

Town of Shelburne Planning Board
Minutes of Remote Participation Meeting Mar. 24, 2021

A duly posted meeting of the Shelburne Planning Board was held remotely on Wednesday, March 24, 2021 at 7:30 pm using Zoom online software.

Present: John Wheeler, Chair

Will Flanders

Tom Johnson

Kimberly Noake MacPhee, FRCOG

Administrative Assistant: Liz Kidder

Audience: Andrew Quient, Josh Simpson, Stefan Topolski, Cynthia Boettner, Jacqui Goodman, Lara Radysh, Bob Higgins, Rob Potter, Sue Reed, James Smith.

Absent: Cam Stevenson

NOTE: At 6:00 John Wheeler, Will Flanders, Tom Johnson, and Liz Kidder participated in the Selectmen's meeting with Alyssa Larose who gave a presentation on the State CPA program. It was noted that there is a website that provides extensive information on the history of the program, what are the steps that other town's have taken to adopt CPA, and a list of all the projects that have received funding through CPA at www.communitypreservation.org/coalition. The next step for Shelburne is to establish a committee composed of current board members, such as Conservation Commission, Planning Board, Open Space, Recreation, and Selectboard. Extensive public education will be necessary and the CPA committee will need to get organized and additional members added. Please refer to the Selectmen's minutes for complete minutes of this meeting.

The Selectboard's meeting closed and John Wheeler signed in as host for the Planning Board meeting

The Planning Board meeting was called to order at 7: 31 p.m. John Wheeler noted he was recording the audio of the meeting.

Pollinator Program

Kimberly Noake MacPhee, FRCOG Planner, gave a presentation on the Franklin County Regional Pollinator Habitat Corridor Action Plan. Out of the 27 towns that compose the FRCOG, 8 towns are participating. The program has had a bumpy rollout because of Covid. The current project wraps up June 30th of this year. Pollinators need different kinds of habitat. Franklin county has seen a decline in pollinators all across the county. Pollinators are suffering habitat loss, fragmentation of habitat, invasive species, pesticides, diseases and parasites. Pollinators are necessary for many reasons including climate resiliency.

The FRCOG's scope of work includes the preparation of model bylaws followed by the preparation of possible bylaw revisions for each participating town. Kimberly asked that if there is anyone at the meeting that wants to participate in identifying pollinator corridors in Town, to please let John or Liz know so they can be invited to the next meeting. Will asked her to discuss corridors as they relate to pollinators – how does the context of corridors fit into this? Pollinators have an area in which they stay. FRCOG is hoping to identify the larger landscape corridors that could link together habitat types. Kimberly has gone through the Shelburne bylaws and identified specific possible revisions to the zoning bylaws and the subdivision regulations in support of the pollinator program. She also made a presentation to open space committee a few days ago.

She said new developments can create the opportunity to develop pollinator habitats through the local regulations. The corridor is a regional approach to try to link and form habitats. Will noted that pollinators include more than wild bees. Kimberly said they are focusing on several different types of pollinators.

Kimberly is happy to come back and answer any questions, the Board will review the proposed bylaw and subdivision regulation revisions and talk at next meeting. The Board thanked Kimberly for her presentation and draft bylaws.

It was noted that the minutes from the last meeting are not ready for review this evening.

ANR/Subdivision – none submitted

Special Permit – Andrew Quient, Home Based Business

Board member Tom Johnson recused himself from this portion of the meeting. John Wheeler noted that Board member Cam Stevens was absent for medical reasons and therefore, the Board did not have a quorum that would allow them to discuss whether the Planning Board is going to comment on Mr. Quient's special permit application for his home-based business. In addition, any

Approved: _____ Date: _____ 1

discussion regarding a review of the Home-Based Business Bylaw also does not have a quorum and will not be discussed tonight. Since there are several people in attendance via zoom Will suggested that if they want to make any comments to the board, they can be noted and discussed at the next Board meeting on April 14th. It was noted that the Planning Board only has the option of making comments to the ZBA but that the ZBA is the special permit granting authority.

Andrew Quient, read a statement that he is a potter and architectural artist. He has been a potter for about 50 years and is a former teacher. He summarized his history in making sure he is in compliance with the bylaw. Because he wants to add a new addition onto his house, he now needs a special permit from the ZBA. Apart from his sign he believes that his use will not be an issue for the Town. He recognizes that the decision will be done by a legally constituted authority that will act in accordance with the law.

Josh Simpson said he has made his living as an Artist and Craftsperson for more than 40 years and had a similar situation when he moved to Town and established his glass blowing studio and his neighbors were not happy. He said the ZBA had come out to see his studio. He supports the Town's Home Based Business Bylaw. Lara Radysh and Bob Higgins stated that they are in support of Andrew Quient's proposal. Rob Potter, a Buckland resident, is Andrew Quient's contractor and said he is building a studio whose architectural style will be in keeping with the neighborhood. Mr. Quient showed a water color sketch of his proposed addition of 480 sq. ft. Sue Reed and James Smith both also said that they are in support of the proposed studio addition.

John thanked everyone for their comments and said the Board will consider them at their next meeting. In response to a question, John said that under the open meeting law, the Board needs to have at least 3 members able to vote on an issue present at the meeting. During the Board's next meeting they will decide if they are going to submit any comments to the ZBA and if so, what those comments will address.

Tom Johnson rejoined the meeting

CHANGES TO THE ZONING ACT: John noted that for the first time in decades there have been changes to The Zoning Act. He had participated in a webinar about the changes and said he would send the link to that webinar to Joe Palmeri. He noted that the Board is asking for some additional time with Town Counsel, during the next fiscal year, to review these changes so that the Planning Board and the ZBA understand these changes and can insure that both boards and Town bylaws are in compliance.

OLD BUSINESS

CPA Meeting with Selectboard – John asked Tom and Will for their thoughts on the CPA meeting. Will would support the Town adopting the CPA program and it could be very helpful in creating some affordable housing or assisting other programs. However, he doesn't think he has the time to commit to a CPA committee. Tom thinks the CPA program is great and would be an asset for the Town. He felt the property surtax would be minor but all of those can add up and go along way for affordable housing, recreational activities, or preservation of historic sites. He feels everyone should spread the word to get on Board with the CPA program. John talked with both the open space and ag committees and they were interested. Everyone wants to know the costs and John said he expects to get that soon from Alyssa LaRose.

Shelburne Housing needs, town owned land, Section 10, Findings/Variances: due to a potential conflict of interest, Liz Kidder recused herself from this discussion.

Planning Board goals/proposed bylaws for 2020-2021/ATM and Public Hearing Schedule: John noted that the ZBA can't meet with the Board on the 14th to discuss possible bylaw revisions and that means putting off the public hearing on the 28th. Liz will contact the Selectboard to see if there is going to be a special town meeting in the fall.

Home Based Businesses – Tom Johnson is recused from this discussion and therefore there no quorum. This discussion will be kept on the agenda.

5G – Will and Jonathan went through the bylaw to see what the minimum things that could be done to the bylaw and the current proposal bylaw was sent out to the members of the Board. It is the best shot for going forward to a public hearing. Liz should send that to the ZBA for their review for whenever the boards can meet. Will said he and Jonathan addressed everything Joe Palmeri had suggested as a concern.

Affordable Housing –Will is still waiting to talk with Town Counsel about how to approach affordable housing as simply as possible.

Reuse of Abandoned/Town owned properties – The Selectboard have been contacting Town Counsel with questions on reuse of Town owned abandoned properties. It was also brought up at the CPA meeting tonight. While there are some options as to how to use CPA money for Habitat for Humanity projects, Will noted that CPA would take several years to adopt and be available for such projects.

Meeting with ZBA- the ZBA can't meet on the 14th but could try for the 28th but would like to see the draft bylaw revisions being considered so that they have enough to review them before the meeting.

Resiliency, Sustainability, Climate Change impact on Franklin County - awaiting information from the FRCOG.

Master Plan/Economic Development update – still waiting on the latest census reports.

Zoning Bylaw Revisions adopted SPTM 2020 - still waiting to hear from the AG's office.

Planning Board Budget for FY22 – John met with the Selectboard and Finance committee and presented a budget that was the same as last year plus an extra five hundred dollars for consultation with Town Counsel.

COMMITTEE and REGIONAL PROJECT UPDATES

FRCOG –They are having a meeting on March 25th regarding Siting solar panels on agricultural land.

Open Space- the open space committee met on Monday and discussed brochure and trail signs to be put on the Payne property trail. There was additional discussion about the trail along the river from Deerfield St. to the Sweetheart. Letters to the open space committee were discussed that opposed the trails and they also received letters in favor.

Other Town Board updates – nothing presented.

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

Read Mail – nothing in the Planning Board mailbox.

Public Comments—Will noted that those still in attendance are welcome to make any comments and none seemed to except Lara said it was refreshing to be at a meeting that is so well organized.

Schedule next meeting - The Board will meet remotely again at 7:00pm on Wednesday, April 14th and 28th.

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 8:30 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Emails received on Andrew Quient's SP application