

Shutesbury Planning Board
Minutes – August 5, 2024
Approved – July 14, 2025
Virtual Meeting

Board Members Present: Michael DeChiara, Jeff Weston, Tom Siefert, Nathan Murphy, Ashleigh Pyecroft, Deacon Bonnar

Board Members Absent: None

Other Staff Present: None

Others Present: Mark Wightman and others

Chair's Call to Order: 7:10pm

Meeting is being held in hybrid modality from Town Hall and the meeting is being recorded.

Public Comment

DeChiara: Provides review of and policy update on the state energy legislation. Senate and House did not agree and session ended on July 31 without a compromise bill. There may be a special session, but doesn't necessarily mean there will suddenly be agreement on the bill. Next legislative session it would have to begin the process all over again starting in January.

Wightman Special Permit Request

Murphy: Wightman contacted Planning Board for clarification on conservation restriction requirement and he obtained curb cut before he had obtained the restriction. He is here with more questions for us. He spoke with the Highway Department about the curb cut and the Conservation Commission approved permit on their end. Building Inspector indicates that any permit conditions should be communicated about to his office so they are in the know in the future.

Wightman: Apologizes for getting the curb cut permit before the conservation restriction (CR). Cutting back the trees was regular maintenance, but curb cut was in error and he is willing to have the DPW toss the permit and have the buyer be responsible for getting it in the future. Has contacted three land trusts and has no takers on the restriction so will explore Conservation Commission as holder of the CR. Has been upfront in telling potential buyers about the CR and the constraints it puts on the property.

Murphy: There is nothing in the permit that would preclude having the Conservation Commission hold the CR on the property.

Bonnar: In the past we've encouraged people to ask the Conservation Commission though it hasn't always worked out in the past. Commission membership has changed since then, so the new people might be more open to it.

Wightman: Would be willing to offer fee to help cover annual inspection. Welcomes suggestions for other trusts who might be interested in holding it.

DeChiara: When we updated Open Space Plan recently, discussion about challenges of getting someone to monitor town-held CRs.

Wightman: Will also check some environmental engineering firms for leads.

Murphy: We should check in again when getting close to when permit expires.

Hawkins Application for Site Plan Review

Murphy: Work started on accessory dwelling unit but stopped by Building Inspector: the Inspector had issued a permit in error because did not realize it required Site Plan Review by ZBA. PB has been asked by ZBA to provide any comments as part of the Site Plan Review. ZBA had questions about set-back requirement from front of lot. Does Zoning Bylaw for Accessory Units require 10-foot setback?

Bonnar: It is case that in Open Space Design Plan requires 10-foot setback, but that's not what this project is. That's not an issue.

Murphy: Notes there are no well or septic systems on the drawings. Accessory apartment requires approval from Board of Health but applicant indicates they are not sure how to obtain that and assume the Building Department obtains this. Notes this is likely going to be a problem for the applicant. ZBA chair noted that diagrams don't show smoke detectors, which Fire Department requires.

Siefert: Is the height compliant, number of parking spaces, and square footage?

Bonnar: Addition raises height of building but still within compliance.

Siefert: Does the addition of second floor exceed allowable square footage and does it exceed number of allowable parking spaces? Also, do the decks on the plan extend into setback area because it is non-conforming footprint? Siefert brings up the state legislature is considering new accessory dwelling law that will require we revisit our own zoning for ADUs to become compliant with the state law.

DeChiara: Only thirty communities have ADU laws so the state is trying to codify it to make more possibilities. When the law gets enacted, we'll have to revisit our bylaw to make it compliant.

Bonnar: About this project, exterior measurements don't reflect the living space.

Murphy: So we should say we looked at this and they need to get approval from the Board of Health as needed for the well and septic.

DeChiara: Yes, all they need to do now is comply with our current bylaw. The state law isn't relevant to this.

Motion to indicate Planning Board's approval as long as it complies with the bylaw: DeChiara; second: Pyecroft. Unanimously approved.

Unanticipated Business

Discussion about procedure by which FRCOG and Building Inspector learns about Special Permit projects and who notifies FRCOG about decisions of the Planning Board or ZBA.

Brief update on arrival of new Land Use Clerk, Doc Pruyne, who is undergoing training.

Review and Approve Past Minutes

Minutes of July 8, 2024. Can't be approved because date was not indicated on agenda.

Site Visits

Pyecroft: Site visit to check on Pratt Corner Road solar facility will be on August 8, 10:30am.

Discussion about what to look for at the Pratt Corner Road site and how to evaluate it. Need to update the facility's contact information.

Discussion about scheduling Site Plan Review for a meeting in February 2025.

Housing

Murphy: We could do something to make tiny house units easier, but problematic because of current building lot requirements of 250 feet frontage and 90,000 square feet area is a lot for a tiny house. Not clear how zoning changes for tiny houses could be beneficial, especially with economic costs of septic and well water.

Bonnar: Open Space Design requirements would not solve problem of septic and water.

DeChiara: Concern about creating the feeling of a mobile home park with lots of small homes in very close quarters. Would have to be a town discussion about that. Seems affordable housing would be better served with multi-unit dwelling where one building served by well and septic. Still questions, though, about how many people would be able to live in such a dwelling.

Bonnar: That's question for the Board of the Health and a joint meeting with them might be helpful. Infrastructure costs either way seem prohibitive because of the septic and well needs.

Murphy: Why did we prohibit trailer homes in updated zoning bylaw?

Bonnar: That was a carried-forward zoning restriction from older bylaw.

Pyecroft: Pelham is building multi-unit dwelling so they might have a model bylaw.

DeChiara: Yes, but they have sewer and water from Amherst which opens up possibilities.

Pyecroft: We should look to see what other similar towns are doing. Notes that if ten percent of dwellings aren't affordable, state can intervene, as seems to be the case in Leverett.

DeChiara: There may be exceptions for communities without public water and sewer.

Pyecroft: Also issues with lack of public transportation and access to amenities. Affordable housing could, however, bring more families and boost school enrollment.

Bonnar: Affordable housing doesn't mean it's cheap, just that it qualifies under state regulations. There are situations where qualified housing is more expensive than non-qualified housing.

Pyecroft: Even affordable housing in Amherst is beyond a teacher's salary.

DeChiara: In Amherst, a land trust bought the land but leased the development for an affordable house, so by removing the land value from the parcel it makes the house more affordable. We've never really used our CPA community housing funds, so this could be one way to do that, though affordable housing expert on the CPC and Select Board, Rita Farrell, seemed to think it wouldn't work.

Weston: Shares Northampton examples where home-owner doesn't own the land and is limited in how much they can sell the property for.

DeChiara: Might be possible to get Amherst water in Shutesbury Road area, which might make that most likely place for multi-unit dwelling.

Murphy: Notes that Master Plan update has section on housing.

DeChiara: Could be updated, especially if we solicit feedback through public forum on ideas regarding affordable housing.

Murphy: Supportive of forum or of doing a survey. Also there is a real need for senior housing in town.

DeChiara: Yes, for people who are getting older but are priced out due to taxes, but there is also need to draw young families, as we did when we put in broadband.

Murphy: Not just issue of affordability, also an issue of demographics as families with children who are leaving the school are still staying in town.

Bonnar: Also hasn't been a lot of new building.

Murphy: Yes, but there were plenty of property transfers, especially in the pandemic. Senior housing wouldn't necessarily address affordability, but could free up stock to bring in younger families.

DeChiara: Notes that making building easier doesn't necessarily make it affordable.

Murphy: State's definition of what constitutes affordable seems an uphill battle in this town for economic reasons. Wonder if there is really a need for affordable housing in town. Certainly can't be addressed just with zoning.

DeChiara: Notes that in Ashfield, the chair of their climate action committee encountered opposition to the specialized opt-in code because of concerns from members of the public about what impact it would have on affordability, particularly from young people who cannot afford to live in the town.

Murphy: These are economic forces beyond our control.

DeChiara: True, though that does not mean we should not be thinking about it.

Murphy: For senior housing, we would have to work with someone else, either the Town or a developer, and he wonders if that is even an appropriate role for the Planning Board to take.

DeChiara: We could look at it from a zoning bylaw perspective and if this is a direction we want the Town to take we could move it that way through the bylaw. But it would be up to the Select Board to create a working committee to see if the Town wants to partner with a developer.

Murphy: Perhaps the Planning Board then should pass this along to the Select Board with our suggestions.

Pyecroft: It might also be a good idea to turn to FRCOG because there may be other towns in Franklin County that are also discussing this.

Murphy: I think senior housing would also be something the public would get behind.

Siefert: If we want to encourage affordable housing, we should also consider the fact that the tax base in Town is almost entirely residential. Maintaining a rural character is a trade-off because it means not having a commercial tax source to help reduce that tax burden on residents.

Murphy: There are certain reasons why businesses have not come here, though, because there are needs that are not met in Town.

Adjournment

Motion to adjourn: DeChiara; second: Bonnar. Unanimously approved.

Adjourned: 8:46pm

List of Documents Used:

- Drawings and Site Plan Review application for Hawkins property project