

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Public Meeting and Public Hearing February 22, 2017**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, February 22, 2017 at 6:45 pm in the Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board  
Will Flanders  
Cam Stevenson

Administrative Assistant: Liz Kidder

Absent: Josiah Simpson

Audience: Molly Cantor, Jon Wyman, Susan Flaccus, Larry Flaccus, Deborah Coutinho, Joe Judd, Mike Parry, Cameron Graves, Diane Broncacio, John Payne

**The meeting was called to order at 6:45 pm. John noted that Josiah Simpson had notified the Board he was unable to attend this evening.**

**A motion to approve the minutes of the February 8, 2017 meeting was made by Will and seconded by Cam.**

Vote: 2 in favor, 0 opposed, 1 abstention by John as chair of the meeting.

**ANR Plans** – none presented

**Special Permit /Variance Applications** – Will and John reported they had driven by the site where Mike Skalski is proposing to construct a self-storage facility and a metal scrap recycling yard. John said he had talked to the property owners adjacent to the proposed recycling yard. The Board decided to discuss this proposal at another meeting since his special permit will probably be discussed at the April ZBA meeting. Liz noted the Board had received a public hearing notice for Molly Cantor’s revised Special Permit set for March 2nd.

**A motion to recess the Planning Board meeting until after the Public Hearing scheduled for 7:00pm this evening was made by Will and seconded by Cam.**

Vote: 2 in favor, 0 opposed, 1 abstention by John as chair of the meeting.

The reporter for the West County Independent informed the Board he was taping the meeting.

**7:00 – Public Hearing – Proposed Revisions to Shelburne Zoning Bylaw: Sections 2- Definitions, 4.2- Table of Use Codes, 4.3 -Table of Use Regulations, 9- Sign Regulations, 11- Parking Requirements, 19.3.3 -Open Space Development, 21- Siting Large-Scale Industrial & Commercial Facilities, 22- Temporary Moratorium Recreational Marijuana Establishments, and Small-Scale Industrial Solar Energy Generating Facility.**

**John Wheeler called the Public Hearing to order at 7:02pm.**

John welcomed everyone to the meeting. John said that full copies of the proposed bylaw revisions and drafts were available on the table in the front of the room. John said they would take each Section of the revisions one at a time.

**Section 2 Definitions:** John explained the proposed modifications or additions to each of the definitions and asked for comments or questions. He explained that some of the definitions had been modified and new definitions developed to address the changes in the vacation rental business from online web services such as AirB&B. The Board had met with the Board of Health who had suggested that even though no complaints have been made in the Town of Shelburne, it would make sense to make changes to the zoning bylaw for clarification purposes. The Board of Health will continue to monitor online tourist rentals and let the Planning Board and Selectboard know if they see problems develop that could impact the Town’s housing stock.

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

- **Accessory Apartment:** no comments presented.
- **Dwelling, Multiple-Family** – no comments presented.
- **Bed & Breakfast** – based upon a question, the Board will reconsider removing the requirement for inspections by appropriate local and state boards.
- **Family** – the question was raised as to how many unrelated people should be allowed to live together and was there a state requirement for a certain number of bathrooms needed to accommodate a specific number of people. Comments included: it was better to stay out of people lives and keep the definition simple; there should be a limit on how many people could live in a house; and, if you are in favor of less government regulation, as long as the toilet is kept clean and works, who cares how many people live in the house.
- **Hotel** – no comments presented.
- **Historic** – it was suggested to make it a number of years past (75?) or to revisit the number every 5 or 10 years; it was suggested that the Board use the same definition as Mass Historic Commission; the Board may consider changing it to Historic Structure to not confuse it with historic events.
- **Inn** – the Board explained that a Historic Inn is separated from a Hotel in the current use table section of the bylaw and that the historic character of the structure was the distinction between them.
- **Lodging House** – the definition of lodging house was changed to clarify the differences between lodging house, tourist home, and short-term vacation rental as they relate to Air B&B; there was a concern that a level-playing field be applied to all the variations of short term vacation rentals/rooms; insurance companies do not want to insure houses that rent rooms or the whole unit through an online service such as Air B&B.
- **Congregate Housing** - no comments presented.
- **Short-Term Vacation Rental** – the standard in Massachusetts is a 30 days or less rental period, longer becomes a long-term rental.
- **Studio Apartment** - added as a new definition which is referenced in the revised parking requirements.
- **Tourist Home** – it was suggested adding primary lease holder “with owner permission” to the definition.

The following three definitions are the same as definitions in the Shelburne Subdivision Regulations.

- **Major Street** – no comments presented.
- **Minor Street** - no comments presented.
- **Secondary Street** – no comments presented

The following definition will help to bring the Town into compliance if the Town decided to seek “Green Communities” designation.

- **Small-Scale Industrial Solar Energy Generating Facility** – no comments presented.

**Section 4.2 Table of Use Codes** – no comments presented.

**Section 4.3 Table of Use Regulations** – no comments presented.

**Section 19.3.3. Open Space Development** – planning board should be capitalized.

**Section 9 Sign Regulations** – Will said that very shortly after last year’s Town Meeting, there was a new Supreme Court decision which affected Shelburne’s new sign bylaw. This had been flagged by the Attorney General’s office and these bylaw revisions are based upon a review of that case law and were prepared with assistance from our Town Counsel.

**Section 11 Parking Requirements** - John noted the Board had made significant changes to this draft based upon input at the last public meeting. John had also attended a ZBA meeting and listened to their concerns. Based upon current trends, the Board had decided to keep the requirement of 2 parking spaces for dwellings with 2 bedrooms or more and only require one parking space for one-bedroom or studio apartments. While the ZBA has always had the ability to waive requirements, they were asking for more guidance to help them make their determinations. The Board looked at the 1989 parking study which said the Town didn’t really have a problem but recommended options for more effective management of the existing parking lots. Comments included:

- In 11.2.1 and 11.2.2 the word policy should be changed to goal.

- b. The current ZBA is seen as a reasonable group acting with the best interests of the Town.
- c. The Selectboard feels there is a problem with parking in the Village Commercial and they are concerned about long term problems possibly created by these revisions.
- d. The parking spaces below Mole Hollow are hardly ever used.
- e. In the future, the Town has to develop parking in order to be pro-business.
- f. There should be no parking spaces required for retail/commercial uses in the Village Commercial.
- g. Property owners adding new dwelling units should try to accommodate/provide parking for the residents.
- h. Both the Singley and Swan building were already retail and if they are replaced with what was already there, then they should not be asked to create new parking spaces on-site.
- i. Orange, Montague, and Adams, are all towns that do not require parking requirements downtown in their redevelopment districts. The Selectboard are seeking a grant to look at both the impact of tenant parking in the downtown and at short term help, such as improved signage, until the Town can resolve parking concerns for the long-term.
- j. The Town should encourage the redevelopment of the SIngley building.
- k. In the Village Residential district, the Board reduced the number of parking spaces required for one-bedroom and studio dwelling units to just 1 space.
- l. Regulations for handicapped parking are covered in the Architecture Board standards and therefore do not need to be addressed in a zoning bylaw.

**Section 22 Temporary Moratorium Recreational Marijuana Establishments** - Will described a workshop he had attended at the FRCOG regarding the new law to regulate the development and licensing of recreational marijuana establishments. Over the next year the State will be developing those regulations and model moratorium language was distributed at the workshop. The moratorium would give the Town a year to have a public discussion and if appropriate, to develop zoning bylaws for consideration at Town Meeting 2018. The State has said that the Cannabis Control Commission will take local zoning bylaws into consideration when granting licenses starting in April 2018. Susan Flaccus suggested it was a good idea to have a moratorium and public discussion. Deb Coutinho said she had also attended the workshop on behalf of the Board of Health and supported a moratorium allowing for a good public discussion about where to allow such facilities

**Section 21 Siting Large Scale Industrial & Commercial Facilities** – John explained that this bylaw had passed unanimously at last year’s Town Meeting as a Town Bylaw/Permit to be implemented by the Selectboard. The Attorney General had said that this needed to be a zoning bylaw. This bylaw is the same as the one approved last year except that it uses the special permit process and it is implemented by the ZBA.

**John Wheeler thanked everyone for their comments and for attending the hearing.**

**A motion to adjourn the Public Hearing and reconvene the Planning Board meeting was made by Cam and seconded by Will.**  
Vote: 2 in favor, 0 opposed, 1 abstention by John as chair of the meeting.

**OLD BUSINESS:**

**Review of Public Hearing Comments/Preparation of ATM Submittal to Selectboard** - The consensus of the Board was the definitions only needed minor changes. The use tables and regulations, the sign bylaws, the recreational marijuana moratorium, and the LSICF bylaw are all okay and ready to go to the Selectboard. The Parking Requirements need just a few minor changes. The consensus of the Board was to have another public hearing on March 22<sup>nd</sup> to review the final parking regulations and to include the recreational marijuana moratorium language. The Board wanted to give residents of Shelburne ample opportunity to review the moratorium language and submit comments before it is presented at Town Meeting. Liz will prepare the public hearing materials and try to get additional coverage in the local papers.

**Telecommunications/Wireless Communication Facilities** - The Board reviewed materials that had been submitted by Jonathan Mirin regarding his concern about the health impacts from increased wireless communication systems in Town. Will said that he

thought it would be useful to have Jonathon Mirin come in and discuss what specifically he wants as changes to the Shelburne Telecommunications bylaw to help with his concerns. John noted the Board would need to get input from other people with more knowledge on the subject. Will said he would call him and ask Jonathon how critical he feels the need is to have changes included in this year's ATM warrant. The consensus of the Board was that it would be difficult to prepare the materials and hold another public hearing in time for this year's warrant deadline of April 1<sup>st</sup>. If Will felt that Jonathan had very specific recommendations that could be dealt with quickly, he would notify the Board and Liz could set up a meeting for March 1<sup>st</sup>.

**FRCOG Technical Assistance Grants/MDI Grant Update** – nothing to report. Liz speculated that the MDI grants may be victims of the budget shortfalls in the State. John said the Selectboard had said there was still time to put a request for funds for a parking study on the Town Meeting warrant for this year.

**Master Plan Update** – Liz distributed a copy of MGL Chapter 41 Section 81 D that discusses the Planning Boards responsibility to create and keep updated a Master Plan for the Town and the elements that are to be chapters in the plan.

**Public Records Retention Law**- Liz distributed a copy of the section of the State law that identifies how long the Board needs to keep different types of documents.

**Budget for FY 2018** - nothing new to discuss.

**COMMITTEE AND REGIONAL PROJECT UPDATES**

**FRCOG:** nothing

**Open Space:** nothing

**Other Town Boards:** nothing presented. Will and John are going to the Green Communities meeting.

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

**OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING** – nothing discussed.

**PUBLIC COMMENTS** – none presented.

**SCHEDULE NEXT MEETING** – next regular meeting will be Wednesday, March 8<sup>th</sup> at 7:00 pm.

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

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting

**Meeting was adjourned at 10:05 pm.**

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

**LIST OF DOCUMENTS:**

Feb. 16, 2017 email from Joe Judd, comments for the public hearing

Public Hearing Drafts and map of VC District

Feb. 11, 2017 Email from Jonathan Mirin – Wireless Communications Bylaw

Randolph MA Wireless Communication Bylaw

Draft Shelburne Annual Report

Records Retention Law excerpts

MGL Chapter 41 Section 81D Master Plan

Notice of hearings in neighboring towns:

16<sup>th</sup> Annual CPTC annual conference notice March 18<sup>th</sup>

Notice of CDBG application public hearing

Legal Notice ZBA public hearing on March 2

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 4