

**Town of Shelburne Planning Board**  
**Minutes of Remote Participation Meeting Jan. 27, 2021**

A duly posted meeting of the Shelburne Planning Board was held remotely on Wednesday, Jan. 27, 2021 at 7:00 pm using Zoom online software.

Present: John Wheeler, Chair  
Will Flanders  
Cam Stevenson  
Tom Johnson

Administrative Assistant: Liz Kidder

Audience: Jonathan Mirren

Absent:

The meeting was called to order at 7: 02 p.m. John Wheeler noted he was recording the audio of the meeting.

**Motion to approve minutes of the Planning Board meeting of Jan 13, 2021, was made by Will and seconded by Cam.**

Vote: 3 in favor, 0 opposed, and 1 abstention by Tom who was not in attendance.

**ANR/Subdivision** – none submitted

**Special Permit** – none submitted

**OLD BUSINESS**

**CPA** - John reported that he and Will had attended the Selectboard meeting last week to discuss the CPA program. The Selectboard seemed to be supportive of presenting it for consideration at ATM. John said that he would attend the next Ag Commission meeting and seek their support. Following that Selectboard meeting, Terry Narkewicz emailed that assistance from Alyssa Larose, FRCOG, may be available to the Town under DLTA. The Board discussed the need to build support for the CPA program among Town residents, including that the Town would become eligible to receive significant grant funds from the state. Will noted that the Selectboard needs to take the leadership on adoption of CPA since it is a program that could support the work of several different Town boards.

**5G** – Jonathan Mirin reported that he had sent his proposed revisions to the ZBA for input but hasn't heard back. He will call Joe Palmeri and John Taylor to try and get their thoughts. He noted that both Charlemont and Heath are also looking to update their bylaws on 5g this year, so Shelburne is not alone. Once the Planning Board and ZBA have reviewed the revisions, his strategy is to get local residents to write letters of support. He wants to make it clear that people are not against 5g, but they want to see that the rollout of 5G is done in accordance with a local bylaw. Jonathan is working on a very clear definition of what the 5G is about, as was discussed at the last planning board meeting. The main concern is that the Shelburne bylaw does not really address 5G now, and unless it is addressed in the bylaw, there could easily be twelve 5G towers within the Village.

Will noted that he sees two parts to the proposed revision: the need to incorporate 5G into the definitions, and a process related to permitting 5G. In essence, the current bylaw, based upon the last revision adopted 2 years ago, has limited any construction of 5G within the Village and therefore any 5G towers would be sited along Rt. 2. Jonathan expressed a concern that a developer could go to the ZBA for a variance. Will asked where is the improvement in the Village's situation with the proposed process revisions. Will suggested just adding 5G to the definition section which would make for a simpler bylaw revision rather than creating a whole process. The bylaw proposed at ATM would be presented as a clarification rather than a major change to the bylaw. Jonathan noted he is thinking of going to the Selectboard and explaining "the big picture" of what is happening with 5G and why he is working on this bylaw. Jonathan left the meeting at 7:36 pm.

**Town owned land** – after Will and John met with the Selectboard on this topic, Terry contacted the Building Inspector to find out if someone could build on a non-conforming lot 12 years after a house burned down. The current bylaw does give an option for the ZBA to give an exemption to the 2 year rebuilding limit. Will suggested that the Board move forward with revising the bylaw to create the opportunity to allow for an Affordable House to be built on an abandoned lot that had been taken by the Town. John noted that the Selectboard had seemed to support this concept but questioned the legality of the Town giving the lot to a non-profit organization, such as Habitat, on which to build an Affordable house instead of auctioning off the property to recover the cost of the Town securing the lot. There are at least 4 lots in town that may eventually be ready to go to auction. This bylaw would not be created for a specific property but for a type of property.

Will had drafted language for such a warrant article and the next step would be to get it reviewed by Town Counsel. Will also noted that he is concerned about the Town not having a clear list of Town owned roads since he is aware of situations where this could leave the Town vulnerable to unexpected development. In addition, the inability of the ZBA to grant variances could have a significant impact on the construction of any dwellings within the Village because the majority of the lots are non-conforming.

**A motion was made to request authorization by the Selectboard for Will to talk to Town Counsel about: the proposed Affordable Housing bylaw, the inability of the ZBA to grant a variance, and the preparation of a complete list of Town Roads was moved by Tom and seconded by Cam.**

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

**Shelburne Housing needs, town owned land /Section 10, Findings/Variances:** the Board is requesting a time allocation for Will to consult with Town Counsel on these concerns.

**Mobile Homes, Campers, and Tiny homes/Shelburne Hazardous Mitigation Plan** -- John hasn't been able to connect with Chris Myers, chair of the emergency management committee which raised this concern in the draft hazardous Mitigation Plan. He wants to clarify the committee's concern about this issue before the Board proceeds.

**Home Based Business** – the Board reviewed proposed revisions that Tom Johnson had emailed that afternoon. It was decided that the proposed revisions should be reviewed at a public information meeting or a public hearing to get input from Town residents.

**Communication with ZBA and Selectboard** – Liz was asked to call Faye Whitney, assistant to the ZBA and ask about their upcoming meeting schedule. Once Will talks with Town Counsel, and updates the draft bylaw revisions, it can be forwarded to the ZBA for their review and hopefully a joint meeting can be held to discuss the bylaw issues. Liz will ask Terry for the deadline for ATM warrant submissions so a public hearing can be scheduled.

The Board reviewed which possible bylaw revisions they feel are important to submit for consideration at ATM this year. One goal of the Board is to keep proposed revisions as simple but effective as possible.

- Home based business revisions,
- Affordable housing opportunity on Town owned properties,
- Section 10 nonconforming lots and how to approach flexibility when variances shouldn't be granted,
- 5G rollout through a revision to the appropriate definition section of the bylaw.

**FRCOG/DLTA options** – the Selectboard had emailed that assistance with the adoption of CPA could be available to the Town through the FRCOG DLTA funds. The Board asked Liz to send an email to the Selectboard conveying the Board's support for the Selectmen to pursue that assistance.

**Resiliency, Sustainability, Climate Change impact on Franklin County** – no new information has been received.

**Master Plan/Sustainability/Economic Development update** – the Board is waiting for the latest census figures to be published which will help with the review of the Master Plan.

**Zoning Bylaw Revisions adopted SPTM 2020** – AG's letter said should be received by the Town on Feb 18, 2021.

**Budget** – the Board's FY22 budget, with the requested increase for an annual meeting with Town Counsel, has been submitted to the Town Administrator. John will sign up for a time to attend a meeting of the Selectboard and Finance Committee to discuss the Board's budget for FY22.

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

**FRCOG** – nothing presented.

**Open Space** – the committee is continuing to work on the proposed trail.

**Other Town Board updates** – nothing presented.

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

**Read Mail** – only legal notices from neighboring towns have been received in the mailbox at Town Hall.

**Public Comments**—none presented.

**Schedule next meeting** - The Board will meet remotely again at 7pm on Wednesday, February 10<sup>th</sup> and 24<sup>th</sup>.

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

**Vote:** 3 in favor, 0 opposed, 0 abstentions

**Meeting was adjourned at 8:48 pm.**

**Respectfully submitted by,**

Liz Kidder

Administrative Assistant

**LIST OF DOCUMENTS:**

Proposed bylaw revisions, home based businesses, Affordable housing, 5G.