

**TOWN OF SHELBURNE  
Planning Board  
Minutes of Meeting  
July 16, 2014**

**A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, July 16, 2014 at the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA**

**Present:** John Wheeler  
Doug Finn  
Cam Stevenson  
Josiah Simpson

**Administrative Assistant:** Liz Kidder

**Absent:**

**Audience:** John Payne, Will Flanders, John Pollard

**Press:**

**CALL MEETING TO ORDER – 7:03PM**

**Read and Approve Minutes of June 11, 2014**

**Doug Flynn moved to accept the minutes as printed seconded by Cam Stevenson.**

**Vote: 3 in favor, 0 opposed, 1 abstention by John as Chair**

**PLANNING BOARD VACANCY**

**Board review of process to fill vacancy:** John Wheeler distributed a list of questions for use during the interview which included all the questions that had been submitted by Board members. John noted that Tom Miner had withdrawn his application, therefore there would be interviews at 7:30 and 7:45 with John Pollard and Will Flanders

**Interviews with applicants**

7:30 John Pollard: John Pollard reviewed his background both professionally and as a participant on other town boards including the Shelburne ZBA. He noted that several local farmers have been contacted by developers wanting to put in 15-16 acre solar farms and therefore developing large-scale solar zoning bylaws would be one of his priorities. He lived in the village for 19 years and in the center for 10 years and recognizes they are two very different cultures. He feels the bylaws have several gaps that need to be addressed, such as in the cluster provision, and since most activities are regulated by special permit, the Board needs to develop more implementation guidelines for the ZBA. The Board thanked Mr. Pollard for coming in.

7:45 Will Flanders: Will Flanders has been a lawyer for 27 years and he has lived in the village since 2000. Real estate has been a big piece of his practice. He has had to advise people based upon his interpretation of local bylaws. He is semi-retired and he has been involved with the Shelburne Falls business association for about 7 years. He thinks developing a solar bylaw and provision for cluster options are both important, especially figuring out how to do it well. He does a lot of work with businesses and organizations to help develop documents that work. He has a skill at drafting language, thinking through how you write the language to achieve your goals. He has not served on any other town boards or committees. The Board thanked him for coming.

The Board noted that both are really good applicants. Doug asked John Payne for his thoughts. John Payne noted that it could be advantageous to have a lawyer as a member of the Board. Josiah said the Board can't make a wrong decision based upon the interviews; he felt they were equally strong candidates in the benefits that they could bring to the board. Cam noted that Will's group dynamics appeared to be very strong.

**Motion to recommend Will Flanders to the Selectboard for appointment to the unexpired term of Beth Simmonds was made by Cam Stevenson and seconded by Josiah Simpson.**

**Vote: 3 in favor, 0 opposed 1 abstention by John as chair.**

Liz was asked to send a letter to the Selectboard with the Board's recommendation.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 1

**NEW BUSINESS**

**Special Permit Application** – Shelburne Woodshop, LLC – the board reviewed the special permit application. The site is industrially zoned and they need the special permit because the building is over 5,000 square feet. The consensus of the board was that it was a welcome industrial use consistent with the town zoning. They asked Liz to send a letter on behalf of the Board to the ZBA.

**OLD BUSINESS**

**AT&T proposed cell tower 69 Colrain-Shelburne Rd.:** the board read an email from the ZBA noting that this application has been withdrawn without prejudice.

**Scenic Road Tree Hearing June 30:** John, Josiah and Doug attended. Doug noted that the purpose of the meeting was to approve the removal of trees that are diseased or a potential danger to electrical/telephone lines. There was one abutter who was concerned about potential damage to his other landscaping. It was decided that the Tree Warden may need to do additional and earlier notifications of abutters.

**Draft Sign Regulations-process** - John Wheeler said he had talked with a few people, including Beth Manning of the Agriculture Committee, the open Space committee and John Payne. John Payne suggested that on Page 3 in section 9.3.1 – the board of selectmen should approve signs, not require them. John P. also noted that “governmental bodies” is too broad at term. Cam suggested that the buck should stop with the selectboard; “governmental bodies” should be “state agencies or the Selectboard.” Josiah raised the question of approval by the state “and/or” selectboard but the board decided that “or” was appropriate.

Additional discussions points included:

- a need to get a definition for agricultural production.
- getting additional input from affected individuals/businesses before the public hearing.
- what is a sign – the structure or the content of the sign itself.
- is a permit needed for a temporary sign
- Section 9.7 regarding temporary signs for 14 consecutive days or (28) days in a calendar year; can a definition of agricultural production clarify length of production season.
- Section 9.7.1.1., removed “Town Hall” since many of the banners are not municipally oriented.
- “lighted within” needs clarification

It was decided to take corrections made this evening and create a numbered working draft for the next meeting.

The Board decided to invite the ZBA to the Planning Board meeting in October to discuss the proposed sign regulations and to develop a list of other bylaw revisions that may need to be addressed at next year’s annual town meeting.

**Draft Subdivision regulations:** John asked Liz to resend the digital copy of the latest working draft to all board members.

**Large-Scale Ground Mounted Solar Bylaw:** John noted more towns in Franklin County have developed bylaws that could be used as models. The Board will work on a schedule for this activity at their next meeting.

**Community Energy Strategies Pilot Program update:** John noted that he hasn’t heard anything lately. The FRCOG has put in an application for further grants and no information has been received.

**Natural Resource Zoning/Cluster update:** Liz distributed copies of bylaw revisions that were prepared for Leyden by planning consultant Jeff Lacey. Jeff had given an evening power point presentation in Leyden for \$200 that was very informative. Leyden also got a grant for \$8000 to hire him to develop the recommended bylaw revisions. Liz noted that Jeff had also been available to present information during Leyden’s annual town meeting which approved the changes with very little opposition. The Board discussed working with the Open Space Committee to find the money to bring Jeff Lacey in to give a similar evening presentation in Shelburne.

**COMMITTEE UPDATES**

**FRCOG Planning Board:** Cam reported that they sent out a schedule for trainings programs for this fall. He will forward that information to the other members of the board.

**Open Space:** Josiah reported to the Open Space Committee on the proposed revisions to the sign regulations.

**Long Range Planning:** Josiah noted the purpose of the committee is to advise the Selectboard on developing a long range plan for the buildings owned by the Town. Each building has its own story. The Committee is putting together a set of recommendations on upkeep and long range maintenance on each of the buildings. Doug noted that a food pantry is moving into Cowell Gym.

**OTHER BUSINESS not reasonably foreseen 48 hours prior to the meeting:** the board reviewed an ANR plan submitted by George and Cynthia Boettner to modify a property line at 132 Bridge St. This plan had been received by the Town Clerk and the Board has 21 days in which to review and sign the plan or notify the Boettner's that they need to submit a subdivision plan.

**Motion to endorse the ANR plan submitted for 132 Bridge St. by George and Cynthia Boettner was made by Doug Flynn and seconded by Josiah Simpson.**

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

**Read Mail** – the Board read the mail as listed below. Included in this packet was an invitation to the Planning Board to attend a meeting with Kinder Morgan. Doug said that he would attend on behalf of the Board. The Board asked Lis to email a copy of the Kinder Morgan PDF sent to the board by Tom Miner and to put this on the agenda for the September meeting.

**Public Comments:** none presented.

**Schedule next meeting:** September 10, 2014

**Motion to adjourn was made by Doug Finn and seconded by CAM Stevenson.**

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

The meeting was adjourned at 9:50pm.

**Respectfully submitted by:**

**Liz Kidder**

List of Documents

Invite from the Selectboard to a meeting relative to the Kinder Morgan pipeline.

ANR Application from Cynthia and George Boettner, 132 Bridge St. – Form A and Plans

“Conservation Development” article from Wikipedia

Email – Jonathan Mirin – Eliminating Local Zoning of Wireless Antennas 7/7/2014

Email – Jonathan Mirin – Local Zoning Threatened by Wireless Telecom Industry Bills 6//17/2104

Email – Jonathan Mirin – Hilltown Networks proposal at Shelburne Fire Tower 7/14/2014

Special Permit Application – Shelburne Woodshop LLC

Email from Joe Palmeri, ZBA, regarding AT&T Cell Tower Special Permit Application withdrawal without prejudice

Email from John Taylor, ZBA, 6/18/2014 – requesting input on the Mohawk Trail Scenic Bylaw plan as it relates to the proposed AT&T Cell Tower at 69 Colrain Shelburne Rd.

Leyden Zoning Bylaws/revisions passed relative to Natural Resource Zoning

Mohawk Trail Scenic Byway Corridor Management Plan excerpts: Introduction, Byway Vision Statement and Goals,

Notices from neighboring towns:

Buckland – 3

Colrain – 2

Charlemont – 2

Deerfield – 1

Greenfield – 9

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 3