

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting February 25, 2015

A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, February 25, 2015 at 6 pm in the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair
Cam Stevenson
Will Flanders
Josiah Simpson (arrived at 6:50 pm)
Doug Finn

Administrative Assistant: Liz Kidder

Audience: Lowell LaPorte, Karen Powers, John Taylor, Larry Flaccus, Susan Flaccus, Wendy Warger, Kathy Young

Chair, John Wheeler called the meeting to order at 6:00 pm.

READ AND APPROVE MINUTES OF FEBRUARY 11, 2015

A motion to approve the minutes of February 11, 2015 as presented was made by Will and seconded by Cam.

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair and 1 abstention by Doug who was not in attendance at that meeting.

ANR – none presented

NEW BUSINESS – John noted that emails from Town Counsel Donna MacNichol, John Taylor on the ZBA, and John Payne, Selectman, had been received with their comments regarding the proposed bylaw revisions being presented at the public hearing tonight. John suggested the board review the comments before the hearing.

The Board started by reviewing Town Counsel comments referencing the following sections of the draft bylaw:

- 9.2.1. and 9.2.2- Donna expressed concern regarding the agricultural sign and business establishments definitions. The board reviewed the language regarding agriculture in MGL Chapter 40A. Will suggested inserting “for the purposes of this Section 9” an agricultural business establishment is a business which sells..... for both 9.2.1. Will said he would try to talk with Donna about this after she returns from vacation.
- 9.2.3 - Donna suggested adding a definition of Commercial Enterprise. The Board decided to follow her suggestion and use language from the end of the fourth paragraph in her email, “define commercial enterprise as a commercial, or industrial business, profit or non-profit which shall include but not be limited to businesses, industrial enterprises, professional offices, etc.”.
- 9.2.6 – Donna felt the bylaw is confusing regarding the use of “building” and “ structure” and asked if the Board had really meant to say structure in this section. The Board felt that the use of the word “building” was correct in this section.
- 9.2.8 - Donna asked if there should be a time limit here and the Board felt there needs to be flexibility and therefore the bylaw draft will stay as written. The Board did decide to also add “commercial group” to the list of sponsors of special events in this section.
- 9.3.1.12 – the word “feet” was corrected to “foot”.
- 9.4.3. and 9.4.4 – Donna suggested there was” a conflict between limiting signs attached to a building to 10% of the area of the wall and then limiting the same signs in the VC to 10% of the first floor business store frontage area.” Will felt we could clean up these two sections by ending the sentence in 9.4.3. after” 2 feet” and move the last part of that sentence to 9.4.4 and inserting “In districts outside of VC,”. Section 9.4.3 would have a final sentence that reads “In districts outside of VC, the surface area of each *Sign* shall not aggregate more than ten percent (10%) of the area of the wall area on which it is displayed.”
- 9.4.17 – Donna asked if the Board meant to say that this section “shall not” apply instead of “shall” apply. The Board felt that this Section was written correctly.

- 9.5.1 Donna questioned whether this section may lead to clutter on public ways. The Board decided to leave this section as written.
- 9.5.4 Donna suggested that the term “reasonably near” would be hard to interpret and enforce. The Board decided to change it to “at the point closest to the business” on a public way.
- 9.5.7 Donna asked why portable signs would only be allowed during business hours in the VC district. The Board consensus was that the VC is different from other districts; the signs would be on the sidewalk and therefore it would clear the sidewalks at night for pedestrians walking through town.
- 9.7.5 Donna suggested that this section would not be considered spot zoning by the Attorney General’s office. Will noted he has been thinking about this section and he had talked with people at the business association. He is suggesting that this section be deleted. Then the SFABA should be encouraged to develop a signage plan that utilizes municipal directories to achieve the goals of this section.

The Board next reviewed John Payne’s comments.

- Section 16.5.B.1.a. - John suggested adding after 100 feet the phrase “above the ground”, to be consistent with other sections of the bylaw and the Board agreed.
- Section 17.9.1 -John asked how a system would be determined to be abandoned. Will suggested a clarification to 17.9.1, ending the first sentence of that section after the words “has not been abandoned.” The next sentence would read “If the building inspector finally determines the system has been abandoned, the Town shall have the power

John Wheeler noted that it was almost time for the public hearing and that he had signed off on receiving a copy of a ZBA application from William Green, Shelburne Woodworking LLC, which is asking permission to raise the height limit of their building to 39 feet to allow a roof at an angle designed to enhance the use of a solar collection system. It was noted that this should be on next meeting’s agenda to look at the project and consider if the Planning Board wants to make any comments.

Will moved that we take a five minute break and recess the meeting until after the public hearing on proposed revisions to the Shelburne Zoning Bylaw. This motion was seconded by Doug.

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

The meeting was recessed at 6:59 pm.

John called the meeting of the Planning Board back to order at 8:55pm. Josiah suggested the Board go through the comments discussed at the public hearing.

- 9.2 Definitions - Will suggested looking at all the sign definitions for consistency; Will said he would make the effort to review all the sign definitions and come back with suggested revisions.
- 9.2.8 – the Board added “commercial group”
- 9.3 – Change the heading to “Signs permitted as of right by this bylaw”.
- 9.3.1 – Edit to read “The following *Signs* are permitted as of right by this Bylaw:”
- 9.4.9 - Doug noted that if a business owner has a sign or painted sign on the window of his building that sign would be included in the maximum allowed square footage for a sign. If a business has a big display window and they put a display in it—that would not be considered a sign for the purposes of this bylaw. The Board agreed this was their intent.
- The Board decided to keep the home based business signs at 12 square feet.
- 9.5.2 – take out “non-agricultural Business Establishment” and edit it to read “any commercial enterprise”
- 9.7 .2 – The Board deciding to keep working on off-premises commercial sign for agricultural enterprises and finalize language for this section at their next meeting.
- Whit Sanford’s “which” hunt results? Will said he will work on this for the meeting on March 11th.

OLD BUSINESS – LARGE SCALE GROUND-MOUNTED SOLAR BYLAW

The Board continued their review of the draft LSSI bylaw. After looking at the final two pages, they asked Liz to prepare a public hearing draft. Will noted that he didn't get a call or email back from Bill Gran of Heath regarding the noise sections of their bylaw. John W noted that the Berkshire east solar array is 10 acres. Doug said he will do a tour at Berkshire East and come back with pictures on the 11th. Liz was asked to prepare and post all the necessary notices for a Public Hearing on March 25th and to send copies of the public hearing draft to the ZBA, Selectboard, and other boards for review and ask any board to get their comments back to the Planning Board by the March 11th meeting.

OLD BUSINESS:

Zoning Bylaw "Housekeeping" revisions for annual town meeting. – Liz will prepare the updated bylaw revisions for final review on March 11th.

COMMITTEE UPDATES

FRCOG Planning Board- nothing to present.

Open Space – The Board reviewed the email from Larry Flaccus reminding Board members of the meeting on Thursday night. A link to the full request for proposals for the Landscape Partnership Program and a list of FAQs has been emailed to each board member to review so that they are ready to participate in the meeting. Several members of the board are going.

Other Town Board updates - none presented.

OTHER BUSINESS not reasonably foreseen 48 hours prior to the meeting - none presented.

READ MAIL: the Board read the mail as listed in the list of documents below.

PUBLIC COMMENTS: none presented.

SCHEDULE NEXT MEETING: March 11 for a regular Board meeting and 25th for the public hearing and a Board meeting to finalize the submissions to the Selectboard for annual town meeting.

Motion to adjourn the meeting as made by Doug and seconded by Will.

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

The meeting was adjourned at 9:45pm

Respectfully submitted by,

Liz Kidder
Administrative Assistant

List of Documents:

Notices from neighboring communities:

Greenfield – 2

Colrain – 2

Feb. 25th email from Larry Flaccus regarding Landscape Partnership Meeting 2/26

Feb. 16th email from Donna MacNicol, Town Counsel, regarding proposed Shelburne Sign Regulations

Feb. 16th email from Cam Stevenson sharing his email correspondence with John Taylor of the ZBA regarding "Housekeeping" revisions for Annual Town Meeting

Email from John Payne regarding proposed bylaw revisions for Annual Town Meeting.

List of contact information for Planning Board members

Working draft #2 of Section 18 Large Scale Ground Mounted Solar Electric Generating Installations.

MGL Chapter 40A Section 3

