

Town of Shelburne
Zoning Board of Appeals
Thursday, January 3, 2013

A duly posted meeting of the Shelburne Zoning Board of Appeals was held at 7:00 PM on Thursday, January 3, 2013 in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: Joe Palmeri, Chair

Lowell Laporte

Ted Merrill

Absent: John Taylor

Audience: none

Press: none

Meeting was called to order at: 7:08pm

Ted Merrill informed the Board that he is planning to resign once new members are appointed. Ted said he will wait a couple of months at most. Joe noted board membership is on tonight's agenda.

Approve Minutes of December 6, 2012. Liz noted that the final version of the special permit procedures have not been distributed yet due to final tweaks made by John Taylor during a final proofing. She wanted the board to see the tweaks and give their approval.

Motion to approve the minutes of December 6, 2012 was made by Lowell and seconded by Joe.

Vote: 2 in favor, 0 opposed, 1 abstention by Ted Merrill.

Mail: Joe opened a packet from AT&T regarding a Communication Structure located off of Cooper Lane. Liz noted that AT&T's representative, Mr. Burgess, will be coming to the ZBA's February meeting to discuss their proposed modifications to an existing tower with the Board. Liz said she would leave the full submittal and copies of the plans from AT&T in the ZBA mailbox for any members to look at it. An email from Mr. Burgess had confirmed that AT&T is planning to add additional antenna to their tower, not just maintain existing antenna.

Joe read an official letter of resignation from Catherine Smith whom had been serving as an alternate member.

Old Business:

Final revised ZBA Rules and Regulations and Special Permit Application form and procedures. Liz noted that John Taylor had made some additional tweaks during a final proof reading. Joe also found a typo on page 5 "filling" should be "filing". Liz will make the final typo correction and will move "Attachment #'s" to the middle of the page before distributing it to town officials and boards, the cooperative building inspector, the Town webmaster for posting and making copies for distribution here at town hall.

Approved: _____ Date: _____ 1

Review progress on proposed zoning bylaw revisions identified at the Joint Meeting with Planning Board on Sept. 13th - cell tower bylaw revisions. John Taylor had done an initial review of the Town's current cell tower bylaw. Unable to attend tonight's meeting, the Board reviewed John's email:

"As discussed at the last meeting here is a draft of some clarifications etc. to make the telecommunications bylaw "better". They include corrections requested by the AG's office, clarifications of structure/towers/building/facility, language to allow for system maintenance provided they do not add new equipment, and some other ideas incorporated from prior ZBA discussions."

John had attached 2 documents – one is an annotated draft and the second is a more readable copy of the draft with his suggested changes “accepted” into the document. Joe said to table discussion on this and allow the board time to review these draft suggestions.

Update on Planning Board's wind bylaw development process. Liz gave an update on the work by Briony Angus, wind bylaw consultant to the Planning Board. She noted that Briony met with the Planning Board three times and has prepared a draft bylaw for review by the Board and it's new wind advisory committee. This draft includes standards which identify specific numbers for setback, height requirements, noise and flicker, other items. Briony made her suggestion for these standards but the numbers she used are considered holding places until they can be reviewed by the Town to decide what is appropriate for Shelburne. Lowell will be participating on the committee and there will be a joint meeting of the Planning Board and the Wind Advisory Committee to organize the next steps in the review process on January 9th. Liz noted that the question of whether the Planning Board or the ZBA should be the SPGA for wind was discussed and at this time the Planning Board is listed as the SPGA. Matt Marchese has said that in no way should this be considered a reflection on the ZBA but he feels that after spending more than a year studying the nuances of wind bylaws, the Planning Board would be ready to oversee the issuance of any special permits for a wind project if one is submitted after the moratorium is lifted. The Planning Board knows that this will be discussed at future meetings.

Report on Dec. 17th All Boards meeting -- Joe reported that the following were discussed: comments about the town's properties that hadn't been well maintained; there is now free “wifi” at town hall, the BOS are looking at what is appropriate for a town computer system, looking at better ways of using Cowell Gym and capital planning.

Proposed modification of an existing AT&T Communication Structure off of Cooper Lane: Tabled until next meeting when there would be a discussion with the AT&T representative.

New Business

Budget – status of current expenditures and proposed for next fiscal year

Joe noted the proposal for next year is pretty much the same as for this year allowing for a modest percentage increase in salaries. He also noted the Board has a revolving account and he is checking with the accountant as to its current balance.

Board membership – the board reviewed a list of possible people to talk to about serving on the ZBA. Joe noted that he had been contacted by Mike Parry who had expressed an interest. Joe said that the BOS had already decided not to appoint two individuals already recommended to them by the ZBA. Joe noted that if Ted is going to resign then the board will be in real trouble. Joe will call Sylvia Smith, Ted will call Jackie Salem, Dianne Muller and Tom Kehoe. Joe will also call Tim Coleman, recommended by Kiki Smith. Chris Macek, who had been recommended by Kevin Parsons, had told Joe that he doesn't know anything about Zoning but is interested in serving. Joe noted that the board is supposed to be a 5 member board with up to 3 alternates. Joe will talk to Chris Macek and Mike Parry. Ted noted that he is going to send a letter to the BOS to let them know he is planning on resigning. It was the consensus of the Board to invite everyone on their list to attend the next ZBA meeting to discuss their interest and the responsibilities of the Board.

At this point the board started a review of John Taylor's recommended revisions to the Cell Tower bylaw.

Other Business not reasonably foreseen 48 hours prior to the meeting: none.

Public Comments: none.

Schedule next meeting: February 7, 2013.

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

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

The meeting was adjourned at 9:03pm.

Respectfully submitted by:

Liz Kidder
Administrative Assistant