

TOWN OF SHELBURNE
Planning Board Meeting
Minutes of Meeting Sept. 26, 2018

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, September 26, 2018 at 6:30 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair

Will Flanders

Josiah Simpson

Tom Johnson

Alyssa Larose, FRCOG

Laura Shufelt, Mass Housing Partnership (MHP)

Megan McDonough , Habitat for Humanity (HH)

Fran Pheeneey, Franklin Regional Housing and Rehabilitation Authority/Rural Development Inc. (RDI)

Administrative Assistant: Liz Kidder

Audience: Linda Vight, John Shulda, Susan Stark, Laura Sandvik, Josh Simpson, Cynthia Buntin, Noah Grunberg

Absent: Cam Stevenson

The meeting was called to order at 6:37 pm by Josiah Simpson.

[John Wheeler arrived at 6:40 pm]

ANR Plans – John Stevens, 535B Mohawk Trail. This ANR request is to shift 1 +/- acre of land between two adjoining family owned lots; both lots would still be conforming under zoning bylaws. Linda Vight and John Shulda explained the proposed ANR. The Board reviewed the zoning requirement that lots must have access from their frontage. The Board noted this was the second request that has come before them recently where an applicant requested the creation of a lot that had ample frontage but which could not be accessed by that frontage due to terrain. It was recommended that they seek a variance from the ZBA allowing them to access the lot through an existing driveway that currently exists on the adjoining lot. It was decided that they would withdraw their request for an ANR without prejudice and they are going to talk to the ZBA to see if it fits a variance situation.

Will noted that there are inconsistencies between the zoning bylaw and the subdivision regulations on accessing a lot from its frontage. He will review the zoning bylaw and the subdivision regulations and prepare possible revisions for the Board to consider.

A motion to approve the minutes as corrected of the Sept. 12, 2018 meeting was made by Will and seconded by Tom.

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

Special Permit/Variance Applications – none presented.

OLD BUSINESS

Annual Coordination with ZBA-- John Wheeler hasn't heard from Joe about getting together and will email him again.

AG's letter regarding bylaw revisions and agricultural exemptions - The consensus of the Board was to review the AG's comments and proposed an appropriate revision of the use table for consideration at ATM 2019.

NEW BUSINESS

COMMITTEE and REGIONAL PROJECT UPDATES

FRCOG Planning Board – main item on the agenda for Thursday night is the Wendell local community solar system.

Open Space – Tom reported that Melissa Patterson (FLT), Art Schwenger (DRWA) and Whit Sanford (GSFABA) discussed a \$4,000 grant they have received that will be to hire a consultant to help put in an accessible trail along the Deerfield River.

Approved: _____ Date: _____ 1

Other Town Board updates – nothing presented.

Other business not reasonably foreseen 48 hours prior to the meeting-nothing presented.

Read Mail—the Board read mail as listed below.

Public Comments—none presented.

Schedule next meeting – October 10th and 24th.

7:00 Shelburne Housing Study/Master Plan Housing Chapter/Resilience and Sustainability Grant –

Alyssa welcomed everyone, especially Laura Shufelt of MHP, Megan McDonough of HH, and Fran Pheeny of the Franklin Regional Housing and Rehabilitation Authority (FCHRA) and Rural Development Inc. (RDI) and presented an overview of the work that the FRCOG has been doing with the Town over the past 2 years. Last year, she worked with the Shelburne Housing Committee to develop a Housing Plan and this year she is working with the Planning Board to review the Town’s zoning bylaw to consider possible revisions that may help to encourage the development of more housing units and where possible Affordable housing units. She passed out an infographic that summarized some of the key findings of the Housing Plan. As part of this year’s project, Alyssa looked at the zoning bylaws and identified that close to 90% of the current lots in the Village were non-conforming. The Planning Board has been trying to create an Affordable housing incentive zoning bylaw for the Village. The Board invited everyone this evening to hold a discussion about how affordable housing is developed and whether the Board is on the right track with their draft bylaw. Understanding that there are many issues which influence the development of more housing units, the Board’s role is to look at zoning. Alyssa distributed copies of proposed changes to the dimensional table and the zoning map that showed the possibility of splitting the VR districts into two districts – VR1 would be the existing Village to the west of Route 2 and VR2 would include the currently zoned VR district on the east side of Route 2. The VR1 district would include smaller lots and the VR2 district would maintain the larger lot sizes. Alyssa also distributed copies of proposed design guidelines and noted they were developed to be guidelines and not requirements.

Discussion points and questions included the following:

1. Is there anything in the zoning bylaw that would prevent two or three family homes being turned into condos? The consensus of those present was that there were no zoning issues involved but that small-scale condo situations are notoriously difficult to manage.
2. The design guidelines in some Towns are managed through a peer review committee; Noah mentioned it may be difficult for the ZBA to use the guidelines as part of the Special Permit process.
3. Megan from Habitat for Humanity (HH) is now building a house on 1/8 of an acre in Northampton (about 5,000 sq feet).
4. Laura from Mass Housing Partnership (MHP) noted that some towns use a zero lot line option for two family housing where there is a common wall right on the lot line but each house is owned as a single family unit.
5. A lot of first time homebuyer programs do not allow you to have a rental unit as part of it the home even though it may help with covering the cost of owning the property.
6. For Affordable home ownership, the first home owners are income certified when they move in; there is a deed restriction that restricts the price of the home if resold.
7. For some state programs, Rural Development Inc. (RDI) handles the resale, income verification, and setting the price for resale. RDI manages that responsibility with oversight by the State Housing Department. The deed restrictions have become fairly standardized with a state model language for the restriction.
8. Currently there are no subsidies for home ownership. If projects are being done by RDI or HH, then Towns have the option of initiating projects as a local action unit (LAU). A LAU can be supported either through zoning relief or a donation of land, possibly through the purchase of a site using CDBG funds. All projects done by HH are LAUs.
9. HH has done 22 units in Franklin and Hampshire Counties. HH will work in a Town where there is a LAU site with water and sewer, that qualifies for USDA financing and is an actually buildable site.
10. This area needs both market rate and Affordable housing. Fran Pheeny said that developing Affordable Housing is very complex and there is an economy of scale related to the cost per unit for management; therefore developers are not going to want to do just 2-3 units.

11. Laura of MHP noted that Shelburne's current zoning is exclusionary and was clearly passed so that nothing would change in the Village.
12. Laura of MHP said there is not state funding for 4 units or fewer but there is some rental funding for 5-20 units. The state will now allow a per unit subsidy for the 5-20 unit projects since the state realizes it costs more to develop projects at that scale. During most funding rounds, there are 6 applications for every one project that gets funded.
13. CPA could subsidize units but Shelburne does not have CPA and even once adopted, it can take time to raise sufficient funds to be consider by the town CPA committee for a project.
14. MHP provides assistance to Towns and non-profits to get projects done. Examples of projects in rural towns would include: 12 units in a cape town, 10 unit development in Goshen, family units that are attached but look like separate cottages in Harwich. Project can be done on just 2-2.5 acres.
15. Local housing trusts, a branch of local government, would be needed to make projects happen.
16. MHP said that if there was a zoning incentive that required a local development to have 25% of their units managed as Affordable units, this could encourage a local developer to just go through a local special permit process rather than through the Chapter 40B state permitting process.
17. Another zoning revision that could help encourage more units would be to allow multi-family structures in the industrial zone.
18. It was suggested that the Planning Board consider raising the height limit for buildings, however it was noted that the 35 foot limit is based upon the maximum height accessible to local fire trucks.
19. The cost of the submission requirements should be reviewed and clearly describe the submission process with a link to the HCD guidelines.
20. Include waiver options in the submission requirements for smaller projects.
21. It is possible to have a duel project where a private developer works with RDI on an Affordable housing project.
22. Projects that are privately financed do not have to deal with State HCD guidelines.

Examples of small scale project options for Shelburne were discussed. Fran Pheeny pointed out that Anchorage property could be a dream site for a mixed income housing project, however, the site development costs -- which would include improving access for fire trucks and emergency vehicles-- would require a great deal of upfront money, more than the FCRHRA has available to them. In addition, there is a lot of rot and lead paint in the existing buildings on-site. It was noted that if the Town was able to purchase the property, the Town could apply for pre-development funding to obtain ownership of the site and get it ready for a project.

Alyssa distributed copies of the draft suggested design guidelines to those present and asked for comment. Noah, a member of the ZBA, was concerned that as guidelines for a special permit process, it would be difficult for the Board to enforce fairly. Laura of MHP noted that under Chapter 40R zoning, there can be a peer review process relative to design guidelines but that this can add several months onto the permitting process. Susan Stark suggested that if the Town participated in the CPA program, maybe that money could be used to encourage a developer to build structures with exteriors more in keeping with the character of the village. Megan of HH suggested having entrances on both the front and side of the units.

Will asked if those present thought the Board was going in the right direction with their draft bylaw, if there was anything missing from it, and if they had suggestions for other factors the Board should be considering. It was suggested that a waiver provision be included for smaller projects and that certain submittal requirements could be modified, such as, submission of conceptual plans rather than final plans. Laura of MHP suggested that some of the requirements may want to have a sunset clause to allow flexibility in the future. The question of how many units would be appropriate in a multi-family house in the village and whether accessory apartments should be allowed even in properties without the owner living on-site. Alyssa made note of all the suggestions and will revise the guidelines for review at the next Planning Board meeting.

The Board noted that working on zoning was the first step to a long process and they were looking for input on how the Town should move forward. It was discussed that CPA funding has helped many Towns but it takes time to develop a large enough fund to support projects. Local Housing Trusts which are part of municipal government, would be the Town entity to move forward on

projects seeking properties to development and pre-development funds. Fran Pheeneey noted that the Town and any developer should expect projects to take at least 5 years of planning and pre-development efforts before construction begins. A Local Housing Trust could be funded through CPA funds and would need a staff person.

Alyssa will meet with the Board again on Oct. 10th and review all changes to the draft bylaw and design guidelines suggested this evening. The Board will discuss plans for a public information meeting and schedule it during that meeting.

Will distributed a draft flaglot bylaw for discussion at the next meeting. Will also suggested that the Board may want to revise the current zoning bylaw definition of frontage and look at common driveways. Will said he would work on draft revisions to consider at the next meeting.

CPTC workshop- Liz noted that the schedule for CPTC workshops in Greenfield has been posted online. If anyone wants to sign up, please let her know so that she can arrange to pay the registration fee.

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 9:53pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Buckland – 1, Shelburne ZBA - 1
August 6, 2018 Letter from Attorney General
Email from John Taylor 9/26/18
Email from Alyssa Larose and Town Admin 9/17/18
Email 9/24 regarding CPTC workshops