

Shutesbury Zoning Board of Appeals
Minutes – January 26, 2023
Approved – November 8, 2024
Virtual Meeting

Board Members Present: Jeff Lacy, John Aierstuck, Mary David

Board Members Absent: None

Other Staff Present: Carey Marshall

Others Present: None

Chair's Call to Order: 7:12pm

Meeting is being held remotely and recorded.

Public Comment

None.

Education and Guidance

None.

Minutes of Past ZBA Meetings

September 27, 2022 minutes. Aierstuck notes some typographic errors and correction to wording on page two in paragraph on fifth function of Chapter 40B. Motion to approve with corrections: David; second: Aierstuck. Approved unanimously.

January 5, 2023 minutes. Motion to approve: David; second: Aierstuck. Approved unanimously.

Marshall: Minutes of June 15, 2022 missing and was not at meeting so asks Lacy if someone has those minutes already. Lacy will look into it by contacting Charles DiMare.

Review and Deliberate on Special Permit for Bruce Parkin Property, 52 Montague Road

Lacy: Wrote this Special Permit based on discussion at previous meeting.

David: No questions and looks good to me.

Aierstuck: Looks good. We should change decision date on this to this date, January 26.

Lacy: Provides overview of the Permit. Followed format and content from past decisions and encourages other ZBA members to learn to write them so he can transition out of it.

Motion to approve Special Permit: Aierstuck; second: David. Approved unanimously.

Aierstuck: Procedural question if abutters get another round to appeal.

Lacy: Chair would sign decision on behalf of ZBA and LUC submits to Town Clerk for 20-day appeal period during which abutters can appeal. After that, Town Clerk signs that it has not been appealed and it goes back to the applicant to file with Registry of Deeds.

Motion to allow chair to sign permits on behalf of ZBA going forward: David; second: Aierstuck. Approved unanimously.

Unanticipated Business

Lacy: ZBA primarily does Special Permits often around the lake, Site Plan Reviews usually for ground-mounted solar, and Special Permits for attached or detached, non-habitable accessory structures that cannot meet setbacks. Goal is to ensure projects minimize impact on neighbors. Special Permits have notices requirements and follow complex process, not matter how complex the project. Do we want to change smaller non-habitable accessory structure projects to Site Plan Review? We cannot deny Site Plan Review, only require conditions, so it would be giving up some of the ZBA's authority.

David: Do Special Permits also get sent to Conservation Commission for notice?

Marshall: Yes, they're one of the notified boards.

David: How would this work if we changed to Site Plan Review? They wouldn't get notice.

Lacy: We can include them as part of the process. Site Plan Review is a home-rule process so we can add or remove procedures as we wish, including notifying abutters and boards. Would not require a newspaper notice or formal public hearing.

Marshall: Other boards already notified when Site Plan Review received, as are adjacent towns.

Lacy: Abutters do not know if a Site Plan Review is occurring unless we change the bylaw to require notice to abutters and have opportunity to attend meeting when it is being discussed.

Aierstuck: Thinks abutters should know, though we don't want too many bureaucratic steps. If it makes the process easier for these smaller projects, might be worth it, but could open the door to allowing projects that would not otherwise be allowed.

Lacy: Site Plan Review can be denied if the application is incomplete or unpaid, if it violates a clear zoning requirement, if the project is impossible to condition to be acceptable.

David: Concern would be if people try to slide things through as Site Plan Review when they should be Special Permit. Who decides which process applicants use?

Lacy: Way to change 4.2-2 to be Site Plan Review projects and include language requiring notice to abutters. Decision about which process to use is described in 4.2-2.

Aierstuck: Makes sense. Would like to see Lacy's revisions to those sections at future meeting.

Lacy: Can take our time with this and think about bringing it before Town Meeting next year.

Adjournment

Motion to adjourn: David; second: Aierstuck. Unanimously approved.

Adjourned: 7:53pm

List of Documents Used:

- Minutes of September 27, 2022 ZBA meeting
- Minutes of January 5, 2023 ZBA meeting
- Special Permit for 52 Montague Road