

**Town of Shelburne Planning Board
Minutes of Remote Participation Meeting April 28, 2021**

A duly posted meeting of the Shelburne Planning Board was held remotely on Wednesday, April 28, 2021 at 7:00 pm using Zoom online software.

Present: John Wheeler, Chair

Will Flanders

Cam Stevenson

Tom Johnson

Noah Grunberg, ZBA

Mike Parry, ZBA

Faye Whitney, ZBA Administrative Assistant

Administrative Assistant: Liz Kidder

Audience: Lara Radysh, Ben Higgins, Nancy Eisenstein, Andrew Baker

Absent:

The meeting was called to order at 7: 04 p.m. John Wheeler noted he was recording the audio of the meeting.

Motion to approve the minutes of April 14, 2021 was made by Will and seconded by Cam

Vote: 3 in favor, 0 opposed, 1 abstention by Tom Johnson since he was recused from part of the meeting.

ANR/Subdivision – none submitted

Special Permit – Becky Ashenden- Will stated he is recusing himself since he represents them with everything except zoning and as a member of the Planning Board, he is not representing them on any zoning issue. The board noted that there is apparently an issue regarding combining 2 adjoining parcels into one lot. The Board will wait for further information on this application.

Will rejoined the meeting.

Biagi 474 Little Mohawk Rd . -- The Blagi's have applied for a special permit to install a solar array on 51 acres.

A consensus of the Board was to support this application.

Annual Report – the Board reviewed a draft annual report and okayed its submittal to the Town Administrator.

7:30 pm Review of Proposed Bylaw Revisions with ZBA members

The Planning Board welcomed members of the ZBA and Andrew Baker, Selectmen. Andrew said he was here to learn more about the affordable housing bylaw.

Affordable housing – Will explained that the idea behind this draft bylaw, was to enable the development of affordable housing units using abandoned properties taken for back taxes. He had a conversation with Donna MacNicol regarding equal protection under the law – can the Town have rights that everyone else doesn't have. The suggestion was to create a situation where anyone can create an Affordable Housing lot.

After lengthy discussion, it was suggested that the real zoning issue to address was how to allow the reuse of a non-conforming property that had been abandoned for more than 2 years. There are currently at least 3 such properties and more may become available for reuse in the next few years. This would enable the residential reuse of the property whether it was a Habitat for Humanity Affordable housing project or just restoring a residential property, either of which would be beneficial to the Town.

Will proposed tabling this draft proposal and continue working on it next year after he has had a chance to further research this issue with Town Counsel. His questions will include can the 2-year limit for reuse be extended and whether that can be restricted to Affordable Housing or does it need to apply to any residential reuse. Noah suggested also looking at ways to include an Affordable Housing incentive in the Open Space Development bylaw.

5G – Will explained that Jonathan Mirin had approached the Planning Board about revising Section 16 of the Zoning Bylaw to address future installations for 5G, small cell tower, technology. Admittedly, the FCC could override any local regulations, but the 5g technology requires the installation of many small cell tower units that create a more concentrated exposure of the high frequency electromagnetic waves. Mike Parry pointed out that he had looked up the 5g small cell tower technology online and learned that in addition to many small units about the size of a mailbox being install on existing poles, there would need to be numerous refrigerator sized utility boxes installed at ground level. He expressed a concern that these installations could be intrusive in the Village and then the technology could easily change in just a few years and these units would be obsolete. He isn't opposed to 5g, but the more he looked into it, he felt the logistics and aesthetics are questionable.

Jonathan noted that there are concerns about increasing medical problems caused by the increases of intense exposures to electromagnetic waves. Ultimately the FCC can overrule whatever Shelburne does. By putting it into our bylaw, the Town is making it clear that it isn't wanted in the middle of a Village. As such, it could be considered that the Town is making a political statement in their bylaws.

Mike and Noah said they would share this information with the ZBA during their meeting tomorrow night.

Adding the Selectboard to the Special Permit process—The consensus of those present was that it makes sense to include the Selectboard in the special permit application review process.

Mike and Noah left the meeting

OLD BUSINESS

Pollinator Program –The FRCOG Shelburne Pollinator Workshop – May 6, 2021 – 1-2:30pm.

Will said the Board will need to understand specifically what is pollinator habitat in order to revise the bylaws.

CPA –John said three of the members of Board had attended and did not realize there was going to be a quorum but there were no times that the Board deliberated on any issues as a Board. The Selectboard are leading this initiative and are looking for volunteers to form a CPA Committee to carry it forward.

Section 10, Findings/Variances – the Board will work on this over the next year with the ZBA and Town Counsel. Liz Kidder recused herself for this agenda item.

Planning Board goals/proposed bylaws for 2020-2021/ATM and Public Hearing Schedule --

The Public Hearing will be May 26th. For this year's, ATM, the Board will just submit the proposed revisions to Section 16 regarding 5g and adding the Selectboard to special permit application review process. Liz will submit the proposed Warrant Articles to Town Administrator by Monday, May 3rd along with the Planning Board Annual Report.

Resiliency, Sustainability, Climate Change impact on Franklin County

Kimberly Noake McFee with the FRCOG Resiliency program is applying for a grant to allow the FRCOG to work with towns to review their bylaws with the goal of addressing climate resiliency. The grant proposal is due by June 30th and we will be hearing more from Kimberly as she prepares the application.

Master Plan/Economic Development update – still waiting on the Mass census and the next opportunity for assistance from the FRCOG.

Zoning Bylaw Revisions adopted SPTM 2020 – The Town received extensive comments from the AGs office although they approved the bylaws. There are a couple of items to be reviewed with revisions to be submitted for adoption at either a future SPTM or ATM. Liz needs to share this with the Building Inspector and prepare the Bulletin with the Town Clerk.

COMMITTEE and REGIONAL PROJECT UPDATES

FRCOG – nothing presented.

Open Space-Tom attended their last meeting. The committee is continuing their review of the engineering for the proposed trail and working on educational signage for all their trails.

Other Town Board updates – nothing presented.

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

Read Mail – no mail to review.

Public Comments— Cynthia Boettner commented that she is glad the Board is addressing 5G. She also suggested looking at what 5G would do to the animals and the bees. In Europe they are really fighting against it and she suggested checking there. Tom said both Sweden and Switzerland have partially banned 5G.

Schedule next meeting - The Board will meet remotely again at 7:00pm on Wednesday, May 12th, with a public hearing on May 26th. Focus on the 12th will be to prepare information for the public hearing and Town Meeting.

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

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

Meeting was adjourned at 8:49 pm.

Respectfully submitted by,

Liz Kidder

Administrative Assistant

LIST OF DOCUMENTS:

Proposed revisions to Affordable Housing, 5G, and adding Selectboard to the Special Permit review.

Attorney General’s Decision on SPTM bylaw adoptions

Workshop notice Pollinator Program