

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting January 17, 2018

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, January 17, 2018 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair

Will Flanders

Cam Stevenson

Josiah Simpson

Tom Johnson

Administrative Assistant:

Audience: Beth Simmons, Tim Simmons, Chris Davenport, Melissa Butler, Matt Marchese, Larry Gould, Cady Coleman, Josh Simpson, Susan Stark

Absent: Liz Kidder, Administrative Assistant

The meeting was called to order at 7:02 pm.

A motion to approve the minutes of the December 13, 2017 meeting was made by Tom and seconded by Cam.

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

ANR Plans – none submitted.

Special Permit/Variance Applications – none submitted

Shelburne Housing Study – Allyssa Larose, FRCOG

Alyssa presented the Housing Study and offered the Board copies of the executive summary. The housing study is an assessment of the housing needs using demographic and housing data from the census and other sources to determine the existing need and current trends of housing in Shelburne. It suggests strategies for improving and expanding affordable housing. Additional topics in the Housing Study include a development conditions assessment.

The Housing study was guided in part by a volunteer committee made of seniors, business owners, and town officials. The committee chose to make the housing study approved by the state, a five-year plan, working to create a certain amount of affordable housing that the town can work towards and officially complete the plan. This approach allows Shelburne to temporarily avoid a forced affordable housing project through 40B. The state places additional guidelines in a plan, so the Housing Needs Assessment must meet all the state's requirements to be considered adequate. The Study is currently in the two week review period, the plan is on the website; public input will help the final revisions. There have been no public comments yet. The Planning Board and Selectboard have to vote to adopt the plan.

John asked Alyssa about funding availability/ town support to help affordable housing project developments. Alyssa said maybe, but that she wasn't sure at the moment. Alyssa doesn't have experience with affordable housing development. She said that RDI conducts the services of monitoring, lease drafts, etc., Alyssa suggested the town of Shelburne and Ancient Glacier talk to RDI about their services to support Affordable Housing Development. The MA housing partnership, has a community assistance program that the Board can take advantage of and receive affordable housing implementation guidance.

The discussion of utilizing a CPA for affordable housing was brought up. The Housing Study addresses the strategy of CPA. Locally, 6 towns have a CPA. Alyssa says that even those towns are struggling a little bit to create affordable housing; many issues to deal with, though she did not go into detail. Leverett has a first time home buyer program where the town, through CPA, pays a portion of the house price for qualified applicants. FRCOG applied for a grant to help pay for the zoning regulation changes/support to help

Approved: _____ Date: _____ 1

make improvements to town zoning to improve affordable housing options. Mass Housing Partnership is a helpful resource for addressing the Assessor's issues, expensive land/buildings taxes, which can obstruct affordable housing construction.

NEW BUSINESS:

Ancient Glacier, LLC update: Josiah recused himself from this discussion. (Minutes taken during Josiah's recusal were recorded by Cam Stevenson.) Josh Simpson, Susan Stark and Cady Coleman, representing Ancient Glacier, LLC, reported an informational update on the development of the former Singley property. The original property was recorded as two separate lots. When AG purchased the lots, they were surveyed as a single lot and combined on the new deed. In addition Ancient Glacier has acquired two small adjoining lots. These lots had been abandoned, so Ancient Glacier contacted the heirs to the original owners, acquired the lots and added them to the survey and deed. Joe Palmeri, Chairman of the ZBA, had previously reviewed the plan submitted to the ZBA and said that the changes didn't affect the special permit.

A motion to determine that Ancient Glacier, LLC is not required by the Planning Board to submit a new plan as a result of the changes to the survey and deed was made by Will and seconded by Tom.

Vote: 3 in favor, 0 opposed, 1 abstention by John as Chair of the meeting, Josiah was recused.

Premises Use Solar Array Project – Frank Williams Rd. Josiah recused himself from this discussion. (Minutes taken during Josiah's recusal were recorded by Cam Stevenson). The premises use solar array project on 30 Frank Williams Rd., started by Josh Simpson, was halted by the Building Inspector when it was discovered that that the array was sited on one lot, and the connections crossed and connected to three additional lots also owed by Mr. Simpson. Shelburne Zoning Bylaws require that a premises use solar array must be contained on a single lot. Mr. Simpson reported that he has since had the deeds changed to combine the four lots into a single lot, and the Building Inspector has allowed construction to resume.

There were questions asked by members of the public attending the meeting. Beth Simmons suggested that the distribution of power used between the principle structure and any peripheral structures should be specified in the permit request. Also it was asked what recourse citizens had if they disagreed with a decision made by Building Inspector. Will recommended that a dispute with this issue should be presented to the ZBA.

The board discussed the need to correct the language of the premises use solar bylaw that currently says "for business or home" and change it to "premises use for business and/or home". The board discussed whether or not it wants to require a special permit for a premise use solar project. The board discussed tweaking the definition of the premise use solar array to provide more clarity as to what is permitted at what size; additionally the board could tweak the limit of large scale array to 20 acres.

The consensus of the Board was to propose changing the definition 2.38 from "principal home or business" to read "principal home and/or business" (anywhere that occurs), and to add a provision that says, "the system size cannot be more than 110% of the usage of the home and/or business maximum annual use from the last five years". This added provision will provide a quantifiable amount of power that limits the size of the array to keep it at a reasonable size for premise use for the principal home and/or business. These possible revisions will be included in the February hearing for public input.

Large Scale Ground-Mounted Solar Project – Foxbard Farm, Bardwells Ferry Rd. Josiah returned to participation in the meeting. John Payne of Foxbard Farm is working with a commercial solar developer and would like to install a solar array on his land that is compatible with its use as grazing land for his grass-feed beef. John Payne and the solar company he is working with would like to use a 20-acre area, which is beyond what is allowable by the current zoning regulations. The Board discussed if ten acres was too small and should the 10-acre limit of large-scale solar array be changed? The 10-acre limit is a requirement, so the ZBA can't give a waiver for this. The planning board has to reexamine the bylaw's limit on solar acreage. These possible bylaw revisions are to be discussed again.

PB will look into the surety bond issue. This issue came up in Shutesbury, the town insisted on a surety bond from the company, the town and company made an agreement that if the landowner and company don't clean up a failed array the town would have money to clean it up. It wasn't a bylaw but a separate agreement for that particular project.

A motion was made to amend the solar definition 18.3 from "not more than 10 acres" to be "not more than 20 acres", was made by Will and seconded by, Josiah

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

OLD BUSINESS:

Attorney General's Decision LSICF Article 41 – Will had a conversation with Donna McNicol, the first time LSICF was passed as a Town Bylaw and the AG said it had to be a zoning bylaw. Then the AG said that there was a list of issues that went against state law. Peggy Sloan, on behalf of Ashfield, rewrote the bylaw per the AG's requests. Will wants to adopt Peggy's bylaw, so the PB can bring the new language to town meeting and then seek final approval from the AG in 2018.

In addition, the board has to submit a separate bylaw that says how the Board and the Town are going to charge people for consultants to conduct work for projects. The board has to approve a policy for how consultants are hired that is compliant with state law. Will will read Hawley's bylaw, and after the PB's public hearing can vote to approve it as an amendment to the subdivision regulations.

Zoning Bylaw revisions for ATM 2018 – The Board reviewed the latest working list of bylaw revisions to present at the February public hearing. Will shared two bylaws (from Northampton and Amherst) about flag lots. The bylaws provide limits, dimensions, and frontage for flag lots and can be used as a model for Shelburne to craft its own bylaw. Does the Board want flag lots to be under its responsibility or as a special permit for review by the ZBA? The Board indicated that it should be like a subdivision or ANR and should be an issue the Planning Board reviews.

Telecommunications Bylaw revisions – Telecommunications is regulated by the Federal government so local and state laws don't apply. The board could increase the distance provisions from 500 feet from a residence and 1500 feet from a school and prohibit the 5G technology from every zone except the RA zone. Will will work on this for next week.

Subdivision Regulations/ANR Form A – the new Form A for an ANR will require a verification by the Town Tax Collector that all taxes have been paid. This will be included in the next public hearing.

Recreational Marijuana Moratorium/Draft Regulations— the Board reviewed the newly released draft regulations from the Cannabis Control Commission. They include 10 definitions for different types of establishments. The Board reviewed a separate list of those definitions and a corresponding new section of the use table that just lists marijuana establishments as a separate section.

A motion was made to adopt the proposed Cannabis Control Commission's definitions and the proposed new section of the use table for Marijuana establishments was made by Will and seconded by Tom. *Rather than integrating them into the overall use table.*

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

Sustainability and Resilience Grant- Will talked to someone at the Community Foundation about affordable housing needs and they suggested he talk to Habitat for Humanity (he meets next week). Will's idea is that within the village following form based code/zoning a person/business could have a smaller lot to provide affordable housing. Will suggested the PB might be creating a zoning bylaw that was coordinated with Habitat for Humanity to build affordable housing on small lots (smaller than the zoned minimum).

Parking Study – the Board read an email from the Selectboard about the CDBG grant through which they are seeking funds to carry out/implement recommendations to improve the parking below Mole Hollow building.

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG nothing presented.

Open Space: nothing presented.

Other Town Boards: nothing presented.

READ MAIL: the Board read mail as listed below.

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

PUBLIC COMMENTS: none presented.

SCHEDULE NEXT MEETING: January 24th at 7:00pm.

During the next meeting, the board will determine what goes on the agenda for the first (2/14) and second public hearings (second meeting unknown date).

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

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

Meeting was adjourned at 10:15 pm.

Respectfully submitted by,

Josiah Simpson pro tem and Cam Stevenson vice pro tem

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Greenfield – 4

Jan. 4th email of notice of CCC Hearing Feb. 6th in Greenfield at FRCOG

Series of email related to Premises Use Solar Array on Frank Williams Rd.

1/11 email regarding Ancient Glacier deed/plan

Shelburne Housing Plan Public Comment Draft and Executive Summary

FRCOG Planning Assistance Grant Proposal

1/17/18 Draft list of proposed revisions to the Shelburne Zoning Bylaw

Definitions included in the Draft Recreational Marijuana Regulations

Possible Use Table revisions relative to Recreational Marijuana

Excerpts from State Draft Recreational Marijuana Regulations relative to establishments