

**TOWN OF SHELBURNE
Planning Board
Minutes of Meeting March 11, 2015**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, March 11, 2015 at 7 pm in the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair
Cam Stevenson
Will Flanders
Doug Finn

Administrative Assistant: Liz Kidder

Absent: Josiah Simpson

Audience:

Press:

CALL MEETING TO ORDER

The meeting was called to order at 7:02 pm. John Wheeler noted that Josiah Simpson had contacted him earlier in the day to let him know he would not be in attendance tonight.

READ AND APPROVE MINUTES

Will noted that the Business association is now abbreviated to GSFABA.

A motion to approve the Minutes of the February 25, 2015 Shelburne Planning Board meeting and the minutes of the February 25, 2015 public hearing as presented was made by Doug and seconded by Cam. Vote: 3 in favor, 0 opposed, 1 abstention by John Wheeler as chair of the meeting.

ANR Plans – A new ANR plan for the William Sweeney property at 143 Main St. was reviewed and the mylar signed by the Board. The purpose of the revised ANR plan was to modify the location of a sewer easement. Liz gave the applicant's check, a copy of form A and the signed copies of the plan to Joe Judd, Town Clerk, who was in attendance.

NEW BUSINESS

Shelburne Woodworking Shop – the Board reviewed a ZBA Application submitted relative to Section 5.2 (d) of the Shelburne Zoning Bylaw requesting they be allowed to construct a building higher than 35 foot limit. Their plan is to build a building with a 39 foot roof in order to enhance the solar capacity of the building.

Will moved that the Planning Board send a letter to the ZBA supporting the Shelburne Woodworking Shop request. Seconded by Cam. Vote 3 in favor, 0 opposed, 1 abstention by John as Chair.

OLD BUSINESS

Zoning Bylaw "Housekeeping" revisions for annual town meeting –the Board reviewed the final draft of the proposed revisions to the zoning bylaw. It was noted that in 16.5.B.1.a, the word "collocation" in the second line is supposed to be changed to "addition".

Will moved to approve the proposed draft articles relative to the Table of Contents, and Sections 2, 4, 16, and 17 and to forward them to the Selectboard asking them to include them on the Annual Town Meeting Warrant. Seconded by Cam. Vote: 3 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

Draft Sign Regulations --The Board reviewed the combined edits created by Will and Liz based upon the public hearing comments, Draft #5. Final edits included:

Section 9.2.9 – in the third line, delete "a" and make "Sign" plural

Section 9.3 – Capitalize "Right" in the heading.

Section 9.3.1.5 (f) edit to read "one of no more than two (2) such Signs"

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John Wheeler noted that Joe Judd was in attendance and invited him to present his concerns since he was unable to attend the public hearing because of other town responsibilities. Joe Judd thanked the Board for their efforts and thought this was the best effort so far. Joe said that he had a strong concern about Section 9.3.1.5 that allows the placement of signs for events in neighboring towns along major roads in Town. He feels that it is not appropriate for a town zoning bylaw to address this. He feels that there may be another way to address this through a different kind of town bylaw with a permitting and fee process.

Will described the thought behind the bylaw and referred to recognition by the GSFABA that the towns in West County are their own interconnected rural economic development area; that Route 2 through Shelburne is really the gateway to the west country towns listed in the bylaw. Will noted that Crafts of Colrain had two signs in town, quite a bit apart, that advertised their event. The Board had been trying to balance the needs of the regional events that benefit all the towns bringing people into the area and a concern with controlling sign clutter along the major roads which are designated scenic byways.

Joe is concerned about naming specific towns in a bylaw format. He recognizes that ultimately it is Town Meeting that will decide. Joe said he expects he will speak to this at Town Meeting to gauge the sense of the Town and to see if there is a feeling that there should be a permitting process for this kind of sign. Cam asked Joe about the time involved for a town employee to manage the permitting and fee process. Joe said that he, as Town Clerk, would have no problem dealing with the permit and fee for the Town. Joe said he really respects the Board and the time they put into this bylaw. Joe left to go to another Town meeting.

Following a discussion of other comments raised at the public hearing on this matter, Will suggested that the Board recommended "2 signs per numbered state route" relative to special event signs for neighboring Towns. Cam and Doug and John all agreed with 2 signs per numbered route and felt that it was necessary to keep the names of the other towns in the bylaw in order to maintain some control over the number of signs appearing along major roadways.

John raised a question as to whether there was still a need to revise the bylaw relative to the definition of agriculture signs. Will suggested we go with what is presented so far and see if problems arise; if so, they can be amended at a future town meeting.

Will moved that the Board adopt all the changes that are shown on Draft #5 Proposed Revisions to Shelburne "Section 9 Sign Regulations" with the minor changes made tonight and that we send it to the Selectboard requesting them to include these revisions on the Annual Town Meeting Warrant. Seconded by Cam. Vote: 3 in favor, 0 Opposed, 1 abstention by John as Chair.

Large Scale Ground Mounted Solar Bylaw --Liz reviewed the emails from Faye Whitney on behalf of the Conservation Commission and the ZBA with their comments and the comments from the open space plan on the proposed large scale solar bylaw.

Conservation Commission comments--

- 18.4.10 -- The Board questioned if the items being added would normally be included in a grading plan or as a regular part of the Conservation Commission review – would this actually be necessary to include here. The Board decided to ask the Conservation Commission to have a member present at the Public Hearing in order to get more explanation regarding this suggested edit and to discuss it when Josiah was present.
- 18.6.4. Doug noted that there is a lot of redundancy in the bylaw. Will noted that he has no problem with that if it emphasizes areas that need to be addressed. The Board consensus was to add "wetlands" after "environmental,".
- 18.7.4 Wetlands impacts. The consensus of the Board was to include this language as suggested by the Concomm.

ZBA Comments-- It was noted that 2 members of the ZBA expected to be at the Public Hearing and would be available to elaborate on the comments in the email.

- Section 18.4.9 – the ZBA felt the language relative to "Screening" was a bit vague. It was decided to wait until the Public Hearing to get more input on this from the ZBA.
- Section 18.2.1 – the consensus of the Board was to add, "The ZBA is the Special Permit Granting Authority for this Section."
- The Board discussed the ZBA query on premises use and when does an LSSI become a principal use on a property.

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It was decided that someone would call the ZBA and let them know the Board would like further clarification of the questions in the email.

Open Space committee-- the Board reviewed comments from Jim Perry and Larry Flaccus of the Open Space Committee.

- Comment JP1: the last sentence of this comment can be added to the end of 18.6.8.
- JP2: how far apart would nearby installations have to be sited in order not to be “daisy-changed”. Cam noted that if two neighbors each had a 10 acre array but both met the screening requirements then they wouldn’t be visible, is this therefore really a problem? Doug noted it is impossible to regulate against every possibility. Will said that his impression was that the Board felt that 10 acres was the largest array that was desirable for Shelburne, therefore, how far apart should they be to meet the intent of the goals of the bylaws--what is a reasonable distance apart. Cam noted it all depends upon the location. Will suggested setting a distance of 100 feet apart for each acre of land covered by solar array.
- Section 18.4.4/Comment JP4 - add “and proposed management practices for siting, construction, screening, reducing the visual contrast, operation, and maintenance of the LSSI.”
- Section 18.4.5/Comment L5 - change “interconnected” to “connected”
- Section 18.4.9/Comments JP6 and 7 - in the fourth line, insert “cannot be seen” between “structures” and “from”.
- Section 18.5.2/Comments JP 8, 9 and 10 - the Board felt these suggestions were over-regulation since if the installations were supposed to be screened from review there was no need to regulate the looks/color of the structures.
- Section 18.5.3/Comment JP11 - the board felt it made sense to change the height limitation of any structures associated with an LSSI to 35 feet to be consistent with the rest of the bylaw.
- Section 18.5.4/Comment L12 and JP13 - a new section 18.5.4 could be considered that states: “Distance to other LSSIs - Only one LSSI may be sited per lot and LSSI’s may not be sited within a distance of 100 feet/acre of land covered by solar panels between LSSIs.
- Section 18.6.5/Comment L14—Insert “Except in the case of invasive plants listed by the Massachusetts Invasive Plant Advisory Group, herbicides.....” at the beginning of that section. Add at the end of that section, “Aforementioned invasive plant species must be controlled using best management practices and effective methods least detrimental to the environment.”
- Section 18.6.8 Comments JP15-19 - edit 18.6.8 to read as follows: “Visual Impacts - The LSSI shall be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible using vegetative buffers (not fences) to provide an effective visual barrier from any public roads and to visually screen abutting residential properties, whether developed or not. Landscaping shall be maintained by the owner/operator of the LSSI. Siting shall be such that the view of the LSSI from the other areas of Town shall be as minimal as possible, in the sole judgment of the SPGA.”
- Section 18.7.3/Comment L21 -insert “Chapter 61 lands,” in the list.
- Section 18.9.2/Comments JP22-24 - the Board consensus was to leave this language as it is.
- Section 18.9.4/Comments JP25 and 26—in the third line delete “reclaim” and substitute “stabilization or revegetation of the landscape” and in the 7th line insert “stabilization, and revegetation,” between “removal” and “prepared”.
- Section 18.10.2.B.1/Comment JP 27 - insert “a map showing other existing or proposed LSSIs within 1000 feet.
- Section 18.10.2.B.1.u/Comment JP 28 and 29 - edit to read “locations of woodlands with trees 6” caliper or larger and shrubs and showing which portions of the woodlands will remain in place and those areas where woodlands will be removed.
- Section 18.10.2.B.7/Comment JP30 and 31—change 300 feet to 1000 feet
- Section 18.10.2.B.8/Comment JP32 - change 300 feet to one (1) mile.
- Section 18.10.2.B.10 - add a new section 18.10.10 that reads “Pesticide use plan (see Section 18.6.5)”
- Sections 18.10.2.C, 18.10.3, 18.10.4, 18.10.5, 18.10.6 - renumber for consistency
- Section 18.15 - add “the Conservation Commission” in the last line.

The consensus of the board was to present the discussed edits as those being considered by the Planning Board for discussion at the Public Hearing on March 25th. Liz was asked to prepare an additional amended Public Hearing draft that highlighted these possible changes to give other boards and the public a chance to review these possible edits so they can be discussed at the public hearing.

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

Landscape Partnership Meeting – Three members of the board attended at which information was presented on the state program. There will be a public meeting on it in the future.

COMMITTEE UPDATES

- FRCOG Planning Board - meeting later this month
- Open Space – they were working on the landscape partnership meeting
- Other town board updates - none presented

OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING

READ MAIL

The Board read the mail as listed below.

PUBLIC COMMENTS – none presented.

SCHEDULE NEXT MEETING -- Wednesday, March 25 for both a regular meeting and a public hearing relative to the LSSI proposed bylaw. The Board will meet at 6:30pm and the public hearing will be scheduled for 7pm.

A motion to adjourn the meeting was made by Doug and seconded by Cam. Vote: 3 in favor, 0 opposed, 1 abstention by John as chair of the meeting.

The meeting was adjourned at 9:58pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant
Shelburne Planning Board

List of Documents:

Notices from neighboring towns:

Charlemont – 1

Conway – 1

FRCOG Letter of Feb. 26th regarding the Brownfields Program

Invitation to an Open House at the Ct. River Watershed Council

Application to the ZBA for Shelburne Woodshop LLC

ANR Plan for 143 Main St.

March 10 email on LSSI from Conservation Commission

March 10 email on LSSI from ZBA

March 11 email from Open Space on Solar Bylaw with edited tracked comments

Draft Section 9 edited by Will Flanders relative to Feb. 25th meeting comments

Completed “Which” hunt by Will Flanders of Draft Section 9

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