

Town of Shelburne
Minutes of Meeting
Planning Board
Wednesday, March 13, 2013

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, March 13, 2013 at 7:00 PM at 51 Bridge St., Shelburne Falls, MA.

Present: Matt Marchese, Chair
John Wheeler
Doug Finn
Liz Kidder, Administrative Assistant

Absent: Beth Simmonds, Vice Chair, had notified Matt that she would be out of town

Press: Cameron Graves

Audience: Mike Parry, Pete Joppe

Meeting was called to order at 7:02PM

Read and Approve Minutes of the January 9, 2013 meeting: Liz noted that she prepared the minutes from a digital tape and was not at the meeting. She also handed out copies of Judi Truesdell's minutes from that meeting on behalf of the Wind Advisory Committee (WAC).

Motion to approve the minutes as presented was made by Doug and seconded by John.

Vote: 2 in favor, 0 opposed, 1 abstention since Matt wasn't in attendance.

OLD BUSINESS

Windpower Advisory Committee update: John Wheeler reported that a WAC working document had been emailed to all the Board members. One of the WAC members prepared it as a summary of what they have been doing. Basically the WAC started out by dividing into 3 groups: operational/technical issues, impacts/noise/health, legal issues/considerations. The legal issues address problems that have come up in other communities and how to minimize those impacts. Some people in the group have visited sites that have turbines – Wendell, Turners, Heath, Hawley, sites in New York, Hoosac Project, Falmouth, and Fair Haven have all been visited. John noted they did not find premises based bylaws that would match the intent of Shelburne's moratorium. Matt noted this was consistent with Briony Angus' research.

Steve Ryack from Heath's wind committee attended one WAC meeting and reviewed their town's research. The WAC has come up with hundreds of pages of research. John is urging the WAC to prepare a summary in a format that is easy to read.

Matt reviewed the motion made by Beth at the January meeting:

Motion was made by Beth Simmonds that the WAC will research and bring to the Planning Board information gathered that identifies towns that currently have turbines in operation with specific information on size, height, noise, setback and any other physical characteristics and then comment on any field concerns with town members or town and state officials. She suggests that be done in a format that is easy to follow. John seconded the motion.

Matt asked where the WAC is in preparing a deliverable that responds with that motion. John said they are working on getting the research into a readable and useful format. Doug and John noted that at the WAC meeting last night only 3 people showed up to prepare a summary and were therefore unable to prepare a submission or deliverable for tonight's meeting.

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Matt noted that he has received emails from Kevin Parsons, chair of the WAC, asking for direction on where to go with their research. Matt has reread the original motions in the charter and the minutes from Jan 9th and he is concerned about the WAC still asking for direction. Matt read the emails from Kevin into the record:

"I have seen the agenda for your meeting tomorrow night. Are you expecting someone to give a presentation from our Committee? I had sent Matt an email and attached our working document for review. Our Committee is meeting tonight. Would like to know if you expect something from the Committee at the meeting Wednesday night. Our committee wants to make sure what we are working on is consistent with the desire of the Planning Board. So far we have been operating under certain assumptions we have made based upon; past PB meeting minutes; our verbal charge and discussion when our Committee was appointed; and what John Wheeler believed was appropriate. (Email to Planning@townofshelburne.com March 12, 10:10 PM)

"I wanted to give you an update on the work of the Committee. We have met four times so far. I would estimate our committee has put collectively well over 100 hours to date into this endeavor. I understand you are meeting March 13. We will be meeting on March 12. I would like to get a document to you for your Board's review detailing the status of what we have done, where we are going, and a timeline. I am pushing to have our finished product to you by the end of this month. Our review of the PB minutes, and the general discussion at the last meeting of the PB gave us somewhat of an outline of what was expected. I also understand that the intention was for the PB to meet in January to discuss this further. Without that meeting of the PB, lack of formal written charge, nor any further communication from the PB, we have made certain assumptions and pressed on with what we believed were our intended duties." (Personal email to Matt Marchese).

Matt stated he was very appreciative that the WAC is doing extensive research that will be helpful. John noted that the WAC did the work to respond to Beth's motion and have gone beyond. The WAC had hoped to get together on Tuesday to put together a response to the initial charge but didn't have a quorum to do it. In addition, they would like direction for the next deliverable. John noted the WAC has another meeting tomorrow night and will try to prepare the first deliverable. Matt asked John to email that report to planning@townofshelburne.com when it is done.

The Board reviewed the working document that had been submitted. This document is organized in 3 sections: Operational/Technical Matters, Demand/Capacity/Premises Use/Excess Power, and Setbacks/Impacts.

Section 1. Technology- specific information on turbine size, height, set back will be included in the first deliverable. John suggested that after the Board reads the report, they should let the WAC know if they would like to see more research on a specific aspect of the report.

Section 2. Demand, capacity, premise use and excess power – the WAC would look at what Shelburne would require – this can be included in first deliverable. How "premise use" is defined in other towns proved difficult to find. Most towns/cities are putting caps on size rather than referring to premises use. Matt says he is happy to be unique and try to define premises use unless it would make implementation of the bylaw difficult. Matt said it would be helpful to have the WAC's assessment of whether the topography of Shelburne lends itself to conditions appropriate for windpower.

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Section 3. John said they have looked into setbacks. The WAC is not comfortable with a lot of manufacture's recommendations. . Matt noted the Board is concerned about setbacks as they relate to health and safety issues, and property values for neighbors.

Matt noted that this bylaw is focusing on small scale and he is concerned how this will relate to farmer's needs. At this time Matt suggested dealing with small scale and leave further analysis for future discussions. Depending upon the WAC report and whether we have adequately dealt with the issues of premises use vs. small scale as a focus, we may or may not be ready for town meeting this year. Matt reminded everyone that we can take the time to do it properly with an extension of the moratorium. Matt noted that to be ready for this year's Town Meeting (ATM), the Board would have to have the WAC's report by Monday in order to be ready for and to conduct the necessary public hearings with submission to the Selectboard in time to get it on this year's warrant. Doug agreed, lets' get a small scale bylaw together and get it done. Commercial has been banded and let it stay banned. Doug, Matt and John all agreed that it would be great to get it on this year's town meeting.

John said the WAC has also been looking at the draft bylaw to see if there are any major gaps they feel need to be addressed. Matt said if the WAC can get the Board a final review by Monday, the Board can meet Monday night. The Board discussed the need to post a public hearing and the scheduling that needs to be done to be ready for this year's ATM. The Board would have to vote on March 18th to proceed with warrant articles for this year. Matt emphasized that we can go for an extension if the WAC wants more time. Matt noted that there is a long standing concern about passing zoning bylaws at a special town meeting. The Board could get this bylaw ready and hopefully also be ready with a solar bylaw for next year's ATM. Matt noted that Heath has a small wind bylaw and that is something that the WAC may want to look at. John noted their bylaw is quite a bit simpler than the one Briony prepared.

Matt asked Liz to post a meeting for Monday. Matt suggested that the Board vote tonight ask Town Meeting for a one-year extension for the moratorium. If the WAC is able to complete their review and report by Monday, the Board can then make a motion to present the revised draft bylaw.

Doug made a motion that we extend the moratorium on the wind issue for another year. Seconded by John.

Matt proposed to extend the moratorium to the next annual town meeting in 2014--agreed to by both Doug and John.

Motion that we extend the moratorium on the wind issues until Annual Town Meeting in 2014 was made by Doug and seconded by John.

Vote: 3 in favor, 0 opposed, 0 abstentions

Matt moved that we schedule the public hearing on the extended moratorium for April 3, 2013.

Seconded by Doug.

Vote: 3 in favor, 0 opposed, 0 abstentions.

Matt noted this public hearing can be canceled or changed if needed. Matt will respond to Kevin's email and will "cc" the entire board.

Community Energy Strategies Pilot Program update: Matt noted that Shelburne had joined Greenfield, Montague, and Buckland in a regional application through the FRCOG to address energy alternatives and it was the only regional grant awarded. This grant will help the towns look at all forms of renewable energy. The committee has not yet met. Matt asked Liz to contact Peggy Sloan regarding an update on this grant.

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Draft Subdivision Rules & Regulations for the Town of Shelburne process update: Matt asked Liz to contact the professional that Brock Cutting recommended and see what he would charge to assist with the Board's review of the draft subdivision control regulations. Matt would like to put funding for this activity on the warrant for this year's ATM. Liz will contact Peggy to see if there is a LTA grant available. John noted that David Schocet has also talked to Peggy about an LTA grant for this year for the Open Space Committee.

Update on the general zoning bylaw revision process: Liz reviewed the list of recommended bylaw revisions that had been developed at the Sept. 13th joint meeting with the ZBA. At a past meeting, the Board has already reviewed several items and the ZBA has done an extensive review with proposed revisions to the cell tower bylaw. Their focus was primarily on further defining "tower", "facility", "structure", "building" and to address gaps they have found relative to maintenance of the towers. She noted that John Taylor had submitted a revision that included "tracked" changes and also a clean copy of what the bylaw would look like with all the changes accepted.

Matt noted that Sections 6.2, 2.5, 2.27, Ordinances vs. bylaws, Section 4.3 need to be added to public hearing on April 3rd since the Board had already agreed to these changes most of which were recommended by the Attorney General's office. The Board reviewed the next items on the list and recommended renaming "Business Uses" to "Commercial/Business Uses". Matt said this clarifies that we consider commercial part of business as opposed to industrial. Matt said to add these items to Monday night's meeting under update on general zoning bylaw revisions.

Matt moved that section 6.2, 2.5, 2.27, Ordinances vs. Bylaws, and Section 4.3 be sent to legal for review and the agenda for our April 3rd public hearing. Doug seconded.

Vote: 3 in favor, 0 opposed, 0 abstentions.

Other items on the list prepared at the Sept. 13th joint meeting will be addressed next year.

Cell Tower bylaw recommended revisions from ZBA: Matt read John Taylor's email into the record.

"I have attached the final draft of the Section 16 Telecommunications Bylaw revisions which were accepted by the ZBA at our 3/7/13 meeting.....I have attached two versions: one is annotated with every change made to the document and as such has a lot of red marks and comments, and the second is the clean version of how the bylaw would read as revised/updated.

We should note that while there is a lot of modifications most are merely clarifications of the structure/building/tower/facility conflicts, wording corrections and numbering. The substantial changes include the clarification of what types of maintenance can be reviewed and approved by the Building Inspector without requiring action of the ZBA, review cost reimbursement, and on site power generation."

Review of this proposed amendment will be added to the agenda for Monday night's Board meeting.

Annual budget: Matt noted that the Board still has a challenging agenda for next year – wind, solar, bylaw revisions, subdivision control. The Board agreed to request 230 hours for their clerk's position– to keep it the same as this year. Liz noted that the costs of legal ads have gone up. Matt asked Liz to estimate the cost to advertise up to 3 public hearings so he can include that in the Board's budget request.

Solar zoning: Liz was asked to look for a copy of the Heath Solar bylaw and to send it out to board members to review.

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NEW BUSINESS

National Grid Special Permit Application: Matt noted that the Board will need to get any comments to the ZBA for their hearing on April 4th. Matt, John and Doug looked at the plans and submitted by National Grid. Matt would like the ZBA to make sure they vet the sound wall to ensure it provides an effective noise barrier for neighbors.

Matt moved that we encourage the ZBA to explore any increase in sound level and whether or not the sound walls are adequate to compensate for what that increase may be so as not to disturb neighbors. Seconded by Doug.

Vote: 3 in favor, 0 opposed, 0 abstentions.

COMMITTEE UPDATES

Open space committee: – Doug has a copy of their annual report. John also attended the meeting and reported that they got 335 returns to their survey out of 800 households – better than 25%. . Doug said they want to start getting a budget from the town as well as looking for grants to continue their work of updating the open space plan.

Other Business not reasonably foreseen 48 hours prior to the meeting: Liz noted that the ZBA had received revisions to the special permit granted by the ZBA last year on the renovations to the Greenfield Savings Bank. The revisions are for a reduction in the scope of the project. Matt noted that the Planning Board had no comments on the proposal when it was submitted last year. The Board had no comments to present to the ZBA.

Read Mail: the Board reviewed all the meeting notices that have been received from other towns, and notices of planning training workshops, notice of Buckland public hearing on their solar bylaw proposals.

Public Comments: none presented

Matt noted that in June it will be up to the Board to elect a new chair.

Doug noted that Matt has done a really fine job as chair and that he has enjoyed working with him.

Schedule next meeting: Monday, March 18, 2013. Public hearing proposed for April 3, 2013, and next regularly scheduled meeting will also be April 3, 2013

Motion to adjourn the meeting was made by Doug and seconded by John.

Vote: 3 in favor, 0 opposed, 0 abstentions

The meeting was adjourned at 9:18 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant