

TOWN OF SHELBURNE
Planning Board
Minutes of Meeting January 24, 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: Liz Kidder

Audience: John Payne, Chris Davenport, Melissa Butler

Absent:

The meeting was called to order at 7:06 pm.

A motion to approve the minutes of the January 17, 2018 meeting as corrected was made by Will and seconded by Josiah .

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

ANR Plans – none.

Special Permit/Variance Applications – Liz noted that the public hearing for Arrow Auto Sales is Feb. 1st. Liz shared that Joe Palmeri had said that the Board may want to consider limiting the number of auto sales licenses issued by the Town. Liz suggested that it would take a Town Bylaw to limit the number of licenses since they are issued by the Selectboard. Liz and John will contact the Selectboard to raise this question.

APPOINTMENT – John Payne, Commercial Large-Scale Solar Project, Foxbard Farm --Dual land use farm and solar.

John W. explained that John Payne had questions for the Board regarding surety bonds. Town Counsel had said that the Town can't require a surety bond that protects a landowner. Shutesbury had a similar bonding requirement that protects the Town but not the landowner. That landowner wanted a bond but the company didn't want to issue two. A three-way deal was developed that if the landowner doesn't take down an array, the Town can go on the property and use that bond to take down the structure. In Shelburne, this would be done during the Special permit process and coordinated by the ZBA. Donna said she could explain how to develop this type of surety bond to the ZBA. Donna also said that since these bonds may last 20-30 years, the bond value should be reviewed every five years to reflect changes in the potential costs to take down the structure. The Bond should include this review of the valuation of the bond in order to cover the cost of decommissioning which may have increased over time.

John P. asked if the Board was recommending an increase to allow a solar installation on up to 20 acres. The Board said yes but such a change needs to be considered during a public hearing and voted on by Town Meeting before the change is approved.

John P. asked if the solar system would need to be a separate lot or if it could be just part of a building envelope. He has contacted MDAR, DCR, and DOR and they have referred him to the other agencies and to local boards and he has not been able to get a clear answer. He said all the sites being considered are screened from view, scattered in clearings surrounded by woodland.

OLD BUSINESS

Premises Use Solar bylaw revisions, Simpson project status-- Josiah recused himself and left the room. The Board understands that the Chair of the ZBA is researching the process relative to appeals of building permits.

Approved: _____ Date: _____ 1

Tom Johnson suggested the Board may consider adding visual impact into the premises use bylaw. Will noted the Board would need to change allowing a premises use installation by right to by special permit and the Board would need to consider developing related criteria for consideration by the ZBA. The consensus of the Board was to look for examples from other towns and continue the discussion on possible special permit criteria; noting that it may be difficult to have it ready for this year's ATM.

Shelburne Housing Study/Master Plan Housing Chapter: Josiah returned to the meeting. The Board read an email from Alyssa Larose, FRCOG, noting that the Planning Board and Selectboard should consider adopting the plan and submitting it to DHCD. If approved by the State, it could provide Shelburne with 5 years of protection from having a project submitted under the Chapter 40B Comprehensive permit statute.

Motion was made by Will and seconded by Tom to adopt the Shelburne Housing Plan as prepared by the FRCOG.

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

Will reported that he talked with the woman who heads the local Habitat for Humanity and learned they would be interested in working on small affordable housing projects with Shelburne. It was discussed that through the sustainability grant with the FRCOG, the Board is going to be able to work towards identifying options for affordable housing, through changes in the zoning bylaw and listing possible sites for development.

Melissa and Chris noted a concern about who may be renting new units and expressed a concern about opening up rental housing that leads to a change in the character of the Town. Will noted we are just at the beginning of a planning process and there will be more informational meetings and discussions over the next year with opportunities for community input.

Attorney General's decision LSICF Article 41/Section 21 – Will had talked with Donna MacNichol and she suggested that Shelburne look at the recently revised LSICF bylaw prepared by Peggy Sloan for the Town of Ashfield. The new version took all of the Attorney General's comments on the Shelburne Bylaw into consideration. Will said he would go through the Ashfield bylaw and identify any changes that Shelburne should consider to improve Section 21. Will will try to prepare this list for consideration by the Board at the meeting on February 14th so that changes can be presented at Public Hearing in March.

Zoning Bylaw revisions for ATM 2018/Feb. 14th public hearing – the consensus of the Board was to consider the revisions to the subdivision regulations and the LSICF bylaw during the March public hearing. Liz was asked to add a reference to the sign regulations in Section 6.6 Special Permit criteria.

The Board reviewed the working draft Marijuana Establishment use table and discussed what they wanted to present for the public hearing.

Tom made a motion and Will seconded to make a Research Facility "SP" in the VC instead of "N".

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

Liz was asked to include in the public hearing draft a note that the Board may change the definitions as presented if the State changes their regulations; the Board's intention is to match the State CCC definitions in their final regulations.

Will distributed a draft flag lot bylaw for review by the Board. Will had looked at Amherst, Buckland and Northampton as sources of information. Since the approval of a flag lot would be in the same category as an ANR he wrote it as a Planning Board responsibility under the subdivision regulation. There may be some existing lots that meet the flaglot criteria and those property owners would have to meet with the Planning Board and present a plan to have it endorsed as a flaglot using the same process as an ANR.

A motion to present this draft flag lot bylaw at the March Public Hearing with submittal of it for consideration at Annual Town Meeting was made by Will and seconded by Cam.

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

Telecommunications Bylaw revisions: Will will review this issue and develop a recommendation for the March Public Hearing.

Subdivision Regulation revisions: Liz was asked to prepare the proposed revisions to the Subdivision regulations for the March Public Hearing.

Sustainability and Resilience Grant: no new information was available on this grant.

Parking Study –Now that the Parking Study has been completed, the Board decided to remove this as a regular agenda item.

NEW BUSINESS

Annual Planning Board Budget--

A motion to request level funding for expenses and to keep the same number of hours of staff time with the recommended hourly rate increase to \$16.92 was moved by Will and seconded by Cam.

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

FRCOG Technical Assistance Priorities for 2018--The Planning Board understands that further work on implementation of the Housing Plan will be done through a grant with the FRCOG. Therefore they set as their next priority assistance with an update of the Economic Development Chapter of the Master Plan. Liz will pass this request on to Terry and the Selectboard.

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG: Tom Johnson will go to the next FRCOG Planning Board meeting.

Open Space: Tom Johnson reported the tree walk map is just about completed. The map has identified about 15 trees throughout the Village. The committee is hoping to put a tree tag on key trees and get permission from the property owners to put the tags in the yard. The committee is working with the FLT on a trail and need \$4,000 for an assessment study.

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: February 14 at 6:45 pm with a public hearing at 7:00 pm.

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

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

Meeting was adjourned at 10:04 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: 0

Legal Notice Arrow Auto Sales Public Hearing
Jan 8 email from John Payne
SunRaise Dual Land Use: Farming and Solar Energy
Email Jan. 22 from Omni-Navitas on commercial solar projects
Jan 18, email from Alyssa Larose Housing Resources Follow Up
Feb. 14th Public Hearing Draft
Working Draft Flag Lot bylaw
Buckland Backlot bylaw
FY 2019 Budget Request forms
FRCOG Local Technical Assistance Project Request forms