

**Shutesbury Planning Board  
Minutes – December 9, 2024  
Approved – January 13, 2025  
*Virtual Meeting***

**Board Members Present:** Deacon Bonnar, Keith Hastie, Ashleigh Pyecroft, Michael DeChiara, Tom Siefert, Nathan Murphy (Chair), Steve Bressler, Robert Raymond, Jeff Weston

**Board Members Absent:** None

**Other Staff Present:** Matteo Pangallo (Land Use Clerk)

**Others Present:** Eric Giordano, Miriam DeFant, Allison Gage, Leslie Bracebridge, Linda Reimer, Rick Monroe, Peter Gees, Elizabeth Murphy

**Call to Order:** 7:03pm

### **Comments from the Chair**

The meeting is being recorded. Welcome to new Land Use Clerk, Matteo Pangallo.

### **Public Comment**

None.

### **Education and Guidance**

None.

### **FRCOG pollinator friendly zoning**

Allison Gage, planner from FRCOG, provides background on and description of the Regional Pollinator Corridor Action Plan. Aims to improve pollinator habitat through practices, zoning, and other local actions. Focus of tonight's presentation is on proposed changes to zoning for protecting pollinators. Provides overview of the resources and tools FRCOG has for pollinator habitat protection. Draft of Shutesbury's Pollinator Action Plan soon available for public viewing on FRCOG website. Next step would be developing concept plan for one section of town as example. Allison shared list of specific recommendations for revisions and additions to existing bylaws and regulations that would serve objectives of pollinator and pollinator habitat protection.

DeChiara notes that at Special Town Meeting last week someone mentioned they had it. Asks if it is on town website somewhere. Gage notes it is not yet but will work with staff to get it there.

DeChiara asks about timing and if Shutesbury is supposed to have something by spring Town Meeting. Gage indicates boards can move forward as they see fit.

Raymond asks if there is a pollinator planting consultant who can help property owners. Gage says FRCOG has a program where property owners can get a one-hour site visit for help.

Miriam DeFant notes some property owners may have pollinator-friendly plants to share.

Murphy asks about what FRCOG would do if Shutesbury pursues this. Gage indicates FRCOG often helps towns by providing support at public hearings.

### **Review and approve minutes**

Postponed to January meeting.

### **Sirius Community Special Permit Inquiry/Submission**

Raymond discloses that he is a member of the Board of Directors of Sirius and recuses himself.

Project engineer Rick Monroe indicates unsigned electronic copy has been shared with the Planning Board today but still needs to officially submit six paper copies. Murphy indicates they should be delivered to Land Use Clerk on behalf of the Planning Board during his office hours but state law also indicates that they must be filed with the Town Clerk as well. DeChiara indicates that tonight's conversation needs to be informational only since the application has not officially been submitted. Murphy asks Board about whether, pre-submission, they can set a hearing date. DeChiara thinks it premature to set a date for hearing, but not too early to offer feedback before submission if this is approached as a draft plan. Bonnar notes other Boards need to receive copies with a set period of time to respond.

Pyecroft indicates she is an abutter to this project and recuses herself.

DeChiara shares the application online so the applicant and Planning Board can review it. Murphy notes Board members just received it this evening. Monroe provides history and background of the project so far. Explains justification for Special Permit. Notes project began in 2007, with building permit in 2009, surveyor map drawn, foundations built, transmission line laid down. Building permit has now expired due to delays and now needs Special Permit from Planning Board.

This wind turbine would be at least 800 feet to nearest abutter and about 1200 feet to property lines, so not visible or likely to be audible to neighbors. A fence needs to put up and plantings.

Weston asks if there is a requirement for time between when engineer certifies the safety of a project and the issuance of a permit. Monroe notes that the PE stamp is forever.

DeChiara notes that while most of the parts may be waiting to be assembled, which would make it go quickly, the Planning Board review schedule doesn't change.

Murphy invites Monroe to ask questions of the Board. Monroe asks about bylaw requirement (section 8.8) that project distance from abutter be established by engineer since it already is established by the surveyor. DeChiara suggests Board consult with Jeff Lacy about the provision.

Bonnar notes that, as stated in the bylaw, requirements in the bylaw are waivable by the Board and proposes this be addressed with a site visit by the Board. Monroe notes that surveyors are engineers, so this requirement seems redundant. Murphy notes that this would mean a surveyor stamping the plan would meet the requirement of an engineer establishing the distance. Murphy notes that a Special Permit is a discretionary process and Planning Board has authority to make a judgment about specific land use. Monroe suggests this section of the bylaw be made clearer.

Monroe also points out limit of 160 feet of height conflicts with requirement of being in compliance with FAA regulations, but FAA regulations do not apply under 200 feet. No project under the bylaw would even come under the FAA regulations.

Murphy indicates that once the paper application is received, the process can start and the Board can set the date for a public hearing after consulting with the other Town Boards.

Weston asks if lithium batteries will be attached to the turbine. Monroe indicates they will not.

Monroe asks about filing fee being waived because Sirius is a nonprofit. Board will discuss it.

Reimer asks about timeline. Board reviews the timeline required by MGL 40A. Various Board members express desire to move quickly on it. Monroe expresses hope to start work on March.

### **Peter Gees Special Permit submission**

Murphy notes that the Board received the Special Permit application, but the Conservation Commission responded that it had not received a Notice of Intent (NOI).

Peter Gees indicates his attorney advised that the Conservation Commission get first look at project, which they did. Hired a wetlands scientist to mark the property and reviewed the project. Attorney advised he should get Special Permit before going back to the Commission. Notes also that original bridge builder backed out and so now he needs to work with new bridge builder and supply them with soil samples and core drillings. Will need to get Conservation Commission approval for that before applying for NOI. Notes that he wants to get Special Permit approved first, since it could stop the project, before investing in the bridge and NOI work.

DeChiara asks for clarification about reason for new driveway. Gees explains purpose is to allow access to service trees that often disrupt electrical service to the two homes during storms. Gees notes the Conservation Commission wants to minimize the impact on the forest and so keep the driveway as close to the path of the wires as possible, so the route of the driveway can't move over away from the property line. There is also a significant wetland area there that would prevent the adjacent property-owner from building or using that abutting portion of their property.

Raymond asks about putting the wires underground. Gees researched it and it was both far too costly and raises problems if new technologies or equipment is needed.

Murphy asks if this should be a variance instead. Gees notes the ZBA told him that this project fell under the purview of a Planning Board's Special Permit, not a variance.

Motion to schedule public hearing on Special Permit application from Peter Gees for 28–30 Highland Drive on January 13, 2025, at 7:15pm: DeChiara; second: Weston. Approved unanimously.

### **Climate Section for Master Plan / Finance Committee request**

DeChiara reports that Master Plan last updated in 2008. Wants to hire consultant to add section on climate change. Would require going to Financial Committee to get funding for a consultant to assist with this; such funds would need to be added to budget before Town Meeting in April. If approved by Town Meeting, an RFP would go out in summer and consultant would start in the fall. Hastie expresses some concern about how to balance public's ideas about climate change with the existing Master Plan. Importantly, Murphy and Bonnar point out that the Master Plan was never even approved by Town Meeting. Murphy proposes delaying this discussion until January.

### **Question regarding applicability of affordable homes act**

Murphy notes receipt of draft regulation from state body that regulates Accessory Dwelling Units (ADUs) and they define single-family zoning districts broadly, in a way that would include Shutesbury. Would like to focus more on ADU requirement in the Affordable Homes Act.

DeChiara shares a list of questions to think about regarding ADUs in Shutesbury. Murphy suggests they discuss these questions in January and perhaps set up an ad-hoc subcommittee to research the questions. Wants to hold a public forum in person, perhaps at the Shutesbury Athletic Club, advertised over Town Announce, to gather feedback about ADUs. Needs to happen after January meeting. Wants feedback from Village Neighbors and Council on Aging and would like Board's permission to go out and start gathering that feedback.

Motion to authorizes Nathan Murphy to address other stakeholders to gather information about affordable housing in Shutesbury: DeChiara; second: Weston. Approved unanimously.

### **Member updates**

Murphy reports that Attorney General rejected the Town's general bylaw regarding energy storage passed at the 2024 Annual Town Meeting. DeChiara was asked by residents in Wendell if Shutesbury was going to appeal. DeChiara asked Select Board and Rita Farrell invited DeChiara to present the idea to the Select Board. Donna MacNicol does not think it's a strong case for appeal but DeChiara will present it to the Select Board regardless.

### **Unanticipated business**

DeChiara reports that DOER is holding webinar about next version of SMART regulations. DeChiara shared document from DOER stating that any land that overlaps BioMap Core Habitat would be ineligible for SMART subsidy.

### **Decision to participate in mediation**

DeChiara reports that in consulting with attorney about noticing future activities, they were advised that the Board needs to vote in public about participating in mediation.

Motion to participate in mediation in the matter of W. D. Cows, Inc., et al. v. Town of Shutesbury, Land Court Docket No. 23 MISC 000140 (MDV); parties, issues and purpose of the mediation to be disclosed: DeChiara; second: Bressler. Approved unanimously with one abstention (Murphy).

Mediation session will be held January 17 in Springfield, Office of Bacon & Wilson, and that meeting will be posted as an Executive Session meeting.

### **Site visit report from Wheelock**

DeChiara reminds the Board that it was agreed that the report should be objective statement of facts and that recommendations for additional actions the operator should be taking still need to be discussed by the Board. Hastie has list of suggestions to add to response to the owner and asks who prepares the response. Murphy suggests sending it to Pyecroft, who has been acting as liaison with them. Weston notes that they haven't yet finalized recommendations. DeChiara notes the Board approved the report, so that can be sent to the company, but the Board can take some more time to develop the list of recommendations and then discuss those before sending them. Hastie already sent a list of six items to Murphy. DeChiara proposes all suggestions be sent to Hastie individually within the next two weeks and then he can prepare a consolidated list for the whole Board to discuss at next meeting. Pyecroft will send the approved site visit report before then and inform them that additional recommendations will be coming later.

### **Adjournment**

Motion to adjourn: DeChiara; second: Raymond. Approved unanimously.

Adjourned at 9:11pm.

### **List of Documents Used:**

- FRCOG Regional Pollinator Corridor Action Plan presentation slides
- Pollinator Plan Recommendations for Potential Changes to Zoning Bylaws & Subdivision Regulations
- Sirius Community Special Permit application
- Special Permits under MGL Chapter 40A flowchart
- Peter Gees Special Permit application
- DeChiara's questions regarding ADUs in Shutesbury
- Report on draft of DOER SMART Regulations

- Wheelock Site Visit Report
- Hastie's emailed list of recommendations for Wheelock Site actions