

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting February 24, 2016 and**  
**Public Hearing February 24, 2016**

A duly posted meeting and hearing of the Shelburne Planning Board was held on Wednesday, February 24, 2016 at 6:30 pm in the Shelburne Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair  
Will Flanders,  
Cam Stevenson,  
Josiah Simpson, Pro Tem

Administrative Assistant: Liz Kidder

Absent: George Dole

Audience: Larry Flaccus, Noah Grunberg, John and Joanne Herron, Noreen Palasciano, Linda Herrera, Cynthia Boetner, Deb Andrew  
Press: None

The meeting was called to order at **6:42 pm**.

**A motion to approve the minutes of February 10, 2016 was made by Will and seconded by Cam.**

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

**ANR Plans** - none presented

**Special Permit** – Brolin Winning, of Smokybros Barbeque submitted a copy of his Special Permit Application, which will be the subject of a ZBA public hearing April 7<sup>th</sup>. After 5 years at the same location, Jim Hawkins the Building Inspector has informed him that he needs a Special Permit. Under Section 4.1. LIMITS ON STRUCTURES AND USES, it states that no more than one principal structure or use is allowed on a lot. In Section 4.1.1 Exception: it states that “.....If the lot is located in the ....., Commercial,.....District; all the dimensional requirements of Section 5 are met; and the applicant has been issued a Special Permit from the ZBA, permitting more than one principal structure or use.” John signed the Special Permit Application distribution sheet acknowledging receipt of the application by the Planning Board.

**Public Hearing Preparation** – the Board reviewed an email from John Payne that included his detailed questions and Liz’s email response to two of the questions he raised. - Will suggested that the Board could expand the Definitions Section to help answer some of John Payne’s questions, such as “what is a unit”. The Board discussed clarifying whether congregate living counts as one unit or multiple units. Congregate units could use a definition, which would help the PB determine how to calculate the number of units in a congregate setting.

**A motion to recess the Planning Board meeting until after the public hearing was made by Will and seconded by Cam.**

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

**7:15pm Public Hearing** – Draft Section 19: Open Space Development Bylaw and related amendments to Sections 4.2 and 4.3 of the Shelburne Zoning Bylaw and a full revision to the Shelburne Subdivision Regulations.

John Wheeler called the hearing to order at 7:17 pm.

John welcomed everyone to the meeting and introduced the members of the Board. John reviewed the agenda, the manner in which the hearing would be conducted, and cited the sections of the Bylaws and Subdivision Regulations that would be reviewed

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during the hearing. John gave a short powerpoint presentation that was designed to show how the Open Space Development bylaw would work and then opened the floor for questions.

**Public Comments and discussion points included the following:**

19.1 Definitions: include definitions for Lot and Parcel, Unit,

19.1.1.3 Add open space committee to the list of boards in the conservation analysis

19.1.1.1 Definition says “residential land development” does this mean OSD is only residentially zoned, or can it mean ‘mixed use’ or some type of commercial use like a doctor’s office? PB said it is not including any other use besides residential at this time.

19.1.1.4 Wording of LID definition found to be difficult to understand.

19.2.1 Larry found it confusing as to how to apply... is this procedure the same as applying for a subdivision? Should add something like applicant for OSD has to apply...

19.3.1 Clarify how to say that there is a 6 acre minimum for an OSD, but multiple adjoining parcels can make up that 6 acres.

19.3.4 Change the sentence to read, “Dimensional required within an OSD...”

19.3.8 Linda wanted to know where the setbacks dim came from. Board explained they came from other bylaws the board reviewed.

19.3.4.3 Noah asked why 20 minimum feet between buildings... wondered if it was necessary to include a 20 feet minimum. Deb wondered if buildings only 20 feet apart would maintain the rural character. Joanne thinks OSD is too developer friendly, she doesn’t want any development. PB explained it can’t stop development, especially since Conventional Subdivision is by right.

19.3.4.8 Clarify the difference between internal and perimeter property lines (lot and parcel).... 75 feet for perimeter setback.

19.3.13 Part of the purpose is to protect aquifers (can’t see them so it’s good to write it in the law).

19.4.1.1 “In this zoning bylaw” is used inconsistently, in this case we’re talking about the OSD not the entire Zoning Regs. Clarify which bylaw is being referred. Capitalize Zoning Bylaw.

19.4.2 Put bonuses in a table to make the section clearer. Using the term “additional bonus” is confusing since it’s not additional bonus, you could have a single bonus, so clarify by not saying “additional”.

19.4.2.4 Remove “additional”.

19.4.2.5 Clarify that the tract that is contiguous doesn’t have to be under common ownership. It’s any protected land.

19.5.2 typo: Take the ‘s’ off “resources area”.

19.5.2 Confusion as to whether a shared driveway is allowed. Subdivision Regulations allow for a minor road, which has the characteristics of a shared driveway.

19.5.2 “Separated by a shared driveway, roadway...” roadway like Rt 2? Did the board intend to include roads like Rt. 2?

19.5.5 Add the words, “in perpetuity” in a couple places when talking about Conservation Restrictions.

**Presentation Suggestions:**

- Helpful to see numbers of houses to help compare between OSD and conventional subdivision.

- Helpful to explain the key differences in the permitting requirements between OSD and conventional subdivision. Is it easier for a developer to permit OSD or conventional subdivision?

**Subdivision Regulations:**

- In the definitions section in Subdivision Regulations, include OSD, and Environmental Analysis.

Due to the late hour, it was decided to review the proposed Subdivision Regulations at a hearing on March 16<sup>th</sup>.

**A motion to adjourn the Public Hearing for Sections 19, 4.2 and 4.3 of the Shelburne Zoning Bylaw and the full revision of the Shelburne Subdivision Regulations was made by Josiah and seconded by Will.**

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

The Planning Board meeting was reconvened at 9:07 pm.

## **PUBLIC HEARING REVIEW**

The Board reviewed the comments presented during the public hearing. Based upon these comments the Board decided to make the following edits to the draft bylaw:

- Definitions to clarify Parcel and Lot
- Add Open Space Committee to the review board
- 19.1.4 add 's' Watershed
- 19.2 clarify what the process is (to Larry's point). This is one alternative to subdivision and the applicant has to still undergo the application process...
- 19.3 clarify the section about what the 6 acres means. Make it simpler. Will will work on this language.
- 19.3.1 Will will clarify
- 19.3.4 making changes (clarify what is a parcel and what is a lot)
- 19.3.13 add "aquifers"
- 19.4 add an introduction paragraph summarizing the section. Give an explanation at the beginning to make it clear.
- 19.4.2 create a table for the bonus incentives. Take the word "additional" out (additional bonuses).
- 19.4.2.5 clarify adjacent conservation property doesn't need to be the same landowner
- 19.5.5 "in perpetuity"

**A Motion to not hold a second public hearing for the Open Space Development Bylaw since the changes are minor was made by Will and seconded by Cam.**

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

**A motion to let Will redraft the language for the Open Space Development Bylaw was made by Josiah and seconded by Cam.**

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

The board discussed the possibility of writing an article that explains the OSD in "laymen's terms" proceeding the ATM. The article would lay out what OSD is about, what it is trying to do.

The board discussed reviewing the proposed Subdivision Regulations at the 3/16 public hearing. Will suggested it would be helpful to prepare a document that would outline the differences between the old 1988 regulations with the revised (2016) regulations.

## **OLD BUSINESS**

**Zoning Revisions and Public Hearings for ATM 2016** – the Board discussed whether it was an option to include a vote on revisions to the Sign Bylaw, the Cell tower bylaw, and all the other zoning housekeeping revisions at a Special Town Meeting since there wasn't time to prepare them for this year's Annual Town Meeting.

**Model Noise, Earth Removal, and Related Disturbances for Large Scale Industrial and Commercial Facilities Town Bylaw** – Selectboard is considering holding a public hearing on this on March 16<sup>th</sup> in conjunction with the Planning Board.

**Model Local Road Protection Town Bylaw** – is a discussion on the docket for the Selectboard as to how to proceed with this draft Town bylaw.

**Tennessee Gas Pipeline Update** – the Board reviewed correspondence from the Mass DPUY regarding a notice of public comment hearing relative to the Petition of Tennessee Gas Pipeline Company for Authority to Perform Geotechnical and Other Surveys on Certain Private Properties where they have been denied access.

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**COMMITTEE UPDATES [CAN BE PUT OFF UNTIL MEETING ON MARCH 9<sup>TH</sup>]**

**FRCOG** – none

**Open Space** – none

**Community Energies Pilot Program** – none

**Other Town Boards** - none

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

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

- Singley building hearing on 3/11
- Letter from John Payne regarding OSD questions
- 3/18 Shaws Center from MA economic Dev. Council
- Notice of public comment in Greenfield Middle School to grant TGP access to land (area 1)
- Notice of public comment in Greenfield Middle School to grant TGP access to land (area 2)
- Letter from the Ma Commonwealth Hist. Commission

**PUBLIC COMMENTS** – none presented

**SCHEDULE NEXT MEETING** – Wednesday, March 2, 2016 at 7 pm. Wednesday, March 16<sup>th</sup> next public hearing.

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

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

Meeting was adjourned at 9:46 pm

Respectfully submitted by,

Liz Kidder

Administrative Assistant

Based upon minutes taken by Josiah Simpson, Secretary of the Planning Board

**List of Documents:**

Feb. 8, 2016 letter Secretary of the Commonwealth regarding Shelburne Free Library and the National Register of Historic Places

Notice of Public Comment Hearings relative to Tennessee Gas Pipeline Company – DPU 16-01 and DPU 16-03

Feb. 22 memo from Selectboard regarding March 7<sup>th</sup> meeting with Susan Stark about the Singley Building

Feb. 18 email from John Payne regarding the OSD Bylaw

Notification of March 18<sup>th</sup> Mass Economic Development Council meeting

Public Hearing Documents:

Proposed Shelburne Subdivision Regulations

Excerpt Section 2.8 of proposed Shelburne Subdivision Regulations

Draft Open Space Development Bylaw Sections 19, 4.2, and 4.3