

TOWN OF SHELBURNE
Planning Board Meeting and Public Hearing
Minutes of Meeting March 14, 2018

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, March 14th, 2018 at 6:45 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair

Will Flanders

Cam Stevenson

Josiah Simpson [arrived as meeting was in progress]

Administrative Assistant: Liz Kidder

Audience:

Absent: Tom Johnson

The meeting was called to order at 6:48 pm.

A motion to approve the minutes of the February 28, 2018 as corrected was made by Cam and seconded by Will.

Vote: 3 in favor, 0 opposed, 0 abstentions.

ANR Plans – none.

Special Permit/Variance Applications: An application has been submitted for a use special permit at 304 Shelburne Center Rd. The intended use will be a fine cabinetry and furniture making woodshop; the ZBA determined it needed a Special Permit. The consensus of the Planning Board was to support the application at 304 Shelburne Center Rd.

A member of the public notified the Board that he was deaf and had brought an interpreter. He said he had only heard about the meeting the evening before and therefore had not asked the Town to provide an interpreter on such short notice. He was informed that the meeting had been posted in the newspaper for the two weeks prior to the meeting. He said he would look in the paper for future meeting notices.

Move to recess the Board meeting at 7:00 pm and to reconvene the meeting following 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.

The Public Hearing was called to order by John Wheeler at 7:00 pm. He noted the purpose of the hearing was to allow for public review and comments on possible revisions to the Town's Zoning Bylaw and Subdivision Regulations. He said copies of the proposed revisions were on the table at the front of the room and that he would go through each proposed revision in the order presented. He noted that some of the revisions had been discussed at a hearing last month and the Board had made minor changes to some of them. He asked everyone to sign in.

No comments or questions were received relative to the following proposed revisions to the Zoning Bylaw:

- Section 2 Definitions and related section of the Use Table Section 4.3.
- Junkyard/Recycling Center definition and use table placement.
- Composting Facility definition and use table placement
- Section 2.38 Solar Panel Systems for Premises Use
- Section 4.3 Use Table for Energy Generation Uses

Approved: _____ Date: _____ 1

Section 2.37 Small-Scale Ground-Mounted Solar Energy Generating Facility:

- A typo was noted in the revisions that “Industrial” should be “Ground-Mounted.
- It was noted that based upon a recent situation that was being addressed by the ZBA and comments made during the public hearing in February, the Board was proposing to require a special permit for any ground-mounted solar installation under one acre – if over 1 acre, then the large-scale ground-mounted solar facility bylaw would take effect.

Section 2.4.8 Commercial Electric Generating Facilities:

- A question was raised as to whether there should be a cap of power output.
- Due to evolving technology the Board did not recommend putting a cap on power output for any size of installation.

Section 16 Telecommunications Regulations

- It was noted that 13 letters of support for the recommended revisions had been received prior to the meeting by the Board.
- These revisions to the Shelburne Telecommunications bylaw were related to new 5G technology which have raised public health concerns and the Board decided to propose this revisions before 5G technology is proposed to be installed in Town.
- The proposed revision will require a related modification to the Use Table under wireless communication facility.
- Asked if this bylaw was limiting future technology changes, the Board felt it could be modified in the future once more information is available.

Section 18 Large-Scale Ground-Mounted Solar-Electric Generating Installations:

- A realtor noted that she has clients looking for at least 14 acres for commercial solar array installations.
- It was noted that some Towns require pollinator plants be planted under the solar array.
- The Board noted that if 20 acres proved to not be large enough, they could reconsider this limitation in the future.

Section 21. Siting Large-Scale Industrial & Commercial Facilities:

This bylaw was first approved as a Town Bylaw but not approved by the Attorney General’s Office which felt it should be a zoning bylaw. The Town adopted it at last year’s Town Meeting as a Zoning Bylaw but the Attorney General’s letter included 6 pages of concerns about the legality of certain sections. Will worked with the Town Council to prepare revisions that will bring it into full compliance.

Marijuana Establishments and Use Table:

- It was explained that the definitions were taken directly from the draft regulations proposed by the CCC. If the final CCC regulations make any changes to their definitions, the Board will modify the Town’s definitions accordingly to stay in compliance.
- The process for adopting local regulations was discussed, identifying the role of each Town Board.
- Concerns were raised regarding the intensive electrical requirements for the growing facilities and where could this be reviewed in the permitting process.
- A realtor present said that any growers who have contacted her are looking for warehouses of over 3,000 square feet.
- The Board noted it was trying to take a conservative approach in the proposal for the use table and expects to be modifying the bylaw in the future as information and situations evolve.

Subdivision Regulations – no comments or questions were received regarding the proposed revisions to the Shelburne Subdivision Regulations.

- Will explained that Town Counsel had recommended that the Board include a new section creating a written policy so that the Town can charge fees. Will had reviewed all these changes with Town Counsel.
- Will explained that the changes to the Subdivision Regulations will not be going to Town Meeting but will be voted on by the Board.

John thanked everyone for attending and providing input on the proposed zoning revisions.

A motion to close the public hearing was made by Cam and seconded by Josiah.

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

John Wheeler reconvened the Planning board meeting at 8:06 pm.

OLD BUSINESS

Zoning bylaw revisions for ATM 2018/Feb 14th public hearing: the Board reviewed all the comments from both public hearings and prepared final modifications to the proposed zoning bylaw revisions. Liz will put together a packet of bylaw revisions combining the bylaw revisions presented at both public hearings into one document for review by the Board. She will email it to the Board and, Will will review the proposed revisions with Town Counsel. The Board will vote their final approval of these revisions at their next meeting on March 28th.

Subdivision Regulations:

A motion to incorporate all the revisions as presented at the Public Hearing into the Shelburne Subdivision Regulations was made by Will and seconded by Cam.

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

Shelburne Housing Study/Master Plan Housing Chapter/Sustainability and Resilience Grant – the Board reviewed an email from Alyssa Larose that FRCOG staff would be ready to proceed with the grant in April. Liz will email Alyssa asking her to attend the Board’s meeting on April 11th.

Rural housing zoning analysis/flaglots and other options – John Wheeler had informed David Schochet of the Open Space committee that the Board would be considering flaglots over the next year. It was discussed that mobile home parks are similar to tiny home communities, or cottage housing and the Board will be looking at options in rural areas for affordable housing. Will noted that Northampton is having an interesting design competition that the Board may look at. The consensus of the Board was that it was time to invite a representative of Mass Housing Partnership to a meeting to discuss capacity building for implementing affordable housing projects. Will mentioned he had reviewed a video from the Post Carbon Institute that he suggested everyone on the Board watch and then discuss; he will email the link to everyone on the Board.

NEW BUSINESS – nothing presented.

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG - Cam reported he will be attending the meeting next week that will cover local marijuana bylaws.

Open Space: no meetings since last meeting.

Other Town Boards: nothing presented.

Cam reminded everyone to update their Conflict of Interest tests.

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: March 28 at 7 pm.

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

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

Meeting was adjourned at 8:34 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Conway – 1, Deerfield – 1

March 5, 2018 Assessors letter to Ancient Glacier, LLC

March 1 email from Alyssa Larose, FRCOG

March 6 email from Cecelia Doucette on Health Impact of 5G and Wireless

March 14 email from John Wheeler on solar screening bylaw

March 14 email from Tim McNerney on 5G

March 14 email from Corinne Whitaker on 5G

March 14 email from H. Davis on 5G

Scientists warn of potential serious health effects of 5G – Sept. 13 2017 article

March 14 email from Shauna Lynn on 5G

March 14 email from Deborah Andrew on 5G

March 14 email from Jonathan Mirin on 5G

March 14 email from Rita Jaros and Wes Talley on 5G

March 14 email from Denise Harris on 5G

A 5G Wireless Future by Dr. Cindy Russell

What is 5G/DAS flyer

March 14 email from Deborah Chandler on 5G

March 14 email from Dawn Grignaffini on 5G

March 14 email from Andrew Kurowski on 5G

March 14 email from Laura Josephs on 5G