

**Town of Shelburne
Zoning Board of Appeals
Minutes of Meeting
Thursday, September 6, 2012**

A duly posted meeting of the Shelburne Zoning Board of Appeals was held in the Shelburne Fire Station meeting room at 18 Little Mohawk Rd. on Thursday, September 6, 2012.

Present: Joe Palmeri, Chair

Lowell Laporte

John Taylor

Ted Merrill

Liz Kidder, Administrative Assistant

Absent: William Sweeney, Alternate

Catherine Smith, Alternate

Audience: Judy Truesdell, Bob Jaros

Press: None

I. Meeting called to order at 7:06pm

II. Minutes of the meeting of August 2, 2012

Motion to approve the minutes as presented was made by John and seconded by Lowell.

Vote: 3 in favor, 0 opposed, 1 abstention by Ted Merrill who was absent from that meeting.

III. MAIL: William Sweeney has notified the board that he is returning to his role as alternate and will attend meetings only as needed. He will stay in touch via email.

The Board reviewed emails which had been received from the Colrain planning board about organizing a group tour of an active wind farm where they could see turbines in operation. It was noted that site visits such as this are allowed under the Open Meeting Law to obtain information but board members cannot carry out any deliberations while they are there. The Board members all expressed interest in participating and Liz will keep them informed as we hear more from Colrain.

IV. OLD BUSINESS:

a. Continue review of ZBA Rules and Regulations and Special Permit Application form and procedures.

Liz Kidder distributed the latest working draft #2 of the Special Permit Application Form. This included edits and modifications made at the last meeting. The Board continued their review.

Waivers- the board discussed a need for some criteria and a little more clarification on the waiver process. There should be an asterisk noting that if real issues come up at a public hearing or site visit that the ZBA may need to modify the waiver and ask for additional information. A good example from

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past experience was the time the Board found there was a stream on the property during the site visit that the applicant had not mentioned. Put a good disclaimer about the potential for needing additional information on the waiver form.

If there is a waiver, it has to be voted on by the ZBA at a meeting. Lowell noted that this could extend the time for the small projects. John Taylor noted that if someone comes in to discuss their project prior to submitting their application then the ZBA is forewarned that a process is starting. The ZBA will be ready to respond and schedule a public hearing without another meeting of the board. The Board would be able to start looking at dates for public hearings.

Liz said that she had talked with Terry Moser and she agreed that she could sign the application form to verify that all the pieces of the package are included as required but the Selectboard will have to review and approve her role. Liz also talked with Bruce Kaepal and the assessors already have a standard form on their computer that they use to prepare the list of abutters. She had deleted the attachment for the assessors from the previous draft. The Board noted that it is fine for the assessors to use their form but they would like to have a signature from either Bruce or one of the Assessors added to their form.

The Board discussed how much of the application package needs to be submitted to the other boards for their review. There needs to be a process for when Terry refuses to sign an application because something was missing. If they have already submitted copies to the other boards, does the applicant have to get their signatures again?

Add a copy of their letter of denial from Building Inspector, if applicable, on application page – another bullet should be included for this.

Liz will revise the working draft so that it can be discussed with the Planning Board on Sept. 13th.

b. Joint Meeting with Planning Board on Sept. 13, 2012 – review list of possible revisions to the Town Zoning Bylaws.

Liz distributed a copy of a list of possible revisions to the Shelburne Zoning Bylaws that included proposals from both the ZBA and the Planning Board. She noted that the Planning Board was hoping the ZBA would help prioritize the list before their joint meeting. The ZBA added signs to the list for discussion. The ZBA first ranked their priorities with 1 being urgent and 5 being the least urgent and then prioritized the list as follows:

1. 30-35 day review by other boards in town
2. Solar power bylaw
3. Past Attorney General recommendations, definitions
4. Signs
5. Driveway regulations, box trailers, unregistered vehicles on a lot
6. Open Space Development
7. Commercial radio district regulations

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8. Mobile Home Camper and Building Heights

New Business: Joe was watching a selectmen's meeting where they were talking about having ID's for workers/employees in town. Joe let the Selectmen know that the ZBA should get a picture ID so that when the ZBA goes on site visits they can wear an ID and the landowner will know they are town officials.

Other Business: none presented

Public comment: none presented

Schedule next meeting: the ZBA will be meeting in joint session with the Planning Board on September 13, 2012 at 7:00pm. The next regularly scheduled meeting of the ZBA will be Thursday, October 4, 2012 at 7:00pm at Town Hall.

Motion to adjourn the meeting was made by Lowell and seconded by Ted:

Vote: 4 in favor, 0 opposed, 0 abstentions.

The meeting was adjourned at 9:26 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

Documents discussed during the meeting:

- Working draft #2 of the Town of Shelburne Special Permit: Overview and Instructions for Filing
- Working draft #2 (August 30, 2012) List of Zoning Bylaw Revisions for review at Joint meeting of ZBA and Planning Board scheduled for Sept. 13, 2012.

Approved: _____ Date: _____