

Shutesbury Planning Board Minutes

Minutes – 7/8/2024

Approved – 8/5/2024

Virtual Meeting

Members Present: Deacon Bonnar, Steven Bressler, Michael DeChiara, Nathan Murphy, Jeff Weston

Associate Members Present: Tom Siefert

Not Present: Ashleigh Pyecroft, Robert Raymond, Keith Hastie (Associate)

Other Present: Bjorn Muten, resident.

Chair's Call to Order at 7:03pm

Meeting is being recorded

Election of Chair

Michael nominated Nathan Murphy as Chair, Seconded by Deacon.

Members shared their gratitude for Nathan's past year of service and appreciation for serving in the role for another year.

Deacon- aye, Steve- aye, Jeff-aye, Michael- aye. Nathan – abstain. Motion passes.

Public Comment

None

Landowner Guidance and Education

Bjorn Muten is exploring building a garage on his property at 45 Kettle Hill Road. He is looking for guidance from the Board. The property already has an accessory dwelling unit. He is looking for information about setbacks and protocols regarding the planning and building process.

Nathan referred Bjorn to the Shutesbury Zoning Bylaws. According to Section 3.3-1, a garage is an accessory use to a primary use and therefore follows the regulations for the primary use; it does not require a special permit, it is by right. A garage would need to comply with residential setbacks and requires a building permit. Bjorn also asked about placement of a garage in relation to his leach field; Nathan referred him to the Board of Health. Deacon shared that Cat Hilton is the person to contact for the Board of Health.

Minute-Taker

Friday July 5, 2024 was Carey Marshall's last day as the Shutesbury Land Use Clerk. Nathan reported that she will continue to work part-time to complete the minutes that are outstanding from previous meetings. The Town Administrator is in the process of looking for a replacement clerk; Nathan did not have information on the status of the search. In the interim, Michael agreed to take minutes for this meeting.

ANR 36 S Laurel Dr

The Board reviewed an application for an Approval Not Required for 36 South Laurel Drive. Michael pulled up the application filed on July 1 by Michael and Lynda Grybko of Pelham. The proposal is to combine two lots: from Book 2769, page 138A and Book 8310, page 281. The submitted map indicates that lot where #36 residence is located is owned by Last Star Camp, LLC and more northern lot with no building is owned by the Grybko's,. Neither Michael nor Lynda Grybko were present at the meeting.

In the absence of the owners, the Planning Board discussed what was likely proposed for the ANR action. Tom Siefert is an abutter and was able to share information from his direct experience and from information gathered from the Grybko's presentations to the Board of Health and the Conservation Commission. Tom clarified that he was not representing the Grybko's and his information might be completely accurate, as a result. Tom indicated that as far as he knows, the Grybko's purchased #36 in May 2024; they already owned the other lot.

An issue was identified that the ownership shown on the map submitted with the ANR application indicates that the lots are not owned by the same owners: one lot owned by the Grybko's and the 36 South Laurel owned by Last Star Camp LLC. According to Tom's understanding, the Grybko's are the sole operators for the LLC. Despite this, there is no documentation available to the Board to indicate the Grybko's ownership of the LLC.

The board discussed how to proceed since according to the submitted map and in lieu of supporting documentation, there were different owners for the two plots being proposed to be combined which might result in legal issues, although none could be specified at the time. The board confirmed that a decision by the board was required within 21 days of submission, July 22 otherwise the ANR would be constructively (automatically) approved. Various options were discussed. The board agreed that Nathan, as Chair, would reach out to the Grybko's to solicit additional documentation that they controlled the LLC and to gauge their sense of urgency for the ANR. If adequate information could be provided and timely action was needed, Nathan would schedule a short meeting of the Planning Board prior to the July 22 deadline.

Town Announce Communication

Nathan reminded the board that at a previous meeting there was a commitment to improve communications from the Planning Board to residents of Shutesbury. As a first step, Nathan presented a draft Town Announce email. The board reviewed the draft and made suggestions. Steve moved to approve the text of the email, as edited; Michael seconded. Deacon- aye, Steve- aye, Jeff-aye, Michael- aye, Nathan – aye. Motion passes.

Executive Session

For the next topic regarding an update on negotiations related to the solar bylaw lawsuit, Nathan announced he would be leaving the meeting, per usual. He asked Michael to step in as Acting Chair, to run this part of the meeting. As acting chair, Michael invited Tom, as Associate Member to join the executive Session.

Michael moved to go into Executive Session for Reason No. 3, To discuss strategy with respect litigation if an open meeting may have a detrimental effect on the government's litigating

position. Litigation specific to Complaint received from Cowls regarding the Shutesbury Solar Bylaw; not to return to open session. Seconded by Jeff.
Deacon- aye, Steve- aye, Jeff-aye, Tom – aye, Michael- aye. Motion passes.

Recording was ended. Board moved into Executive Session at 8:18pm.

These minutes were approved by the Planning Board on August 5, 2024 and were written by Michael DeChiara