

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting September 13, 2017

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, September 13, 2017 at 7:00 pm in the Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board
Will Flanders, Planning Board
Josiah Simpson, Planning Board
Tom Johnson, Planning Board
Cam Stevenson, Planning Board
Joe Palmeri, Chair Zoning Board of Appeals
Mike Perry, Zoning Board of Appeals
John Taylor, Zoning Board of Appeals Alternate and Shelburne Center Fire Chief

Absent:

Administrative Assistant: Liz Kidder

Audience:

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

A motion to approve the minutes of the August 9, 2017 meeting was made by Josiah and seconded by Will.

Vote: 3 in favor, 0 opposed, 2 abstentions- by John as chair of the meeting and Cam who was absent.

ANR Plans – none presented

Special Permit/Variance Applications – none presented. It was noted that the Singley building did not receive a *Community Scale Housing Initiate Grant* for which it had applied and that the 3 funded projects were heavily supported through each town's local CPA and involved their local CDC. Liz was asked to research the percentages that each town committed to the grant program and to gather more information on the CPA program.

NEW BUSINESS:

John Wheeler welcomed Joe Palmeri and Mike Perry of the ZBA who were present to discuss whether there were specific sections of the Zoning Bylaw that should be revised or tweaked based upon the ZBA's experience as the board responsible for implementing the bylaw. Discussion points included:

Clarification of where commercial signs are allowed

- section 9.3.1 doesn't mention commercial signs but there are standards for them in section 9.4.
- include commercial signs in 9.3 that are consistent with the rest of the bylaw
- if there is a commercial shop in a residential district can they put up a large sign even if there wasn't one before?
- Is a sign a structure under the building code?
- suggestion to prohibit commercial signs in the residential district
- suggestion to add another line in 9.3.1 saying that commercial signs are allowed by right in Commercial, Industrial, and VC districts only.
- Was a 12 square foot sign too large for a home based business in a residential area -- the Planning Board had measured existing signs to develop that standard.

Junkyard/recycling center

- based upon a recent special permit review, it was suggested recycling centers be added to the line in the use table that starts with junkyards

Use Table

Approved: _____ Date: _____ 1

- would it be possible to have the district headings appear at the top of the table on each page in addition to the top of each subsection.
- conduct a review of each subsection for consistency

AIR B&Bs

- if private rooms with no food service can be rented and allowed by right, why does the zoning bylaw require B&B's to have a special permit
- Should the definitions further refine "B&B homes" from "B&B establishments" as the MADPH regulations do.

Section 3.2.4

- is it possible to edit this language for clarification/interpretation purposes.

Liz noted that the FRCOG is holding a Municipal Officials training workshop soon on permitting and regulating of short term vacation rentals such as AIR B&Bs. Information received at that workshop may influence further review of the zoning bylaw and Board of Health local regulations in Shelburne.

OLD BUSINESS:

Subdivision Regulations and Fire Protection – John Taylor and the Board reviewed the sections of the Shelburne Subdivision Regulation as it relates to reviews by the appropriate local fire department. While the existing regulations does give each Fire Chief and department a 30 day review and comment period, John T. suggested that the regulation reference the National Fire Protection Association Standards NFPA 1141 *Standard for Fire Protection Infrastructure for Land Development Wildland, Rural, and Suburban Areas*, and NFPA 1142 *Standard for Water Supplies for Suburban and Rural Firefighting*. Town Counsel has advised in the past that it is best if a local regulation sites the standards that are going to be used for review so that any applicants know the standards they need to meet. The Board concurred with John’s suggestion and will consider a revision to the subdivision regulations.

Master Plan Update – Housing Chapter – John went to the latest Housing Needs Assessment committee meeting organized by the FRCOG. Apparently to date there have been 45 survey monkey responses to the Shelburne Housing Survey and more submitted on paper. The FRCOG staff are distributing postcard size fliers that encourage residents to fill out the survey all over town and have submitted press releases to the local papers. Tom Johnson suggested putting the fliers at local restaurants and stores. John noted that Terry Narkewicz was going to check to see if the Selectboard would be willing to do a reverse 911 call urging residents to fill out the survey. The FRCOG is going to send a digital preliminary housing needs study for the committee to review; that draft will be expanded once the survey results are available.

Both Tom and John Wheeler will go to the next FRCOG Planning Board meeting on the September 28th which has affordable housing on the agenda.

Recreational Marijuana Moratorium proposed bylaw revisions: Will reported on the recent FRCOG workshop where it was repeatedly stated that the regulations haven’t been finalized yet, so there are still a lot of questions that can’t be answered. One issues of concern is that Shelburne may wish to extend the moratorium to the end of December in order to have the time for any new regulations to be put in place and, where necessary, approved of by the Attorney General’s office. The Board noted that holding public hearings will help the Planning Board and other Town officials understand what the residents of Shelburne want as to the siting of facilities, cafes, or taxes. It was discussed that there should be coordination with the Selectboard and the Board of Health to ensure a consistent approach in regulations for the Town.

Tom Johnson noted that the Board’s draft bylaw revisions to the use table should not allow any type of marijuana facilities in the VR district, as discussed at last month’s meeting.

Green Communities Stretch Code: The Selectboard is holding a special town meeting to adopt the stretch code as a Town Bylaw on September 18th. They will then be able to apply for grants through the Green Communities program.

Parking Study – John visited the consultant’s tent when they were in Town in late August and saw that they were getting quite a few comments and suggestions by local residents.

Aging in Our Communities: John said that he would raise the question at the next housing committee meeting as to whether any zoning issues had been raised that the Board should address through zoning. Will suggested asking the Senior Center if they see any ways in which the zoning bylaw could be improved or have they heard of any concerns.

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG: Tom and John will both attend on the 28th to hear the Affordable Housing discussion.

Open Space: Tom reported that the committee is continuing to look at the tree walk and the riverwalk trail. The riverwalk trail could be impacted by the anticipated sale of Chris Singley’s property along the river. The committee would then need to negotiate access with a new, at this point unknown owner.

Other Town Boards: Liz noted that the FRCOG is having a training program for municipal officials relative to short-term vacation rentals in early October.

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 September 27, 2017 at 7pm. The focus of that meeting will be : considering the proposed tweaks discussed with the ZBA and reviewing the bylaws in Towns which have tried to address recreational marijuana through zoning.

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

Vote: 4 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

Meeting was adjourned at 9:45 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Greenfield – 6, Buckland – 1, Conway – 1

Notice of Shelburne Housing Survey

Press Release of grant awards relative to Community-Scale Housing Awards

Email memo from Town Admin on issuance of Class II Licenses

August 31, 2017 letter from Attorney General with decisions on Shelburne’s Town Meeting warrant articles

August 31, 2017 letter from Attorney General requesting an extension of their review of Article 41 at ATM

Email from Tom Johnson and Cam Stevenson relative to FRCOG Planning Board meetings

Email from Will Flanders relative to article on local food systems.

Final Bardwells Ferry Road layout