

Town of Shelburne
Minutes of Meeting
Planning Board
Wednesday, January 9, 2013

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, January 9, 2013 at 7:00 PM at 51 Bridge St., Shelburne Falls, MA. The purpose of this meeting was both a joint meeting with the Shelburne Wind Advisory Committee and a regular Planning Board meeting.

Present: Beth Simmonds, Vice Chair
John Wheeler
Doug Finn

Absent: Matt Marchese, Chair
Chuck Washer

Audience: Robert Jaros, Ray Hartman, Mike Parry, Kevin Parsons, Tom Webler, Judi Truesdell, Lowell Laporte, Dale Truesdell

Press: Cameron Graves, SFWCI

Meeting called to Order: The meeting was called to order at 7:04pm by Beth Simmonds, Vice Chair who noted that Matt Marchese, Chair was unable to attend.

MINUTES OF THE DECEMBER 19, 2013 MEETING:

Motion to accept the minutes as presented was made by John Wheeler and seconded by Doug Finn. Vote: 3 in favor, 0 opposed, 0 abstentions.

OLD BUSINESS:

Joint meeting with Shelburne Wind Advisory Committee (WAC):

Beth asked the wind advisory committee to join the meeting. John called the wind advisory committee meeting to order at 7:08pm noting it is a joint meeting with the planning board. Beth asked the WAC to introduce themselves: Bob Jaros, Patten Rd., Judy Truesdell, Patten Rd. Raymond Hartman Little Mohawk Rd., Lowell LaPorte, Church St. and ZBA liaison, Tom Webler, Zerah Fisk Rd., Mike Parry, Patten Rd., Kevin Parsons, Main St.

Beth mentioned that Mike Parry had asked if the committee members had to be sworn in by the Town Clerk. Beth noted that we had received the guidance from the Town Clerk. Kevin Parsons noted that his reading of the open meeting law agreed with the Town Clerk's decision; the committee is advising another public body rather than an individual. WAC members were all asked to be sworn in if they haven't already. Judy Truesdell asked if there would be any votes on the committee or would they just be presenting information. Beth noted that it wasn't clear yet as to whether any votes will be required. John noted the Planning Board had discussed accepting minority and majority reports.

Judy noted that she would be keeping the minutes and that all documents discussed during meetings need to be on file in the Town Clerk's office as part of the public record.

Beth noted that Briony Angus of Tighe and Bond, was hired to give the Town a template/draft bylaw, not to give us in depth science. Therefore, she feels it is the task of the WAC to review the science and help the Planning Board to determine what the best standards are for a Shelburne bylaw. She felt it was not appropriate for the Board to determine economic viability of wind power.

Beth said she thinks the Planning Board envisions the process as follows – we have received a working draft bylaw from Briony and we need fact-finding by the WAC to help the Planning Board continue their review and modification of that draft bylaw. Doug agreed that what we have is a draft and the advisory committee is here to help the Planning Board clean it up and get it ready for Town Meeting.

Questions and discussion points during the joint session included:

- John’s role as a coordinator and the need for the committee to have a chair person.
- John felt it would be up to the committee to bring up questions they have regarding the information which Briony Angus has presented to the Town.
- In what form does the Board want the information presented?
- The need to address the original language of the moratorium as it relates to “premises use” as opposed to just small scale. Beth noted the Board decided to address small scale for now instead of addressing premises uses which could include large scale turbines.
- How do you determine the maximum size turbine that should be allowed in Shelburne?
- Concern that the model bylaws used by Briony are several years old and not taking into account more recently developed issues related to turbines and their impacts.
- Legal issues and jurisdictional issues, e.g. non-conforming situations will be dealt with through a special permit reviewed by the Planning Board-how does this relate to special permit procedures currently in effect usually managed by the ZBA in Shelburne. John noted that this will be discussed with the ZBA and the Selectboard before the Bylaw is presented for public hearing. Beth noted that if the Planning Board is the SPGA there is then an appeal opportunity through the ZBA – providing an extra layer of review within Town.
- Site plan review process which historically has difficulty passing at Shelburne Town Meeting – is there a different type of review that can achieve the goals of the bylaw and be accepted at Town Meeting.
- The goal of the WAC is to help come up with a bylaw that will get the votes needed at Town Meeting.
- Is it “fair game” for the WAC to address procedures, such as which board should be the SPGA? Both Beth and John said that was okay.
- How much power would be needed for typical residences, farms or business in Town and how does that relate to turbine sizes and bylaw standards?

PB Looking for input on:

- first and foremost the health and safety issues of small wind,
- standards presented by Briony such as height, setback, fall/safety zone, neighborhood impact, noise infrasound, flicker.

- are there similar situations in other towns for comparisons,
- are there glaring issues that haven't been addressed yet,

Beth asked the WAC members to come up with their top three burning issues to be addressed. A recommendation from a member of the WAC included:

1. Operational related to installation- sound, height, infrasound, kilowatts, how many turbines
2. Measurement of intrusion on neighbors - impact on your neighbors
3. Procedural - who serves as the SPGA,

Beth noted that #'s 1 and 2 are closely related. In addition, how much energy usage is currently being used at facilities in Shelburne. Discussion ensued on storage and usage issues; definitions of what the state considers residential as opposed to commercial; and interaction with the electrical grids.

Beth Suggested noted that if we are not ready for this year's Town Meeting, then we can ask for an extension for a year; longer than that, may be questionable according to Town Counsel.

Beth suggested the WAC should not try to start so globally, and urged the committee to come forward with information on specific towns in similar situations. She asked the committee to come forward with a chart related to specific numerical standards to give the board something to start with. She understands that the committee has issues relative to procedures but that the most burning need is to define standards.

The wind advisory committee discussed which days they would be able to meet. Beth encouraged them to notify the Town Administrator with their meeting dates. Kevin Parsons was selected as Chair of the committee. It was discussed that conference calls and deliberations via email do not meet the requirements of the Open Meeting Law.

The wind advisory committee meeting was closed at 8:21pm.

Motion was made by Beth Simmonds that the WAC will research and bring to the Planning Board information gathered that identifies towns that currently have turbines in operation with specific information on size, height, noise, setback and any other physical characteristics and then comment on any field concerns with town members or town and state officials. She suggests that be done in a format that is easy to follow. John seconded the motion.

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

Planning:

Community Energy Strategies Pilot Program update - Shelburne has put in an application with Greenfield, Montague and Buckland and we are waiting to hear as to whether it was funded.

December 17th All Board's Meeting – Matt went to an all boards meeting on the 17th of December. He reported that we now have wireless internet at Town Hall and once he gets the password he will forward it to the other board members.

The following agenda items were tabled until the next meeting by agreement of the Board members present:

- Draft Subdivision Rules & Regulations for the Town of Shelburne process update
- Update on the general zoning bylaw revision process
- Solar zoning bylaw review of Heath bylaw
- Annual Budgeting

NEW BUSINESS:

Committee Updates:

- Franklin County Planning Board - Beth noted that she didn't receive a notice of a January meeting of the Franklin County Planning Board and therefore has no report.
- Open Spaced Committee – Doug reported that the questionnaire has been sent out and is encouraging people to fill them out and get them back in to Town Hall.

Beth noted that the Board has gone through all of the funds for their clerk. Matt has been talking to the Selectboard to see if we can get additional funding but it may have to go to Special Town Meeting.

Read Mail – the Board read mail that had been received relative to: Mohawk Trail Historic Preservation Project, an email from Tom Miner referencing zoning concerns and the new Medical Marijuana Law which provides for dispensaries, new copies of the ZBA's special permit procedures.

Public Comments: none presented.

Schedule next meeting: February 13th at 7pm

Motion to adjourn made by Doug and seconded by John.

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

The meeting was adjourned at 8:37pm.

Respectfully submitted by*,

Liz Kidder
Administrative Assistant

*These minutes were developed based upon a digital tape recording made during the meeting purely for the purpose of assisting with minutes; Liz Kidder was not present at the actual meeting.

Approved: _____ Date: _____ 4