

**Town of Shelburne
Planning Board
Minutes of Meeting
April 3, 2013**

A duly posted meeting of the Shelburne Planning Board was held at 7pm on Wednesday, April 3 2013 at the Buckland Shelburne Elementary School, 75 Mechanic St., Shelburne Falls.

Purpose of the Meeting: Regular Monthly Meeting and Public Hearing on Draft Zoning Bylaw Amendments

Present: Matt Marchese, Chair
Beth Simmonds
John Wheeler
Doug Finn
Liz Kidder, Admin Asst.

Absent:

Press: Diane Broncacio, Recorder, Cameron Graves, West County Independent

Audience: John Payne, Selectboard, John Taylor, Zoning Board Appeals, Tom Miner, Conservation Commission

The meeting was called to order at 7:00pm.

INTRODUCTIONS: Matt welcomed all those in attendance and noted that the Planning Board was holding a Public Hearing on Proposed Draft Amendments to the Shelburne Zoning Bylaw and that all legal notice requirements had been published in accordance with Mass General Law.

7:00pm. the Public Hearing on Proposed Draft Amendments to the Shelburne Zoning Bylaw was opened by Matt Marchese. He noted that the full text of the draft amendments have been available for review at the Town Clerk's office and copies were available on the table by the door.

7:53pm. The public hearing was closed. Matt called for a break until 8:00pm.

The Planning Board meeting was reconvened at 8:00pm.

READ AND APPROVE MINUTES:

Motion to approve the minutes of March 13, 2013 as written. Doug moved, seconded by John W.
Vote: 3 in favor, 0 opposed, 1 abstention by Beth who was absent.

Moved to accept the minutes of March 18 as written. Beth moved, seconded by Doug.
Vote: 3 in favor, 0 opposed, 1 abstention by Matt who was absent.

OLD BUSINESS:

Review Draft Proposed Warrant Articles for consideration at Annual Town Meeting:

Wind Power Moratorium – Matt asked for any final comments. A grammatical correction was noted.

Matt moved to submit the Wind Power Moratorium Extension, with the one grammatical correction, as an article on Town Warrant for consideration at Annual Town Meeting. Seconded by Doug.
Vote: 4 in favor, 0 opposed, 0 abstentions.

Items recommended by the Attorney General. Matt asked for any final comments; none were presented.

Approved: _____ Date: _____ 1

Mott moved that this item be placed as an article on Town Warrant for consideration at Annual Town Meeting. Seconded by Doug.

Vote: 4 in favor, 0 opposed, 0 abstentions

Clarifications and Amendments to the Telecommunications bylaw, Section 16. Matt asked for any final comments; none were presented.

Matt hereby moved that the Planning Board vote to place this warrant article on the Town Warrant for consideration at Annual Town Meeting. Seconded by Beth.

Vote: 4 in favor, 0 opposed, 0 abstentions

Medical Marijuana Treatment Center Moratorium. Matt asked for thoughts from the Board.

It was noted the Act had passed by 75% of those voting in the Town of Shelburne. Matt noted that Mr. Payne had raised a good point that this could be presented by citizen petition. Matt said he could see both sides of the issues. Doug said the only thing we could address is the location of a center, otherwise we have no jurisdiction. Doug feels it should be allowed in the business district by right and in other districts by special permit. Matt noted that the Board can only change the bylaws once a year at Annual Town Meeting.

John W. said he could understand both sides and he would like to hear more public comment. Matt said that if the Planning Board goes forward with the moratorium when so many in town voted for it, they may wonder why the board is trying to regulate it. Residents can come forward with a citizen petition if they want the Planning Board to deal with it. Matt and Beth noted that the board has not been able to develop a strong case for this but they understand both sides of the question. Doug said he is still going under the assumption that the state is really going to be the one regulating them. John W. doesn't really know for sure the State will allow a moratorium.

Matt made a motion that we do not put this on the Town Warrant and if a citizen wants to get 20 signatures on a petition they can get that to the Selectboard by Monday. Seconded by Doug.

Vote: 4 in favor, 0 opposed, 0 abstentions

Matt asked Liz to forward the approved warrant items to Donna MacNichol, Town Counsel, asking for review and to email Judi Truesdell letting her know the Board is not going forward with this proposal and that she has the option of getting 20 signatures to the Selectboard by Monday.

Windpower Advisory Committee Update: John W. reported they have been trying to find a date when the most members can be there to work on their summary report.

Community Energy Strategies Pilot Program: Matt reported we had heard from Peggy Sloan and this program is still getting organized; he should have more to report at our next meeting.

Draft Subdivision Rules & Regulations for the Town of Shelburne: Matt asked Liz to email Peter Flinker of DodsonFlinker Associates to see if we can get a cost estimate for his assistance; this should be cheaper than asking for review by Town Counsel.

Solar zoning bylaw: Matt thought the solar bylaw recently passed in Heath was extraordinarily thorough. He felt it seemed to be a very good effort and could be a good model for Shelburne. John W. also thought it was thorough; they received help from the FRCOG. He felt it might be good to have something similar for Shelburne.

Beth said we should allow premises use by right and therefore we should come up with standards for that. She noticed there is a place on their use chart for special permitting and she couldn't see who the SPGA is, Matt

Approved: _____ Date: _____ 2

suggested we call and ask. Matt noted that if there is detailed review criteria then that is the key for whichever board is the SPGA; he doesn't feel strongly that the Planning Board should be the SPGA on solar. Matt suggested that maybe as soon as the WAC is done we could establish an energy committee to look at this bylaw as an example for Shelburne. Matt felt we may be able to just tweak the Heath bylaw and add premises use if appropriate. John W. noted there may be a lot of information gathered by the WAC that will be helpful for this discussion as well. The Board decided to deal with a solar bylaw after the wind is finished.

NEW BUSINESS:

Committee Updates:

Wind Advisory Committee: Matt reviewed the deadlines that were established in the WAC resolution which included a provision for extension if the moratorium was extended for a year. After discussion, it was decided to extend the WAC resolution until the end of July 2013.

Matt moved that the Planning Board extend the previous WAC resolution until the end of July 2013.

Seconded by Beth.

Vote: 4 in favor, 0 opposed, 0 abstentions

Open space: Doug reported they have their open space survey results that concluded most residents felt it was very important to preserve the agricultural character of the town. Doug noted there were also some very interesting written comments. John W. noted in the "freewill comments" of the survey there was a strong interest in protecting and preserving public trails and historic areas/public lands. Matt asked Liz to ask the Open Space Committee to send us a digital copy of the survey results for distribution to the board.

Other Business not reasonably foreseen 48 hours prior to the meeting:

Matt noted the Selectboard has been toying with creating an alternate member position for the planning board; to have someone available if there is a member of the board who has to recuse his/herself. Doug noted that we have not had Chuck available due to conflict of interests and therefore it would be good to have an alternate. Matt said it would be an elected position. Beth suggested it would be good for all elected/appointed boards in town not just the planning board. Matt asked the Board to think about it until next meeting and asked Liz to put this on next month's agenda.

Public Comments: none presented.

Schedule next meeting: the next meeting was scheduled for Wednesday, May 8, 2013 at 7pm.

Motion to adjourn the meeting made by Doug and seconded by John.

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

The meeting was adjourned at 8:46pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

Approved: _____ Date: _____ 3