

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting November 8, 2017

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, November 8, 2017 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair

Will Flanders

Cam Stevenson

Josiah Simpson

Tom Johnson

Fran Pheeneey, FCRHRA Director

Administrative Assistant: Liz Kidder

Audience: Jonathan Mirin, Chris King

Absent:

The meeting was called to order at 7: 00 pm. John noted that Josiah was expected to arrive shortly.

A motion to approve the minutes of the Oct. 26 2017 meeting as corrected was made by Will and seconded by Cam.

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

Josiah arrived at the meeting.

ANR Plans – none presented.

Special Permit/Variance Applications – none presented.

OLD BUSINESS:

Master Plan – Housing Chapter Update – Fran Pheeneey, FCRHRA Director

John welcomed Fran Pheeneey, Director of the Franklin County Regional Housing and Redevelopment Authority, and thanked her for coming to help the Board understand how affordable housing is developed and managed in Massachusetts. At previous meetings the Board had raised questions about the role of the Shelburne Housing Authority (SHA). Fran explained that the SHA is controlled by and receives its mandate from the State and there is a governor's appointee to its Board. The FCRHRA provides management support to the SHA. She noted that a previous Director, Paul Douglas, recognized that there needed to be a 501C3 to develop affordable housing and established Rural Development Inc. (RDI). She is the Executive Director of SHA, RDI and FCRHRA while officially an employee of the regional housing authority. There is also a statewide public non-profit that supports and finances affordable housing – the Mass Housing Partnership (MHP).

She said that the SHA, the owner of Highland Village, cannot expand or develop more housing units; the State is looking to reduce the number of local housing authorities. Fran noted that the SHA is going out to bid soon to renovate all the bathrooms and kitchens at Highland Village. Since they are subsidized, public housing rent does not come close to covering the cost of operating and maintaining their property. There is a State subsidy to support the existing projects but those funds have not been increased in eight years. Highland Village is operating in the negative.

RDI was recently selected as the developer for a senior housing project in Sunderland. RDI contracts with the regional housing authority to manage properties including the income reviews which have to be done every year. RDI has developed over 100 units of single family home ownership in Franklin County and is still monitoring those units.

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Will mentioned that the Board was investigating options for affordable housing, including infill in the Village. Fran suggested there are models of infill home ownership that have been successful around the state. If state funds were used there would be deed restrictions that have to be managed and monitored. If the Town wanted to do rental infill, RDI could do the management. However, it depends on the source of funding. If creating less than 20 units an LLC would be created; that LLC could contract with RDI to be the developer or could make RDI part of the LLC. If you are creating more than 20-25 units you would be looking for low income tax credits and a limited partnership with lots of owners involved. The original RFP in Sunderland asked for 18 units but RDI put in a proposal for 34 units in order to have the cash flow necessary to operate the properties. These properties are actually more expensive to operate due to all the regulations involved. If doing a scattered site effort, she recommends doing it within a reasonable geographic area in order to make the property management more efficient.

Cam asked if there would be a minimum number of units that made sense from a development perspective. Fran mentioned a new state program designed to address projects with less than 20 units. She thought it was a good program but they only funded 1million in projects last year.

For communities like Shelburne Fran suggested it makes more sense to keep the numbers small. In the late 80's the Regional Housing Authority bought 3 acres in Shelburne at the corner of Zerah Fiske and So. Shelburne Road. They were bought with the intent of doing a small scale development however that never happened. FCRHARA can't sell it without getting permission from the state. If that land was going to be used for affordable housing the State may allow the sale. The Board said they were looking at affordable housing for both families and seniors. Fran noted that it is usually a 5-year effort to get a project funded and you have to be able to fund the pre-development costs while waiting for full funding.

Will asked if she was familiar with any affordable housing overlay district or other zoning approaches that could be considered as a Planning Board. She suggested the Board talk to Mass Housing Partnership and she will be happy to make the introduction. They work with Communities all over the state and would be able to give the Board all sorts of examples. They are experts on the CPA, and they also deal with the relationship of affordable housing and zoning, and coming into compliance with Chapter 40B.

Will asked if there was public funding available to help a private owner build an extra unit on their property and Fran replied the owner would have to use private financing. Cam asked whether there were examples of mixed use development with affordable housing units. Fran said there have been several projects that were complicated and challenging but could be successful where there is one source of funding for the commercial and one source of funding for the residential. Cam asked if there are examples in WestMass and Fran said that RDI in Greenfield worked with the developer of the old Ruggeri building. Way Finders of Springfield has also done many types of deals all of which had to be structured carefully. She said that she would be happy to talk to the board about specifics but projects are always done by a team – each team member with their own expertise.

Fran said she sees a critical need for both Senior and family housing in Shelburne. She would love to work with the town to help them meet their housing needs. RDI and FCRHRA try to learn from each project. She said the first step would be for the Town to issue an RFP for a project that would meet specific criteria identified by the Town. She noted that infill is a different conversation from a specific project of over 20 units. The big decision will be home ownership versus rental units. Condominiums, such as RDI's Wisdom Way Solar Project, can include a mixture of units owned by Housing Authority and also condos. She encouraged the Board to have a conversation with MHP for more ideas and examples of projects around the State. The Board said that Shelburne is part of a Sustainability and Resiliency grant application to address housing needs that has been submitted by the FRCOG.

John noted that the next housing committee meeting with Alyssa Larose of the FRCOG is Nov 28th at 4pm and that he expected to attend. John said she is working on identifying areas of Town that may be available for affordable housing—such as the Anchorage.

Attorney General's Decision LSICF Article 41 – A letter approving the LSICF bylaw passed at ATM 2017 was received from the Attorney General's office. The letter noted one sentence that was not approved and also included 9 pages of additional specific comments for review by Shelburne's Town Counsel. The consensus of the Board was to ask the Selectboard for authorization of up

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to 2 hours of Town Counsel’s time to assist the Board with identifying any needed revisions to the LSICF bylaw. Once the Board receives confirmation to proceed, Will Flanders will call Town Counsel and review the issues raised in the AG’s letter.

Zoning Bylaw revisions for ATM 2018 – the Board recognized Jonathan Mirin and Chris King who had emailed the Board material on microwave radiation. Jonathan raised the issue of the growing installation of mini-cell towers throughout many towns due to the expansion of 5G cell use. This concern is an evolving situation and has raised numerous public health concerns. Jonathan said there are currently 7 bills before the Mass legislature that are designed to reduce 5G expansion. He noted that the health impacts of 5G expansion/use are different from the 4G towers.

Jonathan is hoping the Planning Board would consider a few changes to the Shelburne Telecommunications zoning bylaw at the ATM 2018. The installation of 5G mini- cell towers would have a negative radiation impact on everyone. Chris King noted there is a warning on every cell phone due to evolving health concerns; 5G is not faster than fiber optic, is infrastructure intensive, a different bandwidth than 4G, and he feels it is not worth the health risks. The cell tower companies plan to layer 5G on top of what is already there.

Will said he took a quick look at Shelburne’s telecommunications bylaw and saw a limit of 500 feet from a residential structure. Will suggested that if small cell towers are included within the bylaw that all the current zoning bylaw restrictions, including a limit of no structures closer than 500 feet, may be sufficient. Jonathan said that some regulations require a 1500 feet setback and he would look for information on setback requirements and health effects that he could forward to the Board. Jonathan mentioned that Randolph has some appropriate language in its introductory goals that may be added or edited into our bylaws.

John W. said the Board should coordinate with the Board of Health and also with the communications committee working on Broadband. Will asked Jonathan what he wants the Shelburne Board to do. Jonathan suggested Shelburne include “non-tower applications” into the telecommunications bylaw. Jonathan said he would also like to see Franklin County towns come together and suggested a letter from the Board encouraging other towns to participate would be good. Will suggested that the role of this Board was to propose zoning bylaw changes and the letter to other towns would be more the purview of the Selectboard. Will felt the first step was to determine what would be the simplest zoning revision to consider and to run it by Town Council. Will suggested it would be helpful to ask a lawyer with appropriate expertise on this issue to review our bylaw, pro bono, and make suggestions for revisions. Jonathan will try to find appropriate assistance for the Board. The Board thanked Jonathan for coming.

The Board reviewed their schedule and noted that any revisions to the zoning bylaw to be considered at ATM 2018 needed to be discussed at their December meeting in order to have time for public hearings and to consider public input.

Use Table--the Board continued their review of Tom’s suggested changes to the Use Table. Liz will add the changes to the zoning revisions for the public hearing.

Subdivision Regulations and Fire Protection – the Board decided to include the wording relative to the review of an application by the fire departments as “C” under Section III in the Subdivision regulations – this will be included in the next public hearing.

Parking Study – the Board discussed the recommendations in the draft Parking Study that could be addressed through zoning including the “fee in lieu of parking spaces.” The Board felt that a section could be added to the bylaw authorizing the ZBA to coordinate or require that type of “fee in lieu of parking spaces” as part of the special permit requirement.

The consensus of the Board was to continue this discussion after the final parking study is received and if appropriate discuss the recommendations with the Selectboard and the ZBA. The consensus of the Board was the report was fine and they had no additional comments.

Recreational Marijuana Moratorium bylaws – The Board considered whether there would be a need for an additional moratorium for the work of the Planning Board. The consensus of the Board was that the regulations expected to be released by the CCC would probably not affect their draft zoning revisions. Therefore, the Board did not feel it would be necessary to include an extension of the moratorium in the warrant for ATM 2018.

Sustainability and Resilience Grant – no news.

NEW BUSINESS – none.

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG – at the last meeting there was a very good presentation on all the river crossings and culverts in Franklin County which are in the MASSGIS/Arc database.

Open Space: no recent meetings.

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.

PUBLIC COMMENTS: none presented.

SCHEDULE NEXT MEETING: The full Board will be attending a FRCOG training program on Wednesday November 29, 2017 at the Olver Transit Center. Liz will post a meeting notice identifying the Board’s participation in the workshop and its location since a quorum of the Board will be there. The next regular meeting at Town Hall will be December 13. The Board would like to keep the option open of holding a meeting later in December if there is a quorum available.

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

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

Meeting was adjourned at 9:14 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Buckland – 1,
How AirBNB is Pushing Locals Out of New Orleans’ Coolest Neighborhoods
MEDC Winter Conference Notice