

**TOWN OF SHEFFIELD
PLANNING BOARD**

June 23, 2021

TOWN HALL

7:00 PM

Board Members Present: Kenneth Smith, Chairman
George Oleen
Robbie Cooper
Sari Hoy
Caitlin Marsden McNeill

Others Present: Members of the Public
Lori Neil, Administrative Assistant

Chairman Smith called the meeting to order at 7:01 pm.

ANR Requests – None

Berkshire Fence Solar Special Permit Review and Update – The applicant did not attend the hearing last week because he did not get notification. The lawyer did not get the notice either. The applicant's address that was on the abutters list actually went to a credit union. C. McNeill shared her experience with mail when she moved from PA. Chairman Smith said if the applicant had attended they should have been offered a continued hearing if only 4 Board members are present. He proceeded to read a letter from Rhonda LaBombard. Even if we had approved this special permit, at the next town meeting they would have entered a tax agreement. Otherwise, they would be paying personal property tax on the solar arrays themselves. If the Board denies the permit there are no conditions. G. Oleen asked if there was any way we could not accept a special permit. There has to be a way other than through the building inspector who gave them the permit in the first place. There has to be a way to enforce the regulations. S. Hoy said the inspector was misleading. There isn't a monetary fine that I know of. There needs to be a way so this doesn't happen again. Chairman Smith said the minute you put in a size it takes over the sentence. G. Oleen said to prevent this from happening again 5,442 square feet or less for a small size solar. No matter how or where it is mounted. If it is ground mounted, the top can only be 20 feet high. The square footage should be in the first sentence. If we say anything over 5,442 square feet has to come before us. July 14, 2021 at 7:00 pm will be their public hearing. We have another Special permit for Sun Drop, LLC in July.

Approval of Draft Meeting Minutes – G. Oleen made a motion to approve the minutes for June 9, 2021 as presented. S. Hoy seconded the motion. Motion carried, 4-0. C. McNeill abstained.

Recodification Bylaw Review: 1.) Non-accessory Signs (adopted May 12, 1975) and 2.) Community/Residences/Group Homes – (Adopted in 1982) - They are not in our zoning bylaws. One question was, do they even apply? The feeling was, it is a Planning Board decision on how to move forward with these bylaws. The non-accessory sign is the exact opposite of an accessory sign. Or, if we think our current bylaw covers it, we can make a recommendation to the Select Board that it should be done away with. As it stands, we have a zoning bylaw for accessory signs. Chairman Smith gave an example of a non-accessory sign that reads the word HONEY. The sign doesn't say who's honey it is. It is all in how you interpret that definition. Town Council has said this could be a Planning Board item. It should not be in general bylaws. C. McNeill mentioned signs are going up all over in town that are not political. If they were political they would need to come down after 7 days. Who has the governance over non-political signs. C. McNeill said it is not fair to people that have different opinions, when the sign is not taken down when it should be. S. Hoy said if she was a neighbor she would be distraught over it. R. Cooper referred to a political sign in New York State. The Board agreed the description needs to be improved on the non-accessory signs. The Planning Board would tell the Select Board they are making a bylaw revision to our sign bylaw. The second bylaw was Community/Residences/Group Homes. Group Homes are not boarding houses. They are definitely different. This would require a Table of Use addition as well, adding community residences and adding the definition. R. Cooper asked if there were any Group Homes in Sheffield currently. G. Oleen responded, yes approximately 5 or 6. Chairman Smith stated the yard requirements do not meet our current standards and I would say we drop that part. If we wanted community residences or group homes to be able to be allowed in the same districts as boarding houses are, then we already have a clear definition. If you are in the rural district you will need a land parcel of a certain size and a certain amount of road frontage. Chairman Smith said the off street parking would go away and in Sections A-H, some of those do not apply. It was decided the Board would proceed with both bylaws. Chairman Smith said he will send out copies and review the Robaski Zoning book. He said he is shooting for this to happen next May.

C. McNeill asked the status of the 5G. Chairman Smith said he needs to draft a memo tonight to Rhonda LaBombard and Rene Wood. Chairman Smith said we are adding to the language of the bylaw. Select Board that says; we the Planning Board, are sending this to your review. Then, they send it back to the Planning Board. The attorney general looks for the memos to make sure the two Boards are communicating. C. McNeill said this has been going on for over a year. It has been completed for some time now. She also mentioned that Great Barrington is already doing small cell installations. C. McNeill made a motion for Chairman Smith to draft and send a memo to the Select Board informing them of the 5G small cell installation revisions to the telecommunication portion of the Bylaw. S. Hoy seconded the motion. Motion carried, 5-0. The discussion continued. Chairman Smith said he doesn't ever remember in the law that there needs to be two memos. He stated this will give us time to be on the September Meeting. The Select Board has multiple meetings between now and then. I will let them know we want to discuss this and have the public hearing on July 28th, 2021. He said chances are, the 5G will start on Route 7 and we don't have jurisdiction there. C. McNeill asked how long it needs to be in the newspaper. Chairman Smith responded, two weeks.

S. Hoy wanted to clarify from the last meeting's discussion regarding habitat loss; from woods to a field is the first tier. It is still a field, it is flowering, etc.... the next tier is from a field to an

unpaved parking lot which is not a complete loss because you can turn it back into a field. Once you pave it, or build a house, it is considered a complete habitat loss.

There was discussion of whether virtual meetings will be allowed. S. Hoy said she asked the Select Board to write a letter to the State and she encourages everyone to call or write to the state to push for virtual meetings to be accepted. C. McNeill mentioned how she had offered to help with Conference Call at the town hall but was declined. S. Hoy inquired, what would be required in person for a Board? G. Oleen said unless it is a dire emergency, all the members should be present. G. Oleen stated people don't want to drive at night but would like to participate. It would be beneficial in the long run. If the town wanted to have meetings open to the public and also have it on Zoom, I don't see anything wrong with that, but I guess the state has to weigh in. Chairman Smith said the legislature is in talks to allow in person meetings and possibly Zoom. Currently the in person meetings do not allow Zoom.


Chairman Smith was looking for a delegate for the Berkshire Regional Planning Board in Pittsfield. After a brief discussion and a little encouragement, G. Oleen volunteered to be the delegate for the Berkshire Regional Planning Board. Each town offers a delegate and an alternate. Rene Wood is the alternate from the Select Board.

The Board discussed marijuana establishments. The ones that were grandfathered in are okay to continue. The ones the Planning Board denied, are now out. Wise Acre on Bull Hill is in a Historic District. The key factor is a signed Host Community Agreement, HCA or a building permit with the town that is still active. Under the bylaw change someone could still get an outdoor grow with a building permit. For example, Wise Acre Farm, Inc. could put in for a building permit and that would start the 2 year clock which would put them under the bylaw. Eventually they will need an HCA to go through the permit process. S. Hoy asked if it could be appealed? Chairman Smith said he heard someone is being sued. G. Oleen stated again, there needs to be recourse if someone doesn't follow the rules. Chairman Smith said the teeth we have is turning down the Special Permit.

G. Oleen made a motion to adjourn the meeting. S. Hoy seconded the motion. Motion carried. 4-0.

The meeting adjourned at 8:32pm.

Respectfully submitted by:



Lori Neil
Administrative Assistant

Supporting Documents:

Special Permit

Site Map

Deliberation Guide

Draft Meeting Minutes