

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting October 28, 2015

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, October 28, 2015 at 7 pm in the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board

Will Flanders, Planning Board

Cam Stevenson, Planning Board

Administrative Assistant: Liz Kidder

Absent: George Dole, Josiah Simpson

Audience: Linda Herrera

Press:

The meeting was called to order at 7: 08 pm.

A motion to approve the minutes of October 14, 2015 was made by Will and seconded by Cam.

Typos: on page 1 – the last sentence page one – space between after and before which and delete the extra “with”. On page 3 we need to clarify which John - Wheeler or Taylor was speaking.

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

ANR Plans - none presented

Special Permit Applications

NateMaeg Kennel, 111 Tower Rd., Shelburne

John W. noted that he had received a special permit application for NateMaeg Kennel owned by Nathaniel and Maegon Senser.

Will made a motion for the Planning Board to recommend that the ZBA approve the special permit application for NateMaeg Kennel at 111 Tower Rd., Shelburne.

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

106-108 Bridge St.- since Liz Kidder has recused herself from discussing this special permit application, Will Flanders offered to prepare a letter expressing the Boards concerns about the Special Permit application to convert 106-108 Bridge St. from a two to a four-family dwelling to be sent to the ZBA prior to their public hearing on November 5th.

OLD BUSINESS

Cluster/Natural Resource Zoning Bylaw- Proposed Open Space Development Bylaw

Will and the Board reviewed MGL Chapter 40a Section 9 which is the original state law allowing for Special Permits and Cluster Zoning to understand the legal basis for the proposed bylaw under review. The Board reviewed the proposed Draft Open Space Development Bylaw that had been prepared by the FRCOG. John noted that Linda Herrera of the Open Space Committee was present and invited her to make comments as the Board reviewed each section of the draft bylaw.

Will suggested that on page 2, the town allow multi-family units, not just 1 or 2 family units. It was noted that multi-family are already allowed by special permits in the RA zoning district. Will also suggested that the Board consider identifying the number of dwelling units that would be allowed per development rather than the number of building lots which is the approach used in NRPZ. Will noted that his main concern with the NRPZ model was that it was the required approach and not optional. Will also wants to

Approved: _____ Date: _____ 1

address how to maintain the possibility of tax benefits for donating a conservation restriction on the open space property. The consensus of the Board was to allow multi-family as an option for the public information draft. Other comments included:

- 19.1.2.a - questioned the need for differentiating between Common Open Space and Open land and suggested that section be deleted.
- 19.1.2.h - add incentives to encourage the development of senior and/or affordable housing units in Town.
- 19.3.6.a – does there need to be a minimum number of acres? This is based upon the Buckland bylaw and it was suggested that someone should talk to Buckland or FRCOG on how they arrived at 6 acres as the minimum project size.
- 19.3.6.b - change to just identify dwelling units.
- 19.3.6 d - each building site shall be of a size and shape to minimize impacts to the natural terrain and other resources of the land.
- 19.3.6.g - add a common driveway section to the subdivision regulations that the board is working on to help with this section.
- 19.3.6.i – the questions of whether we want to have 40% to be the minimum of open space preserved or do we want to consider a tiered system – granting bonuses for more preservation – do we want 40% as the starting minimum? Does starting at 40% give a developer enough incentive to protect even more open space. The consensus was to leave it at 40% for now as the starting point and review the NRPZ relative to this concern.
- 19.3.7 a. - go back to the NRPZ model on determining maximum density
- 19.3.7.b. - no minimum lot size and frontage – go to NRPZ language
- 19.3.7 c. - Board consensus is to delete C.

It was decided that Will would edit this bylaw to incorporate certain sections from the NRPZ model by the Board’s next meeting. In order to keep on schedule with the FRCOG assistance grant, the Board decided to meet again on Nov. 4th. In consideration of the application process that will need to be developed, Liz distributed copies of the current Shelburne ZBA special permit application process as an example for consideration by the Board.

Zoning Revisions for ATM 2016

BOH request for revisions to zoning definitions - Will said that he feels the current definitions in the bylaws relative to BB’s and lodging house just don’t make any sense and it would be good to review other local and state definitions. He also has been reviewing what other towns are doing and he is considering coming in with a proposal at a future meeting.

Signs – Will read the new case law relative to signs that Donna had sent. In essence, if you are regulating signs you have to regulate everyone the same regardless of the content or it’s a violation of free speech. Will also brought up the recent Mass DOT memo and he felt the Board should at least get a copy of the state right of way to understand the potential impact of the memo as it relates to enforcement of the sign bylaw.

Tennessee Gas Pipeline Company, L.L.C. Northeast Energy Direct Project, FERC Docket No. PF14-22 updates - the Board reviewed an email relative to the pipeline review schedule.

Subdivision Regulations – the Board stated they want to return to their draft soon and also consider it in relation to the proposed open space development bylaw.

COMMITTEE UPDATES

FRCOG Planning Board – Liz reported that Terry sent in the information appointing Cam again as the Planning Board representative.

Open Space – John went to the meeting on Monday where they talked about possible recreational uses of the small reservoir on the hill above the village that used to supply water to Shelburne Falls; it is overseen by the water commissioners. The water commissioners let snowmobiles use the property and the Open Space Committee wants to talk with the commissioners about allowing hiking trails. The water district land borders the Mass Audubon land on the Patten where there are other hiking trails.

They also discussed possible Div. of Fish and Wildlife grants relative to invasive species.

Community Energy Strategies Pilot Program (CESPP) update – John has not received any new information regarding this program.

.Other Town Board Updates – nothing presented

OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING - none

READ MAIL – the Board read mail as listed below.

PUBLIC COMMENTS – none presented

SCHEDULE NEXT MEETING – Wednesday, November 4th at 7 pm and Wednesday, November 18th at 7 pm.

A motion to adjourn the meeting was made by Will and seconded by Cam.

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting

Meeting was adjourned at 9:49 pm.

Respectfully submitted by,

Liz Kidder

Administrative Assistant

List of Documents:

Proposed Open Space Development Bylaw

NateMaeg Kennel Special Permit Application

MGL Chapter 140, Sections 136A, 137A, 137C

Mohawk Trail Woodlands Partnership Project Draft Report and Notice of Information Session

Oct. 27 email regarding Ma Food System Plan Comment Period

Oct. 20 email and flyer from FRCOG regarding Training on Joint Use Agreements

CPTC Fall 2015 Workshops brochure

Oct. 15 email and letter from Dianne and Dick Muller regarding 106-108 Bridge St.

Oct. 14 email from FRCOG regarding Pipeline FERC Application Filing Date

Oct. 26 email form FRCOG regarding CPTC Training

Excerpts from Town Master Plan re: Housing

Oct. 15 email from Peggy Sloan with Notice of a Senior Center Feasibility Study

MA DHCD Subsidized Housing Inventory as of 12/5/14

Article on Mass Comprehensive Permit Act: Chapter 40B

Shelburne ZBA Public Hearing Notice for 106-108 Bridge St.

Shelburne Special Permit Application and overview

Excerpts from MGL Chapter 40A Section 9 Special Permits

Legal Notices from neighboring towns:

Colrain – 1

Conway – 1

Deerfield – 1

Buckland – 1

Greenfield - 5