

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting and Public Hearing March 22, 2017**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, March 22, 2017 at 6:45 pm in the Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board  
Will Flanders  
Cam Stevenson  
Josiah Simpson

Administrative Assistant: Liz Kidder

Absent:

Audience: Susan Stark, Josh Simpson, Sean Neill, Jessica Van Steensburg

**The meeting was called to order at 6:50 pm.**

**A motion to approve the minutes of the March 8, 2017 meeting was made by Josiah and seconded by Cam.**

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

**ANR Plans** – none presented

**Special Permit /Variance Applications** – Mike Skalski’s Special Permit Application. Main St.

The consensus of the Planning Board was that the self-storage units proposed for the property within the Town’s Industrial Zone would be allowed through the special permit process according to the Shelburne Zoning Bylaw. It was discussed that there did not appear to be any catch basins on the plans submitted to the Board and that the runoff from the roof during periods of precipitation can create problems when there are no catch basins; the Board felt that was an issue that the ZBA should definitely address during their review. However, the proposed storage/recycling facility on the upper portion of Mr. Skalski’s property appeared to really be a “junkyard” in the Town’s zoning bylaw, not storage or warehousing; and is in the RA zoning district. According to the Town’s bylaw use table, junkyards are not allowed in the RA district. Concerns were expressed regarding the potential contamination that could occur if a junkyard was allowed to be built on that site without proper local and state health department reviews and permitting. In addition, the Board felt the ZBA should include consideration of how the site can be restored if the junkyard were to go out of business so that the site did not turn into permanent storage instead of a recycling facility. The Board suggested that if Mr. Skalski needed to move his recycling equipment and facility from Ashfield, that he place it on the land that is zoned Industrial and get all necessary health permits. It was decided to email a letter to the ZBA expressing these concerns prior to their public hearing and that John or another member of the Board would try to attend that hearing representing the Planning Board.

**A motion to recess the Planning Board meeting until after the Public Hearing scheduled for 7:00pm this evening was made by Will and seconded by Cam.**

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

**The Public Hearing was called to order 7:02 pm**

**Public Hearing to review Proposed Revisions to Shelburne Zoning Bylaw: Sections 11- Parking Requirements, and 22- Temporary Moratorium Recreational Marijuana Establishments.**

John Wheeler called the Public Hearing to order and welcomed everyone to the meeting. John said they would take comments on each Section of the revisions in order. Josiah said that he would be recusing himself from the discussion regarding the parking requirements due to a conflict of interest.

**Section 11 Parking Requirements**

John noted that after the Board had prepared the public hearing drafts and posted the meeting, some very good and thoughtful comments had been received from John Taylor. Will and the Board had reviewed those comments and made a few additional revisions to the public hearing draft. These modifications are just clarifications and do not significantly affect the intent of the bylaws. The Board included those revisions in the copy of the drafts presented tonight and those revisions are in bold and a different typeface from the rest of the document and copies are available on the table in the front of the building. Based upon John Taylor’s comments, the Board had added clarification to the regulations regarding the Village and the Shelburne Center areas of Town. Based upon comments from the last Public Hearing, the Board made revisions to allow for more flexibility for parking in the VC, separating out parking requirements for retail/commercial uses from residential requirements.

Will reported that he had talked to Town Counsel about whether it was legal to allow the ZBA to increase the requirements in certain cases which may dramatically increase the number of parking spaces needed in Town; she thought it wouldn’t be legal as written and suggested adding to 11.4.3 a proviso for uses that would likely add a significant strain to the parking capacity that currently exists in the Village. Will noted that the Board was looking for input on this issue --how could the Board define such a venue.

Susan Stark commented that in the preamble the revisions refer to “redevelopment of existing, deteriorating, or destroyed buildings” but that this language is not carried forward into other sections of Section 11. She suggested that it would be appropriate if that language was carried forward. In 11.4.2 she asked if the Board had meant to use the word “goal” rather than “policies”. She noted the ZBA is given the authority to waive or modify requirements based upon the criteria and it references 11.3.1 -- she questioned that referral. She also said she would like to see the word “and” replaced with “or” ; she would like the standards based upon form; in looking at the sentence “....,if it is determined “.... She felt it needs to refer to in the best public interest and to not derogate from the intent or purpose of this bylaw. She said that for a non-conforming structure, there should be the potential for reconstructing the building on the existing footprint without coming under the setback requirements such as those required for a totally new structure.

Will responded that in drafting the language he never considered that 11.3.1 wouldn’t refer to a structure such as the Singley Building and the Board is open to further tweaks to provide clear guidance to the ZBA. . Will said he did not agree with Susan’s suggestion for 11.4.2--he felt policies was the word to use and to have it be an “and” was better and stronger. The Board said they would take her comments and review them fully after the meeting as they finalize the bylaw to be submitted to Town Meeting.

Sean Neill questioned whether the reconstruction of a structure such as the Singley building, would really create new parking demand? Sean said that his plans for the former Mole Hollow building could have a demand for 30 parking spaces. He said there are about 20 parking spaces near Mole Hollow that already exist. He suggested that increased parking demand could be met by better parking management such as signs, and that it would be good for other businesses to have his customers park in the lots on the eastern end of Bridge St. so they have to walk by other shop windows. Sean is hoping to have seating for about 125 people and he is aware he has to meet building code requirements such a sprinkler systems. He doesn’t know yet how many people may be there for music events and the different floors will be active at different times. He is hoping to get assistance from the Town to make his plans work.

John Wheeler remembered that Mole Hollow used to have 50 employees. Sean said he is hoping to make a scenic overlook where there used to be a little parking area and loading dock at the back of the building. There was a discussion about amending 11.3.1.3 to give the ZBA a method for dealing with/negotiating a permit for a large venue proposal.

Susan requested adding, “redevelopment of existing, deteriorating, or destroyed buildings” into section 11.3.1.3. The Board felt that since 11.3.1.3 was a subset of 11.3.1, that language would automatically apply and they wanted the minutes of the meeting to reflect that.

Josh thanked the Board for their efforts over the last few months improving these bylaws.

**Section 22 Temporary Moratorium Recreational Marijuana Establishments** - Josiah rejoined the discussion.

Will reviewed the likely timeline for the implementation of State regulations and that it was questionable as to whether a moratorium was really needed. The consensus of the Board was the moratorium would help the Town to focus on this issue and to encourage dialogue among interested residents. No comments were presented by the public in attendance.

John Wheeler thanked everyone for attending and their comments. He explained that the Planning Board was going to reconvene their regular meeting and consider all their suggestions.

**A motion to adjourn the Public Hearing was made by Cam and seconded by Will.**

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

**The Planning Board meeting was reconvened by the Chair.**

**OLD BUSINESS:**

**Review of Public Hearing Comments/Preparation of ATM Submittal to Selectboard.**

Will suggested that in 11.3.1. the Board add the language, “including all redevelopment, renovation or reconstruction of deteriorating or destroyed buildings, “ and then delete 11.4.3. In addition, that same language would also be added to 11.3.1.3 just to avoid any possible confusion. Following discussion, the consensus of the Board was not to try to define a venue which may bring such a significant number of cars into Town as to strain the parking situation.

**Will moved and Cam seconded to make the revisions, as listed above, to the proposed parking bylaw.**

**Vote: 3 in favor, 0 abstentions and 1 abstention by Josiah who recused himself.**

Liz was asked to put the final package of proposed bylaw revisions together and to submit them to the Selectboard for consideration at this year’s Annual Town Meeting.

**FRCOG Technical Assistance Grants/MDI Grant Update** –While the Town has not heard whether the grant is going to be funded, the Board felt that the Town should include \$16,000 in this year’s warrant to allow for a parking study to be carried out. John said he would talk to the Selectboard.

**Master Plan Update** – nothing presented.

**Budget for FY 2018** - Liz noted that the Selectboard and Finance Committees are heavily into meetings and there are numerous requests for budget increases. The Selectboard has noticed that the ZBA and the Concomm only get 110 hours each of clerical support and that this is the 2nd request for an increase in clerical hours by the Planning Board. The Board noted that they often meet twice a month while the other boards only meet once a month and the Board is planning on updating the Master Plan which will be a major project.

**COMMITTEE AND REGIONAL PROJECT UPDATES**

**FRCOG:** Cam reported the next FRCOG meeting will be tomorrow night and the agenda includes: a Bike tourism study/Small bridge program and a presentation on the 10 most hazardous intersections study.

**Open Space:** John will attend the next meeting on Monday.

**Other Town Boards:** The Board reviewed a flyer from the FRCOG regarding a meeting on Climate Change Adaptation in Franklin County. Josiah will try to attend the meeting and report back.

**READ MAIL** – the Board read mail as listed below.

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

**PUBLIC COMMENTS** – none presented.

**SCHEDULE NEXT MEETING** – next regular meeting will be Wednesday, April 12th at 7pm. The Board decided to meet only once in April.

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

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

**Meeting was adjourned at 9:00 pm.**

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

**LIST OF DOCUMENTS:**

**Legal notices from neighboring communities: Buckland – 1, Charlemont – 1, Colrain – 3, Conway – 1, Deerfield – 1.**

**Public Hearing Draft Bylaw Revisions Section 11 and 22**

**Article “Business Advice Source” 11 Best Places in New England for Retirees**

**March 9, 2017 email from Will Flanders**

**Flyer: Planning Together for Healthy Aging meeting**

**March 10, 2017 email from Tracy Rogers on Local Officials Workshop on Climate Change**

**Flyer on Climate Change Adaptation: A Focus on Franklin County**