

TOWN OF SHELBURNE Planning Board
Minutes of Meeting
Wednesday, November 7, 2012
Memorial Hall

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, November 7, 2012 at 7:00 PM.

Present: Matt Marchese, Chair

Doug Finn

John Wheeler

Absent: Beth Simmonds

Audience: Mike Parry, Deborah Andrews, Judy Truesdell, Ray Hartman

Meeting was called to order at 7:00 AM. Liz noted that Beth Simmonds had sent an email late that afternoon saying that she had been delayed out of town and wouldn't be able to attend this evening.

Approve Minutes: Doug moved to approve the minutes of Oct. 17 as written and submitted.

Seconded by John.

Vote: 3 in favor, 0 opposed, 0 abstentions

Old Business:

Wind Turbine Moratorium: Matt asked for feedback from the board on the Tighe & Bond presentation; the end of the year is coming and we have to finish by Dec. 31st. The board needs to identify the areas we want fleshed out into a draft premises use bylaw that Tighe & Bond could present at a meeting in December. The Board will be able to continue fine tuning this bylaw prior to a public hearing and proposed submittal to Annual Town Meeting.

John thinks it is a good idea to get some public input as soon as possible to help with further refining the direction to go. Matt said the plan is to get a skeleton or draft bylaw from Tighe & Bond and then keep working on it. All the standard sections you regularly see in bylaws will have to be addressed. John said that noise, setbacks and health are the key places to start. Doug asked if we are just talking about small/premises use or are we going to get into larger scale too. John noted that there would be some overlap. Doug said that he doesn't think the small wind turbines would produce as many problems. Matt noted we will have our hands full just getting a small scale wind bylaw done by Town meeting. Doug thinks we should work with the small scale wind and get ready for Town Meeting. Since commercial is banned, let's focus on the small scale. John agreed that since almost half of our year is up, we should really focus on small scale.

Matt noted the last time he talked with Town Counsel, she had felt that one year was a reasonable time frame for a moratorium and anything in excess of three years would become a problem. As we get into public comment, if it seems that we need another year, Matt thinks that is something we can talk to Town Counsel about --show what we have accomplished, and consider an extension but only if needed.

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Matt noted that it really comes down to siting issues whether large or small, and we may want to seek funds for mapping studies and analyses.

Doug noted there is an example of a small scale wind turbine at Diemand Farm in Wendell that other people may be interested in. Liz told the Board she had visited their farm at an open house over the weekend. They have a vertical wind turbine installed by Urban Power USA of Easthampton. It is a totally different design and the Board may want to make a site visit. John said he knows the owners and would be able to talk with them to arrange such a visit.

Matt moved that we proceed in asking T&B to develop a skeleton bylaw identifying the key areas that need to be addressed and that in tandem we schedule a public meeting for input on those areas. Seconded by John.

Vote: 3 in favor, 0 opposed, 0 abstentions.

Windpower Advisory Committee:

Matt reminded the Board that at our last meeting he read into the record the 11 requests to serve on the wind advisory committee and it was the preference of the board to have an opportunity to review the applications and act on them at this meeting.

Doug asked if we want 11 on that committee, more or less. Matt asked Liz if we had heard from other boards, besides Lowell Laporte on the ZBA, and Liz said no. If we hear from another board, we can give them an ad hoc seat. As far as more people, Matt noted that one individual is not from Shelburne. A notice was posted and it was in the local papers so anyone who wants to participate has been given the chance to apply. John thought we should leave it open to representatives from other Boards, especially the Board of Health. Matt asked Liz if the Board of Health had responded to the email invitation to participate. Liz responded that the Board of Health had read the email and were very aware that they would be involved in some capacity in the process.

Matt moved to request the Board of Health to notify the Planning Board in what capacity they would like to be involved in this discussion as it relates to the Wind Advisory Group in light that we have identified health concerns as a major area as the process proceeds. Seconded by John.

Vote: 3 in favor, 0 opposed, 0 abstentions.

Doug said he has no problems with the applicants to the Wind Advisory Committee. He has reservations about the one who lives out of town. John said that he had read the letter and wondered if he had input that might be appropriate. Liz and John noted that the address he listed looked like an office in Greenfield and after checking the town street list, it appeared that he is a resident of Shelburne.

Matt said that he has read the letters and he does have a concern that some of the applicants have attended meetings and stated that they have looked at wind and have stated that there is no wind that they like. Matt noted we had stated in the public notice that we would like participants who are impartial and therefore he has some reservations about impartiality. Matt said that Judy Truesdell had offered to serve as clerk to the board but didn't feel qualified to be a member. Matt noted that Judy in his mind could also serve on the board not just be the clerk.

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Matt suggested that if everyone on the board agrees on certain people that they be appointment. If we wanted further discussion about certain individuals, we could put off considering their appointment until next meeting when at least 4 members of the Board are present. Matt noted that Beth had planned on being here but had been delayed out of town. Doug agreed to this process. John said that he has no problem with anyone. Matt said that he wants people to understand that he is also not against anyone but he feels that as the Town representatives on this issue, the Board has a responsibility to have a discussion about each applicant. John said he feels that the applicants represent a full range of viewpoints. John and Doug noted that Eugene Butler has a professional history of installing wind turbines.

Matt said he was hesitant to make appointments tonight since Beth couldn't join us, even though she may have had to recuse herself on certain individuals. There is a difference between having all perspectives represented and having people who are open minded. Doug noted that you have to have a group of people willing to work together and respect each other's ideas. John noted that hopefully they will be able to come up with a common perspective. John noted that in Ashfield, they didn't come to a complete consensus and had both minority and majority reports. Matt noted the intent of our group was to bring the pros and the cons regarding specific issues to the Board so the Board can use that information to make decisions. Doug would like to hear a set of benefits and liabilities that will help the board come up with the bylaw.

Matt opened public comment relative to the Wind Advisory Committee. Deb Andrews referred the Board back to the Rennsalear study. They had participants with all different viewpoints. She suggested that as long as the charge to the committee is clear, the Board can just let the committee do their work. She suggested going back to review the charge given to that committee.

Mike Parry said that everyone he works with on wind are still trying to educate themselves. He thinks it would be helpful to review what has been said at public meetings because he doesn't remember people making statements such as Matt has referred to. He agreed with Deb's comments, that maybe the Board should just let the group work on issues without second guessing how people are going to behave.

Judy Truesdell asked for a clarification of the type of tasks to be given to the committee. Judy thought this committee would be coming up with a report(s) that provides information regarding specific issues and not recommendations. Doug said that he would like to hear pros and cons to help the Board make their decisions.

Ray Hartmann noted that he is not necessarily against wind, but he is very concerned about large scale. He asked if the Board was going to ask the committee about the full array of wind turbines? Matt noted that it would be the purview of the board what tasks they send to the committee and at this point it appears that the Board is focusing on small scale premises use. Matt noted that he has looked at both the Rennsalear and Ashfield studies and their objectives were different from Shelburne's. He understands that each had a clear set of goals for their process.

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Matt said that at the next meeting we should revisit our original motion to establish the committee and to develop a mission statement. Ray asked for clarification on would the committee be asked to conduct research or develop pros and cons as well. If so, it might be good to have people representing all viewpoints.

Matt stated he agrees with both Doug and John that he doesn't have a concern about those who have applied but he is most concerned about making sure the group can work together. Matt said that he is really concerned about waiting for Beth to be present to make the appointments and he certainly does not want to have offended anyone with his comments this evening.

Doug made a motion that we will wait until Beth is here and to have a better understanding of what we want the committee to do. Seconded by John.

Discussion: John said he would rather go ahead and seat the committee and then work on clarification of the committee's mission with Beth present. Matt asked if we have any tasks to give the committee. John agreed that we don't at this time. Matt would rather wait to seat them until we have a clarified mission and tasks to give them. John said it seems like the sooner we get going on the process the better and he sees no reason to not appoint them tonight. Doug said he understood what John was saying and we could appoint them tonight and then at the next meeting develop the mission statement for the group. Matt noted that if we wait, we should send an email to the applicants apologizing for the delay. Matt said that if we had a task to give them, it would make sense to proceed but since we don't he felt we should wait for Beth.

Mike Parry noted if you appoint the committee tonight, they could be encouraged to visit the Diemand Farm turbine and visit Doug Mason's turbine at his home in Heath. Judy pointed out that it will take time for the committee to just organize, e.g., finding out when they can meet. Deb noted that until there is a mission for the committee she doesn't see a value in forming the committee.

Matt Moved the motion "*Doug made a motion that we will wait until Beth is here and to have a better understanding of what we want the committee to do:*"

2 in favor, 1 opposed (John Wheeler), 0 abstentions.

Matt asked Liz to email the applicants and say the Board will make appointments at their next meeting and suggest that they should feel free to do their own research on premises use wind in preparation. Matt noted that at the next meeting, we will seat the committee and if Beth can't make it she will be asked to submit her comments ahead of time.

Draft Subdivision Rules & Regulations for the Town of Shelburne:

Matt asked Liz contact the Selectboard seeking help in finding the resources to help the Board review the draft subdivision regulations.

Update on the general zoning bylaw revision process :

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Item #1- clarifying the 35 day review of proposals by the Planning Board. Matt asked Liz if the ZBA had approved their new rules and procedures and she reported yes that they voted approval of them pending Town Counsel review. Matt asked Liz to report back if this doesn't go through.

On Item #3, the Attorney General's letter in regards to recommended revisions to our zoning bylaw. At our next meeting board members should come prepared to review each item on the list. For the next meeting, the board should review the Attorney General's letter against the list and revisit the minutes of the Sept. 13th joint meeting with the ZBA.

Solar power, we have received a copy of the Heath solar power bylaw. Under New Business at our next meeting we will add a review of the Heath Solar Bylaw. The Board was asked to review the bylaw, come ready to discuss whether we think it will work as a template for Shelburne, and substantively if there is anything that just doesn't work for Shelburne. Matt would like to parallel track it along with wind. John and Matt both noted that on first review it was a good bylaw to start with. Liz will email it to everyone on the Board and to those in the audience who requested a copy.

**New Business:
Committee Updates**

Open Space – Doug went to the Open Space forum last week. Residents broke up into different groups to discuss issues relating to different areas addressed in the Open Space plan. Doug said there were about 50-60 people there. There were lively discussions by each group. John was there too. Both John and Doug thought it was a productive meeting. The purpose is the update of the Open space plan. Matt noted that the West County incorrectly reported the meeting was to work on the Master Plan. Doug noted the open space committee is looking for enough money to fund a full update of the plan.

Long range planning proposal by Whit Sanford. At our last meeting, the Board tabled her proposal until this meeting. Matt suggested that the Selectboard should review Whit's proposal. Matt asked Liz to forward Whit's presentation materials and ask the board if they would be willing to hear from Whit. Liz was asked to let the Selectboard know that the Planning Board likes the concept of her proposal but feels that our part is just part of a bigger picture in which the Selectboard would have to be involved.

Matt moved to forward the documents received from Whit to the Selectboard with the request that they review them and to let the Planning Board know if it is something they would like to move forward with. Seconded by Doug.

Vote: 3 in favor, 0 opposed, 0 abstentions.

Other Business: none presented.

Read Mail: The board read notices from other towns regarding public hearings, recent emails regarding wind health impacts, a letter from Matt to the Selectboard noting that the Board needs additional funds to support the board clerk, information on planning for a Community Development Block Grant, information on new official identification badges for Boards to use when making site visits. Matt asked

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Liz to find a location for the badges in our locked files and to check with Terry to see if additional keys had been made.

Public Comments: Ray Hartman noted that his email had included 5 pages of attached letters from people experiencing noise impacts from the Lowell turbine. Liz noted that due to budgetary constraints, the Board was asking everyone who submits emails with several pages of attachments to also send paper copies so that we can include them in our files. Ray said he would drop off copies at Town Hall from now on in addition to emailing them.

Mike Parry noted that several local towns are all working on both wind and solar bylaws and it makes sense to network or possibly hold a joint meeting to share information.

Schedule next meeting: Matt will talk with T&G about a meeting the last week of November, preferably the 28th, to continue the process of developing our draft bylaw. Our next regular meeting will be the 12th of December.

Doug made a motion to adjourn. Seconded by John.

Vote: 3 in favor, 0 opposed, 0 abstentions.

The meeting was adjourned at 8:50 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

Approved: _____ Date: _____