

**TOWN OF SHELBURNE
Planning Board
Minutes of Meeting
January 28, 2015**

A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, January 28, 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:

Press:

The meeting was called to order at 7:04 pm.

A motion to approve the minutes of January 14, 2015 as presented was made by Will and seconded by Doug.

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

ANR Plans: none presented.

NEW BUSINESS : none presented.

OLD BUSINESS

Tennessee Gas Pipeline Company, L.L.C. Northeast Energy Direct Project, FERC Docket No.PF14-22: Liz distributed copies of the letter which John Wheeler had sent to Lori Ferry, AECOM Project Manager and a letter which was sent to her from the Shelburne Planning Board. Liz also pointed out that in the Board's packet was a letter from Linda Dunlavy and Peggy Sloan of the FRCOG seeking local representatives for a Pipeline Advisory Committee to represent the towns in Franklin County during the permitting process for the proposed pipeline. There was also an email from Tom Miner, Shelburne Concomm, who said that as a member of FRPB Exec. Committee he has already volunteered to be a member of the advisory committee but that should not dissuade anyone else in Shelburne from participating. Also in the packet was a letter from Mass Audubon to Kimberly Bose of the FERC regarding the AECOM's request for information from local communities. Tom Miner had also sent the Planning Board a document prepared by Mount Grace Land Trust on talking points related to the proposed pipeline. This document discusses such concerns as: hours of work during construction, noise pollution, light pollution, ROW access, gas releases, etc. These are all topics which would need to be discussed and mediating measures negotiated for each town if the pipeline proceeds through the permitting process.

John noted that John Payne had called and asked for a representative from the Planning Board to serve on the Pipeline Advisory Committee and has put John Wheeler's name on the list. Cam said he would be willing to participate as well and be a backup if John can't attend a meeting. John noted that John Payne also brought up the request for a Shelburne review committee. The general consensus was that it was most important to have the regional pipeline advisory committee since there is strength in negotiating at the regional level.

John noted that the Board had also received a letter from a software company that works for Transcanada. Cam said that his impression was that they are a management IT company and they are offering their services. The Board consensus was that it was just a promotion from the software company for their services and not related to the pipeline proposal through Shelburne.

Cam mentioned that there is going to be an open house at GCC where people can get information about the pipeline.

Approved: _____ Date: _____ 1

John said he will attend the February 2nd Advisory Committee meeting and Cam said he will back John up if he can't make it.

Draft Sign Regulations: Liz noted that she had received suggested changes to the draft regulations from John Taylor, Joe Palmeri and Larry Flaccus. She prepared a document that included all three of their comments for review by the board. The Board reviewed the proposed revisions section and by section and made the following comments and edits:

- 9.1 add reference to “Massachusetts Agricultural Directional Signage Program” of the Massachusetts Department of Agricultural Resources.
- 9.2 Definitions: throughout the bylaw highlight which terms are defined by making them capitalized and italicized.
- 9.2.7 delete “commercial or political” before message at the end of that section
- 9.2.10 delete the weblink
- 9.3.1.1 insert “thirty days prior and” in the fourth line part (e) before “fourteen”
- 9.3.1.2 insert in part (f) “fourteen days prior to the start and” before “fourteen”
- 9.3.1.4,5,6,8,10,11,12 – delete extra “which” and insert “:” after conditions
- 9.3.1.11 delete “on residential VR or RZ zoned property”
- 9.4.2 insert “permitted and” between “are” and “regulated in the first line
- 9.4.6 delete “or sixty-four (64) square feet in area on any side”
- 9.4.12 insert “lodging establishment” between “church” and “or nursing home.”
- 9.4.13 delete and renumber rest of 9.4
- 9.4.14 change to 9.4.13
- 9.4.15 change to 9.4.14
- 9.4.16 change to 9.4.15 (and subsections as appropriate)
- 9.4.17 change to 9.4.16
- 9.4.18 to 9.4.17
- 9.5.1 change “An” to “A” and delete non-agricultural
- 9.5.3 add “(1)” after “One”
- 9.5.4 delete “a” and insert “one (1)”; insert “private property on” in the third line and add to the end of the sentence “with the written permission of the landowner on which the sign is placed.”
- 9.5.5 in the third line – change “four” to “five (5) off-premises” before “Portable Signs (this was done to reflect the number of signs used by the current Farmers Market)
- 9.6.2 delete “and/or a Sign on a building” in the first line and “of all Signs on the structure” in the second line
- 9.7.3 insert “permitted or” before “required” in both the third and fourth lines
- 9.7.5 get a determination from Town Counsel as to whether this is spot zoning. Leave this section in until the Board hears from Town Counsel

The Board had the following comments and responses to questions raised by the ZBA and its members:

- The Board agreed to italicize and capitalize words that are defined within the bylaw such as “temporary sign”.
- The ZBA had suggested using a definition of agriculture consistent with Chapter 40A. The Board felt defining “agricultural business establishment” and “agricultural sign” were not defining agriculture and were unable to locate a definition for agriculture specifically in Chapter 40A. If the ZBA has a suggested wording change, the board could consider that wording at the Public Hearing.
- The Board had discussed that they were not attempting to regulate what is put on a sign-- either the message or the aesthetic design. In addition, if flags are used to draw attention to a business, that would be considered an aesthetic issue not to be regulated under the sign bylaw.
- As suggested by the ZBA, the Board deleted weblinks to a state document.

Approved: _____ Date: _____ 2

- One ZBA member asked if someone could put 5 temporary signs on their property – Section 9.3.1.4. The Board felt yes if it meets all the other the other conditions in this section. However, the Board felt that this is not likely to happen since it is more advantageous to put up direction signs in scattered locations. If someone chose to put 5 signs all on one property, they would still have to come down within 14 days after the special event.
- The Planning Board strongly feels in the concept of Shelburne as the regional gateway of West County.
- The Board agreed with Larry’s suggestion that home based businesses could be in any zoning district so the board changed 9.3.1.11
- The ZBA felt that 12 square feet was too large for a home-based business sign. Will Flanders had measured existing home-based business signs which led the Board to set 12 square feet as the size of the sign. If these bylaws set the size smaller, then several existing home-based business signs would become grandfathered non-conforming signs. Therefore the Board thought it was better to go with the size of several of the existing signs.
- The ZBA raised the question of possible contradictions in Section 9.4.2. The Planning Board decided to leave this section in and did not see that it was or could be contradictory.
- As suggested by a ZBA member, the Board decided to delete the time limitation on illuminated signs and felt that 9.4.1.11 was sufficient to address concerns about illuminated signs.
- Section 9.5.1 – The Board deleted the term non-agricultural from this section. In response to the question of whether the Town is “creating a class distinction between agricultural business and the rest of businesses in the Town was yes; the Planning Board consensus is to provide solid support to agriculture.
- Section 9.7.5 The ZBA raised the question as to whether this constituted spot zoning. The Board decided to leave it in for now but check with Town Counsel on spot zoning concerns and bring it up for discussion at the public hearing.
- The ZBA thought 9.9.1 was redundant since the Building Inspector is the enforcement office for the whole bylaw. The Board felt leaving 9.9.1 in was a reinforcement of the need for contact with the building inspector since people interested in signs will focus just on that section and may not read the whole bylaw.

The Board decided to set the public hearing for February 25th and Liz will prepare and put the legal notice in the newspaper as required under Chapter 40A . The Board will meet at 6pm that evening and start the hearing at 7pm. Josiah noted he may be a little late but will try to get there as early as he can. Liz will send an email to Town Counsel asking for her review and for specific comment on the question of spot zoning.

The Board decided to move ahead to the “Housekeeping Zoning” revisions.

Zoning Bylaw “Housekeeping” revisions for annual town meeting: Liz noted that John Taylor had just sent recommendations from the ZBA for revisions of the Shelburne Zoning Bylaw that they would like to see presented at ATM this year. The Board reviewed the proposed “housekeeping” bylaw revisions of the ZBA and their comments and questions included:

- Section 4.0. The Board had several questions as to principal buildings or structures on agricultural land. The Board needs to have clarification on this change in 4.1. Why is it restricted to certain zones, why not just all zones if they meet dimensional requirements.
- Section 16.3.3 The board said the proposed changes would be presented at public hearing.
- Section 16.5.B.1.a. In general, the board members were confused as to what the ZBA was trying to clarify with this revision.
- Section 16.10 – Planning Board will include this proposed revision in the public hearing.

Cam volunteered to call John Taylor and review the Board’s questions. He would work on language to be included in the public hearing on February 25th and get those revisions to Liz to include in the notice and public copy for review.

Large-Scale Ground Mounted Solar Bylaw: the Board discussed their concern with being ready for this year’s Town Meeting. They looked at their schedule and Liz noted they could hold a hearing in late March and still get a proposed

bylaw to the Selectmen in time to be included on the Town Meeting warrant. The Board decided they would try to focus on this proposed bylaw at their next meeting and see if they can have it ready for a hearing in March.

Draft Subdivision regulations: no discussion.

Natural Resource Zoning/Cluster/Open Space: no discussion.

FRCOG Technical Assistance Grant updates: no discussion.

Conflict of Interest Education requirements: Will asked Liz to forward him this information again and others discussed completing this requirement.

COMMITTEE UPDATES

FRCOG Planning Board: Cam report that they talked about the pipeline advisory committee and a regional transit plan that the board has worked on.

Open Space: has sent an email inviting members of the Planning Board to an Open Space Committee meeting at which there will be a presentation about the Landscape Partnership Program which has helped Leyden, Charlemont and Hawley to successfully protect a large number of acres of valuable landscape resources. This meeting is scheduled for Thursday, February 26th at the Shelburne Center Firehouse. The presentation will be by the Franklin Land Trust. John noted that he had talked with Warren Facey in Leyden. Their Town had accomplished a major land preservation effort through this program. John said he was hoping to attend the meeting as did other members of the Board. Liz noted that Leyden had received a planning grant that helped them develop Natural Resource Zoning through their participation in this program

Other town board updates: none presented.

OTHER BUSINESS:

Shelburne Budget FY 2016: Liz reported that it was time to submit a Planning Board budget to the Selectmen for FY 2016. The Board reviewed the current budget and decided to request level funding for next year.

A motion to request a Planning Board budget the same as last year was made by Cam and seconded by Will.

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

READ MAIL: the Board read notices from neighboring communities

PUBLIC COMMENTS: none presented.

SCHEDULE NEXT MEETING – February 11 at 7pm and February 25, 2015, at 6pm with the public hearing at 7pm.

A 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: 9:53PM

Respectfully submitted by

Liz Kidder
Administrative Assistant

List of Documents January 28, 2015:

Notices from neighboring towns:

Colrain – 1

Greenfield – 3

Letter to Lori Ferry AECOM from Planning Board

Letter to Lori Ferry AECOM from Board of Health

Letter from FRCOG regarding Pipeline Advisory Committee

Email from Peggy Sloan on Pipeline Advisory Committee

Email from Tom Miner re: Pipeline Advisory Committee

Letter from Mass Audubon to Kimberly Bose re: TGP Pipeline

Email from Tom Miner re: Pipeline Related Talking Points

Emails from Joe Palmeri, John Taylor, Larry Flaccus re: draft sign regulations

Draft #3 Proposed Revisions to Shelburne “Section 9 Sign Regulations”

Email from John Taylor with proposed amendments to Zoning Bylaws for ATM 2015

Email from Open Space on meeting February 26th

Memo/email on Fiscal Year 2016 Budget Requests in Shelburne

Meeting Notice on Update of Regional Transportation Plan for Municipal Officials

Powerpoint on TGP Pipeline – Mass Land Trust Coalition June 25, 2014

Email re: TransCanada and Aurigo Masterworks