

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting October 12, 2016**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, October 12, 2016 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board

Will Flanders

Cam Stevenson

Josiah Simpson

Administrative Assistant: Liz Kidder

Audience: Mike Perry, ZBA

The meeting was called to order at 7:00 pm.

**A motion to approve the minutes as corrected, of the Sept. 28, 2016 meeting was made by Will and seconded by Josiah.**

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

**ANR Plans** – none presented

**Special Permit /Variance Applications** – none presented

**NEW BUSINESS**

John introduced Mike Perry who had asked to present a request on behalf of the ZBA. Mike reported that the during reviews of several special permit applications, the issue of how to implement the Town's parking regulations had been problematic for their Board for at least a year. Virtually every meeting that has involved the redevelopment of a property in the Village Commercial district and in one case the renovation of a property in the VR from 2 – 3 family , parking has been an issue. Mike said that the ZBA feels that the current wording of Section 11 Parking is a detriment for the redevelopment of key properties in the VC such as the Singly Building, the former "Swan Lot", the VFW, etc. The ZBA has had extensive discussions regarding how to implement the bylaw as it relates to these projects.

The ZBA believes this leads back to the bigger discussion of is there a parking issue? Mike noted that accept for special events he has never had a problem parking in the Village. However, Mike has noticed there has been parking problems when there has been a major snow fall and the snow is piled up behind Keystone Market. The Board discussed that since the last public meeting discussing parking issues, the Police have been enforcing the 2 hour parking limit on Bridge St. Further issues discussed included:

- Is 2 hours the right parking limit or should it be 3 so visitors can have time to have a leisurely lunch and also shop.
- Who is responsible for maintaining parking areas such as the one on Deerfield street, where parking spaces are covered with leaves and something of a mudslide.
- What would happen if a current storefront/restaurant that has an average number of visitors changed hands to become a very successful business/restaurant increasing parking needs.
- Should there be different/separate regulations for the VC and VR than for Route 2.
- The needs for year round residents and businesses are different from the parking needs for seasonal and event visitors.
- How can the Town have the last parking study from 1999 updated to reflect current needs.

Mike was thanked for attending the meeting to discuss the need for updated data. It was discussed that the Planning Board has also been discussing this issue and is hoping to propose revisions to the parking section of the Zoning Bylaw for this year's Annual Town Meeting. One difficulty is the timing – how to find the funds to have an impartial study done, get the results and prepare the revisions with adequate public input before this year's town meeting when there are several projects needing answers to their questions about how many parking spaces they will need to provide to renovate their property.

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

Liz also informed the Board that the ZBA chair had forwarded copies of 10 past decisions by the ZBA that involved parking concerns so that the Planning Board members could see how they write their decisions and what they consider.

Cam noted that in relation to the Singley Building, originally there was no parking there, so why should 18 parking spaces be required now. Mike noted that the Town Counsel has said for situations such as that project, decisions to reduce the number of required parking spaces is not setting precedents; the ZBA should be reviewing each proposal on their own merits. Mike thanked the Board for their attention and noted that the ZBA really needs recommendations on how to use their discretion in regards to parking in the both the VC and VR districts.

The Board held a general discussion on community development possibilities that could impact the Village and the need to balance commercial and residential uses. John said that he feels that it is most important to promote redevelopment in the VC --if that brings more traffic and parking problems then the Town should work on further resolving the parking issues; at the present time there isn't enough of a problem but the Town can continue to work on signage and other improvements to deal with seasonal and event parking needs.

Will noted that he hasn't had a chance to work on some restructuring of the parking regulations but will work on that for the next meeting. The Board asked Liz to ask Peggy Sloan how much it would cost for the FRCOG to update their 1999 parking study for the Village. Once the Board has that information, they can talk to the Selectboard about how to find the money to pay for it.

**A motion was made to ask Liz to talk with Peggy to get an estimate of how much it would cost to have the FRCOG update the 1999 Parking Study by Will and it was seconded by Cam.**

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

John Wheeler said he would talk with Joe Judd as chair of the Selectboard. Will noted that if the Board moves forward with their recommended changes to the bylaw and holds a public hearing -- that will help send a message to the ZBA as to how to use their discretion even before the proposed revisions are considered at Town Meeting.

**Attorney General's Decision on Articles 32 and 33:** the AG approved the local road preservation Town bylaw but the large-scale commercial facilities Town Bylaw was disapproved. The AG said that such a bylaw needs to be a zoning bylaw rather than a town bylaw. Since the bylaw was already approved by the Town Meeting, the consensus of the Board is to represent it as a zoning bylaw at ATM 2017.

**Will moved to take what was approved by the Town as a Large-Scale Commercial Facilities Bylaw and present it again at ATM 2017.** Cam seconded.

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

Will will review the original bylaw and the letter from the AG and let the Board know if there is anything substantive that needs to be tweaked to make it a zoning bylaw.

## **OLD BUSINESS**

**Limited Impact Development:** Tom Miner had written an email regarding LID and the Poirier property. The Board discussed the Poirier property, LID techniques and people's perception of the aesthetics of parking areas in the VR.

Josiah reported that he did call Guy Wheeler and he has been informed that the water supply and the storm water systems in the Village are not connected. Since industry has left the town, the demand for potable water has dropped significantly. Therefore, for

any additional residential uses, including infill situations, there are no issues with water supply capacity even with the current water supply restrictions. The system could be increased by 100,000 gallons per day. Josiah then talked to the sewer superintendent to talk about stormwater and the stormwater collection system is very complex. In the VC and maybe a little of the VR, there is a sewer system that is separate from the wastewater system. Josiah asked if there could be a problem with increased demand and the commissioner said no, the Village can handle increased demand. Josiah said he will call Tom Minor to discuss his concerns on LID.

**Fall Training Workshops:** Liz has registered the Board and will submit the paperwork for payment of the registration fees. The Board said that Liz could attend as well.

**Housing Survey:** Liz reported that the FRCOG said it would be difficult to share their password for Survey Monkey. John said that he would talk to Joe Judd about this letting him know this is needed even though there really isn't money in the budget. The Board said they would ask for 4 months at \$26/month for survey monkey from either the Selectboard or in their expense budget for next year.

Will said he has been thinking about how to create more options for infill in the Village. Will said he took a brief look at form based zoning as recommended by Josiah. Will reviewed that it would provide the SPGA review board with the criteria for their decision making. The guidance could be based upon each neighborhood, so that the SPGA reviews a proposal based upon the specific neighborhood characteristics. Will thinks it would create the opportunity for the infill to increase needed housing in the village but done in the character of the Village and he thinks it is a good starting point for the Board to consider. It would be adding an aesthetic value to the review. Josiah mentioned that a leading proponent of form based zoning, Joe Russell, has an institute that is in Northampton. Josiah noted they ran into a lot of implementation issues and doesn't know if that was just in Northampton or if the issues were with state law. Will suggested that it may take two years to work on this part of the bylaw revisions related to housing in the VR.

**Housing and transient accommodations.** The Board had a brief discussion on "tourist homes" versus "short term vacation rentals." Will noted that in terms of the AirB&B situation, he can see the Town regulating them in some way. The next step would be to talk with the Board of Health and maybe the Selectboard but the consensus of the Board was that this is not of immediate concern and the Board will revisit this issue next year if need be.

**Will moved to accept the short term vacation rental definition and add it to the definitions. Cam seconded. [John recused himself].**

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

**Chapter 40B:** It was noted that there may be a way to use accessory units, if managed by the Shelburne Housing Authority, to work towards meeting the 10% low income housing requirement of Chapter 40B however, there would need to be long-term deed restrictions on those properties to qualify. Will noted that he is going to take a legal course on pre-existing non-conforming uses -- very useful in regards to the VR district.

**Sign Bylaw:** - Will reported he hasn't heard from Town Counsel. Liz noted that it appears that sign bylaws were the topic of a recent session of the MA APA conference and that she will try to get a copy of the presentation.

**Telecommunications:** John noted he hasn't heard anything yet about this from the ZBA.

**Joint meeting with the ZBA:** John noted that he hasn't heard about any interest in a joint meeting but with Mike Parry here tonight, the Boards are staying in touch.

#### **COMMITTEE AND REGIONAL PROJECT UPDATES**

**FRCOG** – nothing since the last meeting.

**Open Space:** no new information to report since last meeting

**Other Town Boards:** nothing reported regarding other town boards.

**READ MAIL** – the Board read mail as listed below.

**OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING** – none presented.

**PUBLIC COMMENTS** – none presented

**SCHEDULE NEXT MEETING** – regular meeting on Wednesday, October 26, 2016 at 7:00 pm with the first item being the GIS Services presentation to Town Boards after which the Board will convene its meeting.

**A motion to adjourn the meeting was made by Will and seconded by Josiah.**

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

Meeting was adjourned at 9:32 pm.

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

**LIST OF DOCUMENTS:**

Legal notices from neighboring communities: Buckland – 1  
September 28, 2016 Letter from Attorney General’s Office  
Excerpt of Provincetown Parking Bylaws  
Oct. 6, 2016 email from Liz Kidder on parking bylaws  
Eastbay times article on California eases restrictions on “granny units”  
Sept. 29, 2016 email from Cam Stevenson on Provincetown parking bylaws  
Oct. 4<sup>th</sup> email from Tom Miner on LID  
Oct. 3, 2016 email from Peggy Sloan on survey monkey  
Oct. 5, 2016 email from Will Flanders on AIR B&B video  
Oct. 5<sup>th</sup> email from Cam Stevenson on GIS Services  
Oct. 5<sup>th</sup> email from Town Clerk on Attorney Generals Decision.  
Copies of ZBA Notices of Decision on Special Permits:  
Oct. 2015 Melanie Dreher  
August 2006 Marybeth Koreman  
June 2016 Sharon Molly Cantor  
August 23, 2010 Shelburne Falls Inn  
August 2005 Bolio Investments  
Sept. 2016 Pamela Miner  
August 2016 Peter Buchanan