

Shutesbury ZBA Meeting Minutes

Meeting held in conjunction with the Shutesbury Planning Board (PB)

Date:11/08/2021; Start: 7:40 PM, End: 9:15 PM EST

Attendees: Charles DiMare (Chair), Jeff Lacy, Herb Gilmore

Virtual Meeting opened by DiMare in accordance with Massachusetts State regulation regarding virtual public meetings.

Voting on 09/07/2021 and 10/18/2021 ZBA minutes was deferred pending review by members

Continuation of discussion regarding the Zoning Bylaws governing the Lake Wyola District (LWD) following a 2.5-hour site visit of the LWD on 11/06/2021 by members of both the ZBA and PB, led by Jeff Lacey. Four representative areas of the LWD were chosen by Jeff for review by the group. They were chosen to highlight the differences in topography, structures and spacing of structures in these 4 areas. Jeff also pointed out that these areas were chosen based on past ZBA voting experience highlighting differences in complexity of each case from less to more complex. The review of these areas was observational only, without any deliberation by the members. Multiple pictures taken of these 4 areas were presented at the meeting today.

A lengthy discussion ensued mainly regarding the present ZBA Bylaw as it applies to non-conforming lots and structures at the LWD:

-DiMare: concern that the present Bylaw limitations of structural/dimensional changes to a nonconforming structure on a von-conforming lot may be considered arbitrary and capricious. PB member asked DiMare to provide references of past cases to support this

-Lacey: the present ZBA Bylaw regarding such structures and lots conforms to state law

-Gilmore: pointed out that the present Bylaw limits the dimensions of alterations to those of the existing structure, including height.

-Attorney Micahel Pill agreed with Lacey that the present Bylaw is legal insofar as it makes distinctions between the Lake District and the rest of the Town and

that the members of the ZBA are judges who are ruling on conformity or non-conformity to the law.

Several comments were made by the public attending the meeting regarding these issues.

All agreed that input from LWD residents is an important part of decision making, realizing that some residents may be more vocal about and committed to the issues and that we may not be able to get a true sense of public sentiment.

It was agreed that before a public meeting or survey regarding any adjustments to the present Bylaws is established, a review of representative state-wide Bylaws regarding lakeside properties should be made. Jeff Lacey was sure that such information is available from State Municipal Attorneys Office regarding such Bylaws. He agreed to review municipal attorneys' rulings before the next joint ZBA/PB meeting on 12/13/2021 and to present his findings at this meeting.

Meeting was adjourned by DiMare, agreed to by unanimous voice vote.