

TOWN OF SHELBURNE
Planning Board Meeting
Minutes of Meeting July 10, 2019

A duly posted meeting of the Shelburne Planning Board was held on Wednesday, July 10, 2019 at 7:00 pm in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls, MA.

Present: John Wheeler, Chair

Will Flanders

Tom Johnson

Cam Stevenson

Administrative Assistant: Liz Kidder

Audience: Linda Vight, John Shulda, Luke Goodridge, Richard and Phyllis Ormond, Andrew Baker, Mike Parry, Joe Palmeri, Alyssa Larose, Cathy Buntin, Donna MacNicol

The meeting was called to order at 7: 00 p.m.

ANR/Subdivision Plans – 15 Tower Rd. The Ormonds are purchasing a triangle of land from their neighbor. Both lots are currently conforming and this purchase will not create any non-conformity. They provided a check for \$35 made payable to the Town of Shelburne.

Motion to endorse the ANR for 15 Tower Rd. made by Will and seconded by Cam.

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

ANR for 535 Mohawk Trail, Luke Goodridge noted the owners had discovered that Gould Road was a Town Road for 264 feet from Route 2. They reconfigured the property boundaries so that Lot 1 had frontage off the end of Gould Rd. John Wheeler noted that he had contacted Mark Shippee, received confirmation of this information and had received information from John Taylor as the fire chief that also discussed the numbering of the properties and related “911” issues.

A motion to endorse the ANR as presented was made by Will and seconded by Cam.

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

Special Permit/Variance Applications – Mike Skalski is applying for a Special Permit to include a one-bedroom apartment as part of his project to develop self-storage units on Main St. Joe Palmeri noted that Mike was asking for a waiver of the 35-day review period by the Planning Board so that his special permit hearing could be held during the next ZBA meeting. The Board reviewed the plan and agreed that they did not need to conduct a further review.

A motion to waive the 35-day review and to support the proposed addition of a one-bedroom apartment was made by Will and seconded by Tom.

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

Motion to approve the minutes of June 12, 2019, was made by Cam and seconded by Tom.

Vote: 2 in favor, 0 opposed, 1 abstention by John as Chair of the meeting.

MASTER PLAN Housing Chapter update, addressing housing needs in Shelburne through zoning – John Wheeler welcomed Town Counsel, Donna MacNicol, Selectman Andrew Baker, Joe Palmeri, Chair of the ZBA and the others present to the meeting. The Board wanted to have a discussion regarding how to address Affordable Housing in the Town of Shelburne. After working with Alyssa Larose for the past year, the Board had presented extensive bylaw revisions at ATM, most of which were passed over. The Board is looking for input on how to approach the need for housing through zoning. It was noted that the Board had held public information

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meetings, the necessary public hearings and had submitted newspaper articles to try to get input and notify voters of what the Planning Board was proposing for consideration at ATM.

Affordable Housing:

Donna MacNicol stated that she thought the Planning Board had made a good start and can take what they learned from comments at ATM and continue to work on revisions to the Bylaw over the next few years. Here comments included the following:

- It is important to consider what happened as a guide as the Board moves forward this year.
- Identify tasks recommended in the Shelburne Housing Study, prioritize and take them one at a time.
- It is very hard to adequately address zoning changes during Annual Town Meeting and that the Board should consider asking the Selectboard to hold a special town meeting just to address zoning revisions. During a SPTM, a full presentation can be made, explaining the purpose of each revision, procedures to follow if anyone wants to make an amendment, and allow for a full discussion before the vote.
- Zoning revisions are one step but there also needs to be implementation of the plan – the creation of affordable housing units could involve:
 - Adoption of “CPA”, first getting the support of the Selectboard and then approaching other Town Committees for support,
 - Identification of properties taken for tax title and using CPA funds to create sites suitable for a single, Habitat for Humanity Project.,
 - if possible, to identify volunteers, the Town could create a Housing Committee
 - Approach obtaining the land behind Highland Village to allow for expansion of Senior Housing
 - The Attorney General’s office has a funding source for demolition of structures on properties in order to create a lot for Affordable homes.
 - One of the concerns for small scale housing development is the cost and the Board may want to consult a developer to determine issues related to financial feasibility.
- Cottage or village overlay districts could be considered by the Board,
- Need to study approaches for both Senior Housing and families; senior housing is easier and then maybe a cottage overlay zoning that could be used for housing for families.
- It will be difficult to pass any bylaw revisions designed to encourage the development of new housing units until the residents accept that more housing is needed.
- Maybe consider presenting a general non-binding question/referendum at a Town Meeting.
- There needs to be an education program about what Affordable housing is and debunk the impression that only riff/raff live in Affordable housing--it is not indigent housing; it is not just for seniors but for young families and children of current residents.
- In the VC district, the Board may want to look at a revision to the bylaw that would allow the redevelopment of the Molly Canter and the Ancient Glacier lots-focusing on specific situations rather than a total overhaul of the VC zoning requirements.
- A larger-scale affordable housing scenario would happen in rural Shelburne; since these projects can bring in several families with kids all at once, it could affect the Town Budget and services and therefore it is better to plan for it and not have the Town taken by surprise.
- Consider picking and choosing the good points discussed this past year; presenting maybe 1 major revision and 3 tweaks at each Town Meeting--as an example, insert a density requirement in the dimensional table.

Other general discussion points included:

- Andrew Baker said that he was against holding a Special Town Meeting just for zoning since the Town’s quorum is only 7 residents. He did say, the Selectboard might consider a 2-night ATM with the first night being focused on zoning and the 2nd night addressing the budget.
- Are Towns allowed to focus on Senior Housing only? -- It is easier for developers to design projects that could be used by either seniors or mixed-use housing.

- Maybe the Housing Study needs to be redone so that there can be more input from residents --the survey that was done – it was explained that the proposed zoning revisions in the housing study were based upon more data than just the results of the survey.
- Comments at Town Meeting indicated that people felt they supported Affordable Housing but that the rest of the Towns in West County should do their fair share since Shelburne is the home of Highland Village.
- Other comments at Town meeting suggested that the proposed zoning would result in larger expensive houses being built instead of Affordable housing.
- Due to the geography of the Village, is it a waste of time to be considering any changes in the Village and should the Planning Board just be focusing on rural Shelburne for the development of Affordable housing?
- Using scattered tax delinquent properties in the Village could help create incremental changes one or two at a time.
- What can be done to entice people to increase the number of dwelling units in the old Victorian houses.
- Should the Board focus on a zoning option for an Affordable house on 5,000SF.
- The focus should be on small-scale, site specific projects instead of doing an overhaul to the current Village zoning.
- Many people really want to stay in the Village but not everyone wants the Highland Village model.
- Many people don't want the feeling of lots of tiny houses crowded together.
- There is a nice example of a solar/village housing project in Williamsburg.
- Cottage housing in the village is more appropriate because public water and sewer are available – it was noted that projects in rural Shelburne could have wells and large-scale septic systems and would not need to have access to public water and sewer.
- The current OSD bylaw could be modified to include an option for outside the Village – possibly with a reduction in the open space requirement in exchange for a specified number of Affordable units.
- From a business perspective, if a Chapter 40B housing development was financially doable in Shelburne, it would have happened by now; the Town should not be concerned with the “threat” of a Chapter 40B application.
- It might be useful to look at existing potential sites such as the former Sweetheart Restaurant; it was noted that that structure may need an expansion of the water main along Maple St. before it can be developed.
- Ashfield has developed a zoning bylaw relative to housing that that the Board may want to review.

Definition of Family – zoning for rehab halfway houses or sober homes. Joe Palmeri noted that he had been approached by someone interested in some type of facility that could be a halfway house or sober house or educational dormitory/group home. In reviewing the zoning bylaw, Joe felt that the Town definition of family was problematic and did not apply to the situation. As Chair of the ZBA, he did not know how to approach the permitting of such a facility. It was noted that the Planning Board had adopted a revised definition of “family” at a Town Meeting just a few years ago. It was suggested that the Board consider a definition for a group home and include it in the use table so that the ZBA would have direction on how to review such a project. Donna noted that if they qualify as an educational organization, they cannot be kept out of a town but they can be regulated. The Board decided to look at examples of bylaws addressing this issue in other towns.

Adult Use Marijuana – Joe Palmeri explained that he had an inquiry from a potential marijuana cultivator asking if there were any limits on the size of greenhouses in Shelburne. Donna MacNicol noted that at ATM the Planning Board had included a revision to the use table to allow greenhouses by right in certain districts in the use table. This was making a change recommended by the Attorney General's office after last year's ATM. While this is listed under the category of Agricultural uses, her recommendation would be to add the word “agricultural” before greenhouse on the use table for clarity.

Donna noted that the Shelburne zoning bylaw relative to adult use marijuana did not include any review criteria. She could not recommend the draft bylaw prepared by the Buckland Planning Board since it was so detailed in its review criteria. A resident pointed out at their Town Meeting that no type of establishment could ever be built in town under the proposed bylaw. There was a general discussion regarding hemp production and potential problems with: cross-contamination if there is a marijuana cultivator nearby, the amount of energy and water used by some cultivation facilities, and lighting. The Planning Board said they would be happy to review the Town's bylaw if there are specific area of concern that citizens or the ZBA would wish the Board to consider.

Any project that was proposed for Shelburne would require the development of a host agreement with the Selectboard, compliance with the Shelburne Board of Health Regulations, and a Special Permit from the ZBA.

The Board thanked everyone for their thoughtful input and insights during the evening.

The Board reviewed options for zoning revisions that could be addressed over the coming year with Alyssa Larose. Alyssa will prepare a checklist of options for the Board to consider and attend the September Planning Board meeting.

Old Business

Marijuana Zoning Bylaw coordination – see above discussion

Shelburne Hazardous Mitigation Plan Update – no discussion

COMMITTEE and REGIONAL PROJECT UPDATES

FRCOG Planning Board – nothing presented

Open Space – Tom Johnson reviewed the Open Space committee’s progress in trail development.

Other Town Board updates – nothing presented

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 – Wednesday, August 14. Alyssa will attend in September.

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

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: Greenfield-2, Charlemont-1, Buckland – 1, Colrain – 1

Zoning Warrant Articles from ATM 2019

6/25 email re Franklin County Planning Board Representation

6/12 Email form Attorney General regarding Shelburne 2019 case number

6/27 emails to Rick and Phyllis Ormond regarding ANR

6/27 email to ZEO Hawkins regarding 18 Severance St.

Masslive articles regarding Amherst housing project