

Shutesbury Zoning Board of Appeals Meeting Minutes  
June 19, 2018 Shutesbury Town Hall

ZBA members present: Chuck DiMare/Chair and Jeff Lacy

ZBA member by remote access: Tom Williams participating by phone conference call due to distance

ZBA alternate present: David Dann

ZBA alternate absent: Andy Berg

Guest: Carlo Maloni/Office Manager - All Energy Solar

DiMare calls the meeting to order at 7:03pm.

Lacy moves and Williams seconds a motion to approve the 5.30.18 meeting minutes as presented. Roll call vote: Lacy: aye, DiMare: aye, Williams: aye, Dann: abstains; motion carries.

Case 18-003: 441-443 Wendell Road/Reyes Site Plan Review:

Carlo Maloni/All Energy Solar: the homeowners are considering moving the location of the solar array about 15' toward the driveway in order to reduce shading from off-property trees and having to cut trees on their property. Lacy: wouldn't this move the array closer to tree shadows? Maloni: the move would lessen tree shadowing and increase sun exposure by 9%; it would also increase the money saved in electricity costs. DiMare does not see any procedural issues that would prevent a change in the site plan as part of the Site Plan Review. Williams: this is a small change; a change of 15' would generally not matter as the array will be in about the same place. DiMare: the proposed move will not place the array closer to the abutter and, even though it will be closer to Wendell Road, the site will still be a ways away. Lacy: the Board needs to show, in the minutes, that we are granting some flexibility in the location of the array, as shown on the site plan, of up to 15' in a southerly direction. Williams states his agreement with Lacy's proposal to allow a variation as described. Lacy reads Condition #1 into the record: "Any cutting of trees within the Town of Shutesbury's right-of-way along Wendell or Old Wendell Road shall first require a hearing to be conducted by the Tree Warden, or in the absence of a Tree Warden, the Select Board. Such hearing shall be noticed and conducted in the manner normally applicable to trees proposed to be cut on Town-owned land." Lacy explains that Town Administrator, Becky Torres, provided guidance on the wording of this condition. Williams moves the ZBA approve the Site Plan Review Decision as amended: "Site plan may be modified to allow array to be up to 15' to the south of the location shown on the site plan submitted with the application". Lacy seconds the motion. Roll call vote: Williams: aye, Lacy: aye, Dann: aye, DiMare: aye. Motion passes unanimously. The SPR Decision amendment is initialed by DiMare who then signs the Decision to be delivered to the Town Clerk 6.20.18. The Board notes that the Building Inspector may contact the ZBA for confirmation that it is allowable to move the array 15' to the south.

No one is present for education/guidance.

DiMare reads the 6.14.18 letter from Building Commissioner James Hawkins to Mark Rivers/70 Lake Drive regarding a building permit application for 30 Great Pines Drive into the record (see attached).

Case 18-002: 533 West Pelham Road/Quackenbush-Maffei

Lacy: the Planning Board determined that given the language in the *Town of Shutesbury Zoning Bylaws*, the spur is not the travel portion of the driveway; a “travel portion” must mean that there is an “untraveled portion”.

Per DiMare, ZBA alternate Andy Berg has requested a leave from the Board until August.

As this time, there is no specific need to schedule a next meeting.

At 7:32pm, Lacy moves and Williams seconds a motion to adjourn the meeting. Roll call vote: Williams: aye, Dann: aye, Lacy: aye, DiMare: aye; motion carries.

Respectfully submitted,  
Linda Avis Scott  
Land Use Clerk