

TOWN OF SHELBURNE  
Planning Board  
Minutes of Meeting  
February 11, 2015

A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, February 11, 2015 at 7 pm in the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler  
Cam Stevenson  
Will Flanders  
Josiah Simpson  
Administrative Assistant: Liz Kidder  
Absent:  
Audience: Doug Finn  
Press:

The meeting was called to order at 7:07 pm.

Liz noted that Doug Finn had sent an email saying he was not feeling well and wouldn't be attending tonight's meeting.

**A motion to approve the minutes of January 28, 2015 as presented was made by Will and seconded by Cam.** Vote: 3 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

**ANR Plans** Liz and John noted they had been discussing issues relating to an ANR with Philip Bragdon regarding his property on Mechanic St. His original proposal would have given a portion of a conforming lot under current zoning to a neighbor resulting in the creation of a non-conforming lot. John Wheeler had checked with Town Counsel who said that is not allowed. After talking with Phil Bragdon, Liz reported that Phil is working with his surveyor to decide where to create a new property boundary that will leave his property as a conforming lot; he will be attending a future Planning Board meeting with an ANR plan for review.

**NEW BUSINESS** - none presented.

**OLD BUSINESS**

**Zoning Bylaw "Housekeeping" revisions for annual town meeting** - Liz suggested that the Board keep in mind that there will need to be a report by the Planning Board, either verbally or in writing, at the Annual Town Meeting relative to the proposed revisions to the Zoning Bylaw. A copy of any written report will be included in the submission to the Attorney General's office after Town Meeting.

Cam explained that he had talked with John Taylor about the Board's concerns with the ZBA suggested change to Section 16.5.B.1.a. discussed by the Board at their last meeting. Cam and John T. modified the proposed revision to read:

"a. The *collocation* of antennae on an existing CRS Tower that does not exceed 10 feet above the tree line or 100 feet, whichever is less, and/or the *collocation* of one or more accessory structures at an existing *CRS Facility*;"

Will was concerned that it still wasn't clear and suggested changing the word "collocation" in the middle of the sentence to "addition". Cam said that he would forward all the email communications he had with John Taylor relative to this section for the Board to review. Cam said he would talk to John Taylor about Will's suggestion.

**Large-Scale Ground Mounted Solar Bylaw** - Liz noted that she had taken the previous working draft reviewed by the Board and edited it to reflect decisions made by the Board - no site plan review, conduct reviews under the Shelburne Special Permit Process with the ZBA as the SPGA, and focus on size and impact of a proposal rather than Kw output since technology is rapidly changing. The Board reviewed the bylaw section by section. The Board made the following changes to working draft #2 dated January 30, 2015.

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

- 18.2 Applicability – edit to read “Section 18 applies to all LSSIs in the Town of Shelburne.”
- 18.2.2 change six acres to ten acres.
- 18.3 edit the last phrase of the definition of Large-Scale Ground-Mounted Solar Electric Generating Installation to read “.....and covers at least one acre but not more than 10 acres of land.”
- 18.4 In the second sentence, delete the word “for” and insert “which may impact the development of”
- 18.4.5. In the first line insert “intended to be connected to the grid,” between “LSSI” and “shall”. Delete the last sentence relative to off-grid systems.
- 18.4.6. in the second line, insert “to the Building Inspector” and at the end of the sentence add “until the system is dismantled.”
- 18.4.9 In line two, delete “temporary or permanent access roads, grading, exterior lighting”. In the third sentence, change “will” to “shall” and insert “the existing vegetation to the greatest extent possible,” between “composed of,” and “native Trees”. Delete the last sentence.
- 18.4.10 – Add this Section: “Grading Plan – The project proponent shall submit a Grading Plan detailing all proposed grading and temporary or permanent access roads.”
- 18.5.1 Setbacks – edit all setbacks to 50 feet.
- 18.5.2 Edit the first sentence to read: “All appurtenant structures to LSSIs shall be subject to setbacks as specified in Section 18.5.1, to all applicable zoning bylaw requirements concerning the bulk and height of structures, lot area, open space, parking and building coverage requirements.” Delete the last sentence.
- 18.6.1 Delete the last sentence in this section.
- 18.6.6 Hazardous Materials. In the last sentence, delete “proposed to be” and “SPGA and” and add at the end of the sentence “at the time of application and on an annual basis.”
- 18.6.7 Noise: Will will try to contact someone on the Heath Planning Board to get further information on how to understand the noise level requirements in this section. The Board needs to have the difference between dB(A) and dB(C) explained. In section C. the Board changed 30 dB(A) to 33 dB(A) to be consistent with the Town’s wind bylaw. Edit the first sentence of the second paragraph by deleting “both” and “and at the nearest inhabited residence.” In the third sentence, change “Planning Board” to “SPGA”.
- 18.7.2 Delete the third sentence “In no event shall clear cutting of forest exceed 6 acres.” The Board questioned setting a grade limit of 10% and wants to research this.
- 18.9.4 In the middle of the paragraph, delete “as determined by the project proponent and the Town.”
- 18.9.5 In the third sentence, change “replenish” to “maintain” and “to” to “in”.
- 18.10.2.B. 1.c. Change “vicinity” to “locus”, and edit the end of that phrase to read “within 2000’ feet.”
- 18.10.2.B.1.e. “black” should be “block”
- 18.10.2.B.1.h. Add to the end of that phrase “on or within 100 feet of the property boundary.”
- 18.10.3 add “and Grading plan (see Section 18.4.10).” or create a new section.

The Board decided to finish reviewing the last two pages of the proposed bylaw at their next meeting with a goal of taking this bylaw to a public hearing in March.

**Draft Sign Regulations** – The Board had received an email from Whit Sanford suggesting they review the proposed bylaw to ensure “that” and “which” were used correctly. Will volunteered to review the bylaw for the suggested “which” hunt.

**Tennessee Gas Pipeline Company, L.L.C.** Northeast Energy Direct Project, FERC Docket No.PF14-22 - John reported he had attended the open house at GCC. Liz noted that their packet included notes taken at that open house by Tracy Rogers of the FRCOG. John said he has a digital copy of a powerpoint presentation that Peggy Sloan gave at the Regional Pipeline Committee and that he will forward it on to Board members. He noted that Shelburne had a good presence at the committee meeting - 3 of the 7 who were there at the beginning were from Shelburne – John W., Joe Judd and Tom Miner.

**Draft Subdivision regulations** - nothing presented or discussed.

**Natural Resource Zoning/Cluster/Open Space** – nothing presented or discussed.

**FRCOG Technical Assistance Grant updates** – mapping assistance for solar and cell tower overlay maps – no news has been received by the Town.

**Conflict of Interest Education requirements** – Will reported he has completed the Conflict of Interest requirement.

## COMMITTEE UPDATES

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 2

**FRCOG Planning Board** – Cam reported it didn't meet in February so there is no report.

**Open Space** - John Wheeler noted that the new Shelburne Open Space Plan mentions the past effort to set up a national forest designation in this region. This effort didn't proceed and it is evolving into other approaches in support of forest management/economic development . The Open Space Committee received a request to delete that reference from the Plan and the FRCOG is going to prepare a substitute sheet for each copy of the report.

**OTHER TOWN BOARD UPDATES** – none presented.

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

**READ MAIL** – The Board reviewed the mail listed below.

**PUBLIC COMMENTS** - none presented.

**SCHEDULE NEXT MEETINGS** - March 11<sup>th</sup> and 25<sup>th</sup>. The board is aiming to schedule the public hearing on the solar bylaw on March 25<sup>th</sup>.

The Board may consider meeting the first week of March if there isn't any time after the public hearing on Feb. 25<sup>th</sup> to finish reviewing the solar bylaw.

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

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

The meeting was adjourned at 10:11 pm.

**Respectfully submitted by,**

Liz Kidder  
Administrative Assistant

**List of Documents:**

Mail- Notices from neighboring communities:

Buckland -1

Charlemont – 1

Colrain – 1

Greenfield – 1

Email (Feb. 5) from Larry Flaccus regarding February 26<sup>th</sup> meeting invitation to the Planning Board

Landscape Partnership Grant Program 2013 Questions and Answers

EOEEA Landscape Partnership 2014 program information

Email (Feb 4) from Peggy Sloan regarding Tracy Rogers information from Kinder Morgan Meeting

Kinder Morgan Accidents & Safety Violations

Can Kinder Morgan Build a Safe Gas Pipeline through Amherst?

Email (Feb. 3) from Whit Sanford on Sign Regulations – which vs that

Email (Feb. 3) John Taylor on draft sign regulations public hearing

Email (Feb 4) Greenfield Recorder Legal Ads.

Email (Feb. 5) Peggy Sloan and Tracy Rogers email on Winchester Open House on Kinder Morgan Pipeline

Potential Questions for the Kinder Morgan Open Houses

Working Draft #2 Jan. 2015 Proposed Section 18 Large-Scale Ground-Mounted Solar-Electric Generating Installations – LSSI

Proposed Revisions to Shelburne “Section 9 Sign Regulations” Jan 2015 Review Draft #4

Proposed Revisions to Table of Contents, Sections 2, 4 16, and 17 of the Shelburne Zoning Bylaw

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