Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting ~ December 3, 2024

A duly posted meeting of the Shelburne Planning Board was held at the Town Hall meeting room, on Tuesday, December 3, 2024.

Present: John Wheeler

Will Flanders

Paul Hollings

Faith Williams

Susan Durkee

Absent: None

Administrative Assistant: Absent

Guests: Randy Crochier

The meeting was called to order at 6:06 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Minutes**

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

A motion was made by Paul, seconded by Faith, to approve the minutes of November 12. Roll call vote: Will – aye; Paul – aye; Faith – aye; John – aye.; Susan – abstain. Motion passed 4-0-1.

**ANR Plans/Subdivision** – None.

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

**Appointments** – Health Agent Randy Crochier

**Short-term rental bylaw** – Health Agent Randy Crochier was present to discuss the short-term rental bylaw. He had several minor additions to the bylaw including the idea of citing MGLs that already exist giving the Board of Health authority to do inspections. He also wanted the words “or designated agent” to be added after Board of Health. As the designated agent, Randy does inspections, but only under the authority of the Board of Health. The permitting process was discussed at length. The initial permit is not granted until the premises has passed inspection and permits are good for a year, expiring at the end of the calendar year. Subsequent inspections must be done annually but not necessarily before a permit is renewed. It was mentioned that while the available long-term rentals in Franklin County are almost non-existent, there are over 400 short-term rental units in the county. The initial application needs to be signed by the Board of Health, Building Inspector, Fire Chief and Tax Collector. Town Clerk Joe Judd feels that someone from the Planning Board should also sign off, but the Board did not understand Joe’s reasons. Randy suggested showing the bylaw to FRCOG planner Megan Rhodes for her input.

While Randy was available he was asked his opinion on the other proposed bylaws. Regarding the MFE bylaw, Randy said health inspections were governed by MGL. The application for MFEs should include proof of inspection by the Board of Health and the Fire Department. In regard to the battery storage bylaw, Randy said he knew of a study being done to determine if there were any public health issues associated with battery storage facilities.

**OLD BUSINESS**

**2024 Bylaw Update** – The bylaws have been approved by the AG’s office. A notice of the approval has been in the *Two Town News* and has been duly posted in public areas around town.

**Clerical Assistant Update** – Will and John were supposed to have met with the Selectboard but that meeting has been postponed until December 16. There is an issue with logistics. It is believed that Faye would need to resign before a new person could be hired, but it would be best if Faye could stay until after Town Meeting as this is a busy time of year for the Board. Faith would like to have someone who was able to attend meetings. She added that the Board was not suffering, but would welcome someone who was able to put in more hours. Will thought it would be a good idea to have a new person shadowing Faye.

**Open Seat on Planning Board** **and Term Dates** – The open seat has been filled by Susan Durkee. There was a discussion regarding whether the term dates on the website were correct. Susan’s is correct as she was only appointed until the next election. Faith (2028) and Paul (2029) seem to be correct. Will’s term is most likely correct and he would be up for re -election in 2025. John thinks his term is incorrect. John will check with Town Clerk Joe Judd.

**Discussion of planning for next year** –

The discussion started with finalizing the meeting and hearing schedule from now until Town Meeting in May.

**Short-term rental bylaw** – See discussion with Randy Crochier.

**Mobile food establishments (MFEs)** – Paul suggested that the purpose of having this bylaw should be in writing explaining why the Planning Board is putting this forth. Health and safety issues are already covered by state laws. Will said there had been some issues with MFEs which the ZBA pointed out had no regulations so there was nothing to enforce. Will didn’t want to see mobile or temporary buildings on every empty lot. Susan said temporary structures do not represent a long-term commitment to the town. Permanent structures are a better fit for the town and help to maintain town character. Will said there are already prohibitions on mobile homes in town, this bylaw would just be an expansion of that bylaw, plus MFEs would have some codified regulations. Faith agreed to write a preamble for this bylaw. People who have existing MFEs will be contacted about this bylaw and asked for their input and be invited to the informational meeting. Other things discussed included the length of a temporary permit and where MFEs may be parked. It was decided to remove the part about them parking on sidewalks.

**Accessory Dwelling Units** – This bylaw was basically just adapting the state definition and adding a line about parking.

A brief discussion was held on why the bylaws prohibit having two uses on one property. No one was sure of that answer.

**Battery storage bylaw** – Paul thought the purpose of this bylaw was to restrict where such units could be located and wondered why they would be allowed in the commercial zone. The state will not allow local bylaws to be too restrictive but perhaps the size of the units could be restricted and perhaps such units could be restricted to areas in conjunction with an energy facility. It was decided to add that such facilities must be 1,500 feet away from the closest dwelling. Discussion on bonds was held. Will was concerned that when the time came to dismantle such units, either the original company would not be around or there would not be enough money for the town to hire someone for the dismantling. It was hoped that language could be added to indicate that the parent company would be responsible for any bonds.

**NEW BUSINESS**

None.

**Committee and Regional Project Updates –** None.

**Two Town News** – Faith will write something about the upcoming information session and one or two public hearings. She may also create a notice about the search for a new Administrative Assistant.

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

**Public Comments –** None.

**Schedule Next Meeting** – The next meeting will be on January 7, at 6 p.m., at the Town Hall.

At 8:31 p.m. a motion to adjourn the meeting was made by Faith and seconded by Will. Roll call vote: Will – aye; Paul – aye; Faith – aye; Susan – aye; John – aye. Motion passed 5-0-0.

Respectfully submitted,

Faye Whitney

Administrative Assistant