

TOWN OF SHELBURNE
Planning Board Meeting
Minutes of Meeting Nov. 28, 2018

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, November 14, 2018 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler

Will Flanders

Tom Johnson

Cam Stevenson

Alyssa Larose, FRCOG

Administrative Assistant: Liz Kidder

Audience: Andrew Baker, Whit Sanford, Tom Miner, John Walsh, Robert Miller, Jim Perry, Judy Pierce, Chris Myers, Joe Palmeri, Levi Roman

Absent: Josiah Simpson

The meeting was called to order at 6:35 pm.

Liz noted that minutes for the meeting of November 14, 2018 will be available for review at the next meeting.

ANR Plans – none

Special Permit/Variance Applications – Liz will send an email to the ZBA supporting the Town’s special permit application to convert 623 Mohawk Trail from a commercial to a municipal use.

OLD BUSINESS

Shelburne Housing Study/Master Plan Housing Chapter/Sustainability and Resilience Grant/Review of Zoning District Map –

7:00 pm Public Information Meeting

Alyssa reviewed the work being done by the Planning Board with assistance from the FRCOG and a Sustainability and Resilience Grant. Using a powerpoint presentation, Alyssa explained the process that had been used to develop the Shelburne Housing Plan and that the Planning Board was reviewing the Town’s zoning bylaws to see if any revisions need to be made to comply with the recommendations of that report. Comments and questions from those in attendance including the following:

- Andrew Baker – we have some people who are elderly, cash poor and house rich, does that affect the statistics?
- Joe Palmeri questioned how many people responded to the survey – it was about 90 people who returned, it was not distributed to everyone. Some of the data being presented is census data. Joe said that it is important that if the zoning bylaw is being changed, it is because Shelburne residents want it changed. John Wheeler noted that the goals of the Master Plan from 20 years ago were very similar to the results of the recent survey.
- Whit asked if Buckland was also working on this – Alyssa said yes, they had done a study the year before we did and they are going to be helped under the grant by Alyssa as well.
- Joe Palmeri thinks we need actual numbers of how many lots there are that could be developed for people to have enough information before voting on any new bylaws.
- Andrew Baker suggested looking at certain lots that have recently been looked at for development (Singley, Swann) and test the revised zoning bylaws to see how they would affect those potential projects.
- Joe Palmeri - what are norms in other Towns on Village Residential zoning– Alyssa said that Greenfield has 8,000 sq feet as a minimum and she noted that 10,000 is also often a village lot size but the Board has picked 8,000 to reflect the Village itself.
- Alyssa noted that the Town already has OSD which could be used in the VR2 – east of Route 2 – that would be a way land owners could add some additional houses while protecting the scenic views and limit the number of curbcuts.

Approved: _____ Date: _____ 1

- Joe Palmeri – have you looked at the industrial area on North Main St. There are problems there with properties being located within 2 different zoning districts.
- Tom Miner – dimension schedule – as the Village is now – he doesn't see vacant lots and the best effort would be to build accessory dwelling units or extra apartments on-site. Alyssa noted that accessory units are currently allowed. There is an advantage to having lots conforming so that you can do things within zoning requirements without having to get a special permit from the ZBA – also – if a building stays empty on a non-conforming lot for more than 2 years, it may be difficult to re-use that property. She said that the board may be looking at more opportunities to allow a large lot to be subdivided.
- John Wheeler described the Muller email which suggests allowing lots with structures already on them to be subdivided through an ANR.
- Will said that the Board is creating an opportunity to use the space that is available, not because they expect there to be 100's of new lots.
- Joe said, speaking personally and not as a member of the ZBA, that he grew up in Shelburne and doesn't see the advantage of allowing more houses to make it dense like the Boston area.
- Andrew Baker noted that his lot is about 8,000 sq. ft. and that is typical of Mechanic St. He noted that Joe's fear was the Maple St. area could become as dense as the Mechanic St. neighborhood.
- Question was raised about requiring a maximum lot coverage in the VC district of 80% that may be a problem for sites such as the Singley building which needs 100% lot coverage to be rebuilt– the Board said they would relook at the setbacks and lot coverages for VC and see how it would affect existing open properties and whether it is realistic.

Affordable Housing Incentive Zoning

- Andrew said – if you are looking at 8 units/building in the VC -- the problem would be the parking. He asked if there was a way to rent to people who would not need to own cars.
- Joe Palmeri – is there anything that protects the VC from becoming all housing? He suggested there should be something that protects buildings in town (Singley and Swan) from being only apartments putting a mixed use requirement over the Bridge St side of the VC. Andrew suggested changing the northern line of the VC closer to Bridge St and leave Cross St in the VR1.
- Alyssa will look at language from other towns about keeping the first floor in commercial.
- Andrew suggested that if stores don't survive, then the first floor storefronts may be taken over by the business/professionals for office space.
- Levi Roman said he felt that the density is very important for the economic viability of the Village.

Zero-lotline

- Andrew suggested it gives the developer more discretion on where to put the driveway. It achieves the same effect as an accessory apartment but done with the zero-lotline. It's actually the same density as his house which he turned into a two family and he has an 8,000 sq ft. lot.
- Will noted a zero-lotline house would most likely be done by Habitat for Humanity. These two units would have to have a common wall. Alyssa said she would make sure that it says in the model bylaw that it has to have a common wall.
- John Walsh suggested maybe allow them 10 feet apart to reduce noise, privacy etc.
- Will suggested that on a 10,000 sq ft lot maybe allow 10 feet between two houses and then on a 8,00 foot lot it could be zero-lot-line.
- John Walsh said that we would be splitting hairs to make a difference between 10,000 and 8,000 sq foot lots.
- Will said that it really depends on Habitat for Humanity and what they can do and what benefits them as affordable housing. In reality it would only be Habitat as the developer – no one else is likely to do it.

Village Design Guidelines for Residential Structure – Alyssa noted these guidelines would only apply to houses getting a special permit – houses under the affordable incentive zoning and houses of more than two units. It provides guidance, it isn't a strict regulation. Emphasis is on maintaining or enhancing the characteristics of the existing structure.

- Tom Miner – advice and suggestions are nice but if a developer comes in with his/her own plan, then you get that plan. He thinks they need to be real rules.
- Joe said he would second that suggestion since he is on the ZBA – the board who has to decide and issue the special permit.

- Andrew noted that you would almost have to get into a real Historic District Designation which in itself may be more than you want. For example he insulated his house but would not have been allowed to, in the way he did, if there were strict historic design guidelines. Andrew said it is really the special permit process where you can engage with a developer and ask for changes.
- Will noted that the design guidelines would be part of the special permit process.
- Alyssa said there are teeth to not issue a special permit if a developer just tries to do something different that is not consistent with the character of the Village.
- Joe Palmeri expressed concern about ending up in court.
- Will said the goal is infill but in keeping with the Village character, especially for Affordable Housing.
- Joe Palmeri noted that if infill occurred on an 8,000 foot lot then there wouldn't be a special permit to ensure that it is built in character with the Village style.
- Joe asked if the rental rates for affordable sales would fall on the Zoning Board to enforce and the answer was no. Will noted that making the lots smaller would actually go through ANR with the Planning Board. The applicant is responsible for making sure all the management of the "affordability" is in place before submitting the Special Permit application to the ZBA. Alyssa will make sure that the language is already in the bylaw on the requirements for deed restriction and enforcement by an agency has to happen before the building permit is issued.
- Joe asked if the Planning Board is the SPGA on affordable – it was explained that it is under ANR subdivision.
- Andrew suggested marking a map showing lots that are at least 16,000 that would be large enough to consider for subdividing understanding that there might be other factors affecting the ability to subdivide.
- Tom Miner – what if the Sweetheart developer puts it on the market for sale – what if a dollar general store decided to buy it to put up a dollar general store. That would be a disaster. Could someone buy it and tear it down and put in lots of little lots?
- John Wheeler raised site plan review and Joe said other boards have had problems with that in the past.
- Tom Johnson asked about Design Review Committee to be the body who reviews the design guidelines. Alyssa said she could find some examples from Towns that adopted that.

Alyssa noted the Board was going to take the comments and suggestions presented tonight and prepare the next draft that would be presented at a public hearing in February. The final proposed bylaw revisions would be presented at Annual Town Meeting in May where there would need to be a 2/3rds majority vote to be adopted. She said to submit any additional comments to Planning@townofshelburnema.gov. She noted that all of the proposed bylaws are on the Planning Board website.

Additional discussion

- Joe Palmeri – asked why did the Board recommend changing the number of units allowed in an Historic structures be reduced from 9 – 4 – Section 2.1.1
- Joe suggested the Planning Board tighten up the definition of "Family" – Section 2.17. The ZBA had processed a couple of applications for boarding houses or rehab facilities and the current definition of family caused confusion during their deliberation. Town Counsel had recommended that it be "tightened up." John Wheeler said he would talk to Donna to find out what her problem is with the definition.
- Joe Palmeri thinks Greenfield Commons is hideous. Will noted that there isn't a lot available for that type of project in the Village.
- It was discussed that the Board is trying to work on its Chapter 40B responsibilities so that the Town can avoid ever having a Chapter 40B.
- Andrew noted that the irony is that this tiny farmlike village might be turned into a wealthy enclave.
- Joe Palmeri noted his concern that in future years all these new units could be student housing.

The Public Information Meeting ended at 9:10pm. Andrew thanked the Planning Board for their work

The Board read letters that had been received from Deb and Al Coutinho and Dick and Dianne Muller.

Alyssa said she would try to identify 16,000 sq ft lots and also 13,000 sq ft so that the Board can try to estimate how many new dwellings could be built under these bylaw changes.

Rural housing regulation analysis and revisions – common driveways, flag-lots, frontage access –to be discussed at the next meeting.

Regulatory revisions for ATM 2019-

The list includes:

1. Affordable Housing Incentive Zoning/dimension table/zoning map
2. Commercial Greenhouses in Use Table – based upon AG’s letter
3. Frontage Access – zoning and subdivision
4. How to measure a ground-mounted solar array – distance from structure to side lot line – pole or panels – or whichever is closest.
5. Common driveway/minor streets
6. Flaglots

NEW BUSINESS – nothing presented

COMMITTEE and REGIONAL PROJECT UPDATES

FRCOG Planning Board – Liz reported that Peggy Sloan had forwarded digital copies of the presentation on Hemp as Agriculture from a recent FRPB meeting.

Open Space –The committee is still waiting for sign off by the state on the trail grant and then they can hire the consultant, Timber and Stone, to prepare a range of choices for design of a trail, considering cost and accessibility.

Other Town Board updates – Liz reported that the BOH, as part of the CPHS will be conducting annual inspections of short term vacation rentals. In researching the addresses, the list in the Town of Shelburne has grown from 7-8 to about 23 -25 – the majority are just private room rentals and does not represent an increase in the number of apartments being rented as short-term rather than long-term.

Other business not reasonably foreseen 48 hours prior to the meeting-nothing presented.

Read Mail—the Board read mail as listed below.

Public Comments—none presented.

Schedule next meeting –the next meeting will be December 12th at 7pm. Since the 4th Wednesday is the day after Christmas, the Board’s following meeting will be January 9, 2019.

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

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

Meeting was adjourned at 9:50 pm.

Respectfully submitted by,

Liz Kidder
Administrative Assistant

LIST OF DOCUMENTS:

Legal notices from neighboring communities: Buckland – 1, Charlemont – 1

Handouts by Alyssa Larose relative to the draft Affordable Housing Incentive Bylaw and public information meeting
11/28/18 email from AI and Deb Coutinho in regards to the Public Information Meeting
11/29/19 email from Dianne and Dick Muller in regards to the Public Information meeting.