

**TOWN OF SHELBURNE
Planning Board
Minutes of Meeting
February 12, 2014**

A duly posted regular meeting of the Shelburne Planning Board was held on Wednesday, February 12, 2014 at 6:00 pm at the Buckland Shelburne Elementary School, 75 Mechanic St., Shelburne Falls.

Present: Matt Marchese, Chair
Beth Simmonds, Vice Chair
Doug Finn, Secretary
John Wheeler
Cam Stevenson

Administrative Assistant: Liz Kidder

Absent:

Audience: John Taylor, ZBA, Mark Wightman, Mike Skalski,

Press:

The meeting was called to order at 6:08 pm.

The Board reviewed the draft minutes of the January 15, 2014 meeting. John noted a correction on the 2nd page, 2nd paragraph – 5 dBa should read 10 dBa. Beth noted a need to correct the last two lines of the 3rd paragraph on page two and they were corrected to read “In areas where the ambient noise level is 27dBa or greater, the maximum noise increase allowable would be 5 dBa.”

Moved to approve the minutes as corrected was made by Doug and seconded by John.

Vote: 5 in favor, 0 opposed, 0 abstained

NEW BUSINESS

Sign Bylaw Section 9 revisions prepared by ZBA – Matt welcomed John Taylor of the ZBA to the meeting. John T. and Matt noted that issues related to enforcement of the sign bylaw had been raised in a past joint meeting of the Board and the ZBA. The ZBA has spent quite a bit of time over the past year reviewing and making proposed revisions to Section 9 Sign Regulations. The draft revisions are being presented to the Board for review prior to a public hearing that will be held during the Planning Board’s next meeting in March.

John T. reported that the ZBA had met with the Selectboard and the building inspector to discuss concerns regarding consistent enforcement of the Town’s current sign regulation bylaw. The building inspector identified the areas of the bylaw that he felt needed clarification based upon past his past experience as the person responsible for enforcement. One of the main issues related to off premises signs, temporary, and portable signs.

The ZBA basically took a lead and researched other town’s sign regulations for guidance. In the end, they decided to do an entire rewrite of the Shelburne regulation instead of trying to do numerous edits. John T. noted they spent a lot of time trying to think through different situations, many “what ifs”, and relate the situations to the character of the Town. For examples, “sandwich board” signs can be seen as fitting into Shelburne’s character within certain parameters. In some towns, they are licensed and there is an annual fee applied. John T. said the ZBA really tried to think through the needs of Shelburne, its businesses and had communicated with the Shelburne Falls Business Association as well. The draft bylaw contains language that is both from the current bylaw as well as from regulations in other towns.

Matt asked if the ZBA had reviewed whether farm and farm stand signs can be regulated in light of right to farm legislation. Matt said he asked Town Counsel who thinks that farmers have the right to farm but you can regulate their signage but she is further researching this question. Matt asked if there was a section that would allow for waivers to the bylaw through a special permit and John said no.

Approved: _____ Date: _____ 1

John T. noted that Jim Hawkins had wanted the bylaw to be written in very clear language, reducing an applicant's misreading of it. For example, under the draft Section 9.6. "Signs permitted off-premises". Jim Hawkins would like stronger language such as: "Off-premises signs: signs are permitted off-premises if you meet the following:".

Beth asked about tag sales signs. John said the board may want to add a section 9.7.7- signs advertising temporary tag sales, garage sales, etc. Matt asked if there had been specific complaints identified by the Building Inspector. John said most of the complaints seemed to be about temporary signs along Route 2.

Matt asked about the farmer's market signs since it seems that under these new regulations the farmers markets signs could not be on the streets all summer long. Beth asked about the Shelburne Falls sign located on the Kenburn Orchard property on Route 2. John T. noted that the Building Inspector had told the Business Association, which put up the sign, they had to contact the Selectmen to get the sign designated as a necessary municipal directory which they did. Matt and John T. both discussed grandfathering based upon when the bylaw is passed. Matt asked if there were some specific size changes in the revisions. John T. noted the actual sign dimensions are smaller – 8x8 instead of 10x10. This reduction was based upon a comparison with dimensional regulations in other towns. Beth asked if there was anything that says you can't tack your tag sale sign on the telephone pole at the corner; John said that Section 9.2.3 addresses this issue.

Matt noted that the next step would be to put this out for public comment and then a public hearing. Matt asked John T., or another member of the ZBA, to be at that hearing to explain how the bylaw was developed. Matt noted that he would ask Town Counsel about right to farm and grandfathering issues. John said he will send an email it to Liz with his additional notes. It will not change the ZBA vote but it will include his interpretation of the questions raised tonight.

Matt said that March 12th would be our next regularly scheduled meeting. The Board agreed to meet at 6:00 pm again and hold a public hearing relative to the Section 9 revisions at 7:00 pm that evening. It was agreed to hold the public hearing on the revised Subdivision Regulations at the Board's April meeting.

Matt asked if there were any other thoughts or questions. Both Cam and John stated their appreciation for the work down by the ZBA, recognizing how much time was spent on this revision. The whole board agreed that it was ready to go to public hearing.

A motion to take the draft revisions to "Section. 9 Sign Rgulations" prepared by the ZBA to public hearing on March 12th at 7:00pm was made by Doug and seconded by Cam.

Vote: 4 in favor, 0 opposed, and 1 abstention by Matt Marchese.

A motion to take a short recess was made by Matt and seconded by John.

Vote: 5 in favor, 0 opposed, 0 abstentions

The meeting was recessed at 6:55pm to hold a public hearing on a Draft Premises Use Wind Energy Facility Bylaw. The Planning Board meeting was reconvened at 8:45pm.

Other business not reasonably foreseen 48 hours prior to the meeting: Matt noted that the Board had received an ANR on the former Rainville property at 247-251 Main St. The applicants propose to subdivide the property into 5 potential building lots along Main St. with the ownership of part of the back section of the property being deeded to the Massachusetts Audubon Society since it is adjacent to their "High Ledges" property. It was noted that the Board has 21 days from the date of submittal to approve an ANR and therefore the Board conducted the review this evening since their next meeting would be after the deadline. The Board reviewed the plan with applicants Mark Wightman and Mike Skalski and determined that it met the requirements for "Approval Not Required" under the subdivision regulations.

A motion that the planning board approve the ANR as presented on the Rainville property, at 247-251 Main St., for five lots was made by Doug and seconded by John.

Vote: 5 in favor, 0 opposed, 0 abstentions

Community Garden Proposal – Shauna Lynn: Matt read an email from Shauna Lynn regarding her interest in starting a community garden in Shelburne Falls. Her first choice site is at BSE. She was looking for guidance from the Planning Board on what the permitting process would be. Liz explained that she had informed Shauna that she could be on the agenda tonight

Approved: _____ Date: _____ 2

but that the Planning Board did not have permitting authority over the use of town property. After conferring with Terry Mosher she also emailed Shauna to let her know she would have to contact the School district which has authority over the uses of the BSE property. Liz had also referred Shauna to the Open Space committee or the Agriculture Committee for advice and support and notified her that there are maps at Town Hall that may help her in her search for a site.

Planning Board Budget for FY 2015: Matt noted it is time to submit the Board's budget request for FY 2015. He asked what projects the Board is going to work on next year, noting that he had already given notice that he will not be running for office again. After discussion, the consensus of the Board was to work on :

- Large-scale ground-mounted solar energy facilities bylaw,
- Revisions to the Town cluster bylaw,
- Continuing to work with the ZBA on modifications and revisions to the zoning bylaws
- Developing Planning Board special permit procedures/guidelines as recommended by Donna McNichol
- Conduct a major clean out and organizing of the Board's filing cabinets to be in compliance with the records retention requirements.

Matt noted that the current budget was based upon up to 3 public hearings/extra meetings/year. Doug suggested increasing their administrative assistant's hours to help with the efforts to organize the Board's records. The Board consensus was to request an increase in part-time clerical help by 20%. Matt asked Liz to notify Terry Mosher by email and he would follow up with the signed budget spreadsheet.

Subdivision Regulation Revisions: Liz Kidder distributed copies of revised forms for use along with the Shelburne Subdivision Regulations which are based upon the forms contained in the recently approved Orange regulations. Liz noted that Town Counsel had encouraged the Board to look at the Orange regulations as an example to follow; she felt Peggy Sloan had done an excellent job assisting with those regulations. The Board started a detailed review of draft Shelburne Subdivision Regulations that had been prepared by Liz. It was decided the Board would continue this review at the March meeting, hoping to have them ready to take to public hearing in April.

Draft Premises Uses Wind Energy Systems Bylaw: Matt noted that the public hearing record for tonight's hearing is open until end of business on Friday. Matt asked Liz to distribute for review any comments that are received. At the March meeting the Board will take up a final review of the bylaw. Matt asked each member to come prepared with any proposed edits to the bylaw and the board will go through every suggestion to finalize the Bylaw for submittal to the Selectboard.

Matt talked to Donna today and discussed how this bylaw might be affected by "right to farm." She suggested that if a farmer said he needed to have a windmill to farm, that it might be exempt from the bylaw. She is going to set up a conference call with the Attorney General's office that reviews bylaws and ask them to look at Shelburne's draft and try to get feedback on whether they will approve this bylaw. Matt noted that other issues he is discussing with Donna and the AG's office include: if the bylaw is so restrictive that it is in essence a ban, will that be allowed; and would the AG approve a bylaw that would require a special permit for every wind turbine installation.

Beth noted that she appreciated Matt's passion and knowledge that he has brought to the development of this bylaw. Cam and the rest of the Board agreed and thanked Matt for all of his efforts.

Old Business:

- **Local Technical Assistance Grant** request update - Liz reported that as of Monday, Terry Mosher said there had been no word on the grant requests.
- **Community Energy Strategies Pilot Program** update - Matt noted that the project did another round of questions and comments and are getting ready to make recommendations back to the communities at a meeting in early March.
- **EBI Consulting/AT&T Mobility proposed telecommunications facility installation at 69 Colrain Shelburne Rd.** - Matt read a letter written to the EBI Consultants from the State Historic Preservation Office at Mass Historical Commission regarding this proposed cell tower. In that letter the MHC requested that "a viewshed analysis, including a balloon test and/or photosimulations be conducted for the project." Matt asked Liz to write to the State and ask that the Planning Board be included in the list of recipients for the results of the balloon test.
- **National Forest proposal:** Liz distributed a copy of a meeting notice regarding a Community Partnership to Discuss a New Forest Designation to be held February 26, 2014 at the Shelburne Buckland Community Center.

- **Open Space Plan letter:** the Board reviewed a draft letter of support for the open space plan and Matt asked Liz to email it to him so he can sign it.
- **2013 Planning Board Annual Report:** the Board reviewed a draft annual report for submission to the Selectboard. Matt is going to add a personal note since he is not running for reelection and will get that to Terry.

Committee Updates

- **FRCOG Planning Board** - Cam was unable to attend since it was scheduled for the same night as the training session with Town Counsel.
- **Open Space** - John reported that the focus of the last meeting was an in-depth review of the draft wind bylaw.
- **Long Range Planning** - Doug report that they met at the Senior Center with representatives from all participating towns to discuss their future needs. They are outgrowing their space since the senior population is growing and they would love to have much better space. They need to have private rooms for the nurses, private consultations, etc. They have outgrown the facility and they are looking. Doug said the selectmen are looking at other options for town offices and the police department including the possibility of the Arms Academy, seeing if the Historic Commission could move into Memorial Hall.

Read Mail - mail included: an email on flood insurance certification from John Taylor, 4 notices of public hearings in Greenfield, a brochure from FRCOG on recreation projects in the area.

Public Comments - none presented.

Schedule next meeting: as earlier discussed, the next meeting of the Planning Board will start at 6pm on Wednesday, March 12th and they will hold a public hearing on the sign bylaw revisions at 7pm.

A motion to adjourn was made by Doug and seconded by Cam.

Vote: 5 in favor, 0 opposed, 0 abstentions.

The meeting was adjourned at 10:16pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant