Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting via Zoom ~ April 5, 2022

A duly posted meeting of the Shelburne Planning Board was held remotely via Zoom, on Tuesday, April 5, at 6:30 p.m.

Present: John Wheeler

Will Flanders

Cam Stevenson

Seth Wilschutz

Tricia Yacovone-Biagi

Administrative Assistant: Faye Whitney

Guests: Michael Parry, Bob Kingsley, Maria Kingsley, Eric Lucentini, Paula Popoli, Sadie Popoli, Matt Popoli, Kathy Ainsworth

Absent: None

The meeting was called to order at 6:33 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Minutes**

Several changes were made to both the March 1 and March 15 minutes.

A motion was made by Will, seconded by Seth, to approve the minutes of March 1 as amended. Roll call vote: Will – aye; Seth – aye; Cam – aye; Tricia – abstain; John – abstain. Motion passed 3-0-2.

A motion was made by Cam, seconded by Will, to approve the minute of March 15 as amended. Roll call vote: Will – aye; Seth – aye; Cam – aye; Tricia – aye; John – abstain. Motion passed 4-0-1.

**Mail**

Notices of public hearings were received from Conway and Charlemont.

**ANR Plans/Subdivision**

Nothing new to report.

**Zoning Relief/Special Permit Applications**

An application for a flea market may be coming and the applicant is likely to ask to waive the review period. A letter concerning this same project was composed last year. John will send it to everyone.

**Appointments**

None

**OLD BUSINESS**

**CPA** – A new flyer has been distributed. The next event will be a public forum on May 5.

**Section 10, Findings/Variances** – Will has spoken with Donna MacNicol. She will review the proposed changes.

**Master Plan/Economic Development update** – Nothing new to report.

**Resilience Plan** – After the warrant articles are submitted for Town Meeting, Will and Tricia will start working on the short version of an MVP planning grant.

**NEW BUSINESS**

None

**Committee and Regional Project Updates**

John reported that Open Space Committee member Jim Perry thought the proposed warrant articles were confusing.

At 7 p.m. the meeting was recessed for the purpose of a public hearing on zoning bylaw changes.

**Public Hearing on Zoning Bylaw Changes**

The hearing was opened at 7 p.m. by John Wheeler.

The first article concerned changes to agricultural greenhouses. The Attorney General had said that towns cannot restrict agricultural greenhouses. Two sections are proposed to be added to the Use Table, one for lots less than five acres and one for lots less than two acres. It was questioned why have two sections, why not one, and it was suggested that the two sections be combined or to have a lower size limit on lots of five acres or less.

The second article would change the Use Table to indicate that retail stores were not allowed in the Village Residential zone. Matt Popoli asked why such stores were allowed in the Residential Agricultural zone. Perhaps such stores should be limited. It is a topic that could be discussed for another year.

The third article involved marijuana establishments in the Use Table. By law town and state definitions must match. The state definitions and rules change frequently and the town has to make changes every year. The purpose of this warrant article would be to delete all town definitions regarding marijuana and instead refer to the state Cannabis Control Commission regulations. ZBA member Eric Lucentini thought that requiring the ZBA to parse state definitions would be a burden on the ZBA. A lengthy discussion on marijuana establishments followed, with several members of the public feeling that the town’s regulations were not strict enough. It was pointed put by Eric that the state statute itself allows communities to control some things, including the ability to restrict the number of marijuana establishments. It was felt that this should be discussed with the Selectboard and perhaps become a general bylaw not a zoning bylaw. A new category of marijuana establishments was added, marijuana transporter. This will only be allowed in the industrial zone and only by Special Permit.

The fourth article involved the sign bylaw and came up due to complaints about signage along Route 2. The article attempted to clarify the existing rules. The current bylaw allows signs up to 64 square feet, but the Building Inspector has allowed larger signs. The article would make it clear that no sign larger than 64 square feet would be allowed; the total signage on a property could not be more than 64 square feet; and any sign larger than 48 square feet would need a Special Permit.

The fifth article is an attempt to clarify Findings and was suggested by Town Counsel. ZBA members in attendance definitely wanted to hear feedback from Town Counsel, but they liked the proposed changes.

At 9:13 p.m. a motion was made by Will, seconded by Cam, to close the public hearing. Roll call vote: Will – aye; Seth – aye; Cam – aye; Tricia – aye; John – abstain. Motion passed 4-0-1.

The regular meeting resumed at 9:14 p.m.

A motion was made by Will, seconded by Cam to approve changing the word “operation” in the marijuana section of the Use Table to “establishment” and to allow marijuana transporters only in the Industrial zone and only by Special Permit. Roll call vote: Will – aye; Seth – aye; Cam – aye; Tricia – aye; John – abstain. Motion passed 4-0-1.

A motion was made by Will, seconded by Tricia, to approve the wording change in the Agriculture section of the Use Table to change the portion on greenhouses from “lots less than 5 acres” to “lots less than 5 acres and at least 2 acres.” Roll call vote: Will – aye; Seth – aye; Cam – aye; Tricia – aye; John – abstain. Motion passed 4-0-1.

A motion was made by Will, seconded by Tricia, to rearrange the wording in the proposed bylaw section 6.1.2, to make it more clear. Roll call vote: Will – aye; Seth – aye; Cam – aye; Tricia – aye; John – abstain. Motion passed 4-0-1.

**Other business not reasonably foreseen 48 hours prior to the meeting**

None

**Public Comments**

Matt Popoli thanked everyone for their work and suggested that Planning Board documents should be more visible on the website.

**Schedule Next Meeting**

The next meeting will be on April 19, at 6:30 p.m.

At 9:37 p.m. a motion to adjourn the meeting was made by Will and seconded by Cam. Roll call vote: Will – aye; Seth – aye; Cam – aye; Tricia – aye; John – abstain. Motion passed 4-0-1.

Respectfully submitted,

Faye Whitney

Administrative Assistant

**List of Documents:**

Notice from Conway

Notice from Charlemont

Proposed bylaw changes