Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting ~ February 4, 2025

A duly posted meeting of the Shelburne Planning Board was held at the Town Hall meeting room, on Tuesday, February 4, 2025.

Present: John Wheeler

Will Flanders

Paul Hollings

Faith Williams

Susan Durkee

Absent: None

Administrative Assistant: Absent

Guests: Andrew Fabin, Crystal Stinson, Nicole Johnson, Julio Dejesus, Yassen Abdelgawad, Hamdy Abdelgawad, Zakaria Abdelgawad, Cody Ryder, Bob Pollock

The meeting was called to order at 6:07 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Minutes**

A motion was made by Faith, seconded by Will to approve the minutes of December 3. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

A motion was made by Faith, seconded by Susan, to approve the minutes of December 30. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

A motion was made by Faith, seconded by Will, to approve the minutes of January 7. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

A motion was made by Faith seconded by Will, to approve the minutes of January 21. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

**Mail, Memos, and Other Correspondence** – An email had been received from Ashfield’s Town Administrator asking if any area towns would be interested in sharing a planning person. The Board thought this sounded like a good idea, but there is not time to do anything about it this year.

**ANR Plans/Subdivision** – None.

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

**Appointments** – None.

**OLD BUSINESS**

**2024 Bylaw Update** – The updated bylaws are not on the website as yet.

**Clerical Assistant Update** – The CPC planned to interview three applicants. One person did not show up and the other two were not interested after their interviews. Susan had volunteered to help. She cannot help with the Planning Board since she is a board member. She may be able to help with the CPC. Ethics will be consulted.

**Planning Board** **Term Dates** – John checked with the Town Clerk the dates have been clarified and updated on the website.

**Discussion of Proposed Bylaw Changes for 2025** –

**MFE Bylaw** – After further discussion with Town Counsel, and considering that the existing MFE is allowed in the Village Commercial zone as “food service, other,” Counsel said Asma’s Kitchen would be grandfathered. Counsel also suggested a better way of framing a MFE bylaw but there is not enough time left to do that for this year. Bob Pollock, representing Asma’s Kitchen, suggested if the town wanted to control MFEs, they could not allow them by right, but then address Asma’s as a non-conforming lease. A motion was made by Will, seconded by Faith, to defer the MFE bylaw until next year. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

**Short-Term Rental Bylaw** – Paul had made several changes as suggested by Town Counsel and had changed the wording regarding insurance. Crystal Stinson asked about the definition of “owner-occupied.” In her case she owns a business on the ground floor and has a rental on the second floor. She is at the business every day but does not live in the building. The definition says that the short-term rentals must be in a portion of the “primary residence” of the owner. Crystal’s building is most likely classed a commercial building, not a residential building. Will said there might be a way to handle this sort of situation but not in time for the bylaw to be changed this year. He suggested that the bylaw be presented as written and perhaps amended in the future. Crystal asked if parking needed to be available year-round. Since her existing short-term rental will be grandfathered, the new parking requirement will not be enforced in her case. Any existing short-term rental will be grandfathered if it is already in compliance with state and Board of Health regulations. A motion was made by Will, seconded by Susan, to approve the short-term rental bylaw as discussed on February 4, 2025 and take it to the public hearing. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

**ADU Bylaw** – A revised version of the proposed bylaw had been received from Town Counsel just prior to the meeting. It incorporated all of the information provided by the state. The board decided to change the wording regarding curb cuts, since Shelburne already has a curb cut approval procedure. Discussion followed on whether this bylaw applies to only single-family dwellings or also to multi-family dwellings. Some thought the language referring to “principal” dwelling meant ADUs were allowed as long as the owner lived there. Will disagreed and did not think that principal dwelling meant the owner had to live there. The Board eventually interpreted principal dwelling as wherever the owner designated it. Town Counsel had suggested simply following the state’s wording, which will most likely be changing in the next year or two. A motion was made by Faith, seconded by Paul, to approve the ADU bylaw as discussed on February 4, 2025 and take it to the public hearing. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

**Battery Energy Storage Systems Bylaw** – Town Counsel had made very few changes to this proposed bylaw. The certain limit or whether a fire suppression system could be required. Battery storage units are new technology. It is expected that the science will catch up to the problems. It was decided that it was better to get something in place with the possibility that the bylaw could be amended next year or in the future. A motion was made by Susan, seconded by Faith, to advance this bylaw to the public hearing.

**NEW BUSINESS**

**FY’26 Budget** – Discussion was held on the amount to budget for legal advice and for clerical assistance. It was decided to present a level funded budget with the exception of clerical, which would receive the same across the board wage increase as every other town employee. A motion was made by Faith, seconded by Paul, to approve the budget as listed on the budget sheet. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

**Town Report** – John will write a report and share it with the others.

**Committee and Regional Project Updates –** John had attended the most recent meeting of the Franklin County Regional Planning Board. The meetings will now be held semi-annually instead of monthly. John said nothing else discussed affected Shelburne.

**Two Town News** – Faith will write something for a future issue encouraging people to come to Town Meeting. Also mentioned will be that Asma’s Kitchen food truck will be grandfathered and that the MFE bylaw has been withdrawn for this year.

**Other business not reasonably foreseen 48 hours prior to the meeting ­**– Faith asked where to send the proof of completion of her conflict of interest training. It was thought that it should go to the Town Clerk.

Faith asked if it would be appropriate to ask attendees at the public hearing if they had any thoughts on what might be needed for future bylaw changes. Paul said at the information meeting people mentioned affordable housing and support for the business community. It was thought that in the future someone from the Franklin County Regional Housing Authority might be invited to attend a meeting.

**Public Comments –** Cate Chadwick, who acts as a volunteer coordinator for the business community, said she is involved with the FRCOG’s Rural Downtown Development grant program, which includes Shelburne Falls, Turners Falls, and Northfield. The plan is for a regional coordinator to be hired. Each community would have a working group to decide what tasks they want help with. She also mentioned that since the demise of the business association a few people have continued fundraising efforts on behalf of the business community. Cate said it was time to set business priorities and how best to accomplish them, Representatives from the business community might like to meet with the Board in the future.

**Schedule Next Meeting** – The next meeting will be on February 25, at 6 p.m., at the Town Hall. The public hearing will begin at 6:30 p.m.

At 7:40 p.m. a motion to adjourn the meeting was made by Paul 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