

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

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, December 13, 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

Administrative Assistant: Liz Kidder

Audience:

Absent:

The meeting was called to order at 7: 00 pm.

A motion to approve the minutes of the November 8, 2017 meeting was made by Will and seconded by Cam.

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

ANR Plans – none presented.

Special Permit/Variance Applications –Arrow Auto Sales

Liz informed the Board that Terry Narkewicz had told her the materials submitted by Mr. DeSotle were now acceptable to the ZBA. The Board reviewed the plan for the used car lot at the Arrowhead Shops which is zoned commercial. The Board raised questions regarding mitigation of any possible oil leaks or wastewater from cleaning or repairing the cars onsite.

A motion was made by Will that the Planning Board email the ZBA that Arrow Auto Sales appears to meet zoning requirements and request that the ZBA seek a review of the plan by the Conservation Commission regarding any potential impacts on adjacent wetlands. Seconded by Josiah.

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

OLD BUSINESS:

Training Workshop – John said that the training workshop had been very worthwhile. Cam noted that the instructor had suggested that a waiver of ANR deadline form be prepared that could be kept and used by the Town Clerk when ANR's are submitted. Town Clerks are supposed to stamp a date of submittal on ANR's that starts a 21 day clock ticking. Since there may not be a planning Board meeting scheduled within 21 days, the waiver form could be used to allow the Planning Board time to conduct their review without calling a special meeting. Since the Shelburne Board usually meets twice a month it may be not be used now but it could be prepared for use in the future if the Board's schedule changes.

Will said that he learned at the training that a ZBA can develop local regulations on how to deal with a Chapter 40B application, as long as it does not contradict state law. Will suggested that the Board find examples from other towns and review them with the ZBA. He also suggested that the Board may want to amend the zoning bylaws to make special permits good for 3 years instead of 2 and to review requirements for variances.

Master Plan/Housing Chapter Update -The Board reviewed the Housing Study's Table 15 list of possible sites for affordable housing. The Board reviewed the description of the Dragon Hill Condominium property and felt it was appropriate. It was noted that the study should include the FCRHRA 3-acre lot on Zerah Fiske/So. Shelburne Rd. and that information should be passed on to Alyssa to include in the final report. It was discussed that there is a large parcel on upper Mechanic street that could potentially be an

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interesting site to develop although a challenge due to site constraints. Will noted that the public water line does run across Route 2 along upper Mechanic Street but it would have to be enlarged to accommodate additional housing. The Board will invite Alyssa LaRose to the January meeting at which time the Board will need to vote whether to accept the plan.

Attorney General’s Decision LSICF Article 41 – Will has received authorization of up to 2 hours for a discussion with Donna MacNichol about the AG’s comments.

Zoning Bylaw revisions for ATM 2018 – Will said he has been mulling over flag lots and common driveways as zoning options that he has seen used in other towns. He offered to draft a bylaw and bring it to a future meeting for the Board to consider.

Subdivision Regulations/ANR Form A – Liz reviewed a draft addition to the subdivision instructions and to Form A that was proposed to help Shelburne enforce a Town Bylaw that does not allow the issuance of a permit or license if any taxes are owed to the town by an applicant. Liz noted that she cited the Town Bylaw as the reason for requiring a signature from the Town Collector verifying that all taxes had been paid. It was discussed that Planning Boards could not refuse to sign an ANR based upon a determination that taxes are owed, however since it will help the Town with the enforcement of the Town Bylaw, the Board decided to keep the verification line in the Form A.

A motion was made by Will to adopt and amend the revised Form A and the related instructions of the Subdivision Regulation and to present this at an upcoming public hearing.

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

The Board asked John to have an informal conversation with the Selectboard explaining that the Planning Board is adding the verification of taxes to Form A, but they have been told that legally they would have to endorse an ANR within 21 days, if challenged by an applicant’s lawyer.

Recreational Marijuana Moratorium— Tom and John went to the Selectboard meeting on the previous Monday. The general thoughts of the Selectboard were that they were okay with definitions and table of use codes but thought maybe more guidance should be given to the ZBA. The Board discussed whether an extension of the moratorium should be proposed but felt for the purposes of zoning, an extension would not be needed.

Tom moved and Will seconded not to recommend including an extension of the moratorium for the purposes of the proposed zoning revisions at Annual Town Meeting.

Vote: 4 in favor, 0 opposed, 1 abstention by John

Sustainability and Resilience Grant—no news about the grant.

Parking Study – no discussion.

NEW BUSINESS

Shelburne Community Development Strategies--The Board reviewed draft edits to the Planning and Zoning section of the Town’s Community Development Strategies that included the following:

- Update zoning bylaws and subdivision regulations, including recreational marijuana, implement zoning revisions to increase opportunities for affordable housing for both seniors and families as recommended in the Shelburne Housing Study.
- Maintain rural quality of life – Ongoing
- Assist Town Administrator and Board of Selectmen with affordable housing plan and strategy including establishing a process to serve as a road map for Town Boards and developers when seeking to include affordable units in a development project, creation of a housing committee to work towards implementation of housing goals and strategies, and review

potential for adoption of the Community Preservation Act to generate a new source of funding for development of affordable housing for families and seniors.

- Maintain training on zoning and land use issues and other planning matters – Ongoing
- Review elderly housing options over the next several years, working with the FRHRA --- 10 years; numerous state and federal grant programs -- \$500,000 modernization at Highland Village; \$2.5 million for new complex in the Village
- Participate in a regional Sustainability & Resiliency grant program through the FRCOG – anticipate award in 2018 and culminating in proposals to be considered at ATM 2019.
- Review and update as needed the 1999 Shelburne Buckland Master Plan.

In the Housing Section add:

- Update the Housing Chapter of the Shelburne Buckland Master Plan.

A motion was made by Will to approve the above list of Community Development strategies for Planning and Zoning with an addition to the list for the Housing section. Seconded by Cam.

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

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG – nothing presented.

Open Space: -- John and Tom reported the committee is continuing to work on the tree walk and the possible trail along the Deerfield River.

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: Since there would not be a quorum for a later December meeting, the next meeting of the Board will be Wednesday, January 10th at 7 p.m.

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 9:49 pm.

Respectfully submitted by,

Liz Kidder

Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Buckland – 2, Colrain - 2

Shelburne Town Bulletin Relative to Zoning Actions of ATM 2017 November 2017

Attorney General Corrected Decision

Nov. 22 email on Land Splits from Assessors

Nov. 29 Email Re: Commercial Solar Projects in Shelburne from Omni Navitas

Nov. 20 email from Fran Pheeney

Nov. 9 email from Town Clerk on Conflict of Interest Training

Nov. 14 email from Town Administrator on Recreational Marijuana

Nov. 14 email from Town Administrator on Town Counsel Request

Notice of NOFA/Mass Winter Conference

Special Permit Application Arrow Auto Sales

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