

Town of Shelburne Planning Board
Minutes of Remote Participation Meeting August 26, 2020

A duly posted meeting of the Shelburne Planning Board was held remotely on Wednesday, August 26, 2020 at 7:00 pm using Zoom online software.

Present: John Wheeler, Chair

Will Flanders

Tom Johnson

Administrative Assistant: Liz Kidder

Audience: Larry Flaccus, Susan Flaccus, Alain Peteroy, Jonathan Mirin

Absent: Cam Stevenson

The meeting was called to order at 7:07 p.m. John Wheeler noted he was recording the audio of the meeting.

Minutes of the meeting:

Motion to approve minutes of July 8, 2020, with typo corrected, was made by Will and seconded by Tom.

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

ANR/Subdivision

Patten Hill Farm Trust – Liz reported that she had heard from Mara Silver that they would not be ready to present their revised ANR tonight.

Larry and Susan Flaccus, 1394 Mohawk Trail – as indicated on submission from the Flaccus’ – “The purpose of this survey/ANR is to expand the existing lot on North-South Road to encompass the remaining buildings, house and barn in one lot with the “shop” which will be separated from the farm land so that the owners can place a conservation restriction on the remaining farmland, and/or separate the homestead from the farmland.”

The Board reviewed the plan as presented and discussed the following points:

- There is a discrepancy between the Flaccus’ understanding of the status of the 2 acre commercial lot – there is no separate deed for it and the assessor’s identify that lot as having frontage on Route 2; it appears the lot was listed in Assessor’s records in order to assess property tax on a commercial structure.
- The Flaccus’ plan is to donate a conservation restriction on 145 acres+ of their property to the Franklin Land Trust.
- While North South Rd., is not on the DOT list of Town Roads, it has been continuously maintained by the Town; Mark Shippee said that the Town maintains 640 feet and in the over 30+ years he has worked for the Town he was always told it was a Town Road. North South Rd. used to extend to the south of Route 2 and northwesterly beyond the farm, connecting to Pikeville Rd.
- Susan Flaccus’ father had held discussions with the Town in about 1968 in regards to the status of North-South Rd at which time he was told it would be maintained as a Town Road.
- Are there other similar roads that are maintained by the Town but not on the DOT list.

The consensus of the Board was to postpone the discussion regarding this ANR until the next meeting. John will contact Mark Shippee and find out if there are any other roads that are maintained by the Town that are not on the DOT list. The consensus of the Board was to endorse this ANR if there are no other roads in a similar situation.

Special Permit – Becky Ashenden has submitted an application to establish a B&B at her property. This is a reapplication for a project approved 3 years ago. Due to COVID, she was delayed in starting her project. Joe Palmeri said that due to COVID her deadline was extended but Jim Hawkins, building inspector, has said that a COVID extension does not apply and she has to apply all

over again. Faye Whitney said that the earliest date for a public hearing on her application would be the first Thursday of October. The Board will wait to hear from the ZBA as to whether there will be a public hearing in October.

OLD BUSINESS

Telecommunications 5G – Jonathan Mirin had asked to be on the agenda to discuss 5G cell networks that are spreading across the country. He submitted a small cell sample bylaw for the Board to review and consider and provided a link to an Environmental health Trust website with extension information.

Jonathan reminded the Board that he had appeared before the Board a couple of years ago. For this meeting, he has submitted a model small cell “code” or bylaw for the board to review. Jonathan summarized potential impacts for the expansion of 5G call networks – impact on property values, impact of these small towers being sited in historic neighborhoods, impact on tourism, impact on health effects, and impact on historic rural character.

John Wheeler suggested talking to the Board of Health. Jonathan said he thought there were specific issues that are related to zoning and federal regulations has made it very hard to fight cell towers based upon health issues. The FCC has also ramped up its restrictions making it harder for small towns to respond to 5G applications. Will asked Jonathan to go through the model bylaw, convert into a word document and highlighting what issues are important to be addressed. Jonathan said he would do that.

It was explained that nothing could be done before a SPTM, it would have to wait until ATM. It was suggested that Jonathan also talk to the BOH and the Regional Health Agents at the FRCOG.

Zoning Bylaw Revisions for STM 2020 /ATM 2021, Master Plan Economic Development Update, and Planning Board goals for 2020-2021

The Town learned the hard way that two Town Boards cannot use the Town zoom account for meetings scheduled for the same time. Terry contacted Liz the day before the Planning Board’s scheduled public hearing on August 12th and between them, Liz volunteered to cancel the planning board hearing. The Selectboard is scheduling a special town meeting for either Sept. 19th or 26th at 1:00pm at BSE. Liz and Terry discussed that there was still time to do the proper posting for the Planning Board hearing if it is held on Sept. 9th. A public hearing regarding zoning bylaw revisions has to be held within 6 months of the town meeting at which they are presented. Liz has rescheduled and posted all the legal notices for a hearing on September 9th.

John had looked at Regional plans that talked about population changes – Shelburne’s growing older population. He mentioned that he talked to a neighbor who is going to sell their house in New York, just live in Shelburne and work remotely since the local Comcast speed is adequate. John had also talked to Kim Levitch, a local appraiser who said there is a shortage of housing in this area. Based upon Kim’s experience there is no demand around here for a subdivision, buyers are looking for large lots for a single home. Will feels that a Town wide conversation needs to happen; here we are at 2020 and where do we think the Town is going for the next 10 years. More than half the residents have lived in Shelburne for less than 20 years. Will suggested getting a consultant to organize and lead the community meetings. Liz explained that the only grant funds available for the past few years, has been the DLTA funds from the FRCOG. The Planning Board should have a meeting with the Selectboard to explain their goals and to ask that Board to set such a request as a priority for the next round of funding.

Jessica Atwood, FRCOG planner, forwarded a copy of the Shelburne Falls Economic Report which identified the following projects in the Shelburne side of the Village:

- Potential Pocket Park/Placemaking Project
- Paint and Secure Structure of Bridge of Flowers
- Coordinated public parking policies and signage
- Publicly accessible bathrooms
- Drinking water fountains
- Deerfield Ave. parking improvements
- Glacial Potholes deck improvement
- Return of 10 Deerfield Ave. to productive use

- Placemaking Project throughout Village center
- LED streetlight conversion
- AD accessibility for pedestrians
- Potential for FRTA bus shelter on Bridge St.
- Tour bus management – drop off and pick up, and long-term parking
- Electric vehicle charging station
- River Trail Project
- Moonlight Magic Holiday Decorations

Liz reported that Terry Narkewicz had forwarded the information that Deb Andrews, a member of the Finance Committee, had raised questions about a couple of bylaw revisions to be considered at Special Town Meeting. Her questions related to the sale of marijuana in Town and the use of solar panels. Liz will get in touch with her and try to get more information and invite her to the public hearing.

COMMITTEE and REGIONAL PROJECT UPDATES

FRCOG – no report.

Open Space – Tom reported they are still working on the trail and that the Town received an email regarding whether there is the need for the trail to be ADA compliance.

Other Town Board updates – there will be some reorganizing of office spaces now that the Police Department has moved to Route 2.

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

Read Mail – Liz reported she had not been to Town Hall to check mail. If she finds anything other than notices of hearings from neighboring towns, she will scan it and email it to Board members.

Public Comments—none presented.

Schedule next meeting - The Board will meet remotely again on Sept. 9th at 7:00 pm with a public hearing at 7:30 relative to the proposed “housekeeping” by law revisions being presented at SPTM later in September.

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

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting

Meeting was adjourned at 9:13 p.m.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Ashenden Special Permit Application

Flaccus ANR

5G Telecommunications Materials