

Shutesbury Zoning Board of Appeals
DRAFT Minutes – 01.19.2022
(Approved - 02.16.2022)
Virtual Meeting

Meeting Start: 7:12pm

Members Present: Chuck DiMare, Jeff Lacy, and Herb Gilmore

Members Absent: None

Others Present: Miriam DeFant (Chair of Conservation Commission), Joseph Salvador (applicant), Fran Merrigan, Paul Lyons

Chair's Call to Order at 7:12pm

Open Meeting with announcement that Governor's Covid-19 Mandates as amended are no longer in effect.

Meeting is being recorded.

Welcome to Carey Marshall, 4th Shutesbury Land Use Clerk.

Approval of Minutes for January 10, 2022:

DiMare asks for a motion to approve the minutes. Lacy so moves, but under the conditions that the wording 'Rural Planning As.' is changed to 'Mass Planners List Serve'. Gilmore seconds motion to approve minutes. Vote is taken and Gilmore, Lacy and DiMare approve.

Continued Public Hearing on the Application of Joseph Salvador:

A property located at 31 Lakeview Road submitted a Special Permit to remove an existing structure and replacing it with a new foundation and structure (with a maximum height of 28 feet 9 inches & approximately 29 feet from the road). Lacy shares Salvador special permit form to review with the board to adjust questioned sections. DiMare suggests adding a section stating that Salvador must acquire all required permits and approvals from other local boards, (Conservation Commission and Board of Health), before building permit is issued. Salvador asks if there is a check list for this specific process. Miriam says yes. DiMare asks if Salvador has any questions, concerns or comments about the finds, and conditions. Salvador has no comments. DiMare asks if Miriam any questions, concerns or comments about the finds, and conditions. Miriam has no comments. DiMare requests someone to make a motion to approve. Lacy so moves, and Gilmore seconds. Vote is taken and Gilmore, Lacy and DiMare approve.

Consideration to increase Special Permit/Variance Application Fees to \$500 (increase of \$100 from present \$400 fee):

DiMare noted that agenda includes consideration to increase the special permit application/variants from \$400 to \$500; a \$100 increase. DiMare says that the reason for this increase is because of the public hearing advertisement in the daily Hampshire Gazette continues to steadily increase despite DiMare's attempt to word smith. DiMare then questions whether it is

appropriate to vote on this matter at this meeting because this is the first it has been listed/discussed. Lacy says, 'I don't know why we can't' to which he then checks the Mass. Zoning Act and the Shutesbury bylaws, concluding they are allowed to vote. DiMare states that [he] 'has no problem voting on it in this meeting because even if a grievance party wants to appeal, it would only have 30 days to seek judicial review or our decision.' Lacy says, 'oh you are looking at state Administrative Producers Act not the Mass. Zoning Act?'. DiMare says yes. DiMare asks for motion to vote, Gilmore moves so, and Lacy seconds the motion. DiMare starts the vote, and Gilmore, Lacy and DiMare approve.

Next ZBA Meeting(s)/Site Inspections: DiMare notes that the next Zoom meeting with PB is on 02.14.2022, (note that after discussion between both boards, zoom meeting has been moved to the February 7th).

DiMare asks for a motion to adjourn, Lacy so moves, and Gilmore seconds. DiMare starts the vote to adjourn, and Gilmore, Lacy and DiMare approve.

Meeting Close: 7:57pm