

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Meeting October 26, 2016**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, October 26, 2016 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board

Will Flanders

Cam Stevenson

Deb Coutinho, Board of Health

Administrative Assistant: Liz Kidder

Absent: Josiah Simpson

Audience:

**7:00 pm** -- The Planning Board participated in a presentation by Franco Rossi of CAI Technologies about the AXIS GIS service. This service, which is being sought by the Assessors, links parcel data with the MassGIS information. It would be available online to any resident of Shelburne as well as all Town Boards. If Town Boards wanted to have confidential data layers they could have such a layer available with a password. Many other Towns in Massachusetts are using this service including, Ashfield and Deerfield. CAI Technologies would set up the service for a one-time fee of \$2500 and maintain it for an annual fee of \$2400. CAI will be able to upload any digital data layers that are available and they would also be available for an additional fee to create the data layers based upon non-digital data that the Town has if requested. This service can also be a very useful tool for fire departments and emergency services. All fire departments now have Ipads in their vehicle(s). If they receive an emergency call, they could pull up the Town Webpage and go to the information on the property to which they have been called. Those departments could choose to have password protected data layers – such as a data layer showing where all elderly/infirm residents live or the floor plan to a local public building/school.

**The Planning Board meeting was called to order at 8:15 pm.**

John welcomed Deb Coutinho of the BOH who came to discuss short term vacation rentals. Deb said that she had reviewed the draft revised list of definitions for the zoning bylaw and had one suggestion for the “Tourist Home” definition. Deb felt that it was unnecessary to require that there be a bathroom for the renter separate from the owner’s bathroom. The BOH feels that this is not a BOH concern; it is up to the rentor if they want to make such a reservation. The BOH is very concerned that the website descriptions of the rentals need to be a truthful representation/description of the rental unit.

Deb further noted the BOH is supportive of this style of rental but feels it should be monitored and the BOH is already doing that, reviewing all the web listings on a regular basis. Deb thinks the Town may not want to be overly concerned about too much regulation at this time since to date, there have been no complaints filed about any short term vacation rentals in the Town. The Board discussed allowing both “tourist homes” and “short term vacation rentals” by right in the zoning use table with the BOH continuing to monitor them regularly; possibly preparing appropriate local BOH regulations. The BOH will alert the Planning Board and the Selectboard if they start seeing any significant increase in the number of such rentals, especially if that could impact the availability of affordable apartments in the Village. It was noted that the AIR B&B website had a suggested list of concerns that all owners should consider in order to be “responsible AIR B&B” site hosts. The BOH will consider incorporating several items on that list into local regulations and their monitoring activities.

The consensus of the Planning Board was to agree with the BOH recommended edits to the definition of “Tourist Home”. This will all be presented at a future public hearing. Will noted that he was pleased that the BOH is keeping an oversight on the AIR B&B situation.

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

**A motion to approve the minutes of the Oct. 12, 2016 meeting, with typos corrected, was made by Will and seconded by Cam.**  
Vote: 2 in favor, 0 opposed, 1 abstention by John as chair of the meeting.

**AXIS GIS** – the Board discussed the presentation by CAI Technologies. The consensus of the Board was that the cost for this service was very reasonable and would be very useful to all Town Boards, staff and committees; it will be especially useful to the Planning Board as it reviews the Town Master Plan and zoning bylaws. They also saw it as a great benefit for residents who could just look up information online instead of having to contact someone at Town Hall for that information.

**Cam moved that Liz prepare a letter of support for the AXIS GIS program and send it to the Selectboard; seconded by Will.**  
Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair.

**ANR Plans** – none presented

**Special Permit /Variance Applications** – none presented

**OLD BUSINESS:**

**Parking Study Update and Parking in VC and VR** – Liz reported that Peggy Sloan, FRCOG Planning Director, is going to prepare a scope of services for an update of the Towns 1999 Parking Study; originally prepared by the FRCOG. Peggy will break out a scope of services separating out parking needs for the VC and VR full build out scenarios and submit it prior to the Board’s Nov. 9<sup>th</sup> meeting.

Will presented his first draft revisions to Section 11 Parking Requirements which:

- separates the VC and VR zoning districts from the Commercial and Industrial,
- does not require any new parking spaces for projects being redeveloped in the VC,
- separates out the residential areas within an open space development,
- eliminates no parking within 10 feet of a street line as long as you aren’t parking across a sidewalk, in VR and open space development,
- edits to the bylaws for Commercial and Industrial districts, and
- maintains a waiver provision for the SPGA.

John said that he agrees with not requiring new parking spaces for sites being redeveloped in the Village. Cam suggested not allowing the loss of any existing parking spaces with the VC.

The Board discussed the value of holding a public information meeting soon in order to receive feedback to these suggestions and not waiting until the formal public hearing, that will be required before any revisions are submitted for consideration at annual town meeting. The consensus of the Board was to review Will’s drafts at the next meeting on Nov. 9<sup>th</sup> and then hold a public forum on the proposed revisions during their Board meeting on November 30<sup>th</sup>. The Board discussed various ways of getting a notice about the Nov. 30<sup>th</sup> meeting to Shelburne residents.

**Housing Needs/Dimensions Table:** Will talked to John Walsh, sewer commissioner, about whether there is sufficient capacity to accommodate an increase in rental units in the Village and he was told there was sufficient capacity. Will’s landlord’s opinion is that the rental market is very tight. Will has heard that the new apts. at the corner of Bridge and High St. are being rented for \$1500/month.

**Sign Bylaw:** Will reviewed his notes from his discussion with Donna MacNichol, Town Counsel. His discussion covered several items in addition to Will’s asking Donna to identify what sections of the Shelburne Sign Bylaw need to be revised based upon recent court cases. His notes included:

1. The Board can’t require preliminary plans for OSD applications.
2. The Federal Fair Housing Act does not affect the Board’s work unless the Town undertakes to build affordable housing.
3. The Town cannot limit the number of short-term rental housing units but they can be regulated.

4. The Town could us design review for in-fill housing units in the VR district and Will has researched “form based zoning” as an option.
5. In review of the AG’s letter regarding ATM 2016, the Board would need to revise the Large-Scale Commercial and Industrial facilities Town bylaw into a zoning bylaw, present it at ATM 2017 and have it pass by a 2/3rds majority vote to obtain the AG’s approval.

The Board will put revising a Large-Scale Commercial and Industrial Facilities Bylaw on the agenda for the next meeting. The Board reviewed copies of talks about the recent court cases and local sign regulations that Liz had obtained from the Ma APA Board.

**Telecommunications by law updates/ZBA** – Since the Board has not received any information from the ZBA, Will suggested that John email Joe and ask for an identification of the changes that need to be made or we will take it off our to do list.

**COMMITTEE AND REGIONAL PROJECT UPDATES**

**FRCOG** – nothing since last meeting. Cam is going to the FRCOG meeting tomorrow night.

**Open Space:** - John reported they are identifying walking trails around town.

**Other Town Boards:** nothing presented.

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

**OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING** – none presented.

**PUBLIC COMMENTS** – none presented

**SCHEDULE NEXT MEETING** – next regular meeting will be Wednesday, November 9, 2016 at 7:00 pm with another meeting held on November 30<sup>th</sup> that may be a public forum on proposed revisions to the parking regulations.

**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 9:42 pm.**

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

**LIST OF DOCUMENTS:**

- Legal notices from neighboring communities: none
- MDIP Downtown Technical Assistance Application
- Town of Shelburne Bulletin, October 29, 2016
- “Sign Regulation after Reed v. Town of Gilbert” by Bob Ritchie and John Goldrosen
- Oct. 19, 2016 Email from Peggy Sloan on MDIP
- Oct. 14, 2016 email from Bob Ritchie
- Oct. 15, 2016 email from Cam Stevenson on Shelburne Falls Parking
- Oct. 17, 2016 email with Information on APA
- Oct. 13, 2016 email to Peggy Sloan on Shelburne parking study update
- “Responsible hosting in the United States/Airbnb Help Center” from [www.airbnb.com](http://www.airbnb.com)
- “Sign Regulation – The Handwriting on the Wall” by Bob Ritchie
- “A Year After Reed v. Town of Gilbert: Impacts on Signs, Panhandling, and Other Governmental Regulations of Speech” presentation by Susan Trevarthen, June 20, 2016
- July 8, 2016 letter to Manchester-by-the-Sea letter from the Attorney General
- May 16, 2014 Memo from MA DPH to Local Boards of Health
- Oct. 26, 2016 email from Will Flanders regarding consultation with Donna MacNichol