

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting November 18, 2015**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, November 18, 2015 at 7 pm in the Shelburne Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair

Will Flanders,

Cam Stevenson,

Josiah Simpson

Administrative Assistant: Liz Kidder

Absent: George Dole

Audience:

Press:

The meeting was called to order at 7: 05 pm.

**A motion to approve the minutes of November 4, 2015 was made by Will and seconded by Cam.**

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting and 1 abstention by Josiah who was absent on November 4<sup>th</sup>.

**ANR Plans** - none presented

**Special Permit Applications** - none presented

**OLD BUSINESS**

**Cluster/Natural Resource Zoning Bylaw- Proposed Open Space Development Bylaw:** - The Board reviewed the latest revisions of the draft Shelburne Open Space Development Bylaw. Cam asked about including a reference to the "Green House Project" model for assisted living and wondered if the Board was promoting a private business model in the bylaw. Will noted that the reference was there until the Board can develop a better general definition for a desirable form of small scale assisted living homes. Will reported that he had a conversation with Jeff Lacy regarding Chapter 40A section 9 which gives parameters for cluster zoning. He noted that Jeff suggested that an open space development bylaw is not a cluster bylaw and to date, the Attorney General's office has supported that viewpoint. The Board continued their review of the draft Section 19.

Will said he thought it would be good to compare the Shelburne draft Section 20 prepared by the FRCOG to the review process in the NRPZ model bylaw. Will thought it would be very useful to ask Donna MacNichol if those procedures can be just adopted as rules and regulations by the Planning Board rather than putting the detailed procedures in the zoning bylaw. John W. thought it would be helpful to explain at the public information meeting or hearing how the Open Space Development Review process works and how it is different from a special permit process. The Board discussed the advantages of including a common/shared driveway bylaw by special permit. Will was wondering if they would need to include shared driveways in both subdivision and zoning or in just one regulation.

The Board discussed and reviewed the incentives criteria in the NRPZ model bylaw. Josiah referenced the checklist included in Conservation Restrictions (CR) that could guide an applicant to understand the natural resource value of their property and what the board would want to consider in their review of a project.

Will said he wanted to take on the challenge of working on a revised Section 20 and to develop a review process and criteria that would help explain the intent of the bylaw to any applicants. Josiah raised a question about the intent of 19.3.3.d) on preliminary

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 1

drainage calculations. Will and Josiah discussed a need to clarify what needs to be in the zoning bylaw and what needs to be in Board rules and procedures.

Josiah raised the question of requiring a CR and the impact on tax breaks for the property owner. Will suggested that since the Open space development is an optional form of subdivision and not required this may help deal with that issue, however, if they are being given additional dwelling units for protecting more land it may negate the tax break option since they are getting a value for developing the site with incentives. Will said this is another issue to add to his list of questions to ask Donna MacNichol.

The Board went through the latest draft page by page:

- After discussion, the Board decided to leave a six acre minimum lot size but leave it open for discussion. The Board suggested John Wheeler ask the open space committee about their thoughts on what the minimum acreage area for an open space development should be.
- Will said he had to spend time thinking about the concept of focusing on just dwelling units instead of lots, as in the NRPZ model, but noted that in fact the Board would want clear lots for each building.
- In reference to the “Green Home” Model, Liz said that she would do more research to help develop an appropriate definition for the type of assisted living home the Board would like to encourage.
- Josiah noted that in regard to net acreage calculations, he is going to sit down and try to run the math to see if this bylaw makes sense from a landscape development point of view.
- Will is going to look at 19.3.9 in reference to the enforcement process when a development doesn’t properly maintain their restriction; he is also going to talk to Alain at the land trust for information on their CR enforcement procedures and experience.
- The Board is going to review any related changes that would be needed to the use table.
- The Board reviewed the bonus incentive section 19.3.14.

Will said he will strive to have the procedural section ready for review by the next meeting on Dec. 2<sup>nd</sup>.

#### **Zoning Revisions for ATM 2016 –**

**Air BNB and housing definitions** – John Wheeler noted that he was recusing himself from this discussion. Will has been exploring definitions online and information on Air B&Bs. The consensus of the Board was that there are several definitions in the bylaws that just don’t make sense – hotels, motels, lodging houses, rooming houses, B&Bs etc. Cam suggested the Board deal with updating the definitions in general and then consider issues related to Air B&Bs. Will said he had been looking for state based related definitions and needed to have more information on building code definitions. Liz suggested that she would try to find definitions in the State Building code for the next meeting.

**Sign regulation** – Will suggested the Board should have a conversation with Donna MacNichol about the recent Supreme Court case and how that affects the Shelburne sign bylaw. The Board decided that Will said should add that to his list of topics to discuss with Town Counsel.

**ZBA and telecommunications bylaw updates** - Liz was asked to email John Taylor asking if they can get their telecommunications bylaw updates to the Board so that they can be included in a public hearing in mid-January.

**Tennessee Gas Pipeline Company, Northeast Energy Direct Project update:** - John noted that there was a notice of the next regional pipeline advisory committee meeting. He also informed the Board that he had told Joe Judd he would not be able to continue attending the meetings of the Shelburne pipeline advisory committee since they were often at a time of day when it was hard for him to attend.

**Subdivision Regulations** – Liz reported that she is working on all the updates but needs to spend some time editing the outline format of the regulations to make them consistent. She will try to get them done and out to the Board members ASAP so that they can look at the subdivision regulations as they would relate to the draft Open Space Development Bylaw.

**COMMITTEE UPDATES**

**FRCOG Planning Board** – Cam hopes to attend the Dec. 3<sup>rd</sup> FRCOG Planning Board meeting.

The FRCOG has reinstated a periodic newsletter.

**Open Space Committee** – open space is next Monday and John will explain what the Board is doing.

**Community Energy Strategies Pilot Program (CESPP)** - nothing new

**Other town board updates** -

**OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING** -. None presented.

**READ MAIL** – the Board read mail as listed below.

**PUBLIC COMMENTS** – none presented

**SCHEDULE NEXT MEETING** – Wednesday, December 2<sup>nd</sup> at 7 pm and Dec. 16<sup>th</sup> at 7pm.

Liz distributed a revised meeting schedule for the rest of the fiscal year.

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

Vote: 3 in favor, 0 opposed, 1 abstention by John as Chair of the meeting

Meeting was adjourned at 9:25 pm.

Respectfully submitted by,

Liz Kidder

Administrative Assistant

**List of Documents:**

**Notices of Public Hearings in neighboring towns:**

Charlemont – 1

Deerfield – 2

**Workshop Notice for Managing Conflict on Town Boards**

**FRCOG 2015 Autumn Newsletter**

**Oct. 8, 2015 email regarding MassDOT Outdoor Advertising Rules**

**MEDC conference on Building and Sustaining an Innovation Culture and Eco-System**

**Nov. 18<sup>th</sup> email from Peggy Sloan announcing Next Regional Pipeline Advisory Committee Meeting**

**Draft Model General Bylaw for Noise, Earth Removal, and Related Disturbances Bylaw for Large Scale Industrial and Commercial Facilities.**

**Oct. 8 ,2015 letter from FERC re: Comments on the July 24, 2015 Draft Resource Reports**