

**TOWN OF SHELBURNE**  
**Planning Board Meeting**  
**Minutes of Meeting Nov. 14, 2018**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, November 14, 2018 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: Will Flanders

Tom Johnson

Cam Stevenson

Josiah Simpson

Alyssa Larose, FRCOG

Kurt Wilkins, Shelburne Police Department

Administrative Assistant: Liz Kidder

Audience:

Absent: John Wheeler

**The meeting was called to order at 7: 00pm.** In John Wheeler’s absence, Cam served as Chair of the Meeting.

**A motion to approve the minutes as corrected of the Oct. 24, 2018 meeting was made by Will and seconded by Tom.**

Vote: 2 in favor, 0 opposed, 1 abstention by Josiah due to absence and 1 abstention by Cam as Chair of the meeting.

**ANR Plans** – none

**Special Permit/Variance Applications** –Special Permit application for the conversion of 623 Mohawk Trail from a business/professional to a municipal use. Kurt Wilkins, Shelburne Police Department, explained that the Town had been notified by Town Counsel that they would need a special permit from the ZBA to convert the use of 623 Mohawk Trail from Business/Professional to Municipal Use. The Town is asking the Planning Board to waive the required 35 day review period and to support the conversion of 623 Mohawk Trail into a municipal use – the Shelburne Police Department. There are no changes to the building footprint or driveways – the entrances will become handicapped accessible.

**A motion to waive the 35 day review period of the Special Permit application for 623 Mohawk Trail by the Planning Board as required under Section 6.2 of the Shelburne Zoning Bylaw was made by Josiah and seconded by Will.**

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

**A motion to make a positive recommendation to support the approval of the Special Permit for 623 Mohawk Trail to be converted into the Town of Shelburne Police Department and other Town Offices was made by Will and seconded by Tom.**

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

**OLD BUSINESS**

**Shelburne Housing Study/Master Plan Housing Chapter/Sustainability and Resilience Grant/Review of Zoning District Map – Planning for Public Information Meeting**– Alyssa Larose, FRCOG

Alyssa distributed the latest version of the Board’s draft bylaws. Peggy Sloan, FRCOG Planning Director, had reviewed the most recent draft and had made some suggestions. She recommended that zero lot-line situations should require a minimum of 8,000 square feet for the lot size which can be divided into two 4,000 square foot lots since she felt it was too difficult to site the double house and driveways on such a small lot. The Board decided to recommend 8,000 square foot lots for a zero lot-line home with 80 feet of frontage – 40 feet for each side with 4,000 square foot lots for each half.

The Board discussed the need to keep the bylaw as flexible as possible in order to encourage both more rental units as well as home ownership options. They noted that in reality, there are only a few sites on which to build a new residence and therefore, there will

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 1

be minimal impact on the character of the Village from new homes being built. The Board discussed several scenarios that could occur with various combinations of lot size and frontage requirements.

The Board discussed whether to include a new column in the Dimension Schedule for zero-lot-line option rather than using footnotes. It was decided to have just one footnote added to refer people to the Affordable Housing Incentive Bylaw, Section 23, for applicable incentives, setbacks, lot sizes, etc.. Alyssa said she would make the changes discussed tonight and prepare a "Public Information Meeting Draft". Alyssa noted that under footnote "C" relative to driveways, it refers to using a variance to allow for a change in a setback and it should be by special permit. Alyssa also distributed a copy of "5.4 Exception to Dimensional Requirements for Side and Rear Setbacks" from the Buckland Zoning Bylaw that included language the Board may want to consider relative to special permit criteria.

Alyssa distributed a draft zoning map and the Board discussed options relative to the industrial and commercial land along the river below Salmon Falls, and whether to consider changing its zonation to Village Recreational (a new category of zone).. The Board decided to not consider any changes to that part of the map until they work on updating the Economic Development chapter of the Master Plan, hopefully next year. During that process they can do a thoughtful and comprehensive review of the zoning along the river. Alyssa also distributed a copy of a draft press release and powerpoint presentation for use during any public information meetings.

Will reminded the Board that Mass Housing Partnership had said that the current zoning is exclusionary and therefore the Board was trying to respond to that concern. Alyssa noted that 20,000 square foot zoning is really suburban zoning rather than Village zoning. Legally there can be problems with having exclusionary zoning. Alyssa noted that the Open Space Development bylaw could be an option for the larger lots in the VR2 district. The Board noted they are trying to refine and improve on the zoning revisions that were adopted in 2008 with an intent of keeping the Town from being susceptible to a Chapter 40B development.

Alyssa reported that she had contacted the Senior Center for a time to present the public presentation and they came back with Monday Nov. 27<sup>th</sup> at 2:30 -3. Will, John, and Tom said they would all try to attend. Liz and Alyssa will coordinate distributing the press releases and flyers to groups in Towns, the press, and other Town officials and boards.

**Coordination with ZBA** –Town Counsel training on variances - the Board reviewed notes from the meeting where Donna McNicol advised the ZBA on how to approach the issuance of variances. She noted that Shelburne’s bylaw refers to variances in several situations which should be references to special permits.

**Rural housing regulation analysis and revisions** – Will distributed draft revisions relative to frontage and access to lots designed to make the zoning bylaw and subdivision regulation consistent. Will said that he also needs to look at the Zoning Bylaw where minor streets are referred to and clarify when a minor street can be used for a common driveway. Will will prepare draft language for review by the Board. Liz will include these revisions in the list to be submitted to Annual Town Meeting in May 2019.

**Regulatory revisions for ATM 2019-**

The list includes:

1. Affordable Housing Incentive Zoning/dimension table/zoning map
2. Commercial Greenhouses in Use Table – based upon AG’s letter
3. Frontage Access
4. How to measure a ground-mounted solar array – distance from structure to side lot line – pole or panels – or whichever is closest.
5. Common driveway/minor streets
6. Flaglots

**NEW BUSINESS** – nothing presented

**COMMITTEE and REGIONAL PROJECT UPDATES**

**FRCOG Planning Board** – Liz reported that Tom Minor had given her copies of a presentation on Hemp and she will contact Peggy Sloan to see if she has digital copies of the presentation. The Board is very interested in understanding potential impacts of Hemp production.

**Open Space** – haven’t met since the last meeting

**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** –public information meeting on November 28th. The Board will meet at 6:30pm to conduct business before the information meeting starts at 7pm.

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

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

Meeting was adjourned at 9:50 pm.

**Respectfully submitted by,**

Liz Kidder  
Administrative Assistant

**LIST OF DOCUMENTS:**

- Legal notices from neighboring communities: Buckland – 1, Charlemont – 1
- Handouts by Alyssa Larose relative to the draft Affordable Housing Incentive Bylaw and public information meeting
- John Taylor email of 11/14/18 regarding CPTC workshop
- Emails relative to possible presentation at the Senior Center in regards to the Affordable Housing Incentive Bylaw
- Joe Palmeri email of 11/12/18 regarding attendance at the planning board meeting
- John Wheeler email regarding Donna McNicol’s attendance at ZBA meeting
- Will Flanders email regarding frontage definitions
- Local Impacts of Commercial Cannabis handouts from FRCOG Planning Board meeting