

**TOWN OF SHELBURNE**  
**Planning Board**  
**Minutes of Public Hearing March 16, 2016**

A duly posted Public Hearing of the Shelburne Planning Board and Board of Selectmen was held on Wednesday, March 16, 2016 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board  
Robert Manners, Chair Board of Selectmen  
Will Flanders,  
Josiah Simpson  
Cam Stevenson

Administrative Assistant: Liz Kidder

Absent: George Dole notified the Board he was unable to attend.

Audience: Tom Miner, Deb Andrews

Press:

**The hearing was called to order at 7:10 pm.**

John Wheeler welcomed everyone and announced that the purpose of the Hearing was to review:

- REVISIONS TO THE SHELBURNE ZONING BYLAW: SECTION 20 AMENDMENTS, SECTION 13.4 CLUSTER, SECTION 4.3 USE TABLE;
- PROPOSED SHELBURNE SUBDIVISION REGULATIONS;
- DRAFT SHELBURNE LOCAL ROAD PRESERVATION TOWN BYLAW;
- PROPOSED SITING LARGE SCALE INDUSTRIAL AND COMMERCIAL FACILITIES TOWN BYLAW.

John noted that copies of the proposed bylaws and revisions were available for review in the Town Offices for the last two weeks.

**PROPOSED REVISIONS TO THE SHELBURNE ZONING BYLAW** – John noted that if the Open Space Development(OSD) Bylaw is approved at Town Meeting that the following revisions to the zoning bylaw need to be made:

- Section 19 Amendment needs to be renumbered to Section 20.
- If the OSD bylaw passes, adding a new Section 19, the existing Section 13.4 Cluster Housing will be deleted.
- Amend Section 4.3 if OSD passes – deleting the cluster housing line under the use table.

No public comments were presented on any of the above zoning bylaw revisions.

**PROPOSED SUBDIVISION REGULATIONS AND FORMS** – Liz reported that the Planning Board had not received any written comments on the proposed regulations since the last public hearing held on February 24<sup>th</sup>. John noted that that the current regulations were last updated in 1988, 28 years ago. He explained that these are internal regulations to the Planning Board which are adopted by a majority vote of the Planning Board and do not go to Annual Town meeting for a vote.

John noted that at the public hearing on February 24<sup>th</sup>, the question of how do the proposed regulations compare to the current regulations was asked. John said the process and procedures of the two regulations are very similar there is just more detail to each section. John noted that if there are no significant changes to the public hearing draft, the Board can adopt these regulations as written at a Board meeting. If there are significant changes based upon comments at this public hearing, then the Board would have to hold another public hearing before they could be adopted. Will noted that Section 2.8--OSD will only take effect if the OSD Zoning Bylaw is approved at ATM. Will also noted that the definition of roads has been modified in the draft regulation--there is a new definition of minor roads that in effect, creates the possibility of a shared driveway to be maintained by the homeowners association or those using the driveway.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 1

John went through the regulations section by section including the appendices and forms opening the floor to any public comments.

Tom Miner said his initial reaction is that this draft is more appropriate for a suburban town rather than Shelburne. He apologized for not having read them before the hearing to prepare specific comments. Will said that if Tom wants to prepare specific comments, the Board can consider them in the future. Tom asked if the Board had worked with the FRCOG to develop the regulations. Liz noted that the draft used by the Board had first been developed in about 2007 with assistance from the FRCOG planning staff. The Shelburne Town Counsel had recommended that the Board review the recently adopted Orange Subdivision Regulations as well. The Board used both versions to finalize the public hearing draft currently being reviewed. Tom Miner asked if there have been any subdivisions developed in Shelburne in recent years. John noted that the Board has not seen any plans except some ANRs. The Board felt it was the time to update the regulations when there are no projects for review before the Board. The Board noted that there is the option for waivers in appropriate situations, especially for smaller projects.

**PROPOSED LOCAL ROAD PRESERVATION TOWN BYLAW** - John noted that this Town Bylaw was not created by the Planning Board. The public hearing draft was based upon a model bylaw distributed by the FRCOG and included comments from the Planning Board. The FRCOG had also forwarded an additional paragraph that provided for an exemption for current agriculture and forestry operations which was supported by the Planning Board. John noted that the Board had received a letter from Larry Flaccus with both questions and several editorial suggestions. John read all of the comments into the record and the letter is attached to these minutes. Will noted that since it is a Town Bylaw and not a zoning bylaw, that the final version of the bylaw will be prepared by the Selectboard and it will be up to them to decide if the bylaw will be added to the Town Meeting Warrant.

Bob Manners said it would have been beneficial to the Town to have this bylaw in place before recent work was done by Eversource on their power line rights of way in South Shelburne. The Selectboard does not want to prohibit projects in Towns but that this type of bylaw could help protect the Town's interest and preserve the Town's roads. The model bylaw was originally distributed by the FRCOG to help Towns prepare for the possibility of the proposed pipeline project being approved by FERC. However, this bylaw would only be a guideline if the pipeline proceeds.

Bob Manners said that he would take Larry Flaccus' comments to the Selectboard in order to finish the final wordsmithing of the bylaw to include in the Town Meeting Warrant. The Board noted that several of Larry's edits were helped to clarify the wording and some of his comments highlighted sentences that could have different interpretations. Tom Miner said he serves on both the local and regional pipeline committee and it should be no secret that these bylaws were generated in response to the proposed pipeline. FERC will ignore these bylaws in considering their approval. It is hoped that if towns pass these bylaws, that FERC will take some of the guidelines into consideration. He noted that the local road bylaw has more importance for the Town of Shelburne since it can be applied to other types of projects.

**PROPOSED SITING LARGE SCALE INDUSTRIAL AND COMMERCIAL FACILITIES TOWN BYLAW**-- John noted that this Town Bylaw also came from the FRCOG and the Planning Board had made comments and forwarded them to the Selectboard.

Bob Manners said the Selectboard appreciates the reviews and comments by the Planning Board and the local pipeline committee. Originally this bylaw was presented in response to the pipeline proposal but would apply to other large scale projects. The Selectboard understands that the Bylaws are living and breathing documents that need to be reviewed periodically to reflect and address changes in technology.

Tom Miner said he is concerned that adopting this bylaw will put a set of standards and regulations in place that may affect large scale projects that the Town would want to see happen. Tom Miner suggested incorporating a sunset provision to the bylaw requiring a review and readoption every so many years. Will noted that it would be the Selectboard's choice as to whether to add that provision and that they recognize the bylaw should be reviewed periodically. It was noted that while the pipeline crosses a small portion of Shelburne, the pipeline company can add compressor stations at any time in the future and anywhere along the

route. It was noted that FERC approvals override all local regulations and bylaws. However, if a large number of towns or all of them along the pipeline route have passed this bylaw, FERC may consider them and include related criteria in their permits.

**A motion to close and adjourn the Public Hearing was made by Will and seconded by Cam.**

Vote: 3 in favor, 0 opposed, 1 abstention by John as Chair of the Hearing.

The Public Hearing was adjourned at 8:15pm.

Respectfully submitted by,

Liz Kidder  
Administrative Assistant

**Public Hearing Documents:**

- Draft Zoning Revisions to Section 20, Section 13.4, Section 4.3 relative to Cluster Housing**
- Draft Shelburne Subdivision Regulations and Forms**
- Draft Shelburne Subdivision Forms**
- Draft Shelburne Local Road Preservation Town Bylaw**
- Draft Siting Large Scale Industrial & Commercial Facilities Town Bylaw**
- Shelburne Subdivision Regulations**
- March 4, 2016 email from Larry Flaccus with comments on the Road Preservation Bylaw**