

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting December 16, 2015

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, December 16, 2015 at 7 pm in the Shelburne Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair
Will Flanders,
Cam Stevenson,
Josiah Simpson
Peggy Sloan, FRCOG Planning Director

Administrative Assistant: Liz Kidder

Absent: George Dole

Audience:

Press:

The meeting was called to order at 7: 02 pm.

A motion to approve the minutes of December 2, 2015 as corrected was made by Will and seconded by Josiah.

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

Corrections: page 1: 4th line under Open Space Development Bylaw delete the extra "0" in the word "space".

Page 2: 1st paragraph line 2, change "shard" to "shared", 2nd paragraph insert "he would" after "Will said", paragraph 3, change "actually" to "actual", paragraph 5 2nd line – insert "regulations" after the word subdivision.

ANR Plans - none presented

Special Permit Applications– none presented

NEW BUSINESS -

FRCOG LTA – The Board reviewed information from the FRCOG about their Local Technical Assistance (LTA) Grant program. Cam asked if the Board could receive assistance to update the Housing Chapter of the Town's 1999 Master Plan. Peggy said that towns can address Master Plan updates a chapter at a time. She noted that in some Towns they look at specific issues such as housing needs related to Chapter 40B, or a Housing Production Plan. Peggy noted that if the Board wanted her assistance during the public hearing phase of the Open Space Development Bylaw, they should include that in their LTA grant request.

A motion was made by Cam to update the Housing Chapter of the 1999 Master Plan with the Assistance of the FRCOG. Seconded by Will. Vote: 3 in favor, 0 opposed, and 1 abstention by John as chair of the meeting.

The Board said that they would wait on deciding whether to ask for further assistance on the zoning until after the discussion with Peggy this evening.

OLD BUSINESS

Draft Open Space Development Zoning Bylaw and Draft Subdivision Regulations- Peggy passed out her comments and thoughts on the latest changes made by the Board. Peggy noted that it looked like the procedures were no longer in the bylaw. Will explained the Board approach was to state that an Open Space Development (OSD) is a type of subdivision in the zoning bylaw and include the procedures in the subdivision regulations. Peggy noted that it is not unusual for a developer to look first at the zoning bylaws. She suggested that the Board make it clear in the bylaws where the procedures for an OSD review are located, citing the specific sections of the regulation. She said there could be some redundancy including information in both the bylaw and subdivision regulations but she advised the Board to make sure it is clear what and where the procedures are for an OSD review. Will said he had talked to

Approved: _____ Date: _____ 1

Donna about whether the procedures could just be part of the subdivision regulations or if they needed to be in the bylaw. Peggy suggested thinking about it some more before moving them all out of the zoning and into the subdivision regulations.

Peggy encouraged that an OSD plan should have a thorough review of the site's resources included as part of the preliminary plan phase. Peggy said that in certain instances she and Pat thought there should be references to "lots" instead of "units". In Section K on page 6 she noted that many towns require more than 40% of the land set aside as protected open space. She suggested using "protected open space" throughout the bylaw. Peggy and Pat thought the board needed to think about the net acreage calculation. She noted that a density bonus allocation of 100% is very high in comparison to other towns; she urged to Board to think about that. Peggy went through the "Sample Density Bonus Calculation" that she and Pat had prepared.

The Board discussed issues related to whether you want to encourage higher densities in order to meet housing needs. Peggy suggested looking at incentives for specific types of housing. She and Pat felt the current draft was very generous in its incentive structure. Will noted that one reason that he used 100% following the example of the Ipswich Bylaw where they wanted to encourage the development of more units through the OSD process. Peggy noted that in many communities they offer 20-30% bonuses. One option would be a 20% bonus for basic units and maybe 30% bonus for affordable or senior housing. Will said the current draft bonuses may be too high but the bonuses where for the types of housing the town would like to encourage. Peggy suggested the Board reconsider allowing a grade of 20 %, a pretty steep slope, usually 15% is used. Will said that 20% was in the NRPZ model bylaw. Peggy noted that in the winter, even 12% can make it difficult for emergency vehicles to have access to homes.

Josiah noted that his previous calculations were consistent with what Peggy was saying. He suggested that it would be good to run a GIS slope analysis for the whole town of Shelburne. John suggested also picking a specific parcel to use as an example. Josiah noted that a lot of the assessors' maps are online and he can access that information. Will asked how do we balance the protection of the land while giving enough of a bonus to encourage people to use the bylaw. Peggy noted that the increased flexibility in the Shelburne approach is going to be very attractive to a developer with a difficult site because of the huge cost savings that could be achieved in addition to the incentive of allowing multi-family and possibly congregate housing.

Cam asked if access to transportation is a concern under Chapter 40B. Peggy said they do not look at transportation they look more at the perpetuity of the affordable housing provision to ensure the affordability can be passed on to the next owner. The State wants to see deed restrictions. Peggy noted that many bylaws require that the development has to be done in a way that the Town gets credit for its affordable housing quota under Chapter 40b. The Board discussed the tradeoff of availability of services to a site while protecting agriculture and natural resources. Peggy noted that unless an OSD is very close to the village it won't have ready access to transportation. Peggy said that a mixed income type of development is a good goal. However, she has heard from the housing authority that many seniors may prefer an area designed just for their needs.

Other suggested edits from Peggy included: on the top of page 8 she would urge the Board to reference the dimensional schedule; at the bottom of page nine, insert court order for public hearing and have Town Counsel review the language; at the bottom of page 12 it should say low or moderate income.

Peggy explained that Section 20 had been included because there may be advantages to having it in the bylaw. It could be called the development review process and available for other types of reviews, not just open space development and similar to site plan review. She said in some towns they started using site plan review or a development review process instead of requiring a special permit for smaller scale developments.

Cam asked Peggy about Tree surveys. Peggy said that FRCOG assistance to conduct one could be included in the DLTA grant application but the Board would have to set their priorities for which type of assistant is most important for next year. She said the Board may want to also talk to Buckland and consider a joint application for a Village tree survey.

Peggy said she will send the electronic version of her comments to both Liz and Will.

Will noted that he talked to land trust about whether a developer or property owners could receive a charitable donation credit under the Open Space bylaw. They referred him to Peter Ziomack a lawyer in Amherst. He said land protection under the open space bylaw would probably not be eligible for a charitable donation tax deduction.

Will suggested the Board should discuss what further LTA assistance may be needed from the FRCOG and whether the Board should revisit Section 20. Cam said he has no problem leaving the present draft bylaw the way it is but he and Will were both willing to discuss this matter further. Will said he felt the consensus of the Board was to include the OSD procedures in the subdivision regulations with a clear reference to them in the zoning bylaw. The Board reviewed new proposed revisions to the draft regulation prepared by Will:

- page 1, info on limited partnerships,
- page 2 revised secondary and minor street definitions which in essence makes the minor street a shared driveway,
- page 8 clarification of frontage on approved subdivision ways,
- page 10 he changed cluster to alternative development options,
- page 27 revisions relative to secondary and minor streets,
- C.2 – he thinks fire departments want at least 15 feet of width of a minor street.

The Board reviewed 19.4.2 of the Draft OSD bylaw that includes a maximum density bonus allotment of 100% -- Peggy had suggested 20-30%. Josiah said he would like a little more time to think about it. Will asked if people are more concerned about preserving open space or are they more concerned about density of development. John said that most of the open space committee want to see more open space protected and there were some people on the agriculture committee that were concerned about too many new dwelling units in town. After discussion, the consensus of the Board was to draft the bylaw at a maximum density increase of 25% and make this a question for input at a public hearing. Josiah noted that the way it would look on paper is very different from where it would look on land and it may be hard for people to visualize. Josiah noted that the topography of Shelburne, the water and the ledge, has made it difficult to develop. Cam noted that maybe a developer could use a combination of 3 bonuses instead of all of them; or if there is a maximum of benefits it could be up to the developer of a specific parcel to combine the incentives appropriate to that site.

It was decided Will would do another draft of the bylaw with question marks on those points for future discussion by the Board. Will asked Board members to look at the open space development section that he pulled right out of the NRPZ model for review at the Board's next meeting..

A motion was made by Will to include a request for some additional assistance, through the FRCOG DLTA, on the zoning bylaw reviews along with the assistance for updating the housing chapter of the Master Plan with zoning bylaw aide as second priority. Seconded by Josiah. Vote: 3 in favor, 0 opposed, 1 abstention by John as chair.

Zoning Revisions for ATM 2016 – No discussion.

Tennessee Gas Pipeline Update – John did go to the Shelburne advisory committee meeting where they discussed intervenor options. John said they brought up the noise and earth removal bylaw and asked if the Board should look at it again. John resent them the Board's previous comments.

COMMITTEE UPDATES

FRCOG – Cam said at the last meeting there was a presentation on Transportation planning projects, a discussion on low impact development projects which have been done in Greenfield, and a discussion on Tree Surveys.

Open Space – no recent meetings

Community Energies Pilot Program - no news

Other Town Boards - Cam mentioned articles he has read about what is happening in Ashfield relative to negotiations with Crocker Communications for internet service in Town. It was noted that Mike Duffy is the chair of the Shelburne Technology committee.

OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING -. None presented.

READ MAIL – the Board read mail as listed below.

PUBLIC COMMENTS – none presented

SCHEDULE NEXT MEETING – Wednesday, January 13 at 7 pm.

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

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

Meeting was adjourned at 9: 59 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

List of Documents:

FRCOG revisions/comments on OSD bylaw draft 12-10-15

FRCOG "Sample Density Bonus Calculation" sheet

Revisions to the draft Open Space Development bylaw prepared by Will Flanders

Public hearing notices from neighboring towns

Budget guidelines

Suggested edits to the draft OSD bylaw by the FRCOG Planning Dept.