

**TOWN OF SHELBURNE  
Planning Board  
Minutes of Meeting  
June 11, 2014**

**A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, June 11, 2014 at the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA**

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

**Administrative Assistant:** Liz Kidder

**Absent:**

**Audience:** John Payne, Carolyn Wheeler

**Press:**

The meeting was called to order at 7:01 by Doug Finn, serving as acting Chair.

Read and Approve Minutes of May 14, 2014

**Motion to approve the minutes as written was made by Cam Stevenson and seconded by John Wheeler.**

Vote: 3 in favor, 0 opposed, 1 abstention by Josiah since he was not in attendance at that meeting.

**NEW BUSINESS**

**Reorganization of the Board:** Cam Stevenson suggested John Wheeler as Chair. John asked Doug Finn if he wanted to serve as chair. Doug said he wouldn't feel comfortable in the position. Doug noted that he thought Matt Marchese would be a tough act to follow and he was a tremendous loss to the board. Cam noted that he is willing to do it at some point but that he is too new in town. Josiah Simpson noted that the purpose of the chairman is to ensure a fair approach to the running of a meeting. Doug said he would support John 150% if he is willing to do it. John said he would be willing to do it.

Cam Stevenson nominated John Wheeler for Chair which was seconded by Doug Finn.

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

The Board discussed the role of the vice chair and Doug said he would be willing to serve.

Cam Stevenson nominated Doug Finn as Vice Chair which was seconded by John Wheeler.

Vote: 3, in favor, 0 opposed, 1 abstention by Doug.

The Board discussed the role of the Secretary of the board and Cam said he would be willing to serve.

Josiah Simpson nominated Cam Stvenson as Secretary which was seconded by Doug Finn.

Vote: 3 in favor, 0 opposed, 1 abstention by Cam.

At this point, John Wheeler took over as Chair of the Meeting.

The Board skipped to the ANR appointment at which time John recused himself and Doug chaired the meeting for the ANR appointment with Carolyn Wheeler.

**ANR appointments** – Carolyn Wheeler - John Wheeler recused himself from this discussion. Carolyn brought in a plan of her family's farm on Reynolds Road on the Patten Hill section of Shelburne. Carolyn recently purchased her brother's share of the property and wanted to record a plan which her mother had drafted several years ago, separating a house lot for family use. The property is under 61B and the use of the property will not be changing.

Motion to endorse the plan was made by Josiah Simpson and seconded by Doug Finn.

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

**Board vacancy, appointments and liaison positions:** the Board understood that Selectmen John Payne would be arriving shortly and passed over this item until he arrived.

#### **OLD BUSINESS**

**AT&T proposed cell tower 69 Colrain-Shelburne Rd.-special permit review:** John reviewed the process to date noting that the Board had earlier been informed that the proposed site for the tower was within an APR and had therefore recommended that the special permit be denied by the ZBA. Liz reported that Joe Palmeri had held extensive discussions with Town Counsel and the state APR staff and had determined that it appeared the portion of the property proposed as the site for the cell tower was excluded from the APR. Previously the Board has asked if there were other possible sites considered but never received any information back from the applicant.

The Board noted that there is no question that it is needed in order to increase cell phone service. They reviewed the criteria in the Telecommunications bylaw and compared them to comments in the report where the applicant stated they had sited it for the minimal impact. Josiah stated that the major visual impact will be for folks driving east on Route 2 and those going north toward Vermont.

**Moved by Cam Stevenson to recommend to the ZBA the approval of the special permit with reservations that the structure be designed to be as inconspicuous as possible; encouraging a review of all possible measures to minimize or mitigate any adverse effects to the significant local historic resources and scenic views following the balloon test analysis. This motion was seconded by Doug Finn.**

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

Liz was asked to draft a letter to the ZBA and sign it on behalf of the board.

The board discussed their concern that the balloon test was scheduled to take place after the public hearing. The Board decided the planning board liaison to the ZBA will make a friendly suggestion to Joe Palmeri, chair of the ZBA, that the balloon test be conducted before the public hearing and that the Planning Board be notified in addition to the abutters.

**Board Vacancy:** John Wheeler noted that John Payne, Selectmen had joined us, and we will review the process for filling the vacancy on the Board left by the resignation of Beth Simmonds. John Payne said the usual process is for the Planning Board to make recommendation(s) regarding an appointment to the Selectboard. The Selectboard may or may not invite candidates in to a meeting to be interviewed or may just appoint someone based upon the Planning Board recommendation. This appointee will serve until the next election. The ballot will include an opening for a one-year term in addition to the usual 5-year term position on the Board.

Cam asked if there needs to be an official vote by the Planning Board on their recommendation. John Payne described the process as it has occurred in the past and said it is up to the Board if they want to recommend one individual or create a prioritized list. John Payne noted the Selectmen usually do their appointments the end of the June but that the Planning Board should feel free to seek more candidates, invite them to a meeting, and then make a recommendation for one person or more to the Selectboard. In most cases, the Selectmen go with the Planning Board recommendation.

The Board asked Liz to post a notice on the Town Website and to send a press release to the Recorder and the Independent announcing that the Planning Board was looking for volunteers to fill the vacancy. The Board had received a letter of interest from Tom Miner and John Payne also noted that a Selectman had also suggested contacting John Walsh. John Wheeler said he would call John Walsh to see if he would like to be considered. Once the Board had received any responses to the press releases, they will be asked to attend the July meeting at an appointed time. Applicants will be asked to submit a CV. The Board will develop a list of interview questions and will schedule 15 minute interviews starting at 7:30pm. John suggested that all the Board members send suggested questions to him so that he can pull together a list of questions to review during the meeting before the interviews. Liz was asked to prepare an agenda with specific appointments and notify the applicants of when to arrive. Josiah will call Tom Miner and keep him up to date with the Board's process.

**Draft Sign Regulations:** the Board reviewed the history of the draft sign bylaw noting the original request from the Building Inspector who felt it is impossible to fairly enforce the current bylaw. Cam noted that the work of the ZBA was a good start but once you started reading them, you started seeing concerns such as signs for Camp Apex. The Board discussed concerns with the draft bylaw such as:

- the need to coordinate with Buckland relative to businesses in the village,
- the need for farmers to market their seasonal produce,

- the need to review the internal/external lighting,
- the size of sandwich board signs along Route 2 and in the village,
- the issues of off-premises signs both in the village and along Route 2.

John and Cam noted further review needs to be coordinated with the ZBA and the Building Inspector. The Board discussed how to get those land and business owners affected, involved in the process. Cam noted the Apex Orchard sign on Route 2 wouldn't be permitted under the proposed bylaw. Josiah said he feels that we should support Shelburne businesses and farmers, with reasonable regulations. Doug suggested that all Board members really go through the draft sign regulations and be prepared to review them at the next meeting. Then the Board will be ready to schedule a meeting with the ZBA and building inspector prior to getting public input.

The Board discussed appointing a liaison to the ZBA and it was decided to encourage all members to try to follow and interact with ZBA board members. John Wheeler will attend the hearing on the cell tower special permit on Tuesday night.

**Draft Subdivision regulations:** ongoing process for discussion at a future meeting and it was noted that Josiah had been given a copy of the Board's latest draft.

**Large-Scale Ground Mounted Solar Bylaw**-more towns have adopted such bylaws for Shelburne to explore, including Buckland. It was noted that Buckland, Heath and Rowe now have bylaws and Liz noted she had previously prepared a draft for Shelburne based upon the Heath bylaw. The Board noted they had advertised for volunteers to serve on a solar advisory committee but only one or two had responded. Liz also noted the potential for a FRCOG Technical Assistance Grant to help with bylaw development.

**Community Energy Strategies Pilot Program update:** Liz noted that Matt had served as the Board's representative to the working group. John said he is willing to be the working group member for Shelburne for now. The Board reviewed correspondence from Stacey Metzger, FRCOG, on grants available only to those towns who have participated in Pilot program. John had looked over the consultant's report and had pretty much agreed with their recommendations. The recommendations included the community shared solar feasibility study and the FRESH program; it also suggested a biomass digester. Josiah said he will try to come up to speed and maybe transition to more responsibility in this area over time. John noted that the report produced was based upon several brainstorming meetings.

**Natural Resource Zoning/Cluster updates** - Josiah noted that the Open Space committee was in favor of this as an activity for the Planning Board. Liz noted that Leyden had just passed natural resource zoning bylaws after working with a consultant, Jeff Lacey. Liz noted that Jeff has a very well done power point presentation and related maps which really helped voters in Leyden understand the proposed bylaw. Liz said she could check with Leyden on how much they paid Jeff; she understood that he had done one presentation early in the process that cost about \$200. John suggested the Board try to find the \$200 to just have Jeff Lacey give a presentation. Josiah mentioned that Randall Arendt had also written many books on the subject.

#### **COMMITTEE UPDATES-liaison appointments**

- FRCOG Planning Board –The meetings are held on third Thursdays. Cam said he would continue although he is not always able to attend, especially in the summer. John said he is willing to try to cover the summer meetings.
- Open Space – John and Josiah are both going to follow and attend their meetings.
- Long Range Planning – Josiah is the Secretary and will keep the Board informed. Doug will also continue to serve on the committee as well.
- Selectmen's meetings – Doug will try to attend the Selectmen's meetings and John will also try to increase his communication with the Board.

**OTHER BUSINESS** not reasonably foreseen 48 hours prior to the meeting: none presented.

**READ MAIL:** Board members read notices and letters, list is below.

**PUBLIC COMMENTS:** none presented.

**SCHEDULE NEXT MEETING** – Wednesday July 16<sup>th</sup> at 7:00pm

**ADJOURN**

**Motion to adjourn the meeting was made by Doug Finn seconded by Cam Stevenson.**

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

**The meeting was adjourned at 9:10pm.**

**Respectfully submitted by,**

**Liz Kidder**

**Administrative Assistant**

**Documents List:**

**AT&T Special Permit Application** - "AT&T Mobility Special Permit, Waiver and Variance Application for a Commercial Radio Service Facility and Tower at 69 Colrain Rd., Shelburne, MA. 01370" Hand delivered to town hall on April 29<sup>th</sup>, 2014 and attached sheets: T-1, G-1, C-1,2,3,4,5,6,7, E-1,2,3.

Email from Shelburne Assessors to Joe Palmeri and APR for this property.

Email Correspondence from Jonathan Mirin dated May 20, 2014

Email Correspondence between Liz Kidder and David Schochet dated June 3, 2014

Letter to Meghan Bezio from Brona Simon of Massachusetts Historical Commission regarding this application.

Copy of Shelburne ZBA minutes from April 3, 2014 discussing preapplication meeting.

Email from John Taylor, ZBA, regarding preapplication meeting and balloon test.

**Mail/Email**

Portion of Shelburne ZBA meeting minutes for April 3, 2014 regarding sign regulations

Email from Selectboard regarding appointment to Open Space Committee

Email from Selectboard regarding appointment to fill vacancy on Planning Board

Correspondence dated June 3, 2014 from Tom Miner regarding vacancy on Planning Board

Email Correspondence with Stacy Metzger regarding CESP Grant Opportunity dated June 4, 2014

Email from Attorney General's Office with case number for review of Shelburne Zoning Bylaws

Email from Cynthia Boettner regarding future ANR

Public Hearing and Special Permit notices from towns:

Greenfield - 5

Charlemont - 2

Colrain-1

Shelburne -1