

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

A duly posted meeting of the Zoning Board of Appeals was held on Thursday, December 6, 2012 in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls.

Present: Joe Palmeri, Chair
John Taylor, Clerk
Lowell Laporte

Absent: Ted Merrill

Press: none present

Audience: none present

Meeting called to order: 7:13pm

Motion to approve minutes of October 4, 2012-- John Taylor pointed out 3 typos for correction. Lowell moved to approve the minutes of October 4, 2012 as corrected, John seconded. Vote: 2 in favor, 0 opposed, and 1 abstention by Joe Palmeri.

Motion to approve minutes of November 1, 2012: Moved by John to accept the minutes of November 1, 2012 as presented, seconded by Lowell. Vote: 3 in favor, 0 opposed, 0 abstentions.

Mail: Joe read a letter from Deborah Andrews on geothermal as an option for renewable/green energy. Liz will forward a copy of this email to Lowell.

Old Business:

Finalize ZBA Rules and Regulations and Special Permit Application form and procedures.

The Board reviewed all the comments and suggested edits sent that afternoon by Donna McNicol, Town Counsel. Liz had incorporated and tracked these changes into a draft #8 for review by the board. Donna had asked whether the ZBA intended to use this form for just special permits or for special permits, variance and other zoning relief. After discussion, the Board decided that this form would be used for all three situations that may come before them. It was the consensus of the Board that the provision for a waiver will allow them to modify their procedures to meet the needs of each type of application. The Board incorporated the changes recommended by Donna MacNicol relative to this and other minor clarifications.

Lowell moved to approve Draft #8 of the Town of Shelburne Zoning Board of Appeals application procedures and forms as amended and to make them effective immediately. Seconded by John.

Vote: 3 in favor, 0 opposed, 0 abstentions.

Liz will make the corrections and then ensure that the Town Administrator, Town Clerk, Building Inspector, Selectmen, Planning Board, Assessors, Conservation Commission and the Board of Health have copies.

Review progress on proposed zoning bylaw revisions identified at a Joint Meeting with Planning Board on Sept. 13th. This agenda item will be discussed at next month's meeting.

Update on Planning Board's wind bylaw development process. Liz gave an update on the establishment of a wind advisory committee on which Lowell will represent the ZBA as a voting member. Liz reviewed the last

planning board meeting at which Briony Angus reviewed the specifics of what elements will go into a draft bylaw. Briony is taking the directions she received from the Planning Board to prepare a working draft bylaw that she will present at a meeting on December 19th. Liz noted that the Planning Board asked Briony to identify the Planning Board as the Special Permit Granting Authority for this initial draft of the wind bylaw. This initial draft bylaw will be revised during the next few months by the Planning Board and the Wind Advisory Committee; it is considered just a starting point by the Planning Board.

New Business:

Shelburne annual "All Boards Meeting" – Dec. 17th 5:45 pm.

Joe said he would attend on the 17th and asked if anyone had any issues they wished addressed. John suggested communication among the boards as an ongoing theme. It was also discussed that the shared computer is out of date and the technology needs to be upgraded. John also suggested asking the selectboard about the status of a town capital facilities plan.

Proposed Modification of an existing AT&T Communication Structure off of Cooper Lane:

The Board reviewed an email regarding a proposed modification to an existing AT&T communication facility at an existing tower off of Cooper Lane.

"AT&T's existing facility consists of 6 panel antenna mounted at the 175' level on the existing tower. AT&T equipment cabinets are mounted on a steel platform at the base of the tower. The proposed modification includes the addition of 3 panel antenna at the same level, using the same mounts and the addition of associated equipment within the existing lease area on the existing steel platform. The proposed equipment would not increase the height of the tower, nor expand the existing compound area at the base of the tower."

John noted that this is another reason to review the cell tower bylaw as the Board is doing with the Planning Board. John noted that maintenance is not addressed in the current bylaw. Joe noted this site is outside the radio district as designated in our bylaw and there is no provision to do maintenance. Joe read section 16.1 which mentions modifications but there is no further explanation or definition of modification. As specified in Section 16.3, "The applicant is required to meet with the Town of Shelburne Zoning Board of Appeals (ZBA) as a pre-hearing conference to discuss the project." The Board asked Liz to respond to the email from James Burgess, informing him that the Board met and is inviting him to meet with the ZBA at their next meeting. In addition Liz was to ask if they are adding antennas or just replacing existing antennas.

Other Business: none presented.

Public Comments: none presented.

Schedule next meeting: January 3, 2013

A motion to adjourn the meeting was made by Lowell and seconded by John T. Vote: 3 in favor, 0 opposed, 0 abstentions.

The meeting was adjourned at 9:46 pm.

Respectfully submitted by,

Liz Kidder, Administrative Assistant