

TOWN OF SHELBURNE
Planning Board Meeting
Minutes of Meeting May 9, 2018

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, May 9, 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

Alyssa LaRose, FRCOG

Administrative Assistant: Liz Kidder

Audience: Mike Parry

Absent:

The meeting was called to order at 7: 00 pm.

A motion to approve the minutes of the April 11, 2018 meeting as corrected was made by Will and seconded by Cam.

Vote: 3 in favor, 0 opposed, 2 abstentions: by John as Chair of the meeting and by Tom who was absent.

A motion to approve the minutes of the April 25, 2018 meeting was made by Tom and seconded by Will.

Vote: 3 in favor, 0 opposed, 2 abstentions: by John as Chair of the meeting and by Josiah who was absent.

ANR Plans – Mike Parry presented an ANR Form A and mylars for endorsement related to his property at 125 Reynolds Rd. They are selling the house but are reconfiguring the property boundary to allow access by farm equipment into their barn which is not being sold.

Moved by Will and seconded by Josiah to endorse the ANR presented by Mike Parry for 125 Reynolds Rd.

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

Special Permit/Variance Applications – none.

OLD BUSINESS

Annual Town Meeting (ATM) proposed bylaw revisions – the Board reviewed the actions taken at ATM. Liz reported that she and Joe Judd are preparing the submittal to the Attorney General’s office for review of all the bylaw revisions that were adopted. The Town Clerk will ask the AG’s office to expedite their review of Article 43 Adult Use Marijuana, so that it can be in place by June 30th when the current moratorium ends. The Board reviewed the actions taken relative to the Planning Board articles during the meeting.

Liz distributed a copy of BOH Bylaws adopted by the Town of Conway relative to Adult Use Marijuana and informed the Board that the Shelburne BOH is reviewing this bylaw and may hold a public hearing on June 19th relative to the Town of Shelburne BOH adopting the same or a similar bylaw. The Board will review the regulations and consider whether they want to make comments to the BOH.

Shelburne Housing Study/Master Plan Housing Chapter/Resilience and Sustainability Grant – Alyssa Larose, FRCOG

Alyssa said that she is trying to help the Board refine the approaches they want to pursue this year with her assistance. As a start, she focused on a potential smart growth overlay district in the VC and maybe part of the VR that would provide an alternative to the underlying zoning. Smart growth zoning was established by a separate act and is therefore not subject to the limitations/parameters

Approved: _____ Date: _____ 1

of Chapter 40A such as spot zoning. If a town adopts smart growth zoning, there are possible grant funds available to the town for projects. There are currently 44 existing Smart Growth districts in Massachusetts and none of those are in a Town as small as Shelburne.

The Board also discussed related Inclusionary Zoning -- a mandatory approach that requires developers to make a portion of the housing units in their project affordable to low-and moderate-income households. The State has a threshold minimum of 12 affordable units per project for inclusionary zoning. This would be a challenge for a town like Shelburne since any development under 12 units wouldn't have to meet the affordability requirements. An inclusionary zoning bylaw may include some flexibility to its mandatory provisions. For example, bylaws may only apply to certain types of development, such as new construction or substantial rehabilitation. Inclusionary zoning bylaws may include "in-lieu-of" payment or construction alternatives providing developers the option of paying a fee per unit, building affordable units off-site, or rehabilitating units elsewhere in place of constructing affordable units within the proposed development. Alyssa thought the Town may be able to lower the minimum threshold since Shelburne is likely to need to deal with smaller projects. Smart Growth Towns have the opportunity to apply for state funds to help with creating affordable housing units.

Alyssa and the Board discussed possible sites in Shelburne where having a Smart Growth overlay district could be advantageous. The Board reviewed possible redevelopment options in the VC – including the Sweetheart Restaurant, the "Singly" lot, and upper floors of mixed use buildings along Bridge St. Alyssa mentioned that you can also create and include design guidelines as part of the review process in order to keep the character of the area. There are Shelburne Design Guidelines, prepared by John Ryan the community development consultant to the Town, that Alyssa will scan and email to us—however these design guidelines are primarily for commercial structures. In considering sites outside of the VC district, a developer could make use of the Open Space Development bylaw/subdivision regulation.

The intent of the Smart Growth Zoning would be to allow more dense development in the VC and VR. The Board discussed whether there really is enough development potential to make it worth adopting an overlay district. The Board discussed the other possible areas where zoning could be used to develop additional villages/neighborhood centers.

Following a lengthy discussion, the consensus of the Board was that a Smart Growth Overlay District did not make sense for a Town the size of Shelburne. If the Town wants to consider a major rezoning of Town in order to encourage other neighborhood or small villages, that discussion would need to be town-wide and be part of a full update to the Town's master plan. The focus of this coming year's work with Alyssa is to consider zoning bylaw revisions to present at ATM 2019 that encourage more housing options in the Village. Therefore the focus of discussions this coming year would be reviews of lot size and property setbacks within the VR district; a review of the current bylaw to see what revisions could be adopted to encourage the development of more housing units while maintaining the character of the Village.

The Board discussed the need for further discussion with Habitat for Humanity, Mass Housing Partnership and Rural Development Inc. to understand how scattered units can be developed and managed in the long term to keep them qualifying as affordable. What approach would help the Town achieve the goal of more units and also more units that would help the Town meet its 10% quota under Chapter 40B.

Alyssa said she would review all her model zoning bylaws and try to pull out the examples that would help Shelburne get to the next step in the process. All agreed that there would need to be extensive public outreach and education over the next year before Annual Town Meeting 2019. For the next step in this process, examples to be looked at would include: use of CPA funds, infill, reduced lot size and setbacks, performance standards, design standards, cottage housing, site plan review, reduced lot size with conditions, and form based zoning. Alyssa said she would look for examples such as Brockton, Northampton, Hatfield and email copies to the Board. With Alyssa's help the Board will be looking at the problems created by having the majority of the properties in the Village non-conforming under the current zoning bylaw.

Alyssa will come back to the Planning Board with the appropriate examples and an analysis of the number of conforming and non-conforming lots in the Village. She will attend the Board's meeting on June 13th. Will is going to review the agenda for the training workshop on affordable housing development being held on June 6-7 to decide if it is worth going. It was noted that if he goes, there are sufficient funds in the Planning Board expense budget to cover the registration fee.

Rural housing zoning analysis/flaglots and other options: John and Will noted they had both talked with other residents who are either currently on the Open Space committee or had previously been on the Planning Board when flaglots had been considered. Apparently Cynthia Boettner had previously been on the planning board when they considered flaglots and their discussions at that time had focused on concerns about impact on wildlife habitat. There was a discussion as to whether the Board wanted to work on a flaglot bylaw. It was decided that the next time a Board member could attend an Open Space Committee meeting they would ask for input from that committee.

NEW BUSINESS – nothing presented.

COMMITTEE AND REGIONAL PROJECT UPDATES

FRCOG - no recent meetings, FRCOG's Annual Report was distributed by Email.

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.

SCHEDULE NEXT MEETING: May 23rd at 7 pm. The Board will be meeting once a month in June, July and August.

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

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

Meeting was adjourned at 9:54 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Charlemont – 2, Greenfield - 3 Buckland – 1
4/25 email from Chris McCarthy
4/19 email from Tom Johnson
Memo re: New Walking Tour map/brochure of the Village
5/2 email from Rebekah Boyd – FRCOG Annual Report
3/20 email from Andrea Donlon, Buckland Planning Board
5/7 email from Town Administrator re: Planning Board budget
5/8 email form John Wheeler to Joe Palmeri
4/25 email from Will Flanders re: MHP toolbox
5/21 email from Alyssa Larose on sample inclusionary zoning bylaws
Sample Inclusionary Housing bylaw
Town of Hatfield Inclusionary Zoning Bylaw
Housing Toolbox Site and Building Assessment Checklist
Housing Toolbox Addressing Community Concerns about Affordable Housing
Conway Regulation re: Adult Use Marijuana