

**TOWN OF SHELBURNE
Minutes of Meeting
Planning Board**

On Wednesday, May 8, 2013, a duly posted regular meeting of the Shelburne Planning Board was held at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls.

Present: Matt Marchese, Chair

Beth Simmonds

Doug Finn

John Wheeler

Cam Stevenson

Absent:

Press:

Audience: Mike Parry

The Meeting was called to order at 7:03pm.

Introductions: Matt welcomed Cam Stevenson to the Planning Board. Cam gave the Board an overview of his past experience serving on boards and committees in the Town of Greenfield.

Read and Approve Minutes :

Motion to accept the minutes of April 3, 2013 as presented was made by Beth and seconded by John. Vote: 4 in favor, 0 opposed, 1 abstention by Cam.

Motion to approve the minutes of the public hearing held on April 3, 2013 was made by John and seconded by Doug. Vote: 4 in favor, 0 opposed, 1 abstention by Cam.

Old Business:

Review Annual Town Meeting action on Planning Board Warrant Articles: Matt reported that the wind power moratorium passed unanimously. The cell tower bylaw passed unanimously after some comments from an abutter. John Taylor of the ZBA who had coordinated the editing of the current cell tower bylaw invited them to meet with the ZBA to discuss any further revisions. The changes suggested by the Attorney General's passed unanimously recognizing one typo.

Cam and John both mentioned that there was a questions as to why a welding and metal fabrication operation would need a special permit in an industrial zone. Matt noted that we have discussed reviewing the whole use table at some point this year to find such inconsistencies. In addition, Matt noted that we should contact the Selectboard as a follow up to proposals made by Whit Sanford last fall when she encouraged the Town to consider developing a long range energy planning strategy, a capital improvements plan, and a Town Master Plan. Matt remembered referring her to the Selectboard since these activities would have to be coordinated among several town boards. Matt asked Liz to contact the Selectboard to review progress on her suggestions.

Windpower Advisory Committee Update: John reported there is not much to update since the last Planning Board meeting. The WAC is still trying to organize a meeting where they can pull the summary report together since several members have been away during the winter. John noted they have collected a lot of data which they need to organize and get it in shape for presentation to the Board. Matt asked John to make sure the WAC goes back to the initial charge that was given to the WAC. Additional information can be presented, but please make sure the summary report addresses the original charge to the committee. Matt asked John to please let Liz know if there

any problem in meeting their new deadline of July 30th. Since the Planning Board meets the second week in July, it would be good to get the report to the Board in time for review before that meeting. Matt said that he noted at ATM how much work the WAC has done on behalf of the town and that it is truly appreciated.

Community Energy Strategies Pilot Program update: Matt reviewed that we were selected as one of 5 towns in the County to participate in a grant program through the FRCOG. Matt has not received any additional information since the last Board meeting. The last we heard, the FRCOG is in discussion with Mass Energy on how to coordinate this regional effort.

Matt asked Liz to send an email to Peggy asking for an update or at least a timeline for the process. Beth asked if this may go along with the recommendation from Whit in regards to long range energy planning for the town. Matt said he isn't sure as to whether it is going to be a town by town study or a regional approach.

Draft Subdivision Rules & Regulations for the Town of Shelburne process update: Liz reported she had emailed Peter Flinker but has not heard back. Matt asked Liz to follow up with Peter to get a final answer as to whether or not he is interest in helping Shelburne. Matt asked Liz to contact Peggy and ask what it would cost for the FRCOG to review our draft and if they could do it. Matt noted that once he knows what assistance will cost, he will go to the Selectboard to see if the town can find the money.

Solar zoning bylaw - review of Heath bylaw: Matt said Heath has worked extensively on this bylaw with the FRCOG and it has been fully reviewed by their Town Council. Matt felt he has the potential to be a good template for Shelburne. The Board discussed the need to have an review process. John suggested that just tweaking the Heath model will allow us to hold a public meeting and get feedback. Cam asked if we could get a presentation by the FRCOG to explain the bylaw. Liz noted that one a committee member from Heath would probably come and give a presentation to the board explaining how they developed their bylaw. Matt asked the committee if Liz should take the Heath model and put it into a draft that was consistent with the formatting of the Shelburne bylaw. Matt suggested that we hold a Planning Board meeting with extensive opportunity for public comment/discussion regarding this draft once it is ready. John suggested having a representative from Heath at the public meeting to talk about it as well. It was decided to put a draft solar bylaw onto the September or October Planning Board meeting agenda to start the public discussion. Liz will develop a draft Shelburne Large Scale solar bylaw in the meantime.

New Business:

Board reorganization: Matt noted that usually they would have the board elections in June but since this year the town election was early and therefore he put reorganization on the agenda. Matt said that he has worked on the wind bylaw for so long that he would be willing to see it through as Chairman at least until the end of the calendar year. Matt noted that Liz does a tremendous amount of the work behind the scenes. Doug said that he would be very happy to have Matt continue as chair to see this process through as did John and Beth. Matt noted there is a Chair, Vice Chair, Secretary, and 3 standing committee appointments.

Nominations for position of chairman: Matt was nominated by Cam and seconded by John. Beth said that she feels Matt is a strong leader, well-spoken and knows the issues and she appreciates all he has done while serving on the Board.

Vote: 4 in favor, 0 Opposed, 1 abstention by Matt.

Nominations for position of Vice Chair: Doug noted that Beth has done a good job. Beth said she would be happy to step aside if someone else wanted to do it. John said that Beth and Matt have the most experience. Beth was nominated by Matt and seconded by Cam.

Vote: 4 in favor, 0 opposed, 1 abstention by Beth.

Nomination for position of Secretary: Doug said he was willing to continue to serve as Secretary. Doug was nominated by Cam and seconded by John.

Vote: 4 in favor, 0 opposed, 1 abstention by Doug.

Committee appointments:

Open space committee: Doug noted that John has also been attending the Open Space meetings and John said he would be willing to serve as the Planning Board liaison. John was nominate by Matt and seconded by Cam to serve as the open space committee liaison.

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

FRCOG: Beth said that she made it to only a couple of meetings but she found the regional perspective very interesting. Beth suggested Cam might find it interesting. It was decided to wait to vote on this until next month. Matt asked Liz to put this on next month's agenda.

Matt moved to table the nomination for the rep seat on the FRCOG Planning Board. Seconded by Beth.

Vote: 5 in favor, 0 opposed, 0 abstentions

Selectboard proposal for alternate member of Planning Board: Matt reported that the Selectboard asked the Planning Board to consider this. There is a process that would require contacting our State representative to pass a law that would allow the Town of Shelburne to elect an alternate member to the Planning Board. The Selectboard has discussed this and they would like our feedback. Matt asked Liz to check in with Terry on where this is and what they were thinking in terms of when the alternate would be seated. Matt noted the Selectboard is also looking into the ability to have members participate via telephone – this would need passage at ATM to be allowed.

The question of member participation was a problem with the wind farm proposal because of conflicts of interest. Cam suggested that it would be a thankless position and maybe a Selectmen could just sit in if needed. Beth said there is a process with the Town Counsel appointing someone to serve under extenuating circumstances. Beth noted that some of the Board's work goes for many months -- how would an alternate participate? Matt noted that in 4 years there has only been one meeting where there wasn't a quorum. Doug doesn't see a big need for it right now--we have been able to get business done. John said he doesn't have a problem with it but it would probably be hard to get someone to serve. Matt asked if they can only be seated if there is no quorum or when? Doug asked how many alternates do they have for the Selectboard. Matt asked Liz to check to see if the Selectboard is asking all boards in town for alternates or is it just the planning board.

Committee Updates:

Open Space: Doug said he didn't make the last meeting. Liz had included a copy of the summary of the survey results and she will follow up on her last email to Open Space asking for a full set of the comments on the open space survey, preferably in digital format so we can get it out to the board. Doug noted that the freewill comments were very interesting. Cam noted that it is very hard to design these in an unbiased way and asked Doug how it was developed. Matt noted that they did not hire a professional to help them. Doug and John noted that the FRCOG provided some help in collating the survey results.

Other Business not reasonably foreseen 48 hours prior to the meeting: Matt mentioned that we had received an email from Tom Miner regarding proposed regulatory reform revisions for wetlands, waterways and water quality certification requirements. [See attached memo and excerpts sent by Tom Miner.] The Board reviewed these proposed changes and discussed comments which will need to be submitted by June 30th.

Doug said he felt DEP was almost cherry picking on when there are exceptions to rules and starting down a slippery slope. The Board decided their concerns related to exceptions for special interests, the encroachment of state authority over local laws, the issue of people who have been disenfranchised before with the new revisions creating murky water.

Doug made a motion that the Board authorize Matt to draft a letter voicing the concerns of the planning board and send it to the Conservation Commission, Selectboard, FRCOG Planning Board and the DEP. This motion was seconded by Cam. Vote: 5 in favor, 0 opposed, 0 abstentions.

Public Comments: Matt asked if there was any public comment. Mike noted that he thinks a large scale solar project is more likely than a large wind project and therefore he feels that the Planning Board should put the solar bylaw on track along with the wind. The Governor has just increased the goals/incentives for solar projects within the state. Matt noted that the Selectboard usually places bylaw changes on the Annual Town Meeting warrant. It may be worth checking with the Selectboard and asking them to consider a Special Town Meeting in the late fall to consider a solar bylaw due to the increased potential for a large scale project to be proposed in Shelburne. Beth mentioned the law which states that once a public hearing is held, any proposal that comes in that is germane to what the public hearing was about, has to be put on hold until the bylaws are voted on at Town Meeting. If Town Meeting approves it, then the project will be subject to the new bylaw. Matt will ask the Selectboard about their thoughts and we should do more research on the timeline for passing a bylaw and related grandfathering of projects.. Matt thanked Mike for his insights.

Read Mail: the Board read notices from neighboring towns regarding hearings for special permits.

Schedule next meeting: Wednesday June 12, 2013

**Motion to adjourn the meeting was made by Doug and seconded by Cam.
Vote: 5 in favor, 0 opposed, 0 abstentions.**

The meeting was adjourned at 8:45pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant