

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting Sept. 14, 2016**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, Sept. 14, 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: Bob Dean, Heidi Creamer

The meeting was called to order at 7: 04 pm.

**A motion to approve the minutes of August 10, 2016, with typos corrected, was made by Will and seconded by Cam.**

Vote: 3 in favor, 0 opposed, 1 abstention by Josiah who was not in attendance.

**ANR Plans** – Bob Dean presented an ANR on his family’s property on Patten Hill.

**Motion to approve the ANR as presented was made by Will and seconded by Josiah.**

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

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

**NEW BUSINESS**

John and the Board reviewed the walking survey, 2.4 miles as recorded by Josiah, that had taken place during the afternoon. Josiah noted that 104 Bridge St. is an example of the issues being reviewed by the Board – when is it suitable to have an additional small dwelling unit on the property on a side yard or back yard? What kind of bylaw structure would be appropriate to allow for some infill while keeping the Village’s character. Further points discussed included the following:

1. Under Shelburne’s current zoning bylaw, the owner of a property with an accessory apartment can live in either the principal structure or the accessory unit.
2. If the owner of single family dwelling builds an unattached accessory apartment, does he need to go through the special permit process if he decides to convert the primary structure into a 2-family dwelling.
3. Following review of whether 2 parking spaces should be required for each dwelling unit, the Board has not found any references to suggest making a change to that requirement.
4. There are several properties in Town where the parking spaces are directly off of the road and not set back and the Board consensus was to review the bylaw language that requires a 10 foot setback for parking spaces.
5. In regard to Village Commercial, it may make sense to only require one parking space per dwelling unit; does that one parking space have to be located on the property or can it be located off-site.
6. The use of shared driveways to support off-street parking on lots with accessory dwellings.
7. The time of day when parking becomes a problem; Bridge St. is often empty of cars at midnight while parking is difficult between 3:30 and 6:00pm.
8. Refining/expanding the criteria to be used by the ZBA when issuing a special permit for projects, especially parking in the VC district for renovated buildings, or for small houses situations.
9. The need to plan for snow removal/management during reviews for construction of additional dwelling (infill or accessory) units.
10. The demand for apartments in Shelburne: what is the demand currently; what is the current vacancy rate for existing apartments; what size/type of apartments is there a demand for.

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

11. How do you balance the needs of the year-round community in Shelburne with its reliance on the tourism industry to support local shops.
12. Should the focus on the tourism industry be more toward weeklong or summer visitors rather than day trippers.
13. Is Shelburne likely to be impacted by a Chapter 40B and if so, how can the Town strive to meet its obligation to have 10% of its housing stock meet the need for long-term low income housing. [Liz will email links to more information about Chapter 40B to Board members.]
14. Is there a way for Shelburne to provide for more senior housing options. [Liz will contact the Senior Center for input.]

Will asked the Board – where does it want to go from here. Suggestions included:

- Develop a goal/plan to create more residential rental options – infill, accessory apartments?
- Develop a plan for addressing parking needs in the VC District to support a mixture of shops and apartments.
- Review special permit review criteria to further define maintaining the character of the village and to not have a detrimental effect on a neighborhood.
- Contact local realtors to get their input as to rental housing needs. [Liz will contact local realtors.]
- Identify how many apartments there are in the VC district. [Liz will talk with Joe Judd to review the street list for information.]
- Contact the water and sewer district to determine if there are any issues regarding their capacity to consider. [Josiah will contact Harold “Guy” Wheeler at the sewer district and Will will call John Walsh, the Shelburne representative on the sewer commission.]
- After identifying housing needs, review the dimensions and use table to see if there should be any changes recommended at town meeting.

Josiah brought up the need for 10% low income housing to meet the Chapter 40B guidelines and noted that Shelburne currently has about 5%. If the Village is able to accommodate more low income housing then it would benefit the whole town and reduce possible sprawl outside the Village. Josiah asked what is the Board’s reaction to the question of does the Town need a 5% increase in its housing stock. Will said his gut reaction is that it would enhance the collective energy of the town, creating more options for young people, or more options for older residents to downsize. He has heard of people who have grown up here, but can’t afford to live here. Heidi suggested that the Board did not need to put a specific number of it.

**Housing and transient accommodations:** Will had contacted Dick Calisewski, the building inspector in Deerfield where they have decided that anyone renting any temporary, short term rentals, need to be inspected just as a commercial use or a B&B does.

**Definitions and Use Table:** The Board reviewed at the latest draft version of possible revisions to zoning definitions. John Wheeler recused himself from the discussion on short term vacation rentals. It was decided that there should be a definition for a short term vacation rental home or apartment for when it is rented for less than 30 days. Liz was asked to prepare such a definition for the next meeting. Will said he would tweak the Accessory Apartment definition in order to address issues raised about accessory units.

**Sign Bylaw:** Will is still working on contacting Donna to clarify where revisions are needed based upon recent case law.

**Telecommunications:** John is trying to reach Chris Macek for input on the changes that John Taylor said needed to be made. Joe Palmeri said he didn’t think there was an urgent need to work on this, maybe just a loophole that should be addressed. Noah said he would follow up with the ZBA to clarify what is needed.

**Joint meeting with the ZBA.** Noah noted that the most consistent recurring issue before the ZBA is parking in the Village Commercial.

**Letter from the Attorney General’s office:** Will noted that there was only one comment regarding the ownership option of the open space that has to be left up to the owner of the property. Will will review the bylaw and prepare any tweaks that need to be made

to meet the AG's office concern for review by the Board. Liz will follow up with Joe Judd on producing the final legal notifications about the approval of the bylaw as outlined in the AG's letter.

**COMMITTEE AND REGIONAL PROJECT UPDATES**

- **FRCOG** – Cam said they are meeting the third Thursdays and while he can't make it this month he expects to the rest of the year.
- **Open** –John noted that the open space committee had a walk around the village identifying significant trees. The agriculture committee is having a dinner this week that was sold out. Open Space is working on a loop hiking trail that crosses John Payne's property.
- **Other Town Boards** – nothing presented.

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

**A motion was made that the Planning recommending that the Selectboard send a letter similar to the letter the FRCOG is sending to our legislators agreeing with and supporting the FRCOG letter regarding the FERC process for review of pipeline projects.**

**Moved by Will and seconded by Cam.**

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

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

**PUBLIC COMMENTS** – none presented

**SCHEDULE NEXT MEETING** – regular meeting at Wednesday, September 28th, 2016 at 7:00 pm

**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 9:27 pm.

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

**LIST OF DOCUMENTS:**

Legal notices from neighboring communities: Buckland – 1, Greenfield – 4, Shelburne – 2, Deerfield -1  
8/29/2016 email Doreen Nichols  
8/30/2016 email Andrew Jaffe on solar setbacks  
8/29/2016 email from Whit Sanford on walking survey  
8/12/2016 letter from Mass Historical Commission on Shelburne Free Public Library  
9/8/2016 email regarding Municipal Law Unit Training Course  
9/7/2016 email regarding House Bill 4679  
9/3/2016 email Gary Root – DOT Project  
8/29/2016 email Peggy Sloan on Letter to Federal Legislators  
Save the Date – MEDC Fall Conference  
August 31, 2016 letter from Attorney General on Annual Town Meeting  
Spreadsheet on Village properties and related google maps  
MGL Chapter 40A relative to exemptions from unreasonable zoning bylaws