

**TOWN OF SHELBURNE
Planning Board
Minutes of Public Hearing
March 12, 2014**

A duly posted public hearing of the Shelburne Planning Board was held on Wednesday, March 12, 2014 at the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: Matt Marchese, Chair
Doug Finn, Secretary
John Wheeler
Cam Stevenson

Administrative Assistant:

Absent: Beth Simmonds, Liz Kidder

Audience: Mike Parry, Raymond Hartman, Joe Judd, Larry Flaccus, Joe Palmeri, John Walsh, Kevin Parsons, James Gamache

Press: Cameron Graves, West County Independent who was recording the meeting

Introductions

Matt announced the Shelburne Planning Board was hold a public hearing on proposed draft bylaws: Section 17 Premises-use wind energy system bylaw, revisions to Section 4.2.1.a, Table of Use codes, Section 4.3 Table of Use Regulations, Section 5.2 Dimensional Schedule, and Section 9 Sign Regulations.

Matt noted this hearing was posted in accordance with the state open meeting law. He said the purpose of the hearing was to take public comment on first the proposed wind bylaw and then the sign regulations. Matt asked if anyone was recording the meeting in addition to Cameron Graves who had already noted his intensions, none responded.

Matt noted this is the second public hearing on the premises use wind bylaw. Matt said he would first ask for comments from any other town boards, then he would move to any Shelburne residents and then after that he would move to non-residents. Matt asked if there were any members of a town board who would like to speak.

Larry Flaccus, Open Space Committee, he appreciated the Boards changes to the previous draft that took into account Open Space Committee's comments. There were two items he would like to highlight. Under 17.4.4 there is no definition of what Premises-use is. They are concerned that under this section, someone could install a wind turbine and sell all of the energy to the electric company and therefore there should be some clarification as to how much of the energy produced has to be used on site. He would also like to reinforce their request that a balloon test be required as is done in the telecommunications bylaw. A balloon test is really the only way to visualize what the impact of the height of the turbine would be on neighbors and the community. Matt and John noted that the Board had received a letter from Open Space in February and Larry clarified that there is no additional letter from the committee. Matt noted that letter is already part of the hearing record and he would not read it again this evening. Matt thanked Larry and the Open Space Committee for their time and effort to review the bylaw and to submit comments.

Mike Parry, former member of the wind advisory committee and currently a member of the ZBA. Mike asked about the addition of a rooftop wind turbine being allowed in the use table because he doesn't remember any discussion of it previously. The wind advisory committee did not look into it. In the revisions to the Use Table, Rooftop systems are allowed by right in all situations. Matt responded that there rooftop wind systems have been in the previous drafts and noted that those systems still have to "comply with Section 17.4, 17.5, 17.6, 17.7 and all other relevant sections of these and other town bylaws, Provisions of M.G.L. 40A, and other regulating authorities such as the Board of Health, Conservation, Fire Chief, Building Inspector, etc." Matt and the Board all agreed that the Y on the chart was a typo and should have been "Ysp" for all circumstances of a rooftop wind turbine.

Joe Palmeri, ZBA, at one point he had asked for a definition of facility as opposed to a system. Matt asked if he had sent an email in that regard and Joe said he had but Matt did not remember receiving one. Joe P. found his email which had been sent to John Wheeler. Matt asked Joe to resend the email to the Planning Board email address. Joe referred to Section 17.6.4 where it talks about a wind energy facility as opposed to a system and he would like a clear definition of each. Joe noted that he had other questions such as the need to check with Town Counsel on authorizing the Board of Health to enforce part of the bylaw. He asked if the Board could develop an abbreviation to use for Premises-use Wind Energy System (such as, PUWES) and there were a few other questions in his former letter. Matt said he should send it to Planning@townofshelburne.com. Matt noted he

Approved: _____ Date: _____ 1

would keep the public hearing record open until the end of business day on Friday. Since he had a lot of comments incorporated into the text, Joe P. will forward it since it would be difficult to read it into the record.

Matt moved onto Town of Shelburne citizens and called on Mike Parry.

Use Chart and the "Ysp" – Mike suggested we change the language in 17.10.1 to correlate with requiring site plan approval for roof-mounted systems. In Section 17.10.6-- can there be a time limit included relative to complaints. He is concerned that it throws it back onto the neighbors to follow up on enforcement. Matt asked if Mike had suggested language and Mike just said he would like to see consideration of clarity so that the turbine owner does not drag their feet. It was noted that 17.10.7 also discusses the Board of Health involvement as enforcer on noise and shadow flicker. The discussion followed related to the authority of the Building Inspector to issue a cease and desist order. The Board stated it had been their intent for the Building Inspector to be able to issue such an order. The Planning Board will look at clarifying sections 17.10.6 and 17.10.7.

Raymond Hartman, member of WAC and resident, in reference to Section 17.5.3., he had sent the draft bylaw to Mr. Rand who was one of the authors of the chart referenced in the bylaw. Ray read Mr. Rand's letter, which is included in the hearing record. His letter referred to the use of his chart in quiet rural areas. Mr. Rand proposed that 17.5.3 be changed to establish a maximum noise limit of 33 dBa. Ray noted that some of Mr. Rand's comments related to the last draft and some of his concerns have already been addressed in this revised draft. Kevin Parsons submitted a paper copy of the letter from MR. Rand to the Board.

Matt noted that he understood that their chart had not been prepared specifically for the Town of Shelburne. John Wheeler noted that in a section of town where the ambient is more than 33 dBa, they should have the option of installing a turbine and allowing a small, 5dBa, noise level increase. Ray said that in additional correspondence which discussed ambient levels in different areas, Mr. Rand is basically stating that in a rural area such as Shelburne, it may be wise to consider just limiting the dBa to 33. As the dBa increases above 33 dBa, the more likely there are to be problems with very minor noise increases. Ray said he could ask for more input from Mr. Rand on whether a 5dBa increase in circumstances where the ambient is already over 33, is that too much? Matt said that any additional information on this matter that Mr. Hartman can obtain by the end of the day Friday, would be appreciated.

John Walsh, Main St., Shelburne, said that his understanding is that by putting a 33dBa limit in the bylaw, the Board could be putting an artificial number that in essence eliminates the installation of any premises use wind turbines and that it might be better to conduct the noise studies and then evaluate each circumstance. Mr. Walsh noted that the noise impacts of the Bergey wind turbine could easily be over 33 dBa by itself. Ray asked him if he had more information and Mr. Walsh noted that he has a decibel meter in his car and was able to cite decibel levels under various conditions in town. He suggested that the Board may want to consider setting a project baseline for each proposal and working with averages instead of ceilings and limits. In Section 17.5.3. he is concerned with the Town being too restrictive when there is an interest in being proactive for renewable energy options and that in his experience some of the small wind turbines can operate in the 40-60 dBa range. He felt the bylaw should be written to the current industry standards and maybe the Board should do a little more research. Matt referred Mr. Walsh to the WAC report and Mike and Ray discussed the committee's research and discussions on this matter. Mike discussed that need for sufficient setback in order to mitigate the noise impact.

Matt noted that as discussed at the last hearing, they are trying to walk a fine line of balancing the needs of the individual and the community. His concern is that if this bylaw is going to be so restrictive that it in essence prevents anyone from ever pulling a permit to install a wind turbine, that maybe the town should be asked whether they want wind or not. Then design the bylaw based upon that response. If you need to establish a setback of 2 miles to be safe, then that is what it should be. He has struggled with this concern since starting this process; do you design a bylaw that puts in so many studies and requirements that it makes it cost prohibitive to ever consider any wind energy systems. Mr. Walsh also noted that some of the requirements of the bylaw, such as professional engineer stamps and studies are very expensive and if you are talking about a farmer wanting to use renewable energy options, this bylaw is adding to the cost. If the town is wanting to promote renewable energy, this bylaw is not sending that message.

Larry Flaccus noted that in measuring the noise impact, you are actually limiting the noise at the property boundary whether than actually at the site of the turbine. Matt noted that is part of the dilemma the Board has struggled with. You can't measure or do a noise study at a property boundary until the turbine has been installed. Larry noted there is no definition of ambient noise level and since the noise levels are so different at different times of day, how is this determined. He felt that should be clarified. Matt noted that Beth had looked into that extensively and that ambient is at the quietest point of the day. Being in New England, it is the cold winter night with no leaves on the trees. To try to understand what that number is relates to when

noise travels the farthest. Matt said this has been a long discussion before the Board. The WAC was asked to research what has happened in other towns in Massachusetts, and they only found a few situations to study and some had noise issues and others didn't. John noted this is why the Board had a two-step process. John had discussed with the ZBA as to how do you make it a simpler process for someone who has a good site, such in the middle of an orchard on top of a hill with no nearby neighbors. Is it better to set certain standards where one could be allowed by right? Matt noted that you are really talking about the rural parts of Shelburne anyway. The Board had tried to consider whether to adopt certain standards or zones but recognized circumstances might change and have neighbors impacted in unexpected ways.

Kevin thought the Board had handled the waiver options well in Section 17.12. Under the special permit process, the ZBA can waive specific requirements for projects that seem to present optimal conditions for siting a turbine. The process allows for full notification of neighbors when such as waiver is being considered and they will have the opportunity to make comment. He feels that the process protects the neighbors and they have the opportunity to be involved. The turbine still has to comply with the regulation.

Kevin commented on John Walsh's comments and said that in the WAC research, the manufacturer's marketing people are not to be trusted in terms of what their specifications are for the equipment. Therefore, it is up to the bylaw to protect the town from a bad installation.

Matt clarified that the waivers sections only allows for waiver of some of the submission requirements for the site plan or special permit, Section 17.10. There are no waivers on the standards required in the bylaw.

A Shelburne resident asked if there is a requirement on doing a baseline ambient noise assessment at the beginning of the process? Matt said that the way the bylaw is written, the Board left discretion to the ZBA as to how they are going to approach their interpretation of 17.5.3 and whether they are going to want to ask for that kind of study. In theory, the turbine could be installed, if there are complaints then the turbine could be shut down giving a chance for the ambient to be measured and then measure the impact to that ambient once the turbine is restarted. Joe Palmeri stated that he felt it was a very bad idea to leave that kind of discretion up to the SPGA, he feels that is leaving the Town open to a lawsuit. Matt said then, every applicant will have to do an expensive noise study even for a small turbine in the middle of a large farm. Matt said he would like to ask at Town Meeting if there is a better way to deal with these concerns. If this bylaw makes it so cost prohibitive, maybe the Town should just ban all wind until such time as there is a better way of handling the permitting and enforcement process.

Mike Parry asked Matt if he supports this bylaw since he has several times mentioned his concerns about the bylaw being in effect a ban of any wind turbines. If so, does he have another alternative to present at Town Meeting such as continuing the moratorium until further work can be done. Matt clarified that he personally would probably not support this bylaw if he was just a citizen sitting down and reading it for the first time. As chair of the Planning Board, his job is to try to find that fine line balancing the needs of the people and how to regulate those needs. He felt there was a good and full discussion on commercial wind that is now banned in Shelburne. We have now started towards banning all wind and there have been discussions that solar is a much more viable option. He is suggesting that the Town consider just saying no to all wind instead of adopting a bylaw that pretends to support it while actually making it cost prohibitive even in those locations where it might be viable. In regards to the option of continuing the moratorium, Town Counsel has advised that one year is the basic, two years is a possibility but three years is pushing it as far as the Attorney General is concerned. Last year we told the Attorney General that the Town was just waiting for a report by a wind advisory committee to finishing editing a bylaw. To present an explanation behind continuing the moratorium again, we would have to provide a basis for that decision to the AG's office. To be clear, whatever the Planning Board decides to do, he, as chair, will stand up at Town Meeting and support the Board's decision and present all the information appropriate to its support. We are running out of time on the moratorium and need to decide how to proceed. The challenge is how to merge the needs of those who feel wind is just not appropriate and those who want to be proactive on renewable energy.

Ray Hartman asked if there is a possibility of a two step process in 17.5.3. Is there a simple noise study that can be done and develop some guidelines for that. Several comments were made on the accuracy of the more readily available technologies, such as phone apps. Matt noted that for 17.5.3.A, the equipment identified came from standards for commercial wind. The Board's contacts at a state agency said they had never seen these standards used for residential wind before, these are the standards used for commercial installations. The Board used it to just provide some standards.

Kevin asked about the waivers. He noted that in 17.12, waivers may be granted from any special permit waiver requirements and then it was decided that he was looking at a prior copy of the draft bylaw

Joe Palmeri suggested:

- on page 1 third paragraph, “add as per use table”,
- on page 2, Site Plan Review 3rd line – add “review shall”
- Page 2 Wind Monitoring or Meteorological Tower – instead of wind power in line 2, substitute “wind is available for power generation on site”
- 17.4.3 –the language was unclear about did they have to meet just one of the standards or all of the standards.
- is concern about a situation if an applicant receives approval but then after installation it doesn’t meet the standards-- wouldn’t the town be liable?

Matt noted that the bylaw was designed to ensure those standards are met as long as the turbine is in operation. John Wheeler noted that the last sentence of the purpose statement says: “Any wind turbine that receives a building permit, site plan approval, or special permit under these regulations has to comply with all applicable standards established here in Sections 17.5, 17.6, 17.7 of this bylaw and any other conditions set by the ZBA. It was suggested to add “at the time of approval and thereafter.”

Joe P. also said he still has a problem with system and facilities and asked the Board to clarify 17.4.4. Section 17.4.9 Proof of liability insurance – the ZBA can’t reasonably make sure an owner maintains proof of liability insurance. Matt said he will check with Town Counsel on how best to navigate this issue. Section 17.5.2 setbacks - the ZBA will need a clarification into what site boundary is—is it the property boundary line or site of device. Section 17.6.1 – delete “or finish that was originally applied by the manufacturer”. Section

17.10.2.1.Application requirements – where is the completed application form? Matt noted that it is up to the ZBA to develop their own application form as they did for special permits. Joe asked what is the criteria for site plan review.

Kevin said he questioned why we are bothering with site plan review. He feels that it should just be a special permit process and roll over all the site plan requirements in to the special permit process and allow the ZBA to waive requirements as appropriate. Matt noted that at last month’s hearing, Kevin had been adamant to not allow for any waivers. Kevin said that he thinks politically it is going to be difficult to get anything passed at Town Meeting that includes site plan review. That if you roll the site plan requirements into a special permit process and allow the ZBA to waive that stuff that is going to satisfy the people who feel site plan is taboo is this town and it allows the ZBA to minimize the cost of the application for a person with a site appropriate for a small turbine, while ensuring no noise of shadow/flicker impact and neighbors can attend a public hearing and have their input. Joe Palmeri suggested just making it a special permit process that still requires meeting Sections 17.5, 17.6, 17.7. John Wheeler noted that he had attended a ZBA meeting and three people there thought it was better to have the two-step process. Matt said the Board will have to chew on this some more. The Board recognizes that there is an image problem in Town with site plan review and had called it Compliance Approval in the first draft but changed it back to site plan review to help make it clear. The Board will have to chew on this and decide what to do.

A resident applauds the board over all the work that has gone into this draft bylaw. However, in Shelburne it comes down to a town official telling someone how they can use their land-- that is what site plan review is seen as. It is difficult when you are so close. After the installation, is there a grandfathering clause if there are changes in the neighborhood. Matt said that at any time in the future, the owner of the turbine will still have to come into compliance with the standards in the bylaw.

Matt noted it is coming up on 9pm and the Board still has another public hearing on the sign regulations. Any new comments will be limited to 1 minute 30 seconds. Kevin has already submitted his comments in writing, his concerns are that site plan review has to come out, and that the waiver section needs to be clarified as to what can be waived. In regards to setbacks relating to rooftop turbines, there needs to be a clear setback requirement in the bylaw. He noted the use chart has already been corrected but he feels that no type of turbine should be allowed in the village district.

Larry Flaccus – on the definition of wind turbines on page 2 –it only includes vertically driven wind turbines the way it is written, and there is a grammatical correction on page 9 under D.3. where it says the applicant “should” and it should be “shall” provide a description.

John Walsh stated he feels that site plan approval should be struck since the noise requirement should protect the surrounding neighbors. He would strike Section 17.5.3 completely and just rely on the complaint process for neighbors-- that gives them the option to ensure their peace and quiet. Ray Hartman stated he did not agree. Mike Parry noted he was absent at the ZBA meeting which John Wheeler attended and he is in agreement with Kevin and others to eliminate the site plan review process.

Kevin asked what the process will be at this point. Matt state that at this point the Board will hold a meeting to prepare a final draft that will be submitted to the Selectboard for Town Meeting Warrant. There was a discussion as to whether the

Approved: _____ Date: _____ 4

Board could hold open the hearing record until Friday. Following a phone conversation later during the meeting, it was determined that Town Counsel advised against holding open the hearing record following the closure of the hearing tonight.

Joe Judd noted how much work had gone into this bylaw. He does not see anything more than minor tweaking as necessary at this point. It may not be perfect but it is so far forward from where the town was two years ago. He felt the Board and the WAC should congratulate themselves.

A motion to close the hearing tonight and the draft Section 17 Premises Use Wind Energy Systems bylaw was made by Doug and seconded by Cam.

Cam and Doug both felt they have heard everything they need for making final revisions. Cam asked if we merged the site plan review into the special permit process, would we need an additional public hearing. Matt said from his understanding and past discussions with Donna, we would not need an additional hearing for that type of change. Matt asked if anyone had new information to submit. None was presented.

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

Matt clarified as chair he only votes if there is a tie and therefore that is why he is abstaining.

Matt closed the public hearing on the draft premises-use wind energy systems bylaw and opened the hearing on the proposed draft sign regulations.

Matt noted that if people would like a copy of the draft sign regulations that copies were available up front.

Matt announced he would follow the same format as the earlier hearing. Matt read Beth Simmond's emailed comments on signs: "In general, new draft by-law is crazily detailed and I certainly hope if it is passed there will be someone to police it. This is writing of by-laws with a nod and a wink that there is a low is on the book, but if it is not bothering anyone we will look the other way is disingenuous. Either we believe in what we passed, or it should not be an additional set of rules no one follows. I keep hearing we want a small town feel, but if we can't advertise for a local farmers market there is a certain irony. Also, if some folks are grandfathered according to signage they already have in place that would not meet new standards, what would happen if they wanted to repair, repaint, or spruce up a current sign in the same footprint it is in now. Is that something that should be allowed. I fell it should be, or it may encourage some to keep signage in disrepair."

Matt asked for any comment from any board member and none was presented. By way of background, Matt explained that the Planning Board and the ZBA met in 2012, and the issue of needing to update the sign bylaws was discussed and the building inspector had raised questions with the ZBA. The ZBA took on the responsibility of updating it. Joe Palmeri said they have been working on it for over a year. There have been several complaints regarding premise sign issues, etc. The ZBA has tried to develop a bylaw that addresses concerns identified by the Building Inspector; they have talked with the Selectboard and the business association was contacted. Joe asked if we had received the copy of an email from the building inspector and Matt told him no, it had not been received.

Mike Parry, ZBA, the last meeting of the ZBA they had looked at Section 9.2.1.0 – light illumination after 11pm. He noted that after 11pm, a lot of business are illuminated, especially the banks lighting ATMs for security. Is this grandfathered? Would this affect them? Matt indicated it would apply to them if there were a change of ownership. Mike said he doesn't remember the ZBA addressing business signs for security issues.

Larry Flaccus, in regards to the grandfathering, how does this bylaw effect the proliferation of temporary signs along Route 2. Matt said that he feels that since the previous bylaw did not address temporary signs, then they wouldn't be grandfathered.

Joe P. said they had surveyed Route 2 and only found one sign that wouldn't be in compliance and therefore grandfathered. Cam asked if clocks and thermometers are signs.

Kevin Parson, feels that 9.2.10 is very anti-business. In the Village Commercial and Commercial districts, businesses should be able to light their sign round the clock. Section 9.5 applies to both village/commercial and commercial. Joe said that was the intent of the ZBA. Overall he thinks that what is going on with the proliferation of signs on Route 2 is ridiculous but his wife is okay with it.

Larry Flaccus suggested that in Section 9.2.10 there should be a distinction between internal and external lighting. Mike said they tried to address some of the lighting that moves in Section 9.2.13. Larry said that in Section 9.2.8 seems to be addressing internal signs. Mike noted that you can have a sign on the outside that is actually lit from the inside. The question is how to address internal versus external signs.

Larry – under Section 9.2.4 portable signs are not permitted-- he is concerned about having sandwich board sign he puts up on his property. He also did not see any provision for agricultural signs. Section 9.7 refers to temporary sign for no more than 14 consecutive days which could affect business like the sugar house and in his business. He sells Christmas trees for about a month a year each year. He felt the 14 day limit needs to be modified, especially in the case of agricultural uses.

John Walsh, noted that local energy alternative organizations, such as mass save, etc., have greatly benefited from having temporary signs on properties promoting energy efficiency for several months at a time; it could be sponsored for example by a town energy committee.

Larry noted that Molly Cantor has sponsored an annual pottery tour and he has let her use his property for signs. Under this bylaw she wouldn't be allowed. Joe noted that they had worked on a bylaw in response to a request of the building inspector before he tries to enforce any of the existing bylaw. Matt suggested a mechanism be put in place where some entity is able to issue a sign permit relative to a local event. It was noted that the Garlic festival puts up a sign in Shelburne.

Someone noted this was an excellent start on a bylaw related to signs. It would be nice to see the ZBA build some extended time frames within the good work the boards have already done. Joe Palmeri believes in one of their previous versions they had allowed for 14 days that could be extended to 28 days. Mike Parry noted, that Route 2 has become known as the "wildwest" for signage--how do you create the compromises. He comes at it from the point of view of supporting the businesses.

Matt suggested maybe setting aside a spot in time for signs that are managed by the Business Association. It's important to keep the flow of people coming through town. At the same time, what does it mean for Shelburne as a right to farm town-- does that mean there should be a separate section for agricultural signs.

Kevin feels that agriculture should not get special treatment, everyone should get the same treatment. Coffee Roasters is currently in a signing war with Hagar's. To allow for farms on Route 2 is to allow for sandwich signs along the commercial zone along Route 2. He said he has clients objecting to farmers getting breaks while they have to conform. Joe noted that we cannot place any unreasonable restrictions on farms. Farmers would have to conform with a sign bylaw. Matt clarified that he feels it should be called an agricultural property and can have certain signs that are maintained. It's not giving them an exception from the rules, it is acknowledging that farms have certain needs that should be met. Joe P. said that the message of the signs can change but the size of the signs can't change.

Larry noted that he has 3,000 feet of frontage and therefore, according to Section 9.5.1, he can put up a 3,000 square foot sign. Joe looked at this and explained it is supposed to be combined square footage for all signs on a property. Mike Parry suggested that it would be possible to establish a permit process for sandwich boards, where you get a permit and possibly a fee as they do in Amherst. Joe noted they tried to stay away from that. We didn't figure the Board of Selectmen wanted to give out sign permits every couple of days.

Matt noted this evening is a good introduction as to what can be the discussion at Town Meeting. It seems that this bylaw needs to strike a balance of fairness.

Joe Judd brought up the Bridge of Flowers race and asked if that would come under Section 9.7.1. since it is a for profit sponsor. One resident talked about all the signs set up all over town giving directions on the day of the race. Joe Palmeri noted this section was trying to address activities such as the race but it needs to be tweaked. Joe P. said they intended to try to include most of the current events. There was extensive discussion on how to address this issue especially relating to the divided Shelburne Falls village, spread over two towns. It was noted that the members of the ZBA had researched regulations included in other nearby towns, Whately and Deerfield for example. There were discussion regarding Sections 9.5.1, 9.5.3, 9.2.6 and their intent.

Matt read into the record an email received from John Taylor that includes feedback from Mary Vilbon of the GSFABA :

1) In 9.2.4 it should better explain that portable signs should be allowed off-premises in front of the business (since the sandwich board signs could sit on town property, and there is not always clarity as to who owns the sidewalks). My suggestion is to add a 9.6.4 to read "Sandwich Board signs permitted under Subsection 9.2.4"

2) the GSFABA also wants better clarification of "Trailblazing Signs" versus "Wayfinding Signs". I thought the state's language specified the term trailblazing but Mary believes the state calls the blue signs wayfinding signs. This section was not changed in the revision since we thought it was specific wording required by the state. Mary feels it might be best to define the term specifically.

Joe P noted that there are state requirements regarding trailblazing signs and they will look this up.

Matt asked for any additional comments. Joe Judd asked if the Board thinks this bylaw is going to be realistically ready for town meeting. Joe P said that he will check with his board tomorrow night but he feels it is now up to the Planning Board. Matt said that he feels that there needs to be further review by the ZBA and that all the main parties need to come together in consensus. Joe said his board can meet the next night. Issues that still need to be addressed by the ZBA include:

- Trailblazing/wayfaring – which is the correct term under state highway regulations
- Lighting/illumination signs, Sections 9.2.10, 9.2.8 (allow illumination in VC and C) – businesses want to be able to illuminate their business for marketing and security
- Agricultural signage
- Sandwich boards
- 9.2.4. as Mary Vilbon's notes - "it should better explain that portable signs should be allowed off-premises in front of the business (since the sandwich board signs could sit on town property, and there is not always clarity as to who owns the sidewalks). My suggestion is to add a 9.6.4 to read "Sandwich Board signs permitted under Subsection 9.2.4"
- 9.2.6 – how do you address signs for multiple businesses in one building
- The whole surface size of allowable signs on a building needs to be reviewed
- 9.5 – add that village commercial as well
- 9.5.1 needs to clarify it speaks to 9.5.3 and 9.2.6 and it is combine
- Clarification on grandfathering – Joe said it is in MGL - and Larry asked for clarification on the grandfathering of temporary signs
- Farmer's market signage regarding 14-28 consecutive days and whether that is fair
- Whether or not you want to add a bullet that talks about agricultural signage that it is not exempt, but what the applicable rules are; such as temporary signs relative to what is grown on that property.
- 9.7.1 – the whole double "and/or" that needs clarification; does it apply to churches or school systems
- 9.2.4 – Kevin suggested a sandwich board if allowed by right as long as it complies with the following - relate this to 9.7.1 you need direct verbiage of which signs do not require a permit – sandwich boards in the commercial district? (VC and C)
- Removal of signs by businesses that have gone out of business

Mike and Matt both noted that just trying to identify the issues that need to be addressed makes the current draft falling short of a 2/3rds vote on Town Meeting. Joe Judd asked if the ZBA can tweak it and get it back to the Planning Board in time for the Board to review it for this year's Town Meeting.

Joe said he would take the list of the issues to be reviewed back to the ZBA to work on.

Is there a way in which local businesses have a mechanism for putting signs on Route 2 that guides people into town for special events. Kevin raised the question as to whether there could be a place on Route 2 where signs could be placed to address temporary events going on in the village, maybe several bulletin board areas where people can post event information. Joe P. said this has been discussed before, with the Selectboard. Matt noted that the real issue is whether this bylaw is going to be ready for this year's town meeting or if it needs more work. Matt noted that the Planning Board had just received it at their last meeting and would do the best they can.

Matt asked for any additional comments.

A motion to close the public hearing was made by Doug and seconded by John Wheeler.

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

Approved: _____ Date: _____ 7

Schedule our next meeting. Matt said he probably wouldn't be there but we need another Planning Board meeting the end of March to finalize the drafts reviewed tonight. The Board needs to meet on April 9th when they will deal with the Subdivision Regulations with a regular meeting starting at 6pm; holding it at Town Hall.

A motion to adjourn the hearing relative to draft Section 9 Sign Regulations was made by Doug, and seconded by Cam.
Vote: 3 in favor, 0 opposed, 1 abstention by Matt.

The meeting was adjourned at 10:57pm.

Respectfully submitted by,

Liz Kidder

Note: these minutes were prepared following review of a digital recording of the meeting.

Documents List

Draft Section 17 Premises Use Wind Energy System Bylaw (Draft #8)

Email dated March 11, 2014 from Beth Simmonds, Vice Chair

Email dated March 12, 2014 from John Taylor

Draft Section 9.0 Sign Regulations

February 14, 2014 Letter to Shelburne Planning Board from Robert Rand

February 10, 2014 Letter to Shelburne Planning Board from Shelburne Open Space Committee