

**TOWN OF SHEFFIELD
PLANNING BOARD
SEPTEMBER 14, 2022
VIA ZOOM
7:00 PM**

Board Members Present: George Oleen, Chairman
Kenneth Smith (arrived late)
Sari Hoy
Robbie Cooper

Board Members Not Present: Caitlin McNeill

Others Present: Bev Keefner, Recording Clerk
Members of the Public

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

ANR Request: None

Approval of Minutes:

S. Hoy made a motion, seconded by Chairman Oleen to accept May 25, 2022 minutes.
The motion carried unanimously.

The minutes from June 22, 2022 were tabled. S. Hoy will contact the Town Administrator's office for the minutes of the joint meeting with Select Board. B. Keefner will review all meetings and minutes to create a list of minutes to be transcribed and/or reviewed for the next meeting.

Discussion on Dark Sky Bylaw:

Discussion ensued regarding seasonal lighting exceptions to the proposed Dark Sky Bylaw. Regarding holiday lights in December R. Cooper suggested that lighting could be allowed for a set period of time from the third week in November to the first week in January from dusk to 11:00 pm or that holiday lights be allowed beginning November 1st for a 90 day period. Chairman Oleen stated that the lights do not have to be removed but must not be lit after the deadline and he recommended that the 90 day period be reduced to 60 days. Discussion regarding lighting for other special dates ex: Valentine's Day, Halloween and holidays throughout the rest of the year were also discussed.

Discussion continued regarding the type of lighting, this was tabled for a future meeting. It was the consensus of the board that the provision for holiday lights will have the time that the lights may come on and go off.

The Public hearing will be held once the Board has a final draft of the bylaw.

Discussion continued regarding sporting lights and electronic displays –Board members are not opposed to electronic displays as long as the display doesn't change within a 24 hour period.

Chairman Oleen will follow up with the Town of New Marlborough to see what was accepted by the Attorney General.

Discussion continued regarding violation fines and it was the consensus of the Board that the violation would be "up to \$100". With the key words being "up to" depending on the level of violation.

The Board will follow up with Marijuana establishments regarding which weeks/months indoor, supplemental grow lights are needed and what times the lights go on and off and the concept of shading (retractable blinds) to minimize light pollution. This should be added into the Marijuana bylaw during the Special Permitting process. The Board will research other towns to find out how they handled this issue.

Public Comments:

Cathy and Mike Giuliani were present to discuss the Trinity United Methodist Church on Route 7A and the subdivision approved by the Planning Board that, in their opinion, interferes with the location of the well for the church. The Giulians stated that Surveyor Al Thorpe referenced the Southern Berkshire Registry of Deeds, Book 99, Page 184, regarding road frontage in front of the Church. Chairman Oleen informed them that is not a planning board issue and it needs to be addressed with the Paul Greene who is the Zoning Enforcement Officer. Ms. Giuliani stated that the Church was not notified of the change and there is a conflict with maps. The Planning Board will review the maps for the subdivision to ensure maps are correct.

David Rogers-Thieriot expressed his concerns with the proposed Dark Sky Bylaw stating that it is uncommon to request when the lights are shut off and the purchase of shades. He feels that 11:00 pm is a reasonable time to request lights off or suggested that they be allowed dusk to midnight. He also stated that fees should not be vague and should be written in detail. Chairman Oleen replied maybe the Select Board decides level of violation and the fees. K. Smith will send the draft bylaw to Mr. Rogers-Thieriot and he was asked to put his comments in writing and submit to the Board.

R. Cooper inquired about town lighting and if lights get shut off.

Board Member Items:

R. Cooper stated that a resident contacted him about a permanent structure for the Farmer's Market. It was the Board's consensus that if the property is owned by the Church, the resident should contact the First Congregational Church.

The Board had questions on C. McNeil's attendance and possible resignation (unofficial) her term ends in 2024.

S. Hoy asked if the new bylaws has been approved and stated that according to the Town Clerk it should be around the end of August. Chairman Oleen will follow up.

It was the consensus of the Board to continue with zoom meetings.

The Board received a letter of determination from the Zoning Board of Appeals (ZBA) for 1515 and 1551 Boardman Street. The ZBA upheld the Building Inspector's decision regarding 1551 Boardman Street and determined that no commercial activity could take place at 1515 Boardman Street.

K. Smith provided public comments regarding property currently owned by Option Institute on the west side of Rout 41 that has been for sale since 2019. The property is located in the Rural District. Interested buyers have inquired about hotels, resorts, etc. K. Smith asked about the possibility of this property being changed to a Commercial District and he read the definition of Spot Zoning. Discussion ensued regarding the property which is bordered by both Connecticut and Massachusetts and that three lots in MA make it commercial, if a buyer buys all three lots. One lot is twenty four acres, another is sixty two and the third lot is

three. One property could be broken into three. The Board would need Town Counsel's opinion /definition of Spot Zoning. K. Smith will send an email sent to Administrator LaBombard and Chairman Wood regarding Spot Zoning. He will also send a proposed bylaw, plans and zoning map and reach out to abutters. Provide the letter from Administrator LaBombard with reply.

Next meeting to be held September 28, 2022 at 7pm, via Zoom.

R. Cooper made a motion to adjourn, seconded by K. Smith. .The motion carried unanimously.

Chairman Oleen adjourned the meeting at 8:53 pm.

Respectfully submitted by:

A handwritten signature in dark ink, appearing to read "B. Keefner", written over the printed name.

Beverly Keefner
Recording Clerk