

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting February 10, 2016**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, February 10, 2016 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  
George Dole

Administrative Assistant: Liz Kidder

Absent:

Audience:

Press:

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

**A motion to approve the minutes of January 27, 2016 was made by Josiah and seconded by Cam.**

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

**ANR Plans** - none presented

**Special Permit**— none presented

**NEW BUSINESS**

Public Hearing Presentation – John noted that he has heard various comments about the draft bylaw including comments related to the complexity of the bylaw as presently drafted. John shared a powerpoint presentation he has put together to show at the public hearing. This presentation tried to simplify and explain the bonus incentives included in the draft bylaw. The Board reviewed comments that have been received from the ZBA, Noah Grunberg, Open Space and Jeff Lacey. These comments included questions, suggested edits and suggested deletions/additions. The Board considered the comments and the consensus of the Board was to discuss possible changes with which they concurred during the public hearing to get additional comments on those specific sections. Issues discussed included:

- It was noted that this bylaw and regulations do not establish “shared driveways”—all of the roads, including minor roads that may only serve 2 dwellings, are roads that are the responsibility of the Homeowners Association Contract.
- In 19.4.2.5. put in “practical” or useful in the middle line before “area”.
- Accessory apartments – the consensus of the Board decided it made sense to remove the accessory apartment section.
- Bonus incentive for architectural character -- this bonus example came from Buckland’s bylaw and the Board concurred with comments from Noah Grunberg and decided that it was not necessary something worthy of a bonus and could lead to implementation problems so the consensus of the Board is considering deleting this section and raise it as an issue at the public hearing.
- Section 19.5.4 addresses Homeowner’s Association responsibilities-- Will said he would review this section and consider ways to strengthen it and bring those possible edits to the hearing on Feb. 24<sup>th</sup>—if any edits could be considered significant changes to the draft, they could be added to the items on the agenda for the March 17<sup>th</sup> public hearing.
- 19.5.4.4 in response to Jeff Lacey’s comments, the consensus of the Board was to delete everything after the word “provided”. 19.5.3 – the issue of whether all the items listed can be included in a CR and the Board decided to add “to the extent that it can get an EOEEA approved Conservation Restriction”
- The Board decided to add a definition of Conservation analysis – “A “Conservation Analysis” identifies the significant natural, cultural, and historic features of the land by the Planning Board in consultation with other Town Boards such as the

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

Conservation Commission and Board of Health; the analysis leads to a designation of the acreage to be included in the conservation areas and which acreage is identified as Potentially Developable Land.

- The Board decided to add a definition of Low Impact Development --Low Impact Development is a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds.
- The Board did not find a clear definition of green infrastructure so they are considering deleting the words “green infrastructure in (p) on page 2
- 14.2.8 in response to a comment from Noah Grunberg about the advantages of the energy stretch code and whether this should be a bonus incentive and how do you determine a home’s energy efficiency – the board consensus was to remove this bonus because many towns, and hopefully Shelburne in the future will adopt this and therefore it will be required anyway for new construction and not deserving of a bonus.

The Board discussed the format for the Feb. 24th public hearing which start with a brief powerpoint presentation by John Wheeler. He will also review edits being considered by the Planning Board based upon comments received to date. John will first ask for comments from other Town Officials and Boards and then open comments to anyone in attendance. The comments will be limited to 3 minutes per person and ask them on only speak once unless there is more time for second comments. Liz will put together a basic agenda for John to follow. The Board will first ask for question related to OSD and Section 2.8 of the subdivision and then take comments on the rest of the Subdivision Regulations and Forms.

#### **OLD BUSINESS**

**Draft Open Space Development Zoning Bylaw**– Liz passed out a copy of the press release that had been sent to the Recorder and Independent hoping they will publish an article that will encourage attendance at the hearing.

**Draft Subdivision Regulations** – no further discussion was held.

**Zoning Revisions and Public Hearings for ATM 2016** -- the Board reviewed an email from the ZBA noting that they will not be preparing revisions to the Shelburne Telecommunications Bylaw for this year’s Annual Town Meeting.

**Draft Annual Town Report** – the Board reviewed the draft annual report and authorized it’s submittal to the Selectboard.

**Model Noise, Earth Removal, and Related Disturbances for Large Scale Industrial and Commercial Facilities Town Bylaw** – John Wheeler reported that he had been asked to meet with the Selectboard to discuss whether this Model bylaw is being put forth to deal just with the Pipeline or for other possible future large projects as well. John noted that he will be attending the next Shelburne Pipeline Committee meeting and will talk with Bob Manners at that time. The consensus of the Planning Board was that it would be worth passing this bylaw to send a message to FERC and KM as to the concerns of the Town.

**Model Local Road Protection Town Bylaw** – no new information was received regarding this draft bylaw.

**Tennessee Gas Pipeline Update** – the Board reviewed the most recent FRCOG email regarding the regional pipeline committee.

**Local Technical Assistance Grant**– Updates – Liz reported that she had heard from the FRCOG staff that the Boards request for assistance to update the Housing Chapter of the Master Plan is on a waiting list since they received a reduction in funds for technical assistance grants.

#### **COMMITTEE UPDATES**

**FRCOG** – Cam reported that the last FRCOG meeting had a very interesting presentation about erosion problems resulting from hurricanes coming through when the ground was already fully saturated.

**Open Space** – John attended their last meeting where they discussed the draft open space bylaw.

**Community Energies Pilot Program** – John went to the last meeting and received copies of fliers and advertising materials for the energy conservation program.

**Other Town Boards** – nothing presented.

**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, February 24, 2016 at 7 pm. Public Hearing at 7:15pm

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

Vote: 4 in favor, 0 opposed, 1 abstention by John as Chair of the meeting

Meeting was adjourned at 9:46pm

Respectfully submitted by,

Liz Kidder

Administrative Assistant

**List of Documents:**

Notices of public hearings in neighboring communities: Buckland – 1,

Email from Alain Peteroy, Feb. 10, 2016

Email from Selectboard, Feb. 10, 2016

Email from Will Flanders re amendments to OSD Subdivision Regulations Fe. 1, 2016

Email from David Schochet, Feb. 9, 2016

Email from Tom Miner, Feb. 8, 2016

Email from Tom Miner, Feb. 06, 2016

Email from David Schochet, Feb. 5, 2016

Email form Recorder Legal Ads, Feb. 3, 2016

Email from Peggy Sloan, Feb. 3, 2016

The Public Hearing drafts

Comments from ZBA, Noah Grunberg, Larry Flaccus and Jeff Lacey on the OSD bylaw

The most recent draft of the Model Large Scale Development town bylaw