- Draft of proposed amendment to several sections of the Zoning Bylaw