

**Town of Shelburne Planning Board  
Public Hearing  
Minutes of Remote Participation Meeting May 26, 2021**

A duly posted meeting of the Shelburne Planning Board was held remotely on Wednesday, May 26, 2021 at 7:00 pm using Zoom online software.

Present: John Wheeler, Chair  
Will Flanders  
Cam Stevenson  
Tom Johnson

Administrative Assistant: Liz Kidder

Audience: Andrew Quiant, John Walsh, Margaret Payne, Jonathan Mirin

Absent:

The meeting was called to order at 7:05 p.m. John Wheeler noted he was recording the audio of the meeting.

**Motion to approve the minutes of May 12, 2021 was made by Cam and seconded by Tom.**

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

**ANR/Subdivision** – none submitted

**Zoning Relief /Special Permit** – James Bragdon, 874 Mohawk Trail

Liz noted that Mr. Bragdon had requested a waiver of the 35 day review period prior to the holding of a public hearing but that the ZBA has several projects being reviewed and probably cannot schedule a public hearing before the normal review period anyway. Liz said she would check with Faye Whitney on scheduling. Will noted a concerned about the amount of traffic in and out of a flea market on Route 2. Liz was asked to draft a letter to the ZBA that addressed traffic concerns and the potential impact on Route 2 from the proposed flea market.

**Moved by Tom and seconded by Cam to recess the planning board meeting for the public hearing at 7:30 pm..**

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

**730 pm May 26<sup>th</sup> Public Hearing Meeting**

The Town of Shelburne Planning Board will hold a remote participation public hearing on May 26, 2021 at 7:30 pm. To access this hearing, go to Zoom.com and ask to join meeting ID# 359 058 3442. For telephone access, dial 929 436 2866 and enter meeting ID# 359 058 3442. The purpose of this public hearing is to provide interested parties with the opportunity to comment on proposed revisions to Shelburne's Zoning Bylaws. The proposed revisions include the following: revisions to Section 16 Shelburne Telecommunications By-law relative to 5G Small Cell Installations, and Section 6.2 Special Permit Rules and Regulations relative to review of applications by the Selectboard.

**Review of 5G and adding Selectboard to SP review.**

**Will explained the existing bylaw, Section 16. He noted that a couple of years ago, the Town banned large scale installations in the Village and now want to make it clear, that no small cell installations would occur in the Village. Part of the reason for doing this is that the same set of rules have to be applied to all applicants according to the FCC. The goal is to get the regulations into place before applications are submitted. We need to have them in place before the issues arise. That is why the Board is proposing them now.**

**Definition** – no questions.

**16.3 General Requirements.** – this revisions identifies which sections of the existing bylaw would not apply to 5G installations. This also allows someone to hire a certified examinaer to come and test for radiowave frequencies.

**Any questions on 16.3** – none

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ 1

Section 16.5 B.c - this basically excepts small cell from the height limitation bylaws,  
Section 16.5 C this requires each small cell tower to apply for a special permit since each one is going to have a specific set of impacts based upon it's location. For example, if it is right in front of the elementary school would be different than a single residence. Therefore, a SP for each one.

Any questions – no

Section 16 12.C – the 10,000 bond – If a specific small cell installation is not complying with limits, then the Town has money to do something about it. Also, since technologies are moving really fast, this technology may be out of date in a few years and the owners may just leave Town and not take down the equipment. The Town wants money set aside to deal with the old technology seems to make sense.

No questions on that.

Will also noted that John Taylor had sent an email with detailed comments.

JT said some people may want to have small cell as an option but Will doubts that people will be offered an option.

The Town knows that the FCC has the ability to take a hike with our local regulations, but if we can establish a set of rules that says we really don't want these installations. If we can also work jointly with other Towns of like mind, it could give the Town a stronger position to have these bylaws in place.

Questions John Walsh – He had a questions on 16.3 – is each pole a single installation or if a contractor comes in with the product is 5G and it will take 10 installations, a contractor will be confused as to needing multiple Special Permits, if a contractor considers one installation to need 5 towers – this needs clarification.

He also suggested that the bonds section should include that it is required for abandonment of equipment. The consensus was that that is covered in the existing language.

John Walsh said he supports having the Selectboard review Special Permits.

Will went back to definition to make it more clear that each pole is a single installation, not a group to achieve coverage. Will will work on this language. Added a sentence. For the purposes of this bylaw,

Take out 16.3.26 about co-locationing and make the next one 26

Jonathan congratulated the Board on getting through to this point on a well thought through update.

John noted that we haven't gotten many at the public hearing but the Board has gotten.

Will moves to adopt these changes to this 5G article, seconded by Cam.

Vote:: 3, 0 1

Will noted that these changes will need to be made on the floor of Town Meeting. Margaret said contact Terry in the morning to see if these changes can be made? See if we Can get the changes into the warrant before it goes to printing.

Section 6 – add the Selectboard to the list of boards getting copies of the Special Permit Applications –

Margaret, noted that the Selectboard has been encouraged to comment on certain proposals and they hadn't, so this gives the Selectboard the information needed to participate in the review.

No other questions or comments.

Any other questions on these two articles? None

Tom moved to close the May 26<sup>th</sup>, public hearing seconded by Cam to at 8:18pm.

**Vote: 3, 0 1**

Motion to reopen the NMay 26<sup>th</sup> Planning Board meeting, Cam, seconded by Will.

Vote 3, 0 1

Meeting reopened at 8>19

**Pollinator Program** – John said that he has been thinking about Will’s suggestion to review how any of them could be enforced. Liz will send the whole package out to the Board members again. They will be looking for how it is enforced and if it isn’t there, then we need to ask the Frcog for that information.

**Planning Board Goals for next year:**

**CPA** – Will, Cam, John had attended the meeting and there was someone there who said that the most successful proposal was for 1.5% and a 100,000 minimum (?) The person from Leverett urged going for the 3% because of the amount of money that would be raised. Will, Cam, John discussed issues raised during the meeting in general. Then there is funds from the State. Will would like to try to make the argument for the 3%. A vote to adopt would be first a Town Meeting vote and then put it on the next townwide ballot. It makes sense to not do it this year but wait until next year when there is statewide election. It will take a lot of public education in order to raise support for it on the Fall 2022 ballot. The CPA group will meet again June 29<sup>th</sup> working with Alyssa Larose. They want input on possible specific projects that might work for CPA funding.

John brought up changes to variances and findings. Liz recused herself from this discussion.

The next step on that issue is to go to the Selectboard to allow Will to have more time with Donna to prepare a proposal.

Affordable housing, Will explained to Margaret that the Board was considering just extending the time to allow the reuse of a building that has been abandoned for more than 2 years. Will needs to talk to Donna again about this possibility. Margaret also mentioned that to address the affordable Housing needs is also to keep in touch with the other players such as the Regional Housing Authority.

**COMMITTEE and REGIONAL PROJECT UPDATES**

**FRCOG** – nothing to present but noted

**Open Space**- Open space met Monday night – they discussed the proposed trail, there is discussion going on with the appropriate office in Boston as to what extent handicapped access will be required. The invasive species and wetlands are being mapped along the trail line and those have now been identified. There is more attention to the Payne property trails. The Committee is also working on educational brochures about the various trails. They also discussed the trees being removed on Bridge St. and changes that will need to be made to their tree walk brochures.

**Other Town Board updates** – nothing presented.

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

**Read Mail** – not notified of any mail

**Public Comments**— Margaret said she learned about small cell installations to night and appreciate the Boards effort to address it.

**Schedule next meeting** - The Board will meet remotely again at 7:00pm on Wednesday, June 23, Skip June 9<sup>th</sup> since it is the same week as Town Meeting.

**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 8 36 pm.**

**Respectfully submitted by,**

Liz Kidder

Administrative Assistant

**LIST OF DOCUMENTS:**

Public Hearing Draft

