

**TOWN OF SHELBURNE  
Planning Board  
Minutes of Meeting  
January 14, 2015**

**A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, January 14, 2015 at 7 pm in the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA**

**Present:** John Wheeler  
Cam Stevenson  
Will Flanders  
Josiah Simpson  
Doug Finn

**Administrative Assistant:** Liz Kidder

**Absent:**

**Audience:** Tom Miner

**Press:**

The meeting was called to order at 7:00 pm.

**Motion to approved the minutes of the December 17, 2014 meeting as presented was made by Doug and seconded by Cam.**

John Wheeler noted two typos – under Draft Sign Regulations: Joe Palmeri needs an “i” at the end of his name and in the second bullet, there should be a reference to Section 9.4.7. instead of 9.4.9.

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

**ANR Plans** – none presented.

**NEW BUSINESS**

**Tennessee Gas Pipeline Company, L.L.C. Northeast Energy Direct Project, FERC Docket No. PF14-22: Information**

**Request:** The Board reviewed a letter from Lori Ferry, AECOM Project Manager, and the map showing the proposed pipeline route that crosses the southern corner of Shelburne. John noted that Tom Miner of the Conservation commission was present. John asked Tom if he had any thoughts. Tom noted that Kinder Morgan has said that they were going to be issuing new revised routes in March in correspondence submitted to another agency and that raises the question of what is the final route that is going to be proposed. The board discussed with Tom, also on the FRCOG planning Board, how other towns in the area were responding.

Will made a motion to coordinate with the regional planning board and planning boards of other towns to develop a uniform response to Kinder Morgan’s request for information. Seconded by Doug  
After further discussion this motion was retracted by Will and Doug.

Tom noted that the letter from AECOM suggested it was a request for information under the freedom of information act but he had been advised by a lawyer that since the letter did not cite that act, local boards did not have to follow the state regulations relative to such a request.

The Board reviewed copies of the maps from the new Open Space plan, focusing on the Natural Resources Inventory. Liz Kidder distributed a brief list of potential natural and cultural resources that could be impacted by a pipeline based upon the inventory map for review by the Board. This list included:

- all residences in rural Shelburne have private wells,
- there is an aquifer in the southwest corner of Shelburne,
- there are 3 properties identified as farm and agricultural land,
- the route crosses 2 streams and the Deerfield river,
- the Shingle Brook wetlands is an area of “Priority Habitat of Rare Species” and a “Critical Natural Landscape”

Josiah noted that all the information requested by Lori Ferry, except for maybe the location of private wells, is available from MASSGIS. Tom Miner suggested we send a simple letter to Lori Ferry acknowledging receipt of this letter but since we understand that a new route is going to be released in March, we prefer to wait to respond until the route is further defined.

**A motion was made to respond to the letter from Lori Ferry informing AECOM that all the information requested is available in public records to anyone who wants to come to the Shelburne Town Hall and is also available through the FRCOG Planning Department and online through MASSGIS. Motion was made by Will and seconded by Doug.**

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

Liz and John were asked to prepare and send a letter on behalf of the Board to Lori Ferry, the AECOM Project Manager. John noted we would also let the Selectboard know how the Board responded.

Tom Miner noted that he had suggested that the Selectboard establish a committee in town, made up of representatives from each of the appropriate town boards, to serve as the group to coordinate the Town of Shelburne's review of the proposed pipeline and to represent the town's interest if the project goes ahead. For example, this committee could address concerns regarding maintenance and protection of town roads during construction.

**Will moved to tell the Selectboard that the Planning Board would like to have a representative on a Kinder Morgan review committee if one is established. Seconded by Josiah.**

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

**Conflict of Interest Education requirements:** the board reviewed information submitted by Joe Judd, Town Clerk. The State requires all municipal employees and board members to take an online exam relative to the Conflict of Interest statute. Joe asked each Board member to take this exam and to turn in proof of completing it to his office. Everyone on the Board said they would do it. Cam Stevenson and John Wheeler had already done this.

#### **OLD BUSINESS**

**Zoning bylaw "housekeeping" revisions for annual town meeting:** John reviewed the draft prepared by Liz based upon previous comments from the Attorney General's Office regarding Shelburne Bylaws. Will suggested adding "have the power to" before "seek a court warrant" in the article relative to Section 17.9.1.

**A motion to accept the housekeeping articles as amended by adding "have the power to" to the third article was made by Will and seconded Cam.**

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

**Draft Sign Regulations:** John noted that Joe Palmeri of the ZBA was in attendance. John had attended the last ZBA meeting and reviewed his notes from that meeting with the Board. Liz noted there was also a memo from Joe Judd with his comments on the sign regulations in their packets.

John reported he had gone to the agriculture committee and they were generally satisfied with what had been included relative to agricultural business signs. John noted that they were concerned about agricultural signs for farms that weren't on Route 2. It was noted they would be treated similar to any freestanding sign for a home based business. John had thought the Board's intent was to allow farms not on Route 2 to also have signs along the trail.

Issues relative to the sign regulations that were discussed included:

- Do the measurements identified relate to just one side of a free standing sign or both
- Could triangular signs be allowed and if so how would the measurements apply.
- Should flags without information on them be allowed or is that creating a carnival-like atmosphere along route 2,
- How long should temporary signs be allowed to stay up after an event or activity has taken place
- Joe Judd had raised questions about the size of signs and Will noted many of the sizes were based upon measuring existing signs.

It was discussed that public input would be very useful for the Planning Board in preparing the final bylaw to submit to annual town meeting. Joe Palmeri noted it will be important to try to get people out to the public hearing so there can be input on these issues before town meeting.

The following edits were made to Draft #2 of the sign regulations:

- 9.1 insert "located in the right-of-way of" and delete "on" in line 1.
- 9.1 add "The Town of Shelburne does not regulate signs located in the state highway right-of-way." To the end of that paragraph.
- 9.2.1 Sign: in the second line delete "and uses graphics, symbols or written copy" and before the last word insert "commercial or political"

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

- 9.2.3 Freestanding Sign: Add to the end of the section “A freestanding sign may only be one-or-two sided.”
- 9.2.4 Temporary Sign: in the second line insert “or” before “is currently happening” and put a period after happening. Delete “or has happened within the recent past.”
- 9.3.1 Temporary signs not regulated by this Bylaw – all signs should be removed within 14 days after need for the sign and “which is” should be changed to “which meets all of the following conditions.”
- 9.3.1.2 and 9.3.1.3 – insert “in area on a side”
- 9.3.1.11 – delete “residential” and insert “VR or RA zoned”
- 9.4.6 change 128 to 64
- 9.4.18 add an e to graveston
- 9.5.3 delete “a group of business establishments located in the Town of Buckland portion of the Village of Shelburne Falls may have” and delete “the said” in the third line.
- 9.6.2 change 128 to 64
- Develop a definition of a “Special Event”
- All definitions should be reorganized alphabetically.
- Add a definition or MassDOT reference to Trailblazing signs
- Questions – is 9.7.5 spot zoning and if so, how do we deal with this concern.
- Political and contractor signs should both be 6 square feet.

Joe said that he or John would get the rest of their comments to us before the Planning Board’s next meeting.

Liz will do another draft (Draft #3) based upon tonight’s comments for the Board and will send to the ZBA. Will thanked Joe for coming to the meeting and noted how helpful the discussion had been.

**Large-Scale Ground-Mounted Solar Bylaw:** John Wheeler reported that Jim Hawkins said that building permits are required for all ground mounted solar.

**Draft Subdivision Regulations:** due to the late hour, the Board did not continue their review of the draft regulations. Liz distributed a list of public water supplies in Shelburne which relates to one section of the regulations.

**Natural Resource Zoning/Cluster/Open Space:** the board is waiting for information on FRCOG LTA Grants before proceeding with this bylaw revision.

**FRCOG Technical Assistance Grant updates:** Liz reported that Terry Narkewicz had said the Town has not heard anything yet from the FRCOG on our requests.

**COMMITTEE UPDATES**

**FRCOG Planning Board:** their next meeting is a week from Thursday. The pipeline company is having an open house at GCC February 5<sup>th</sup>, at 6-8 in the dining commons.

**Open Space Committee:** John went to the last meeting and received the Planning Board’s copy of the new Open Space Plan.

**Long Range Planning:** Doug and Josiah reported the committee had its last meeting with the Selectmen, submitted their final report and are now desolved. They inventoried all the town properties and come up with recommendations for their use. The Selectboard will establish another committee to oversee long term maintenance planning for the buildings. Doug noted the Historic Commission has a 99 year lease for Arms Academy. The Town is considering swapping the space – moving the town offices to the Arms and move their records to Memorial Hall. Having the Historical Society in Town Hall would be consistent with the other activities currently taking place in the building and would provide good public access to the Historical Commission exhibits. The Arms Academy would provide much needed additional space for Town Offices and the Police Department with plenty of parking.

**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 received from neighboring communities.

**Public Comments:** none presented

**Schedule next meeting:** Wednesday, January 28<sup>th</sup> at 7pm.

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

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

The meeting was adjourned at 10:31pm.

**Respectfully submitted by:**

Liz Kidder  
Administrative Assistant

List of Documents:

Mail from neighboring towns:

Shelburne – Community Development Block Grant Hearing

Buckland – 1

Charlemont – 4

Deerfield – 1

Greenfield – 3

Letter from Lori Ferry, AECOM Project Manager, Information Request Tennessee Gas Pipeline Co. Northeast Energy Direct Project, FERC Docket No. PF14-22

List of Public Water Supplies in Shelburne

List of “Housekeeping Articles for Shelburne ATM 2015”

Email from Joe Judd regarding draft sign regulations.

Letter from Joe Judd regarding Conflict of Interest Law Education Requirements

Notes from Liz Kidder regarding letter from Lori Ferry, FERC Docket No. PF14-22