

**TOWN OF SHEFFIELD  
PLANNING BOARD  
MAY 24, 2023  
TOWN HALL FIRST FLOOR MEETING ROOM  
7:00 PM  
MEETING MINUTES**

Board Members Present: George Oleen Chairman  
Robbie Cooper  
Kenneth Smith  
Sari Hoy  
Brittany Ebeling

Others Present: Josh Risen - Board Administrator  
Pat Levine – Chair of the Board of Health  
Members of the Public

Chairman Oleen called the meeting to order at 7:00 p.m.

**Discussion/ Possible Action Regarding Proposed Dark Sky Bylaw.**

Chairman Oleen stated that he received an email with additional comments made by Town Counsel regarding this matter but was not able to print it off for this meeting. He opened the discussion to the public who were present to give comments on the proposed bylaw.

Julie Osburn of 74 East Road gave a presentation (with the support of her neighbor Jody Potter of 50 East Road) complaining about her neighbor use of outdoor lighting.

J. Osburn stated that she and her husband are not able to enjoy the use of their home due to the excessive light displays. She said that the lights are too many in quantity and too excessive in illumination and that they prevent her from being able to sleep. The light display begins in the middle of November and goes until the middle of March and has exacerbated J. Osburn and her husband's depression. J. Osburn gave further examples of the light displays that offended her. J. Potter stated that the Christmas lights are extremely bright LEDs and that they are turned on at 4:00 PM and left on until 8:00 AM the next day.

R. Cooper responded by stating that they came to the correct forum to deal with this matter. He agreed that the situation was very serious because it's affecting their health. A discussion about limitations on holiday light displays ensued.

K. Smith stated that there should be a limit on the range of days allowed for holiday light displays and that the Board should be very careful not to implicate religion by limiting light displays based on holidays. Chairman Oleen stated that a neighbors' rights end where your rights begin and it was his view that J. Osburn has a right to enjoy the use her home free from the nuisance of her neighbors light pollution. Chairman Oleen further stated that the Town has a noise ordinance in place and that we should have one for ambient lighting as well. K. Smith pointed out that the noise ordinance only applies to commercial activities.

P. Levine asked if a change in ownership triggered compliance with the proposed Dark Sky Bylaw. S. Hoy responded that a change in ownership was not a triggering event. A discussion about how to implement limitations on holiday light displays ensued again. K. Smith mentioned the use of foot-candles as a method of calculating illumination and that the Board could potentially create limitations that way.

A discussion about how to enforce the proposed Dark Sky Bylaw ensued.

**Discussion/ Possible Action Regarding Access Road off of Hewins St.**

Chairman Oleen told the Board that he had drafted and delivered a letter requesting enforcement to the Enforcement Officer requesting that he take action on this matter.

**Discussion/ Possible Action Regarding Accessory Dwelling Units.**

R. Cooper presented a draft he wrote on a proposed amendment to the Zoning Bylaws for Accessory Dwelling Units (ADU). K. Smith stated that it was his impression that the Select Board is not by-right friendly with regard to ADUs. B. Ebeling stated that ADUs should be by-right in the Rural District. A discussion ensued regarding whether the Board thought that an ADU should be required to be physically attached to a primary residence. Chairman Oleen stated that for an attached ADU it should be by permit in accordance with the Select Board perspective. A discussion continued regarding how many ADUs residents should be permitted to have, this discussion centered on whether a resident should be allowed their first ADU by right, and if each subsequent ADU should be by permit. Another discussion regarding if pre-existing structures should be allowed as ADUs ensued. S. Hoy stated that the Select Board was in favor of detached ADUs.

Discussion continued about regulating the aesthetics of ADUs and if they would be required to follow the historical look of the surrounding area.

The Board also discussed how to define the term Primary Dwelling in the context of ADUs ensued. B. Ebeling stated that this discussion implicates short term rental concerns and that the Board may need to deal with short term rental requirements as part of this discussion.

P. Levine asked the Board if they thought they would get to the topic of Food Trucks tonight. The Planning Board responded that they would table further discussions on the ADU matter until the next meeting.

**Discussion/ Possible Action Regarding Food Trucks.**

K. Smith mentioned several documents he obtained while doing research on food trucks and that he is continuing to look into the matter. Several towns have guides, but nothing that is a solid bylaw which could be copied. S. Hoy concurred and stated that she could not find anything on food trucks in local bylaws and asked why it is even needed. K. Smith responded that under the Zoning Bylaws if a type of conduct it is not specifically allowed, then it is excluded. R. Cooper suggested that there needs to be a durational limit imposed on food truck permits, and that the location of where they operate needs to be determined as well. A discussion about the duration of food establishment permits ensued. P. Levine stated that the Planning Board should discuss the number of food truck permits that could be issued at the same time and that it should be up the Board of Health to decide the specifics. She also informed the Board that mobile food vendors may need to get a Hawker and Peddler license as well.

K. Smith stated that he was going to continue to do further research on this matter and would update the Board during the next meeting.

**Update on C.J. Hoss Training Presentations:**

S. Hoy told the Board that she is waiting to hear back from C.J. Hoss about upcoming trainings.

**Approval of Minutes from 5.10.23.**

It was the consensus of the Board to table the approval of the May 10, 2023 minutes until next meeting.

**Review Mail.**

Chairman Oleen presented the mail to the board. K. Smith requested that a letter that was sent to the Planning Board from Susan Butler, be shared with the Select Board as well.

**Board Member Items.**

S. Hoy told the Board that it was time for her to renew her appointment to be the representative for the Berkshire Regional Planning Commission. *K. Smith moved to appoint S. Hoy as the Planning Boards Representative on the Berkshire Regional Planning Commission, seconded by R. Cooper. The motion passed unanimously.*

*R. Cooper made a motion to adjourn the meeting, seconded by K. Smith. The motion passed unanimously.*

The meeting was adjourned at 9:20 pm.

Respectfully submitted by:



Josh Risen  
Board Administrator

The following documents were reviewed at this meeting:

- Draft meeting minutes for 5/10/23.
- Draft Accessory Dwelling Units Bylaw
- Letter from Susan Butler
- Dark Sky Bylaw
- Letter Regarding Access Road off Hewins Street

# Sheffield Planning Board

Date: 5-24-23

PLEASE PRINT: Your Name

Street, Town

Jody Potter

50 EAST RD SHEFFIELD

Julie Osburn

74 East Road Sheffield

Al Levine

162 Main St "