

**TOWN OF SHELBURNE
Planning Board
Minutes of Meeting
September 10, 2014**

A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, September 10, 2014 at the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA

Present: John Wheeler, Chair
Cam Stevenson
Josiah Simpson
Will Flanders

Administrative Assistant: Liz Kidder

Absent: Doug Finn

Audience: Marilyn Wright, Lesley Chadwick

Press:

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

Josiah moved to accept the minutes of July 16, 2014 as printed; seconded by Cam Stevenson.

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair and 1 abstention by Will Flanders who was not in attendance.

ANR PLANS

Marilyn Wright and Lesley Chadwick, Mohawk Trail presented a form A, Mylar and two copies of an ANR plan for review by the Board. Marilyn and Les explained that John and Sherry Taylor were conveying a small parcel of land to them and modifying their mutual property boundary.

Motion to endorse Marilyn Wright's ANR was made by Cam and seconded by Will.

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

NEW BUSINESS

Kinder Morgan Pipeline – Liz noted there was a copy of a Mass Land Trust Coalition powerpoint information document about the proposed Kinder Morgan Pipeline in their packet. This material had been forwarded to the Board by Tom Miner of the Conservation Commission. Liz noted that according to the Greenfield Recorder, a lawyer had meet with the Deerfield Selectboard/Board of Health and suggested that if a town wanted to fight the pipeline the way to do it was through the Board of Health. She noted that the Shelburne Board of Health is following what other Boards of Health are doing in regards to this proposal. The consensus of the Planning Board was to review this information and other information as it comes before the Board.

OLD BUSINESS

Attorney General's approval of Premises Use Wind Energy Bylaw with suggested modifications and bylaw

amendments: Liz reported that the Town had received a letter from the Attorney General's office approving the Premises-Use Wind Energy bylaw passed at annual town meeting. However, the letter noted a couple of corrections that should be made to the bylaw to be fully in compliance with state law. The final procedural step to ensure the bylaws are legal is for the town to prepare a Town Bulletin with the approved changes for review by citizens. This Bulletin needs to be available for review in 5 locations for public review and it had to be duly noticed twice in a local paper. Liz had prepared the Town Bulletin and the Town Clerk put the notice in the paper and distributed it to the five locations. A copy of the Town Bulletin was in each Board member's packet.

John reviewed the two items mentioned by the AG that need to be addressed at the next town meeting. One issue was that the Board can't require an applicant to come to a board meeting for a pre-application discussion. The second issues related to Section 17.9 Abandonment or Decommissioning – the AG reminded the Board that the Town in general does not have the authority to enter a property without a search warrant. Will noted that if the issue is that the Town would need a warrant,

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maybe the Board should just say in the bylaw that the Board will seek a warrant under those circumstances. It was noted that this can be discussed at the joint meeting with the ZBA where the two boards can lay out a strategy for preparing bylaw amendments for next year's annual town meeting.

Draft Sign Regulations: Will asked where the Board was in the process of adopting the draft sign regulations. John noted that the ZBA had prepared the original draft and had expected it to go to 2014 Town Meeting. The Planning Board felt it needed more work and public discussion before it would be ready for Town Meeting. Will asked for a clarification as to what was the overall purpose of the redrafting of the current sign regulations. John explained that the issues were aesthetic, traffic safety, issues related to size of signs, how long can farm product signs be up along the road, placement of signs off-premises, etc.. It was discussed that the Building Inspector had said that he couldn't enforce the current sign regulation in a fair manner.

John noted that Section 9.2.1 raised the question to him as to whether all signs have to get permits from the building inspector. Josiah noted that the Williamsburg sign bylaw actually starts with "Signs that don't need a permit" which in general the Board thought may be a good model to follow. Josiah asked what should be the process be to finish revising these sign regulations. John noted this is a topic for the upcoming joint meeting with the ZBA on Sept. 25th. He suggested making a list of questions for that meeting. Josiah said he would email a pdf of the Williamsburg sign regulations to the other members of the board.

Questions and discussion points raised by the Board included:

- Is this current draft clear as to which signs need a permit or not. Example: temporary signs.
- Are there existing signs in Shelburne that would be affected/not in compliance if these regulations are passed.
- Are there types of signs in Shelburne that aren't addressed in this draft.
- Can there be a preamble at the beginning of the bylaw that clearly states the purpose and goal of the bylaw and why it was developed.
- Since the SFABA is currently managing the banners across Bridge St., should there be a provision in the bylaw through which the Selectboard authorizes a community organization to officially take on that task.
- Is it possible to just develop a general "performance standards" bylaw that assigns permitting responsibility to a specific board which can then develop it's owns rules and procedures for implementation/permitting (such as the special permit process).
- Can this bylaw be reformatted similar to Williamsburg's regulations which clearly states which signs needs permits and which do not.
- Can you develop a list of signs that need permits and then state that others are allowed by right.
- If you develop a list of signs that are allowed, do you then just change the list as needed in the future.

John noted that Will has worked with the SFABA and asked how to get their input. Will said he is currently chair and there is a meeting on Friday of the board. He will bring up these regulations for discussion at that meeting and get back to the Planning Board on their suggestions/concerns.

Proposed Joint Meeting with the ZBA – Thursday, September 25th at 7pm: the Board identified the following items for discussion at the Joint Meeting.

Attorney Generals letter and recommended clarifications – for this year
Draft Sign regulation - for this year
Large Scale Ground Mounted Solar – for this year
Natural Resource Zoning – start research, communication with other boards and seek funding for consultant
Suggestions from the ZBA for what they feel needs attention

Draft Subdivision regulations: Will asked what subdivisions are there in Shelburne and how much potential is there for future proposals. Will said that in Northampton the City is adamant that they will no longer accept responsibility for maintaining any new streets. Their policy is to require homeowners associations to be established to maintain the streets in any new subdivisions. Will suggested that instead of Shelburne stating they would consider taking a street but are not required to, just say that the town won't take on any new streets. A town taking on a new street is a financial loss in the long run in regards to maintenance of the roads. Will said in Northampton, the homeowners association rules are required to actually state that the association cannot ask the town to take over maintenance of the road. Will suggested we ask Donna McNichol if we can be allowed to state the Town will not take on maintenance of a road. Will suggested it would be interesting to review Northampton's bylaws and subdivision regulations.

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The Board decided to really focus on sections 1 and 2 of the draft subdivision regulations for the next meeting. Will said he would look for editing issues as well as substantive questions. Liz suggested that the Board could prepare a list of questions and then invite Peggy Sloan to a meeting asking for her assistance in answering those questions since she had been involved in the preparation of the Orange subdivision regulations. Will suggested asking a developer with experience who might give the Board feedback. It was also decided to ask John Payne to come in and give the board feedback on what happened during the 2006 effort to pass updated regulations when he was on the Planning Board; why did the Board not proceed with adoption after developing the draft regulations.

Large-Scale Ground Mounted Solar Energy Facilities Bylaw: It was noted that several more towns have passed local solar bylaws, such as Buckland, which can provide examples for the Board. The Board also discussed the need to explore how the technology is changing. The current bylaw allows for premises-use solar. Will asked if it was possible for someone to come in and suggest a solar farm that is actually using the roof surfaces as a group in Shelburne Village, as an example of a new approach. Will noted he had read articles that the trend could be to move away from solar farms connected to the utility grid since there are major concerns with the effectiveness/reliability of the current grid; the Rocky Mountain Institute is doing research in this area. Will suggested that we look at this issue relative to helping towns become more resilient. Liz noted that she had seen an article on the UMass farm which was experimenting with scattered solar panels on farm fields.

Community Energy Strategies Pilot Program update: John and Liz gave Will background on this program developed under a grant through the FRCOG. John gave him a copy of the programs final report – “The Roadmap.” This was developed using community input which led to the suggested strategies for the four participating towns, Shelburne, Buckland, Greenfield, and Montague. Based upon the recommendations in that report, the FROG had applied for grants to implement elements of it but to date, the Board has not heard on the success of that effort.

Natural Resource Zoning/Cluster update: Will asked for background as to why the Board was addressing this. It was noted that the current Cluster section of the Town bylaw is considered very weak. Developing this section of the bylaw was also listed as a task for the Planning Board in the new Open Space Plan. It was noted that there are some models for review such as one recently passed in Leyden. Will noted that he has friends who live in some of the co-housing projects in Hampshire County and it is an interesting concept. Liz noted that the consultant Jeff Lacey had been instrumental in assisting Leyden but that Shelburne would have to raise money to obtain his services. Liz suggested that the Board spend the next few months developing support with other town boards to seek funds at the 2015 town meeting to hire Jeff Lacey to assist the town with development of this section of the bylaw in order to present it at the 2016 annual town meeting. If possible, the Board might consider asking the Open Space Committee for help in looking for other funding sources.

COMMITTEE UPDATES

FRCOG Planning Board appointment: Cam had replaced Beth but he noted that since he is away a couple of months a year he is happy to have someone else serve. John said he would go if Cam is away. The meeting is the third Thursday of the month and notification is by email. Liz will notify the FRCOG that Cam was reaffirmed as the Shelburne Planning Board representative and will ask them to add John Wheeler to the email list as well.

Open Space: Neither Josiah nor John were able to attend the last committee meeting. Josiah noted that he is stepping back as a committee member because of time limitations. John said he will try to attend the meetings. John had received an email from Dave Schochet that the committee has received verbal approval of the digital copy of the plan they had submitted and now they have to send a hard copy to Boston to get the final approval of the Open Space Plan.

Long Range Planning: Josiah reported that Long Range Planning is going to schedule a public information meeting to inform the public on their role and what they are trying to accomplish. Primarily they are trying to develop a maintenance schedule for Shelburne owned buildings; to maintain the buildings and fix problems before they occur. Then they are exploring ideas to restructure building use. They are asking what if questions such as, what if the Town offices move into the Arms Academy and the historical society moved to Memorial Hall. The purpose of the public meeting would be to stimulate discussion

Other Town Boards: no reports presented.

OTHER BUSINESS not reasonably foreseen 48 hours prior to the meeting: nothing presented.

Read Mail – the Board read the mail as listed below.

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Public Comments: none presented.

Schedule next meeting: September 25, 2014 for joint meeting with the ZBA and October 8, 2014 for the next regular meeting of the Planning Board.

Motion to adjourn was made by Will and seconded by Cam.

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

The meeting was adjourned at 9:23 pm.

Respectfully submitted by:

Liz Kidder

List of Documents

Invitation from the FRCOG to workshop on bringing people to the table

Request for appointment of a board member to the FRCOG

Notice of Finding of No Significant Impact and Notice of Intent to Request the Release of Funds

Notice of a Shelburne ZBA/Special Permit Public Hearing on Shelburne Woodshop LLC

Mass Land Trust Coalition Presentation of June 25, 2014 on the Tennessee Gas Pipeline Co., L.L.C. Northeast Energy Direct Project/Kinder Morgan

Notices from neighboring towns:

Greenfield – 9

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