

Buckland, MA Planning Board Meeting Minutes

December 5, 2023

In-person Meeting - Buckland Town Hall, 17 State St., Buckland

Meeting Agenda

1. Re-cap of comments from November 27 Special Town Meeting: definition of trailers, etc.
2. Zoning for battery energy storage systems. Guest: Janet Sinclair
3. Review and approve previous meeting minutes.
4. Continue drafting general and zoning bylaws on short-term residential rentals (with Megan Rhodes, FRCOG).
5. Other topics unanticipated by Chair(s) 48 hours in advance.
6. Adjourn meeting.

Attendees:

Michael Hoberman, co-chair (departed meeting as noted below)
John Gould, co-chair
Jon Wyman, member
Andrea Donlon, member
Mariel Olcoz, member
Megan Rhodes, Franklin Regional Council of Governments (FRCOG)
Janet Sinclair, 71 Ashfield Street, Buckland
Kim Klein, 5 Wellington Street, Buckland

Co-chair John Gould opened the meeting at 6:35 pm.

Items

1. Reviewed the discussion from town meeting regarding definitions of RV, mobile homes, trailers, etc. There is confusion in the bylaw language between trailers or RV's (which are on wheels) and mobile homes (which are not on wheels and are permanently placed on a chassis) which stems around the word chassis in the definition. Member Gould read through current bylaw definitions that were updated at a special town meeting in October 2021 and the board felt that they are satisfactory. Members will review past public discussion on cable TV. The intent is for a mobile home to be permanently connected to plumbing and electrical utilities. The prior bylaw was determined to be too vague.
2. Guest Janet Sinclair presented details and a petition from the Carver MA select board on battery storage facilities and the push for large scale solar arrays. Batteries are considered a part of a solar developers array project, taking energy off-grid for off peak distribution. Towns in Massachusetts like Wendell and Carver have had problems with The Department of Public Utilities ruling that facilities are exempt from local zoning bylaws, bypassing local planning and zoning boards, requiring only to meet building and fire codes. Guest Sinclair

suggested creating a general bylaw (rather than a zoning bylaw) as the only way to influence the situation since the Department of Public Utilities (DPU) cannot override a general bylaw.

Much more infrastructure is proposed due to solar and wind, but battery storage is not always directly from green energy. The Governor Healy administration has ramped up solar projects in parking lots, roofs, etc. Guest Sinclair has been in discussion with environmental lawyer Meg Sheehan and will share details of an upcoming meeting to the board.

The first step for the board is to contact the selectboard and town council about an ordinance and educating the public on the situation. The ordinance would require a majority vote at town meeting, with the main issue being safety. Guest Sinclair mentioned concerns from the MassAudubon and using other technologies other than lithium batteries.

Member Donlon questioned the rational for banning green energy battery storage in Buckland, for example in industrial zoned areas.

3. The 11/15/23 meeting minutes were approved with minor spelling edits. Member Gould approved and Member Olcoz seconded. Approved unanimously.
4. **Next meeting will be on Thursday, January 11 at 6:30pm at the Buckland Town Hall.** Town administrators have suggested sticking to a regular monthly meeting day and time to work with future board clerk scheduling.
5. Member Hoberman left the meeting.
6. Continued discussion on Short Term Rentals (STR). FRCOG guest Rhodes reviewed proposed changes from the 11/15/23 meeting.

Member Donlon questioned the definition of lodging houses and how the term is confusingly used in the use table. Questions arose on an inn and length of tenancy, innkeeper or owner occupied and the historic structure requirement. It was decided that an inn should be distinct from a STR.

Member Wyman questioned the definition of a STR versus that of a lodging house which has no time limits or number of room limits, but must be owner occupied. Guest Rhodes will research lodging house definitions.

7. Member Donlon referenced STR Performance Standard #1 on dwelling and neighborhood character. Discussion continued on how any new STR construction would trigger the Accessory Dwelling Unit (ADU) bylaw where this standard is already referenced. The board decided to delete this standard from the section.
8. A discussion on the necessity for a general bylaw for STR's that are current, registered and legally operating within six months from the effective date of the proposed STR bylaw;

Existing registered and legally operating may continue as permitted with six months to come into compliance with the performance standards.
Non-owner occupied STR's that are registered and legally operating have six months to come into compliance with performance standards.

Non-owner occupied, non registered must cease use.

Non-owner occupied with a one year lapse in registration must cease operation.
Fees and penalties to be decided by the selectboard.

The selectboard and town administrator would have to take part of a STR/general bylaw public hearing, possibly as a special town meeting prior to the annual town meeting.

9. Guest Klein brought forth discussion on fees associated with STR's that are non-owner occupied, which she feels should be higher than Owner Occupied STR's. Guest Klein referenced her past experiences with STR's in North Carolina. Fees for non-owner occupied STR's should be determined by the selectboard.
10. Guest Rhodes questioned the STR parking requirement of one parking space per room while a home based business requires a maximum of four spaces. To be revised in a future meeting.
11. Adjourn meeting

Member Donlon moved to adjourn the meeting; member Olcoz seconded the motion; all voted in favor. Meeting adjourned at 8:42 pm.

Respectfully submitted, Jon Wyman, Planning Board member.

Documents Referenced

Petition by the town of Carver, MA selectboard for a town meeting warrant on lithium battery storage.

Buckland Short Term Residential Rentals (proposed additions to the Zoning Bylaws), Public Information Session Draft (amended 12/5/23).

Proposed General Bylaw draft (11/21/23).