

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting August 9, 2017**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, August 9, 2017 at 7:00 pm in the Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board

Will Flanders

Josiah Simpson

Tom Johnson

Absent: Cam Stevenson

Administrative Assistant: Liz Kidder

Audience: Josh Simpson, James Richardson, Alyssa Collins, Sean Collins

**The meeting was called to order at 7:10 pm.**

**A motion to approve the minutes of the July 12, 2017 meeting was made by Will and seconded by Josiah.**

Vote: 3 in favor, 0 opposed, 1 abstention by John as chair of the meeting.

**ANR Plans** – James T. Richardson of Bardwells Ferry Rd. presented an ANR plan of his property. He has had two lots surveyed that have adequate acreage, frontage, access from the road, and one of which has perked. He has created these lots for family members. The Board reviewed the lots and signed the mylars.

**Moved by Will and seconded by Tom to endorse the two ANR plans as presented by James T. Richardson for his property on Bardwells Ferry Road.**

Vote: 3 in favor, 0 opposed, 1 abstention by John as chair of the meeting.

**Special Permit /Variance Applications** – Josh Simpson was present to give the Board an update on his project for the former Singley Building on Bridge St. Josh thanked the Board for their supportive letter. His project is still being considered but awards have not yet been announced; there was supposed to be an announcement on July 17<sup>th</sup>. If the loan comes through, they have financing for the remaining needed funds from local banks. They are hoping to take the building down this fall if they get the grant. He thanked the Board for the well thought out letter which he believes really helped their application. They haven't been given another date by which to expect an announcement. He understands that there were 12 applications and they expect to fund 8, so he feels they have a good chance.

The Board reviewed an email string from Desotle Arrow Auto Sales about their special permit application. The Board felt it would be appropriate for the Building Inspector to become involved if necessary to get the applicant to submit the appropriate materials.

**NEW BUSINESS:**

**Subdivision Regulations and Fire Protection** – the Board reviewed an email from John Taylor, Chief of the Shelburne Center Fire Department which read:

This note is to provide notice that the Shelburne Fire District voted at its Annual District Meeting on April 25, 2017, to adopt the following guideline:

**[ARTICLE 16.]The District accepted the provisions of the most recently adopted edition of National Fire Protection Association Standards NFPA 1141Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas,**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 1

**and NFPA 1142 Standard for Water Supplies for Suburban and Rural Firefighting (copies of which are available for public review at no cost by contacting the Fire Chief) as a basis for the evaluation of water supply needs and other community fire protection impact of new subdivisions proposed within the Fire District, as regulated by the Town of Shelburne Rules and Regulations Governing the Subdivision of Land in the Town of Shelburne, Franklin County, Massachusetts.**

Historically the Subdivision Regulations referred to the applicable fire department having the opportunity set guidelines and to review and approve (from a public fire protection standpoint) of Subdivision Plans that are submitted to the Planning Board. I do not see that as clearly outlined in the new regulations in a quick read however. I certainly hope there is language in the regulation which incorporates the impact of subdivisions on community fire protection. I would be happy to discuss further.

The Board reviewed the subdivision regulations and noted that under Section 2.33B(2) & (3), a subdivision application must be filed with the appropriate fire chief and department and that all Town officials have 30 days to review and then report any concerns to the Planning Board. There is also a requirement for a subdivision to have reasonable water supply systems to allow for fire protection. Under the current regulations, the fire chief can give his opinion on the adequacy of services but there isn't a place that gives them veto power over the approval of a subdivision plan. The consensus of the Board was that the current regulations are sufficient to meet the intent of the fire department's policy but would like to discuss it with John Taylor directly if he feels the language should be changed. The Board decided to invite him to come to a meeting and discuss his concerns further.

Josiah noted a reference to the Town of Orange in the current Shelburne regulations. Liz noted that the Board could include those corrections at the end of a future zoning public hearing and then the Board could vote their approval of the corrections at a regular meeting.

**OLD BUSINESS:**

**Master Plan Update – Housing Chapter** – Tom said he glanced through the Housing Chapter and saw that its discussion and conclusions were based on old census data. John W. read the new housing needs assessment prepared by the FRCOG and then the master plan. He felt that a lot of the conclusions were the same; primarily the need for affordable housing for both elders and young people. Josiah said he didn't feel that there was a good discussion comparing the needs between the Village and rural Shelburne. John noted the Master plan indicated that survey results were more from the Village rather than rural residential areas; a nuance between the RA and VR districts that should be addressed. Will noted that the Board could make recommendations in an updated Housing Chapter that recognizes the differences between the VR/VC and the RA and encourage any open space subdivision to help address the need for affordable housing.

Josiah reported that he had done some research on form based zoning. He noticed that no town the size of Shelburne had tried to use form based zoning and that it seemed to be used by towns/cities with more development pressure than there is in Shelburne. He suggested that if the Board looks into form based zoning, they should look at the Town as a whole, not just focusing on the Village. He found that Southington and Lowell have adopted form based zoning. The Board discussed the need to maintain the character of the village with a goal of achieving infill to create more housing; possibly allowing building lots of just 5,000 square feet. The Board considered exploring whether there are also possibly other locales for neighborhoods along Route 2 that could also create opportunities for affordable housing, increasing the number of houses without changing the character of the Town.

The Board noted it will be getting results from a housing survey, being conducted by the FRCOG, and will then be able to proceed with the update to the Master Plan Housing Chapter.

**Recreational Marijuana Moratorium proposed bylaw revisions:** The Board reviewed their draft of possible zoning revisions to address recreational marijuana. It was suggested that it would be good to ask the ZBA if they are comfortable with the general special permit criteria or would they like the Planning Board to create special criteria for the zoning of a recreational marijuana facility. The Board will present this draft to the ZBA at the Sept. 13<sup>th</sup> meeting. The Board noted they will also have more information from the FRCOG workshop being held on Sept. 7<sup>th</sup> to help consider how to proceed so that the Town is ready when the moratorium ends in June 2018.

**Green Communities Stretch Code:** John talked to Matt Marchese and the Selectmen thought it would be presented at a special Town Meeting as a Town Bylaw rather than a zoning bylaw.

**Parking Study:** the Board reviewed an email from the Town Administrator that said the parking consultant was going to visit Shelburne to get community input in the Village on certain days in August and that the consultant had suggested early in the week. The consensus of the Board was that Tuesday was not a good day for a public opinion survey; the Village was much busier later in the week as suggested by Joe Palmeri in an email. The Board asked Liz to email Terry and suggest that she try to negotiate a consultant visit on a Thursday or Friday

**Aging in Our Communities:** The Board decided to keep this on the agenda for a future discussion to see if there are any changes that should be made to the zoning bylaw relative to supporting the needs of elders and those in affordable housing.

**Meeting schedule/joint meeting with ZBA:** Liz distributed a suggested list of dates for Planning Board meetings through fiscal year 2018.

#### **COMMITTEE AND REGIONAL PROJECT UPDATES**

**FRCOG:** no report.

**Open Space:** Tom Johnson attended the last meeting and said that committee is focusing on a tree walk, an historic commission walk, and a hiking trail along the river starting at the potholes. The Franklin Land Trust may help with an assessment of how much it would cost to develop a trail along the river if property owners are in agreement.

**Other Town Boards:** Liz reported that in correction to her report last month, the Ox & Rabbit is going to pursue full permitting as an official B&B.

**READ MAIL:** the Board read mail as listed below.

**OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING:** none presented.

**PUBLIC COMMENTS:** none presented.

**SCHEDULE NEXT MEETING:** next regular meeting will be Wednesday September 13, 2017 at 7pm. This is also a meeting where members of the ZBA are going to attend for an annual sharing of ideas regarding needed revisions to the zoning bylaw. The ZBA will be put on the agenda for 7:15.

**A motion to adjourn the meeting was made by Josiah and seconded by Tom.**

Vote: 3 in favor, 0 opposed, 1 abstention by John as Chair of the meeting

**Meeting was adjourned at 9:30 pm.**

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

#### **LIST OF DOCUMENTS:**

**Legal notices from neighboring communities: Greenfield – 2, Charlemont – 2**

**July 7, 2017 email form John Taylor on Subdivision Regulations**

**Proposed Planning Board Meeting and Hearing Dates for 2017-2018**

**Legal notice regarding Shelburne ZBA Hearing on August 3, 2017**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 3

- August 8 emails re: Parking Study**
- July 26 stream regarding Arrow Auto Sales**
- July 25 email regarding joint Planning Board and ZBA meeting**
- July 25 email Cam Stevenson regarding Bourne form based zoning**
- July 18 email Will Flanders "Another tiny housing program to check out"**
- July 28 email Mass Green Careers Conference**
- July 31 email MEDC Fall Conference**
- August 2 email Community Rights Awareness Workshop**
- July 24 email to Selectboard on "Complete Streets" program**