

**TOWN OF SHELBURNE
Planning Board
Minutes of Meeting July 8, 2015**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, June 10, 2015 at 7 pm in the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair
Will Flanders
Josiah Simpson
George Dole
Cam Stevenson
Peggy Sloan, FRCOG
Pat Smith, FRCOG

Administrative Assistant: Liz Kidder

Absent:

Audience:

Press:

The meeting was called to order at 7:05 pm.

Motion to approve the minutes of June 10, 2015 as presented was made by Josiah and seconded by Will.

Vote: 3 in favor, 0 opposed, 2 abstentions - John as Chair of the meeting and Cam who was absence.

ANR Plans

Phil Bragdon of 19 Mechanic Street submitted a Form A and a revised ANR plan for Board review and endorsement. Phil explained that he is giving some of his property to a neighbor. His previous plan was not endorsable since the exchange of property would have made his lot a nonconforming lot. He had the plan redrawn to ensure that he maintained the minimum acreage of 20,000 square feet.

A motion to endorse the plan as presented was made by Will and seconded by Cam.

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

NEW BUSINESS

Planning for ATM 2016. Liz noted that in past years, the Planning Board has invited the ZBA to attend their September or October meeting to discuss possible zoning bylaw revisions that could or need to be prepared for the next Annual Town Meeting (ATM) in 2016. John said he had talked with Joe Palmiere who said he would be happy to come to a meeting. The consensus of the board was to have the ZBA come in about 8pm on September 9th. This would give the Planning Board an hour to deal with any ANRs and to continue their review of the subdivision regulations before meeting with ZBA members.

FRCOG Local Technical Assistance Request – Peggy Sloan, FRCOG Director of Planning

Peggy Sloan explained that she and Pat Smith, FRCOG Senior Land Use Planner, would work together on this assistance request. Peggy noted that the Board had listed several activities with which the Board could use technical assistance from the FRCOG. Two of those items involved mapping which she felt was beyond the services available from the FRCOG which does not have any engineers on staff. She explained that there may be potential to assist the board with procuring an engineering firm to look at identifying appropriate cell tower sites or sites appropriate for large-scale sewer installations but the Board should know that may require the services of two different firms and there is a limit on funds available for towns to hire outside firms through the technical assistance grant program. Peggy noted that the FRCOG does have experience in helping towns developed Cluster or Open Space Zoning bylaws. Peggy mentioned that she has a copy of a draft that Shelburne had worked on in 2006 for the Board to review.

Peggy Sloan and Pat Smith discussed the differences between cluster/open space bylaw and natural resource protection zoning (NRPZ) bylaw which has been adopted by a few towns nearby and which was developed by Jeff Lacey; a planning consultant and employee of the MASS DCR. A straight cluster bylaw allows for the clustering of dwellings and set aside of open space with no

Approved : _____ Date: _____

increase in the number of dwellings allowed on a large parcel of land. A NRPZ bylaw allows the clustering of dwellings on a parcel plus the ability for the developer to earn bonus points, based upon a review of specific criteria, which would let a developer increase the number of possible lots he could build upon that parcel. Peggy described how a bonus point system would work: if elderly or low income housing is included, for example, or more open space is set aside, the developer may be allowed to build more units. Peggy distributed several examples of cluster bylaws including models for NRPZ and the Buckland Cluster Bylaw. Peggy said the board may want to discuss the politics of these two approaches. Pat and Peggy noted that Colrain had modified their cluster bylaw when the Katywill proposal was considered. Peggy said the Board could develop their own open space bylaw that established criteria somewhere in the middle of the two options; customized to Shelburne.

Will asked what the FRCOG can offer. Peggy said they were most comfortable with helping the Board develop a traditional cluster but mentioned a Peer-to-Peer grant program where the town might get \$1,000 which they could use to ask for Jeff Lacey's assistance. Jeff could work along with the FRCOG to help develop Shelburne's bylaw but she also pointed out there are time limitations since the FRCOG has to finish their assistance effort by the end of December.

The Board discussed whether to apply for the grant. Josiah noted that the open space survey had 60% support for Open Space zoning. Liz suggested asking the Selectmen if there is any way to come up with the funds to have Jeff Lacey come to Town to do a presentation on NRPZ. Peggy will call Jeff Lacey and see if he would consider reducing his fee for the town and she would let Liz know.

Will suggested that the Board read the packet of material that Pat Smith had brought to see what Shelburne had drafted in 2006, the NRPZ material and Buckland's bylaw before the Board's next meeting. At the August meeting the Board could discuss which way the Board would like to proceed. Liz suggested asking Alain Peteroy, Director of Land Conservation of the Franklin Land Trust, to come to the next meeting to talk about implementation of a cluster/open space/NRPZ project from a land trust perspective. Josiah asked how this relates to the Board's current review of traditional subdivision and the Board decided to continue with the current review of the draft regulations.

OLD BUSINESS

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

Liz distributed a packet of emails that have been received in the past month. She noted that all of these emails had already been forwarded to Board members.

Subdivision Regulations – the board worked on pages 18-33 of the current working draft of new Shelburne Subdivision Regulations. The Board discussed performance bonds, restrictive covenants, and related issues. Will volunteered to reorganize that section of the draft and was going to research the bonding procedures. Josiah will take on reorganizing the EIS section for next month's meeting. Next month the Board will review Sections III and Section IV up to Section V Administration.

Solar overlay district – Will suggested that we request DLTA assistance for January 2016 which could be used to retain the services of an engineering firm to help identify a solar overlay district. The Board discussed whether it was more important to get assistance on an additional cell tower overlay district. George noted that anyone proposing a large scale solar would want to be located near a 3 phase power facility. It was decided to add the need for either a solar overlay district or another cell tower overlay district to the list of items to discuss with the ZBA in September.

Attorney General's review of Shelburne Zoning Bylaw amendments – Liz distributed a copy of the letter received from the Massachusetts Attorney General's office which gave the Shelburne Case# for their review noting their decision will come in early September.

COMMITTEE UPDATES

FRCOG Planning Board – Cam didn't make it to the last meeting.

Open Space – John said he attended but there was nothing new to report.

Other town board updates – John attended the local pipeline committee meeting. The Board is still forming and not many were in attendance. They holding another meeting on July 22nd but John told them he would be out of town.

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

Approved : _____ Date: _____

READ MAIL - The Board reviewed the mail received since the last meeting as listed below.

PUBLIC COMMENTS –none presented.

SCHEDULE NEXT MEETING – August 12, 2015 at 7pm

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

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

Respectfully submitted by:

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS

June 11, 2015 Email from Attorney General’s Office regarding Case #7661

Nov 11, 2014 memo to Selectboard re: Planning Board FRCOG Local Technical Assistance Request

June 26, 2015 email from Selectboard regarding Town Administrative

July 4, 2015 email from Phil Bragdon regarding an ANR for 19 Mechanic St.

June 11, 2015 email from Emily Boss regarding Natural Resource Zoning and the Landscape Partnership Grant

June 13, 2015 email from John Wheeler regarding Letter to FERC requesting local scoping sessions

Emails form the FRCOG Regarding the Kinder Morgan Pipeline

Growth Management Tools: by Jeff Lacey

Excerpts from Town of Leyden Natural Resource Zoning Bylaw

Hearing notices from neighboring towns:

Greenfield – 3

Charlemont – 1

Deerfield - 3

Documents from Peggy Sloan:

Draft Open Space Development Public Information Draft Bylaw 1/2/07

Section 6-2 Cluster Development/Conservation Bylaw of the Town of Buckland Zoning Bylaws pages 22-30

FY 16 Peer-to-Peer Technical Assistance Program notice from DHCD

Natural Resource Protection Zoning Handouts by Jeff Lacey:

Conservation-Friendly Zoning for Small Massachusetts Towns

What is Natural Resource Protection Zoning (NRPZ)

Natural Resource Protection Zoning: The Green Side of Smart Growth

Model Open Space Design/Natural Resource Protection Zoning/Smart Growth/Smart Energy Toolkit

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