

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting January 13, 2016**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, January 13, 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

The meeting was called to order at 7:03 pm.

**A motion to approve the minutes of December 16, 2015, as corrected, was made by Will and seconded by Cam.**

Correction: typo in third paragraph of old business – change “to” to “the.”

Vote: 3 in favor, 0 opposed, 2 abstentions by John as Chair of the meeting and George who was not in attendance.

**ANR Plans** - none presented

**Special Permit** – Mike Skalski has submitted an application to the ZBA to build a structure on one of the lots at 241 Main St. John noted that just an application cover sheet had been dropped off at his home by Laurie Von, an associate of Mike Skalski’s. It was discussed that the Board is supposed to have 35 days to review the complete plan and application prior to a public hearing. Liz was asked to contact Mike and Laurie and let them know that we need to have 35 days for review of the complete application prior to a hearing.

**NEW BUSINESS -**

**Model Local Road Preservation Town Bylaw** – John noted that the FRCOG had sent out a model bylaw for the towns to review and consider adopting. Will raised a question about eminent domain law and whether there is any way for a company such as Kinder Morgan to ignore a local bylaw such as this one. John noted that Peggy Sloan had suggested that if a lot of towns pass this bylaw, it will send a message to FERC about the concerns of the region. The Board reviewed the bylaw and made the following suggestions to the Selectboard:

- Page 1. Section 2. Definitions - High Impact Truck Traffic – the Board recommends using the definition prepared by Peggy Sloan – “...that generates more than ten (10) truck trips per week” rather than “...ten (10) truck trips per day....”
- Page 3. Section 11. a) – the Board suggests you raise the amount of the surety and edit the end of that sentence to read “..... to cover **150% of** the estimated cost of repair or reconstruction of all Local Roads along the Designated Route.”
- Page 4. Section 12 a) and b) – Insurance – the Planning Board suggested the Selectboard contact someone familiar with liability coverage to understand why they have the general liability coverage in an amount equal to the general aggregate liability coverage – wouldn’t it make more sense to have the aggregate coverage higher than the general coverage.

The Board discussed whether this bylaw would apply to only large developers such as Kinder Morgan or whether it would apply to local loggers as well, whether the time of year could be considered, and enforcement issues. The Board discussed including a specific provision relative to stop work orders in case of problems:

- Section 15.a – include a \$300 fine for each offense with the possibility of the fine increasing for each infraction.
- Section 15.c - include a provision allowing the Selectboard to suspend the high impact use permit and issue a stop work order.

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

**A motion was made by Will and seconded by Cam to recommend adoption of the Model Local Road Preservation bylaw with the modifications listed above.**

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

Liz was asked to forward the comments on to the Selectboard.

## **OLD BUSINESS**

**Draft Open Space Development Zoning Bylaw** - The Board reviewed the latest draft and edits. The board discussed several specifics and noted that they could come to a consensus tonight with the understanding that there can be changes following input at the public hearing before the final recommendation is made to Town Meeting. The Board reviewed the bylaw and agreed to percentages that will be presented and discussed at the public hearing:

- 19.3.11 – 50%
- 19.4.1.1.(a) - 50% and 15% slope
- 19.4.2.2. - 25%
- 19.4.2.3 – 50%

Will noted that in Section 19.5 he was interested in addressing the possibility of allowing the owner of a property to maintain ownership of the protected land – an example would be a farmer maintaining ownership of the open space and continuing to farm the property. Will has talked with Town Counsel on how this could be monitored and legally enforced if the property is not used or maintained according to the open space restriction. The consensus of the Board was to finalize this draft bylaw based upon tonight's comments and get it out to other boards in town to review. The public hearing will be held on Feb. 24<sup>th</sup>.

The Board will focus their Jan. 27<sup>th</sup> meeting on finishing the draft subdivision regulations. The open space bylaw and the subdivision regulation, which includes the procedures for implementing that bylaw, will be ready for public hearing on Feb. 24<sup>th</sup>. It was decided to distribute the draft Open Space Development Bylaw at the all board meeting on January 19<sup>th</sup> as well as emailing it to all the boards so that they have a digital copy. Liz will also send the draft bylaw out to Diane Broncacio and Ginny Ray in hopes of getting newspaper coverage that will encourage Shelburne residents to attend the public hearing. Liz was also asked to email it to Town Counsel, Jeff Lacy and Peggy Sloan and to notify them of the date of the public hearing. Liz will make sure it says draft, that it is an option, that it is in addition to the existing cluster bylaw that the Town already approved, and that the Open Space Plan included the development of this bylaw in their action plan.

**Draft Subdivision Regulations** - The Board reviewed pages 36 and 37 of the draft subdivision regulations.

**Zoning Revisions for ATM 2016** – Liz noted that the other possible bylaw revisions for this year include: definitions such as lodging house and B&Bs, sign bylaws based upon the recent court decisions, and updates to the telecommunications bylaw that is being prepared by John Taylor and the ZBA. Will said he would talk with Town Counsel about what changes would be needed for the sign bylaw. It was decided to hold a public hearing on March 16<sup>th</sup> to address the other zoning bylaw revisions

**Model Noise, Earth Removal, and Related Disturbances for Large Scale Industrial and Commercial Facilities Town Bylaw** - Liz will clarify with Terry that she has the comments already prepared by the Planning Board.

**Tennessee Gas Pipeline Update** – the Board noted emails received from the Regional Pipeline committee.

**Local Technical Assistance Grant update** – the Planning Board's request for assistance with updated the Housing Chapter of the Town's Master Plan and continued support for developing bylaw updates was submitted to the FRCOG by the Selectboard.

**Planning Board Budget for FY 2017** – the Board reviewed the budget materials forwarded from the Selectboard. Liz noted that the Selectboard had included a salary increase for clerks who work for boards in Shelburne that brings them all up to a level recommended in a salary study that was approved at last year's annual town meeting. Liz suggested it would be helpful to have

software that can change a PDF into a word document. The Board added \$50 to the expense budget request to accommodate purchase of such software.

**Moved by Cam and seconded by Will to submit the budget request to the Selectboard.**

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

#### **COMMITTEE UPDATES**

**FRCOG** – Cam has received information from the FRCOG on low impact development reviews. Cam will review the documents and summarize them at a future Board meeting.

**Open Space** – John reported the Open Space Committee is holding a meeting in February on a recent culvert study that was done for Shelburne.

**Community Energies Pilot Program** - John reported the CEPP has hired a company to conduct an education program in Buckland, Shelburne and Greenfield. There is another meeting coming up soon that John will attend to get more complete information.

**Other Town Boards** – there will be an all board meeting on January 19<sup>th</sup>. Will, Cam and John will attend. Josiah will be out of town and George said he has another meeting that night.

**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 27 at 7 pm. Josiah noted that he will be out of town the second half of January on business.

**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 9:21 pm.

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

#### **List of Documents:**

- FRCOG Regional Pipeline Advisory Committee Agenda
- Dec. 29, 2015 email from Selectboard re: Noise By-Law
- Dec. 28, 2015 email from Tom Miner re: Draft Major Construction Bylaw
- Dec. 23, 2015 email from Tom Miner re: Model Local Road Bylaw
- Dec. 22, 2015 email from Peggy Sloan re: Model Local Road Bylaw
- FRCOG comments regarding Shelburne draft Open Space Development Bylaw
- Public Hearing Notices from neighboring towns:
  - Charlemont 1
  - Deerfield 2
  - Buckland 1

Special Permit Application 241 Main St.

Jan. 12, 2016 email re: Scheduling The Culvert Presentation