

**TOWN OF SHELBURNE  
Planning Board  
Minutes of Meeting  
January 15, 2014**

**A duly posted regularly meeting of the Shelburne Planning Board was held on Wednesday, January 15, 2014 at the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.**

**Present:** Matt Marchese, Chair  
Beth Simmonds, Vice Chair  
Doug Finn, Secretary  
John Wheeler  
Cam Stevenson

**Administrative Assistant:** Liz Kidder

**Absent:**

**Audience:**

**Press:** Cameron Graves, West County Independent who recorded portions of the meeting.

Meeting was called to order at 7:00 PM.

**Motion to approve the minutes of December 30, 2013 was made by Cam and seconded by John.**

Vote: 3 in favor, 0 opposed, 2 abstention since both Matt and Doug were absent from that meeting.

**FRCOG Local Technical Assistance Grant request update** – Matt reviewed the Selectboard’s rankings of grant requests. The Planning Board’s request for assistance to revise the Shelburne “Cluster” bylaw was placed second behind the request from Board of Health assistance on a water supply protection education program. Matt asked Liz to check with Terry Mosher on the reasoning behind the Selectboard’s ranking.

**NEW BUSINESS**

**EBI Consulting/AT&T Mobility proposed telecommunications facility installation at 69 Colrain Shelburne Rd.** – Section 106 National Historic Preservation Act Review.

It was noted that the consultant is looking for input on any historic impact from the building of a cell tower behind the former Mohark Orchards Apple Barn on Colrain Shelburne Rd.

The Board noted that it would be visible from two scenic roads, the Route 2 Mohawk Trail and Colrain Shelburne Road. This site is across the street from an historic home and there is an additional old house very nearby. The Board wanted to know if the consultants have considered other possible sites that would have a less intrusive impact on this viewshed.

**Motion that we ask for a detailed explanation as to why this particular site was chosen and not a less intrusive site in that neighborhood.** Moved by Matt and seconded by Cam.

Vote: 5 in favor, 0 opposed, 0 abstentions.

Matt also asked Liz to include in the letter that it is on a scenic byway in Shelburne and visible from the Mohawk Trail. The board concurred with that statement.

**2013 Annual Report** - Matt asked the board what they want to have in the annual report. Liz noted it is due in digital form to Terry Mosher by Feb. 11<sup>th</sup>. Matt said he would work with Liz and prepare a draft for review at our next board meeting. Items to include are: wind bylaw, the work of the WAC, revisions to the subdivision regulations, participation on the Communities Energies Strategies Pilot Program, developed an action plan for the

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Planning Board as part of the Open Space Plan and that we have a solar bylaw and possibly other modifications to the zoning bylaw in planning for next year.

## OLD BUSINESS

**Windpower Bylaw:** Beth reported that she talked with Mass Clean Energy (CEC) and they are surprised that we were focusing on noise studies in the proposed bylaw. They have not had any problems in Massachusetts with a small turbine with any noise over 10 dBA and that the study we are asking for would cost over \$10,000 which would be prohibitive. The CEC has a very conservative method for measuring ambient. They measure the lowest level of sound and make that the ambient standard. John Wheeler noted that in discussions with members of the WAC, their members did not have much confidence in the CEC noise guidelines and felt there should be some standards in the Shelburne bylaw. The Board reviewed research conducted by the WAC that noted noise complaints from smaller scale wind turbines.

Doug noted that the draft zoning proposal is ludicrous for small wind because it makes it cost prohibitive for a home owner who may want to install a wind turbine. Cam said he agrees to some extent but recognizes the Board has to finish this bylaw. Beth noted that DEP regulates all noise pollution as 10dBA so why are we including 5dBA. John said the WAC researchers found that there were a lot more complaints at 10 dBA above ambient.. The Board used the WAC extensively in their review of the issues they were addressing and therefore felt it useful to consider the WAC's recommendations. Based upon a chart referenced in the WAC report, "Wind Turbine Noise Complaint Predictions Made Easy-Part 1", the Board decided to set 32dBA as the maximum ambient noise level allowed. In areas where the ambient noise level is 27dBA, the maximum noise increase allowable would be 5dBA.

Matt noted that reality is that if the Planning Board proceeds to town meeting and the bylaw fails to pass, the Town reverts to what is in the current bylaw that allows premises use under special permit. But if the bylaw isn't passed there wouldn't be any guidance on criteria for the SPGA to use during the special permit review process.

Liz brought up site plan review and asked if it would stay as the responsibility of the planning board even if the ZBA becomes the SPGA. Matt noted that he is concerned with introducing site plan review which may distract people from the wind issue. He suggested keeping it simple and keep it under the special permit process. There was a discussion on the role of site plan review and whether to include it in the process.

Matt moved that we eliminate site plan review from the draft wind bylaw. Seconded by Doug.  
Vote: 5 in favor, 0 opposed, 0 abstained.

17.1 Purpose: Matt asked for comments from the board on whether the Planning Board or the ZBA should be the SPGA. John noted that in general he agrees with those who feel that better to keep the special permit review under the responsibility of the ZBA. Beth, Doug and Cam all agreed with John that it makes sense to keep it the ZBA as the SPGA. Matt said he feels that there are misperceptions that the Planning Board is biased towards wind power. He feels that the record of the Board does not show any biases but unfortunately the misconception may still be there and therefore affect the vote at Town Meeting.

After discussion, the Board decided that the ZBA would be the SPGA and that site plan review provisions in the draft bylaw should be changed to a conformance review or another appropriate term.

The Board took a two minute break at 9:56pm and then reconvened.

17.5.3 Noise – at the last meeting, Liz had been asked to prepare language relative to the issue of how the Town will respond to any noise complaints. It was decided that the complaints would be referred to the Board of Health who will make an independent determination as to whether or not a complaint warrants a noise study, to be paid for by the turbine owner.

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It was agreed that Matt and Liz would finalize the draft and email it for review by members. The public notice will need to be in the paper by January 28<sup>th</sup>. The board members are to get back to Matt if they want to hold another Board meeting prior to the hearing. Matt and Liz will work on the public hearing legal notice.

**Community Energy Strategies Pilot Program update** - John said there is a meeting tomorrow night at GCC and that he would give us an update at our next meeting.

**Draft Subdivision Regulation review** - Liz distributed a draft of a subdivision regulation for review by the Board. She explained that she had taken "legalese" from the Orange Subdivision Regulations that had recently been reviewed by our Town Counsel in her role as the Town Counsel for Orange. Liz explained her notations in the margins which identify areas for review by the Board. The Board was asked to review this draft for the next meeting. Liz was asked to review and edit the packet of forms used by the Town of Orange to determine their applicability for Shelburne.

**COMMITTEE UPDATES**

**FRCOG Planning Board** – Cam had no new information to report.

**Open Space** – John said the plan is in the hands of DCR and Liz reminded the board that the Open Space Committee had asked for a letter from the Planning Board. Matt said he would work with Liz on a factual letter of support to send to DCR.

**Long Range Planning** – Doug attended a meeting and they inspected Memorial Hall with Joe Judd. Doug said the committee is going to be looking at the Arms Academy building and opportunities there. Doug said they are also looking at the former Sweetheart restaurant and the old kingdom hall. The committee is trying to address all the needs of the town.

**OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING**

**READ MAIL** the Board read notices of public hearings in Greenfield and other local towns; an email to Liz from Peggy about the Mohawk Trail Scenic Byway program; and an email memo from David Schochet on some creative agricultural subdivisions.

**PUBLIC COMMENTS** –none presented.

**SCHEDULE NEXT MEETING** – February 12<sup>th</sup> at the BSE school at 6:00pm with the public hearing at 7:00pm.

**Motion to adjourn the meeting was made by Beth and seconded by Cam.**

**Vote: 5 in favor, 0 opposed, 0 abstentions.**

**The meeting was adjourned at 10:55pm.**

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

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