

**TOWN OF SHEFFIELD
PLANNING BOARD
FEBRUARY 22, 2023
FIRST FLOOR MEETING ROOM
7:00 PM**

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

Board Members Absent: Kenneth Smith

Others Present: Robert Kilmer, Select Board Member
Josh Risen, Board Administrator

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

1) **ANR Requests:** There were no ANR Requests.

2) **Approval of Minutes:**

The Board reviewed the draft meeting minutes of February 8, 2023. R. Cooper would like two corrections to the February 8, 2023 minutes to be made. The changes outlined were the removal of one sentence specifying that, R. Cooper would send an updated document to the Board Administrator, and the other was a substitution of the names K. Smith for R. Cooper in the Tiny House Bylaw section.

3) **Discussion on Dark Sky Bylaw:**

S. Hoy opened this discussion by stating that she had spoken with Select Board Chair Rene Wood, regarding the Select Boards comments on the Dark Sky bylaw. S. Hoy indicated that R. Wood will be getting in touch with legal to get clarification on some of her concerns and that the Select Board would write a letter to the Planning Board detailing what was determined.

Select Board Member Robert Kilmer expressed several of his concerns with the bylaw. R. Kilmer specifically mentioned the replacement of fixtures, the use of motion sensors, and the use of timing devices. R. Cooper addressed R. Kilmer's concerns by bringing to his attention that the bylaw as written has been stripped down from its original form to be much less invasive. Chairman Oleen pointed out that the bylaw as written doesn't require fixtures to be upgraded when just the bulb wears out, but rather when the fixture itself wears out. Chairman Oleen specified that the Planning Board had removed the "motion sensors" from the current. R. Kilmer informed the Board that his main issue is with light pollution affecting neighbors, as in a light shining into another homes windows.

A discussion regarding the grandfathering of older light emitting fixtures ensued, during which R. Cooper indicated that from the conversations he has had the public is in support of the bylaw.

A discussion concerning how other jurisdictions are even stricter in their protection of the dark sky ensued. Chairman Oleen made the point that this version of the bylaw is very mild in comparison to what other towns are doing. Chairman Oleen also gave the example of how the dark sky affects people based on where they originate from. He gave the example, of how a person from New York City would want to illuminate their property as much as possible. Chairman Oleen also stated that if a resident doesn't like the bylaws affects they are free to leave.

Discussion regarding enforcement of the bylaw ensued. S. Hoy made the point that construction workers/contractors of new buildings tend to be onboard with the use of new light fixtures that take light pollution concerns into account. The Board felt that there would be no significant enforcement hurdles outside of dealing with residential complaints.

4) Discussion on Possible Changes to Table of Use:

S. Hoy originally intended to facilitate the development of more inexpensive housing by modifying the Table of Use, but she now feels conflicted as to whether this is the correct method to achieve her goals. R. Kilmer is concerned that if the Table of Use bylaw passed as it stands, there would be no method of preventing the development of “high-end condos.” R. Kilmer addressed the table of use in rural areas versus within the village center by pointing out that putting in high end condos in the village center would be more attractive to a developer because they could make use of the town’s water system.

A discussion regarding the impact of short term rentals on the available housing in Sheffield ensued.

A discussion on what constitutes low income housing/affordable housing ensued. S. Hoy mentioned that the term affordable housing is loaded and very vague, she also suggested that reaching out to C.J. Hoss to get information regarding how a Planning Board determines when a home is considered affordable would be helpful.

5) Discussion on the Tiny Houses and Possible Changes to Zoning Bylaws:

Chairman Oleen made the point that it is the responsibility of the Planning Board to think about how this bylaw would actually operate in reality and to try to foresee any compliance concerns that could arise as a result of this bylaw being adopted. Chairman Oleen discussed a situation where two adjacent tiny home owners could run into a problem with spacing their septic systems from their neighbors’ wells. *It was the consensus of the Board to schedule a Public Hearing on the Tiny Houses bylaw for March 22, 2023.*

6) Public Comment:

R. Kilmer told the Board that he did not think that the Marijuana industry was a worthwhile economic pursuit for Sheffield to continue to participate in, given the loss of the Community Impact Fees. R. Kilmer further stated that the basis for his decision to amend the Marijuana bylaw was to lessen the Planning Boards work load. R. Kilmer said that it ultimately comes down to fees, and indicated that we need to limit or prevent the creation of new cannabis jobs because we do not have sufficient applicants to fill the vacant jobs we already have. R. Kilmer mentioned that with regard to the cannabis retail businesses that are grandfathered in he has requested that they try to be “good-neighbors.” R. Cooper brought up the point that gutting the Marijuana bylaw will limit many opportunities to bring in new industry and careers in Sheffield.

S. hoy expressed her frustration that the Select Board didn’t speak to the Planning Board and work together to amend the Marijuana bylaw. S. Hoy informed R. Kilmer that his alleged motivation to limit the Planning Boards work load was not a valid reason to amend the Marijuana bylaw, R. Kilmer’s responded by saying, “I think you’re being a little insecure.” R. Kilmer expressed that it was never his intent to throw anyone under a bus.

7) Board Member Items:

B. Ebeling inquired if Sheffield has a Master Plan. S. Hoy indicated that the Master Plan is at least 20 years old and has not been updated. B. Ebeling wants to look into updating the Master Plan when the Board is not too busy so that the Plan can be used to obtain future funding.

R. Cooper indicated that he mentioned to R. Wood that creating a liaison person to help with any potential Marijuana related complaints could alleviate some of the Select Boards concerns.

S. Hoy indicated that the Planning Board is required to hold a Public Hearing on the Citizens Petition to prevent the development of 5G wireless. *It was the consensus of the Board to schedule the Public Hearing on the Citizens Petition to prevent the development of 5G wireless on March 22, 2023.*

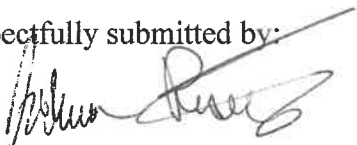
8) Review Mail:

There was six letters that Chairman Oleen read into the record. Three of the letters were Notices to Abutters, two letters were Notice of Decision on Special Permits, and the last letter was to give notice of a scheduled Public Hearing for the Great Barrington Planning Board.

R. Cooper motioned to adjourn the meeting and was seconded by S. Hoy. The motion passed unanimously.

The meeting was adjourned at 8:40 pm.

Respectfully submitted by:



Josh Risen
Board Administrator

The following documents were reviewed at this meeting:

- 1) Sign in sheet.
- 2) Draft meeting minutes for 2/8/23.
- 3) Draft of Dark Sky Bylaw.
- 4) Draft of Tiny Houses Bylaw

Sheffield Planning Board

Date: 2.22.23

PLEASE PRINT: Your Name

Street, Town

Robert C. Kelmer 1272 Rannapo Ashley Falls