

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting June 14, 2017

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, June 14, 2017 at 7:00 pm in the Town Hall, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair Planning Board

Will Flanders

Cam Stevenson

Josiah Simpson

Tom Johnson

Administrative Assistant: Liz Kidder

Audience: Deborah Vincent-Coutinho, Stefan Topolski, Jess Evans-Wall

The meeting was called to order at 7:01 pm.

A motion to approve the minutes of the May 10, 2017 meeting was made by Will and seconded by Josiah.

Vote: 3 in favor, 0 opposed, 2 abstentions - by John as chair of the meeting and by Tom since he was not in attendance..

ANR Plans – none presented.

Special Permit /Variance Applications – none presented.

NEW BUSINESS:

Recreational Marijuana Moratorium proposed bylaw revisions: John explained that the Board was looking for input on how to address the siting of recreational marijuana facilities in Shelburne through the Zoning Bylaw. John noted that Selectman Andrew Baker had sent a letter and he read it aloud. Andrew identified 3 points for consideration by the Planning Board:

1. the draft bylaw did not address Testing Facilities and asked if that was an oversight – the Board pointed out that Testing Facilities had been included in the proposed revisions to the draft use table.
2. he noted that the draft presumed a sharp distinction between production and retail facilities, noting that a restaurant/bakery may want to include marijuana as an ingredient in their products – the Board said they would take that comment into consideration.
3. he asked if there had been any thought given to the liability that may arise in the permitting and selling of baked products containing marijuana - Will noted that if the town issues a liquor license and then someone has too much alcohol and has an accident the Town is not liable for issuing the liquor license to that store.

The Board noted that the State has not finished developing their regulations relative to recreational marijuana and some issues may be addressed when that regulation finally passes.

Josiah explained that the Planning Board is looking for input and help in identifying issues/concerns that the Planning Board should be addressing. Will explained that this Board is looking at recreational marijuana from a land use perspective and that the Board of Health and the Selectboard will also be involved addressing other public health and local taxation issues. Shelburne and other nearby towns passed one-year moratoriums to not allow the siting of any facilities while the town's take the opportunity to prepare various bylaws or regulations. The Board explained they are working on these bylaw revisions with the expectation of submitting them for adoption at the spring Annual Town Meeting.

Dr. Topolski commented that research has indicated that brain development isn't finalized until 26 yrs. of age. Will noted that most states allow use of recreational marijuana products at 21. Deb Coutinho said the Board of Health worked with a regional group to

pass a regulation increasing the tobacco sales age minimum to 21 and will be following their discussions on possible BOH regulations relative to recreational marijuana.

Will said that he had verbal input from a ZBA member who suggested all facilities should be allowed only by Special Permit so there is an opportunity for public input on every proposed facility--leaving the "N"s but changing each "Y" to "SP" in the draft use table. Will said this might be a good place to start until the Town has more experience. Cam noted that the next FRCOG Planning Board meeting includes Recreational Marijuana on the agenda but no one on the Board was able to attend. Will expects the new state law will be available for review by the end of June so the Board should be able to review it during the July meeting. John thanked everyone for their comments and appreciated their attending the meeting.

Board Reorganization

Tom moved to reappoint John as Chair, Cam as Vice Chair, Josiah as Secretary, John and Tom as Open Space Liaisons, Cam and Tom as the FRCOG Planning Board representatives. This motion was seconded by Josiah.

Vote: 4 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

Complete Streets Program: Cam reported he heard about the complete streets program from Phoebe Walker and he has a copy of the application. He thinks it would be more the responsibility of the Selectboard to pursue this program and to seek grant funding. The Board discussed general ideas that the Selectmen and Highway Dept. may want to consider:

Safe bike blazing--indicating safe bike routes, and

Installing a charging station for hybrid cars – this could be good marketing for the Town encouraging owners of such cars to visit the Village,

John suggested passing this information on to Carmela at the GSFABA and the Selectboard.

Cultural District: John reported that he had attended the "Shelburne/Buckland Cultural District Partnership and Slums and Blight" block grant meeting on June 13th at the Visitor Information Center. John noted that Jim Perry had prepared a summary of the discussions that included:

- A portion of the Shelburne Falls downtown business district has been a "Cultural District" for five years. The District is fairly small and does not include the Trolley Museum, and so an attempt will be made to expand the District boundary. – the intent is to promote Arts and Culture.
- FRCOG will be working on an exercise walking map of downtown and it will include key points of interest to see along the way.
- Memorial Hall renovations are being planned for.
- A master plan is planned to be developed for the Salmon Falls parking lot, most of which is Town of Buckland property; this could include picnic tables, art, restrooms, etc.
- Shelburne could qualify for a "slums and blight" designation that could open up a potential for up to \$800,000 in grant money from the state for shovel ready projects that can be completed within 18 months of receiving the grant.
- To promote tourism, the two towns should look at restrooms, clean sidewalks, a Historic District sign for tourists traveling east bound on Route 2, etc.

OLD BUSINESS:

Green Communities Stretch Code: Liz reported that Terry Narkewicz had told her the Selectmen debated on Monday night whether Shelburne should adopt a Town Bylaw or Zoning Bylaw related to their Green Communities designation. Jim Hawkins said if the Town wants it enforced then it should be a zoning bylaw. Terry is to contact DHCD to talk to them about timing, the application deadline, and other questions in order for the Selectboard to decide whether to hold a Special Town Meeting to deal with this.

Dr.Topolski said he is concerned about Shelburne adopting the energy stretch code because he feels that people are not designed to live in hermetically sealed houses. He feels this could lead to health risks and the construction/renovation costs are increased and can affect the affordability of housing. The Board discussed that this may be a public health issue that was not really discussed or

considered before. The Planning Board would want to have this reviewed by the BOH too. John will contact Matt Marchese to coordinate with the Selectboard.

Master Plan Update: Liz digitized the maps and will send the files out to everyone. Liz will send the Master Plan chapters to Tom J. Tom J. is going to work on a Lydar map at Umass - Josiah said he has been working on developing PDF files of the whole master plan. Tom J. is going to contact the FRCOG GIS staff person for further discussion on the current mapping for Shelburne.

Housing Study: John reviewed what was discussed at the first meeting with the FRCOG staff. The discussion included trying to identify the focus of the study – what does Shelburne need to accomplish with the assistance from the FRCOG – housing needs assessment, a survey, and maybe a plan to deal with Chapter 40B. Josiah reviewed what he gained from reading the Chapter 40B guidelines. At that meeting it was noted that Highland Village has a regular waiting list of 10-20 individuals. The Board held a general discussion on how to encourage more housing units in the Village as well as “affordable” housing units. Tom J. suggested adding a question to the housing survey asking whether residents would consider adding an accessory dwelling unit to their property. The Board reviewed the Buckland Housing Study and reviewed some of the 106 pages and recommendations.

The consensus of the Board was to ask for a Housing Production Plan that would give the Town some clear goals to achieve more affordable housing units. Basically taking the Buckland Housing Plan another step forward – identifying an implementation strategy for more affordable housing. Liz will send this info to Alyssa and note the additional questions for the survey.

Parking Study: Liz and Cam reviewed meeting with the consultant and that Terry is the point person who will be working with them to clarify the scope for the study that has a limit of \$15,000.

Aging in Our Communities: material was handed out that was developed at the last meeting at the Senior Center, the board members will review the notes to see if there is anything that the Planning Board should address.

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG: Cam was unable to attend the last meeting.

Open Space: John reported that they didn't have a quorum for their last meeting.

Other Town Boards: Liz shared a letter sent by the BOH to those operating as B&B's in the Town notifying them of permits and inspections that are required for B&Bs. The Board of Health is monitoring the online listings and working on enforcement.

READ MAIL: the Board read mail as listed below. John said he did pass the cell tower Section 106 review information on to the Historical Society but has not heard back.

OTHER BUSINESS NOT REASONABLY FORESEEN 48 HOURS PRIOR TO THE MEETING: none presented.

PUBLIC COMMENTS: none presented.

SCHEDULE NEXT MEETING: next regular meeting will be Wednesday July 12th, 2017 at 7pm.

A motion to adjourn the meeting was made by Cam and seconded by Will.

Vote: 4 in favor, 0 opposed, 1 abstention by John as Chair of the meeting

Meeting was adjourned at 9: 24 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

Approved: _____ Date: _____ 3

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Greenfield – 9, Buckland – 2, Deerfield – 1

Notice of Section 106 Filings

Shelburne BOH memo to B&B owners

Excerpts from the Buckland Housing Study and information from FRCOG

Email from Andrew Baker on Recreational Marijuana

Information on Complete Streets

Updates on Aging in our Communities from the FRCOG

Correspondence relative to Ancient Glacier Special Permit Ap

Copy of submittal to Attorney General

Email from Tom Miner on “Inns” definition

Section 106 Review notice and Email from Jonathan Mirin

Email regarding Dana Filbert Subdivision question

Email from Jim Perry on Cultural District meeting

Discussion draft Recreational Marijuana zoning bylaw revisions

OP-Ed article on Recreational Marijuana Greenfield Recorder