

TOWN OF SHELBURNE
Planning Board Meeting
Minutes of Meeting January 22, 2020

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, January 22, 2020 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair

Will Flanders

Tom Johnson

Cam Stevenson

The ZBA joined the Planning Board at 7:30 pm

Joe Palmeri

Eric Luccentini

John Taylor

Noah Grunberg

Mike Parry

Faye Whitney, ZBA Admin Asst.

Administrative Assistant: Liz Kidder

Audience:

Absent:

The meeting was called to order at 7:00 p.m.

ANR/Subdivision – John informed the board that he had received 2 inquiries on possible ANR’s that will be presented at future meetings

Special Permit – none presented.

Motion to approve minutes of January 8, 2020, was made by Cam and seconded by Tom.

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

Read Mail – the Board read the mail as listed below.

Shelburne Hazardous Mitigation Plan Draft - John attended the meeting that afternoon. Alyssa Larose is going to help identify possible revisions to the zoning bylaw that are needed to meet the goals of the plan. They are still waiting for new maps from FEMA.

Budget FY 2021 - Liz reported that Terry told her there is a computer equipment budget for Town Hall and that the Planning Board does not have to ask for funds for computer maintenance or replacement.

Motion to submit the Planning Board FY 21 budget at level funding with the proposed increase for the Administrative Assistant was made by Tom and seconded by Cam.

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

FRCOG DLTA- Liz reported that she had submitted the Board’s request for assistance to update the Economic Development Chapter of the Master Plan to the Selectboard.

OLD BUSINESS

Zoning Bylaw Revisions for ATM 2020 – the Board reviewed correspondence from the ZBA that included comments and suggestions relative to several of the zoning revisions being considered by the Planning Board and several new suggestions. At 7:30pm the ZBA members and their clerk joined the meeting.

John Wheeler welcomed the ZBA and thanked them for attending the meeting. The Planning Board was appreciative that so many members of their board were able to participate. The intent of the meeting was to go through the Planning Board’s proposed list of possible bylaw revisions; the Planning Board is looking for input and suggestions from the ZBA.

The ZBA suggested that the Planning Board provide public information about the purpose of each warrant article at ATM with clear bullet points for each article in clear language explaining how the article would affect residents – “a 15 second summary.”

Premises use solar – the ZBA raised several questions about the intent of changes that were made in 2018 to the definitions related to solar systems and explained their interest in seeing a clarification in the bylaws about premises versus commercial systems. Questions were raised regarding: should a commercial solar system and on a property be considered a home based business; if the bylaw says there is one principal use on a lot should a property be allowed to sell the excess solar energy to the electric company or is that creating a second principal use; in referring to allowing a one acre system is that a system that fully covers one acre with panels or does it include the total system. The Planning Board said that they would review this part of the bylaw and consider a suggestion by Tom Johnson to revise the current language in Section 2.41. The ZBA noted that when a use is allowed by Special Permit, they assume that it is allowed and their role is to review an application and apply conditions as they deem appropriate. For the ZBA to deny a special permit, they need to have specific criteria on which to base that denial. In some situations, it would help the ZBA to have additional guidance on what to consider when reviewing a project beyond the basic special permit criteria in the bylaw.

1. “Housekeeping Articles” –

Agricultural Greenhouses – discussion and suggestions included:

- a. Find and include a definition of agriculture,
- b. clarify whether marijuana and hemp are agriculture
- c. combine two lines of the use table to “Agricultural Commercial Greenhouse on a lot less than 5 acres”

Adult Use Marijuana Final Regulations—

The general consensus was to include the definitions as written in the MA CCC final regulations.

Temporary Moratorium Recreational Marijuana Establishments –

The general consensus was to remove the outdated recreational marijuana establishment moratorium bylaw, Section 22.

Section 2- Definitions

The general consensus was for the definitions to be included in the bylaw in alphabetical order and remove the current numbering.

2. Supportive Transitional Housing – definition and use table addition

Discussion included simplifying the definition to:

“A building intended exclusively for the use of individuals, regardless of relation, participating in a group residential program authorized by an agency of the commonwealth.”

Noah noted that the state building code has regulations relative to the number of individuals who can live in a property based upon its square footage. Therefore, zoning does not need to address the number of individuals residing in any residential structure.

3. Common Driveways and Frontage Revisions –

Following discussion, the consensus of the Board was to consider following the suggestions from John Taylor to edit the existing definition of Frontage as follows,

*Section 2.20 Frontage: that boundary from which primary access to the lot is gained only from a public way or way accepted under the Town of Shelburne Subdivision Regulations, **unless a Special Permit is granted for access via a Common Driveway.** The portion of a lot fronting on a discontinued road, or a road which is not continuously constructed to a point beyond the border of the subject lot, does not constitute frontage for purposes of Approval-Not-Required (ANR) Plans.*

4. VC—Village Streetscape Exceptions –

The boards review the purpose behind the proposed Section 5.4.1. After discussion, it was suggested to change the language in item a. to read..” ...the project is designed to reflect the historic character **of the Village as defined;** and/or..”... It was discussed as to whether the ZBA would be the appropriate board to review architectural design guidelines since in the past, there have been circumstances when their board was criticized for approval of certain permits in the VC district. It was also suggested that the Planning Board should be looking at regulations to address an application from a business such as a Dollar General store that could have significant impacts upon the Town.

5. Nonconforming Lots, Special Permit/Variances, Density Requirements

The boards discussed potential density requirements to include in the bylaw. They reviewed a chart that listed density requirements in nearby towns and the ranges of structural lot coverage density within the Shelburne VR district. The boards decided to continue this discussion at another meeting due to the late hour.

The Planning Board thanked the ZBA members for attending the meeting and noted how productive the time had been. The Board looked forward to continuing the discussion regarding the rest of the possible bylaw revisions. The members of the ZBA agreed that it had been a productive session and left the meeting.

The Planning Board reviewed their schedule that will lead to their submitting warrant articles to the Selectboard by April 1st. The Board decided to meet again on January 29th to prepare proposed bylaw revisions in preparation for holding a public hearing on February 26th. The Board will continue working on additional revisions for the rest of the items still to be discussed with the ZBA and hold a second public hearing on March 25th.

Marijuana Zoning Bylaw coordination/facility proposals – no new proposals have been received by the Board.

NEW BUSINESS - none presented

COMMITTEE and REGIONAL PROJECT UPDATES

FRCOG Planning Board- nothing to report, meeting coming up but nothing related to Shelburne on the agenda

Open Space – they are still working on the proposed trail. There is a question as to whether there will need to be a special permit issued to allow for the construction of the trail.

Other Town Board updates – two new members have been sworn in to be the BOH

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

Public Comments—none presented.

Schedule next meeting – Wednesday, Jan 29.

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

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

Meeting was adjourned at 9:37 pm.

Respectfully submitted by,

Liz Kidder

Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Greenfield 1, Deerfield 3

Proposed list of revisions by the Planning Board for ATM 2020

Memo from ZBA regarding their suggestions for ATM 2020

Email from John Taylor regarding common driveways

Graph displaying zoning density requirements from neighboring communities

Excerpt from Section 18 of the Shelburne Zoning Bylaw

Excerpt from ATM 2018 regarding definitions for solar systems