

TOWN OF SHELBURNE  
**Planning Board Meeting**  
**Minutes of Meeting January 29, 2020**

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, January 29, 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

Administrative Assistant: Liz Kidder

Audience:

Absent:

The meeting was called to order at 7:02 p.m.

**ANR/Subdivision** – none presented.

**Special Permit** – none presented.

**Motion to approve minutes of January 22, 2020, was made by Cam and seconded by Tom.**

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

**OLD BUSINESS**

**Zoning Bylaw Revisions for ATM 2020** – The Board reviewed their list of proposed bylaw revisions to be considered at ATM 2020.

**1. “Housekeeping” Zoning Bylaw Updates**

- Agricultural Greenhouses – use a footnote to say that marijuana is not agricultural and to reference the state definition of “agriculture”, combine two lines in the use table for commercial greenhouses on 5 acres of less
- Adult Use Marijuana – recommend substituting the revised MA CCC definitions and add Marijuana Transporter temporary storage facility in the Use Table.
- Section 22 Temporary Moratorium on Adult Use Marijuana Establishments – recommend it be deleted since it expired June 30, 2018.
- Section 2 Definitions – recommend removing the numbering system and list them alphabetically and, as appropriate, grouped by topic.

**2. Supportive Transitional Housing** – submit the definition as edited with the ZBA and incorporate a line into the Use Table allowing by SP in every district except Industrial.

**3. Frontage definition** - use the recommendation revision to the existing definition as proposed by John Taylor.

**4. Village Commercial Streetscape** – the consensus of the Board was to use the revised language developed by Tom Johnson.

**5. Section 10 Non-Conforming Uses** – the Board reviewed draft language prepared by Will Flanders and reviewed approaches taken in other towns in Franklin County. Will volunteered to take the comments by the Board and revise the proposed by language. Liz was asked to prepare draft language relative to procedures for “findings” and simple majority votes.

6. **Premises use solar system and large-scale solar systems in the Commercial District** – the ZBA had realized that there had been changes to definitions relative to premises use solar and had questions regarding the applicability of the bylaw to proposals they had recently received. The consensus of the board was to revise the definition of Small-Scale Ground - Mounted Solar Energy Generating Facility using language proposed by Tom Johnson to allow for an additional principal use for solar installations on residential properties. In addition, the ZBA had pointed out that under the current Use Table, a Large-Scale Ground-Mounted Solar Installation (LSSI) could be installed in the Commercial Zoning District which includes 400 feet on each side of Route 2. The Planning Board is recommending changing the use table to not allow an LSSI in the Commercial District.

7. **Affordable Housing non-binding referendum** – the Board reviewed language relative to Housing Options in the Shutesbury Zoning Bylaw. It was decided to use some of that language as the basis for a non-binding resolution at Town Meeting. The Planning Board should gain insight to the wishes of Town Meeting participants from the discussion after the presentation of such a resolution. The Board was going to review the past powerpoint presentation for data on how many current residents of Shelburne would actually qualify for “Affordable Housing” which is not low-income housing and often a phrase that is misunderstood.

The Board discussed continuing their review of the bylaws with the ZBA. The ZBA has invited the Planning Board to join them at their meeting on Thursday, Feb. 6<sup>th</sup> but noted that they have a couple of other individuals meeting with them starting at 7pm. Therefore, the Planning Board would be on the agenda for 8pm. Will noted that he would not be able to attend. In looking at the Board’s schedule of meetings in order to be ready for the April 1 submittal of warrant articles to the Selectboard, it was noted that they plan to hold public hearings on Feb. 26<sup>th</sup> and March 25<sup>th</sup>.

The Board decided to have Liz prepare a public hearing draft for everything discussed by the Board this evening. This draft could be emailed to the ZBA members on Wednesday and Tom and John would attend the ZBA meeting to review the proposed revisions and get their input. If there were major concerns of the ZBA, the discussion could continue and further revisions be presented at the March hearing. This public hearing draft will also be emailed to Town Counsel for review and the Selectboard.

**Read Mail** – the Board read the mail as listed below. The Board reviewed an email from the Selectboard notifying the Board that their request for assistance with updating a chapter of the master plan had not been recommended by the Selectboard. The email noted that the Selectboard are taking the lead on the update of the Master Plan working with GSFABA so that it can be a two-town planning effort.

#### **COMMITTEE and REGIONAL PROJECT UPDATES**

**FRCOG Planning Board**- a meeting is coming up soon but John had not seen anything on the agenda of interest to Shelburne.

**Open Space** – Tom reported 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, Feb. 12.

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

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

**Meeting was adjourned at 10:02 pm.**

**Respectfully submitted by,**

Liz Kidder  
Administrative Assistant

**LIST OF DOCUMENTS:**

- Legal notices from neighboring communities: Conway – 2
- 1/28/20 email stream regarding ZBA Meeting and trail committee
- 1/23/20 Email regarding 2020 DLTA Priority List
- 1/28/20 email from Faye Whitney regarding ZBA meeting
- 1/29/20 Email from Joe Palmeri regarding Mahican-Mohawk Trail
- 1/29/20 email from Donna MacNicol regarding Mahican Mohawk Trail
- 1/28/20 email from Town Clerk on upcoming elections