Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting via Zoom ~ February 6, 2024

A duly posted meeting of the Shelburne Planning Board was held remotely via Zoom, on Tuesday, February 6, 2024, at 6:30 p.m.

Present: John Wheeler

Will Flanders

Tricia Yacovone-Biagi

Seth Wilschutz

Faith Williams

Absent: None

Administrative Assistant: Absent

Guests: Kimberly Noake MacPhee

The meeting was called to order at 6:31 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Appointments –** Kimberly Noake MacPhee will try to arrange some meetings or phone calls with other towns who have storm water bylaws to see how they handle them. Meetings with the Conservation Commission and Selectboard should also take place, but perhaps not before Town Meeting. Will said that before the Planning Board meets with the other boards it would be helpful to know what the actual problem is that the bylaw is seeking to address, and what to propose for solutions. Tricia added that storm water issues should be tied in with resilience priorities. Kimberly said she is looking for funding to convene a resilient Deerfield River Watershed coalition which would share what towns are doing regarding resilience. Kimberly’s funding for the storm water project goes through September 30, so there is time to keep working on this. Kimberly will plan to attend a March meeting of the board.

**Minutes**

A motion was made by Faith, seconded by Will, to approve the minutes of January 9. Roll call vote: Tricia – abstain; Will – aye; John – aye; Faith – aye; Seth – aye. Motion passed 4-0-1.

A motion was made by Faith, seconded by Will, to approve the minutes of January 23. Roll call vote: Tricia – abstain; Will – aye; John – aye; Faith – aye; Seth – abstain. Motion passed 3-0-2.

**Mail, Memos, and Other Correspondence –** None.

**ANR Plans/Subdivision** – None.

**Zoning Relief/Special Permit Applications** – None.

**OLD BUSINESS**

**Bylaw Update** – It has been learned that before AG-approved bylaws are finalized, they must be published in a newspaper or bulletin of general circulation in the town, and then posted in five public locations. The bylaws will be published in the Two Town News, and John said he would see that they are posted in the five locations.

**MVP Planning Grant** – Tricia and Will met recently with Andrew Smith. The fact that small towns are underfunded and thus unable to consider doing large projects was discussed. Andrew said an announcement was coming at the end of the month. Tricia is hopeful that the announcement will be that small towns won’t have to come up with a 25% match for funding. Andrew had suggested that towns look at larger projects which are more likely to be favored by grant reviewers. Tricia has reached out to Mass Audubon regarding forest resilience work. She is hoping to bring in the Franklin Land Trust and the Deerfield River Watershed group to come up with a large project benefitting all the groups.

**Municipal and Non-Profit Trails Bylaw** – Two emails were received. One provided some background information as to why there is a trails bylaw. The other was a response from Jim Perry explaining why the concerns that led to the bylaw have been alleviated. Will thought Jim’s response did not address the question of why a trails bylaw is not necessary. Will suggested that it might be better to rewrite the trails bylaw rather than removing it. What is the problem that the bylaw is attempting to solve? What is the public review process, that Jim mentioned, and does it give abutters a chance to be heard? The board wondered if the bylaw is pursued would that mean addressing snowmobile trails and bike paths? It was decided to proceed with proposing the elimination the trails bylaw and see what reaction that gets from the public at an informational meeting.

**Proposed Town Bylaw for Food Trucks (MFEs)** – Seth provided a draft bylaw which included definitions, changes to the Use Table, and the addition of a new bylaw section. This all was thoroughly discussed. Will asked if there was an actual problem that needed to be solved and was this proposed bylaw making it too complicated? He suggested possibly just providing definitions and changing the Use Table. It was decided to keep the criteria as proposed. The board discussed the Use Table and where MFEs might be allowed with a Special Permit and where they might not be allowed at all. The next step would be to get feedback from the ZBA and Selectboard prior to an informational meeting. Will planned to consult with Town Counsel about the wording of the bylaw and whether it can be retroactive.

**Planning Board Roles Bylaw** – It was questioned whether this bylaw should be a zoning bylaw or a general bylaw. If it’s the latter it needs to be proposed to the Selectboard to see if they want to move ahead with it. Any group of citizens may propose a warrant article if they have the proper number of signatures on a petition. However, John pointed out, without the support of the Selectboard, citizens’ petitions have a hard time passing at Town Meeting. Will plans to ask Town Counsel about all of this.

**FY’25 Budget** – John will be presenting the budget to the Selectboard on February 12.

**NEW BUSINESS**

**Future Meetings** – Discussion was held concerning future meeting dates, an informational meeting, and a public hearing. The state primary, zoom availability, advertising deadlines, and time to inform the public were all factors to be considered. Originally, an information meeting was to be held in February with the public hearing happening in March. Will wondered if the information meeting could be eliminated and just have a public hearing on February 27. It was thought that might be too soon to have the hearing legally advertised. It was decided that the board would meet on February 27, March 12, and March 19. If the hearing can’t happen on February 27, it should be held on March 12.

**FRCOG Meeting on Zoning** – A meeting on zoning for small towns will be held on February 7, in the morning. It will not be recorded. John will try to attend.

At 8:27 p.m. both Seth and Tricia left the meeting.

**Committee and Regional Project Updates –** Nothing new to report.

**Two Town News** – Tricia will take care of this.

**Other business not reasonably foreseen 48 hours prior to the meeting ­**– None.

**Public Comments –** None.

**Schedule Next Meeting** – The next meeting will be on February 27, at 6:30 p.m.

At 8:30 p.m. a motion to adjourn the meeting was made by Will and seconded by Faith. Roll call vote: Will – aye; John – aye; Faith – aye. Motion passed 3-0-0.

Respectfully submitted,

Faye Whitney

Administrative Assistant