

Shutesbury Zoning Board of Appeals

Minutes – August 5, 2025

Approved – August 21, 2025

Virtual Meeting

Board Members Present: Jeff Lacy, Michael Pill, John Aierstuck (Associate Member)

Board Members Absent: Kathleen Lugosch

Other Staff Present: Matteo Pangallo (Land Use Clerk)

Others Present: Mare Fox, Huckle May, Marty Wells, Susan Wells

Call to Order: 4:04pm

Election of Officers

Lacy as Acting Chair activates John Aierstuck as a regular member for the purpose of today's meeting and Aierstuck accepts the role.

Motion to elect Jeff Lacy as Chair: Pill; second: Aierstuck. Vote: Aierstuck - aye; Pill - aye; Lacy - aye. Motion approved unanimously.

Motion to elect Michael Pill as Clerk: Lacy; second: Aierstuck. Vote: Aierstuck - aye; Pill - aye; Lacy - aye. Motion approved unanimously.

Comments from the Chair

Relevant to the Special Permit for 674 Wendell Road, Lacy comments that non-habitable accessory structures that do not meet setback requirements are currently allowed under Special Permit in the Zoning Bylaw. He notes these have never been denied and that the Board is interested in making sure no neighbors object. He considers the Special Permit process cumbersome and costly for such simple projects and recommends the process be streamlined.

Relevant to the Site Plan Review for 18 Haskins Way, Lacy notes that the amendment of the Zoning Bylaw made to comply with the State's Affordable Housing Act is currently under review by the Attorney General and that until the amendment is approved by the Attorney General the previous version of the Bylaw is still in effect. Lacy states that the Board will abide by the previous version of the Bylaw except where it is superseded by the new State law.

Vote on minutes of 11/2/23 and 7/8/24

Motion to approve the minutes of November 11, 2023: Aierstuck; second: Lacy. Vote: Aierstuck - aye; Lacy - aye; Pill - aye. *Motion approved unanimously.*

Motion to approve the minutes of July 8, 2024: Aierstuck; second: Lacy. Vote: Aierstuck - aye; Lacy - aye; Pill - aye. *Motion approved unanimously.*

Education and Guidance

No members of the public seek education and guidance.

Public Hearing for 674 Wendell Road Special Permit

Lacy calls the public hearing to order at 4:16pm and describes the project as a non-habitable shed located within the 75-foot front setback, at 50 feet from the property line. Lacy notes that the Board has received written testimony from three abutters who all support the project and all members of the Board have made a site visit to the parcel. Lacy invites Huckle May to describe the project and justify the placement of the shed within the setback.

May describes the project as a 200 square foot shed at 50 feet for convenience and functional purposes and it cleans up an embankment that is already dug out. The run-off for the septic and leach field for the dwelling makes the only other location impossible because the rest of the available space is within a wetland resource area. He notes that the placement where intended would actually conceal it from the street because of existing vegetation and topography, keeping it in harmony with the neighborhood and in keeping with rural siting principles. May notes that no neighbors have objected to the planned shed.

Lacy notes that typically the Board focuses on the finding that the project is in harmony with the neighborhood and not detrimental to the neighborhood. Lacy invites Board members to address questions to the applicant.

Pill has no questions or comments. Aierstuck thinks that the project seems clearly in line with the criteria for a Special Permit. Aierstuck agrees that putting it in the 50-foot location against the embankment would actually conceal it better than putting it further away from the setback.

Pill has no questions or comments and is satisfied.

Lacy asks May if there is a mapped plan for the project and notes that the Board typically gets one so they can cite it in their Permit. May does not have a survey or plan for the shed but he does have the survey of the property, which would show the distance of the setbacks. He offers to submit a sketch of the plan if the Board wants one.

Aierstuck asks if it would make sense to condition the Permit on the 200-square-foot size proposed since there is no drawing to show that size.

May notes that if he exceeds 200 square feet he would need to get a building permit, which is why he is keeping the project under that limit.

Lacy asks May if he could locate the shed to scale on the survey plan of the property and May indicates that he could. Lacy notes that such a drawing would be acceptable and instructs May to submit one. May asks if the Permit would need to wait on the sketch. Pill answers that provision of the sketch could be a condition of the Permit. Lacy would prefer to leave the hearing open, go to the next case, and then come back later in this meeting once May has emailed the drawing to the Land Use Clerk. May agrees that he could do that.

Lacy invites comments on the project from members of the public. The Chair recognizes Marty and Susan Wells, abutters to the parcel, who indicate that they are in favor of the application.

Motion to table the hearing until the drawing is submitted: Pill; second: Aierstuck. Vote: Aierstuck - aye; Pill - aye; Lacy - aye. Motion approved unanimously.

18 Haskins Way Site Plan Review

Lacy describes the project as an addition to an existing single-family dwelling that expands the dwelling, maintains it as a single-family dwelling with one kitchen, and adds an accessory dwelling unit (ADU) to the structure. Lacy notes that the applicant, Mare Fox, has removed the deck from the project plan so it would not be within the setback. She could add a deck under a Special Permit in the future. Because the addition is the same height and the structure is within the setbacks, the addition is by right, but the accessory dwelling unit portion of the project needs to be approved under a Site Plan Review.

Lacy invites Fox to describe the project. Fox explains that the property, on the end of a dead end, is abutted by the Town on three sides and one other neighbor, who is not within view of the house. She explains the layout of the dwelling and how the addition would change the entrance and envelope of the structure. She notes that the accessory dwelling unit has a side door and would be on the south side of the structure and she describes the rooms in both the unit and that would be changed or added for the addition. She explains that the new layout puts the structure at 17.5 feet from the property line, which is beyond the 15-foot setback requirement. She describes the unit as serving the goal of allowing her to age-in-place while her family can continue to live and visit there as well. She notes that the neighbors will still not be able to see the structure.

Lacy shares the plan that was done after the survey and shows on the drawing where the structure would be located and how that placement relates to the setbacks. Lacy asks how large the ADU would be and Fox notes that it would be 900 square feet. Lacy notes that 900 square feet would be in compliance with the new State Affordable Housing Act allowances for ADUs but it cannot be more than 900 square feet. He provides Fox with the definition used by the State to calculate ADU gross floor area (760 CMR 71). He notes that the Board can condition that it be under 900 square feet and the Building Inspector will inspect against that requirement. Pill asks if the 900 square feet requirement in the State law is habitable area or gross area. Lacy consults the law and notes that it states 900 square feet of gross floor area.

Lacy asks if there is a house on the parcel west of the property, on either Locks Pond Road or Haskins Way. Fox explains that the parcel there is wooded and without a house.

Lacy asks the Board if there are any concerns or conditions that they would like included in the permit beyond the requirement that there be no deck and the structure's height remain the same. Pill considers those sufficient. Aierstuck agrees that removing the deck solves the real problem of being within the setback.

Lacy notes that Fox has granted the Board an extension to August 29, 2025, so he will draft a permit based on this discussion and the Board will discuss it and vote on it before that date. Lacy notes that Lugosch cannot participate in the Special Permit vote because she is absent tonight, but she can vote on the Site Plan Review.

Lacy surveys the Board for a date and the Board decides to meet via Zoom to vote on the Special Permit and the Site Plan Review on Thursday, August 21 at 4:00pm.

Public Hearing for 674 Wendell Road Special Permit, continued

Motion to re-open the public hearing: Pill; second: Aierstuck. Vote: Aierstuck - aye; Pill - aye; Lacy - aye. Motion approved unanimously.

May has sent the drawing to the Land Use Clerk who forwards it to the Board and then shares it. May describes the features of the drawing. He notes that a 200 square foot concrete slab would be adjacent to the shed and the Building Inspector has indicated that it would not need a permit because it would not qualify as a structure.

Lacy asks if May will be eliminating the berm and May indicates that the embankment and trees will all remain. The structure will be built on the flat ground on the lower side of the berm.

Lacy indicates that he finds the project acceptable and agrees that the location is the only place on the parcel that makes sense. He asks for the Board's agreement to let him write the Special Permit for a vote on August 21 and they concur.

Unanticipated Business

There is no unanticipated business.

Adjournment

Motion to adjourn: Pill; second: Aierstuck. Vote: Aierstuck - aye; Pill - aye; Lacy - aye. *Motion approved unanimously.*

Adjourned: 5:15pm

List of Documents Used:

- Special Permit application and drawing for 674 Wendell Road
- Site Plan Review application and plan for 18 Haskins Way