Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting/Public Hearing ~ February 25, 2025

A duly posted meeting of the Shelburne Planning Board was held at the Town Hall meeting room, on Tuesday, February 25, 2025.

Present: John Wheeler

Will Flanders

Paul Hollings

Faith Williams

Susan Durkee

Absent: None

Administrative Assistant: Absent

Guests: Crystal Stinson, Mohammad Yeseen, Andrew Fabin, Noah Grunberg, John Walsh, Peggy Warwick, Betsy Corner, Anthony Cammalleri, Andrew Baker, Lisa Berkovits

The meeting was called to order at 6:12 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Minutes**

A motion was made by Paul, seconded by Faith to approve the minutes of February 4. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

**Mail, Memos, and Other Correspondence** – None.

**ANR Plans/Subdivision** – A ANR form had just come in from a person who lives in Greenfield. Most of his property is located in Greenfield, but all of the frontage is in Shelburne. No one had ever dealt with an ANR that covered two towns. Will moved to table this until Town Counsel could be consulted. This was never seconded or voted on. Will agreed to talk with Town Counsel.

**Zoning Relief/Special Permit Applications** – An application for a residential solar installation had been received from Catherine Williams. The installation will be outside of the setbacks. The consensus of the Board was that they had no issues with this application.

**Appointments** – None.

**OLD BUSINESS**

**2024 Bylaw Update** – The updated bylaws are not on the website as yet.

**Clerical Assistant Update** – Susan had planned to speak with Joe Judd and/or Terry Narkewicz asking whether she could volunteer to work for the Board. She has not done that as yet.

At 6:30 p.m. a motion was made by Will, seconded by Faith to recess the meeting for the purpose of a public hearing to discuss proposed bylaw changes. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

**PUBLIC HEARING**

**ADU Bylaw** – The purpose of this bylaw change is to get the town in compliance with a new state law. Since the state law is very new, it is expected that details may change in the next year or two. Town Counsel has approved this bylaw.

Noah Grunberg asked if ADUs were restricted by conditions in the short-term rental bylaw. Paul said that ADUs can be restricted to only allow long-term rentals and this bylaw reflects that. Andrew Baker asked if it was possible to add an ADU to a multi-family property. Paul said that was possible and the property owner does not need to live on the property.

**Battery Energy Storage System (BESS) Bylaw** – This bylaw is based on one from another community that has been approved by the Attorney General. Faith explained that as energy needs increase, the town needs to anticipate what might happen and be prepared. Local communities are not allowed to ban BESS but some restrictions are allowed. Lisa Berkovits said her concern was safety and whether local emergency services knew how to handle such facilities. Faith said the bylaw had been reviewed by the Shelburne Fire Chief and provisions for training were included in the bylaw. John said that proof of liability insurance was also required. Faith said that as technology changed, this bylaw would most likely need changes in the future. To be clear that this bylaw does not affect any home-based battery systems, the bylaw is only for those facilities that produce more than 250 kw. After questions from the audience it was clarified that BESS will not be allowed in the Village Residential or Village Commercial zone, and will require Special Permits in the other zones.

**Short-Term Rental Bylaw** – Part of this bylaw is a general bylaw and part is a zoning bylaw. There are currently 37 active short-term rentals in Shelburne, with two-thirds of them in the village. There are more short-term rentals in Shelburne than in any other town in Franklin County. Some people present had not seen the bylaw so Paul gave a brief synopsis. An audience member asked what would happen if a short-term rental property were sold. The permit goes with the owner, not the property, so a new owner would need to reapply for a permit. Andrew Fabin said he had done all his inspections. He was told he did not need to have had them done by this date, but would have to have them done eventually. Crystal Stinson had her inspections done but the Board of Health found a problem with windows which could not be fixed prior to this meeting. Will said that the public hearing date, which is today February 25, is the date for getting a short-term rental grandfathered. He said that was a state law. It was thought that Crystal might be able to get temporary approval from the Board of Health provided the unit was not actually rented until the window issue was corrected. Town Counsel will be consulted regarding a possible extension for Crystal’s property. Discussion was held on getting renters’ contact information and whether names and phone numbers were enough or were addresses required. The Board said this was taken from Buckland’s bylaw and the reason for it was unclear. An answer will be sought. Noah Grunberg questioned how ADUs might fit in with the short-term rental bylaw. It was suggested that there might be a definition for “owner of residential real estate” which might cover various possibilities.

For future consideration Crystal Stinson mentioned that some towns have bylaws regarding allowing chain stores in their towns.

At 7:47 p.m. a motion was made by Faith, seconded by Will, to close the public hearing. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0.

The regular meeting resumed at 7:49 p.m.

**NEW BUSINESS**

**Discussion of Proposed Bylaw Changes for 2025** – Paul agreed to speak with Randy Crochier to see if the Board of Health could give a conditional approval to the unit mentioned at the public hearing, so that it could be grandfathered.

**Short-Term Rental Bylaw** – Paul had a few minor changes to the bylaw specifically to sections 3.3, 3.4, and 22.2.OB. A motion was made by Paul, seconded by Will, to approve those minor changes as presented. Roll call vote: Faith – aye; Susan – aye; Will – aye; Paul – aye; John – aye. Motion passed 5-0-0. John Taylor’s written comments were discussed. John Taylor has suggested changing the term residential dwelling to residential real estate. He also suggested adding language to make it possible to change the health agent. He had a question on the status of condos, and asked if rooms equaled all room or just bedrooms. Discussion was held on how to define bedrooms and whether it was the number of bedrooms or the amount of space that was the deciding factor in how many people could be accommodated. John Taylor also had questions concerning parking, large events, and smoke and fire alarms. It was decided that all of this could be discussed at the next meeting.

**Committee and Regional Project Updates –** None.

**Two Town News** – None.

**Other business not reasonably foreseen 48 hours prior to the meeting ­**– None.

**Public Comments –** None.

**Schedule Next Meeting** – The next meeting will be on March 4, at 6 p.m., at the Town Hall.

At 8:08 p.m. a motion to adjourn the meeting was made by Faith and seconded by Paul. Roll call vote: Will – aye; Paul – aye; Faith – aye; Susan – aye; John – aye. Motion passed 5-0-0.

Respectfully submitted,

Faye Whitney

Administrative Assistant