



***Town of Sheffield
Planning Board***
***Town Hall – 21 Depot Square
Sheffield, Massachusetts 01257***

Voice: 413-229-7000

Fax: 413-229-7010

TTY: 800-439-2370

July 13, 2022

7:00 PM

Virtual Zoom Meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/84110271908?pwd=dThrM3N3RFBLVDJuaS9jamNJVFILdz09>

Meeting ID: 841 1027 1908 Passcode: 102517

Dial by your location 929 205 6099

The following agenda items are for review and possible action:

1. ANR Requests
2. Approval of Minutes
3. Discussion Regarding Berkshire Regional Planning Commission
4. Discussion/Action Regarding Dark Sky Bylaw
5. Discussion/Possible Action Regarding Deliberation Guide
6. Discussion Regarding Zoning Bylaws and the Housing Production Plan
7. Review Mail
8. Board Member Items
9. Public Comment

DRAFT
Planning Board Minutes
June 22, 2022
7:00 pm
Town Hall Upstairs Meeting Room

Members present: George Oleen, Chair
Robbie Cooper
Sari Hoy
Ken Smith (arrived at approximately 7:15pm)

Members absent: Caitlin Marsden McNeill

Others present: Rene Wood, Bob Kilmer, Rhonda LaBombard, Jill Hughes

Chairman Oleen called the meeting to order at **7:00PM**.

1. **Meeting with Select Board** – Please refer to the minutes drafted by Jill for content from this portion of the meeting. The Select Board adjourned their joint meeting with the PB at 8:56pm.
2. **ANR Requests:** None
3. **Approval of Minutes:** Meeting minutes from June 8th were approved unanimously as presented.
4. **Dark Skies Bylaw Discussion:** Item was tabled due to the lateness of the meeting
5. **Planning Board Mail Review:** George indicated there was no mail
6. **Board Member Items:**
No board member items, but we all felt the meeting with the SB was good and we feel it should be done yearly.
7. **Public Inquiries:** None

Sari made a motion, seconded by Ken to adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 9:07pm.

Respectfully submitted by:

Ken Smith

Deliberation Guide

Applicant: _____;
Use sought: _____

(Note: As this is a guide, it may not be complete. Cross out what does not apply and add in what is missing)

The board, which is also the Special Permit Granting Authority (SPGA), began its deliberations during a regular business meeting on _____.
_____ members were present. (ALL members who heard testimony must be present.)

The board established the following information:

Name of Applicant: _____

Address of Applicant: _____

Purpose of Special Permit: _____

Per By-Law Section: _____

The property, which is the subject of this special permit application, is located at the address of

referred to on Tax Map No. _____, Block & Lot _____, Book ____ & Page.

The Special Permit application was dated _____, stamped by the Town Clerk on _____ and accepted by the Board on _____, as case # _____.
The property is located in the _____ District.

The applicant requested a Special Permit under Sections _____ of the Town of Sheffield Zoning By-Laws for the purpose of _____.

The applicant(s) and their representative, _____ presented the application and oral presentations to the Board at a public hearing on _____ at _____ PM.

Notices of Public Hearing on this Special Permit were made as follows:

1. Notices of the public hearing were published in The Berkshire Eagle, a daily newspaper of general circulation in the Town of Sheffield, in editions as

follows: _____ issue and _____ issue.

2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on _____ at _____ PM.

3. Notice of Public Hearing were mailed, postpaid, on _____, at least 14 days before the hearing, to the applicant, abutters to the property in question, owners of land directly opposite from the property in question on any private or public street or way as supplied by the town assessors Certified Abutter List and to the Planning Boards of the abutting towns of Great Barrington, Alford (shouldn't Alford be replaced by Egremont), Mt. Washington and New Marlborough.

4. Notice of Public Hearing and site plan were delivered to the Board of Selectmen, Fire Department, Highway Department, Police Department, Board of Health and Conservation Commission at the Town Hall for review and feedback.

Notice was dated _____ and distributed on the same date.

Also identified at the _____ deliberations were:

Documentation entered into the public record. (list all documents)

- Special Permit application and cover letter and all documents submitted with the initial application dated _____, including _____ and site plan; received _____ and accepted _____.
- _____
- _____
- _____
- Lists all letters from abutters, town boards, commission, committees, etc., the Building Inspector, Attorneys, or anyone:

The board noted that the Special Permit hearing began on _____ and was closed on _____ with continuations of the hearing held on _____.

It was reviewed that SPGA members present during all of public hearings were:

If any board members were absent, note this as follows:

_____ was not present at the hearing

(continuation) on _____ but per town adoption of MGL Chapter 39, Section 23D, listened to the audiotape of the public hearing, and if applicable examined all evidence received at the hearing, and certified as such in writing, which allowed him to participate in the hearing continuations and deliberations.

All five members were present during deliberations.

The board reviewed public testimony and the documents submitted during the hearing:

List all Findings:

1. _____ owns the property located at _____,
_____ in the _____ District. The site has _____ building(s) with the following size: _____
2. _____.
3. _____.

If applicable to the special permit sought, **list findings regarding site plan submitted, parking and loading requirements, landscaping, signage, lighting, etc. If Alternative Lot Dimension, list finding relative to those requirements.**

All Special Permits must have questions from Section 9.4.2.2 answered below. Specific questions can be found below for the following Special Permit types:

- Section 7.1: Personal Wireless Service Facilities (7.1.10)
- Section 7.5: Adult Use Marijuana Establishments (7.5.7)
- Section 8.3: Water Supply Protection District (WSPD) (8.3.9)

Section 9.4.2 Decision:

Section 9.4.2.2, states that a Special Permit shall be granted only upon the board's written determination that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

During its deliberations and determination, the board reviewed all the evidence, documents and all testimony presented against each of the following and found:

- **9.4.2.2.1: The Social, economic or community needs which may be served by the proposed use.**

Does the SPGA find that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to the social, economic, or community needs which may be served by the proposed use?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- **9.4.2.2.2: Traffic impact, flow and safety, parking and loading and accommodation to pedestrian and non-automotive transportation.**

Does the SPGA find that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to traffic impact, flow and safety, parking and loading and accommodation to pedestrian and non-automotive transportation?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- **9.4.2.2.3: Adequacy of utilities and other public services.**

Does the SPGA find that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to adequacy of utilities and other public services?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- **9.4.2.2.4: Appropriateness to the proposed location, the neighborhood character and town land use objectives.**

Does the SPGA find that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to appropriateness to the proposed location, the neighborhood character and the town land use objectives?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- **9.4.2.2.5: Environmental impacts, including, but not limited to, visual effects, noise, odor, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion, and sedimentation.**

Does the SPGA find that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to environmental impacts, including, but not limited to, visual effects, noise, odor, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- **9.4.2.2.6: Potential fiscal impact, including impact on town services, tax base and employment.**

Does the SPGA find that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

Conditions to Attach to Special Permit: Any special permit conditions to attach? If CONDITIONS ATTACHED, list here in detail as this is the way they will appear on the Special Permit.

Waivers to Attach to Special Permit: Any to review? Any requested? If WAIVERS GRANTED, list here in detail as this is the way they will appear on the Special Permit.

Continue deliberations below for the following Special Permit types:

Section 7.1: Personal Wireless Service Facilities (7.1.10)

Section 7.5: Adult Use Marijuana Establishments (7.5.7)

Section 8.3: Water Supply Protection District (WSPD) (8.3.9)

If this Special Permit is for anything other than these, proceed to the **Final Vote**.

Final Vote:

In keeping with its authority, on _____ during its normal business meeting, the SPGA voted in a roll call vote as follows:

Kenneth Smith, Chairman:	GRANT / DENY	
George Oleen:	GRANT / DENY	
Robbie Cooper	GRANT / DENY	
Caitlin Marsden McNeill	GRANT / DENY	
Sari Hoy	GRANT / DENY	
As Alternate, if on hearing, _____		GRANT / DENY

The Planning Board has voted to GRANT / DENY the use of this Special Permit application, subject to the above condition(s) and waiver(s,) if any.

The board directed _____ to work with _____ to complete the required documentation within the 14 days after the board's decision, as required by law.

Decision requirements, in addition to Section 9.4.2.2, are as follows:

7.1 Personal Wireless Service Facilities, Repeaters and Towers

The board must review the following items from Section 7.1.10, Approval Criteria.

- 1. In acting on any application, the Special Permit Granting Authority shall proceed in accordance with the procedures and timelines established for Special Permits as provided in Section 9.4.**

Has the SPGA answered the questions in section 9.4.2.2 above?

YES or NO

(SPGA discussion items shown above)

- 2. In addition to the findings required in Section 9.4, the Special Permit Granting Authority shall, in consultation with Independent Consultant(s), make all of the applicable findings before granting the application, as follows:**
 - 1. That Applicant is not already providing, and is not able to use any existing towers/Facility sites in or around the town either with or without reasonable adjustments and/or the use of repeaters to provide, adequate coverage and/or adequate capacity to the town and the facilities proposed in the application will provide, or will significantly enhance Applicant's ability to provide, adequate coverage and/or adequate capacity to the town.**

Does the SPGA believe the applicant has exhausted all options to comply with this section of the By-Law?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- 2. That the proposed personal wireless service Facility/tower or repeater will not have an undue adverse impact on historic resources, scenic views, residential property values, natural or man-made resources or the other interests specified in Section 7.1.1.**

Does the SPGA believe that beneficial effects of the proposed project will outweigh the adverse impacts with regards to historic resources, scenic views, residential property values, natural or man-made resources or other interests?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

3. That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the proposed personal wireless service Facility/ tower.

Does the SPGA believe the applicant has taken all measures to mitigate the adverse impacts of the facility / tower?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

4. That the proposal shall comply with FCC 96-326 and any and all other applicable FCC regulations, regarding emissions of electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant.

Does the SPGA believe that the applicant has complies with all FCC regulations with regards to electromagnetic emissions and required monitoring is in place?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

5. That the proposal complies with the other requirements of these By-laws.

Does the SPGA believe the applicant has complied with other requirements of these By-Laws?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

When finished with these questions, go back to the **Final Vote** above.

Decision requirements, in addition to Section 9.4.2.2, are as follows:

7.5 Adult Use Marijuana Establishments

7.5.7 Decision and Findings for an Adult Use Marijuana Establishment: In addition to the required findings for a Special Permit required pursuant to Section 9.4, and those findings required for Site Plan Approval pursuant to Section 9.5, the Special Permit Granting Authority must also find all the following:

- 1. The Marijuana Establishment is consistent with and does not deviate from the purposes and intent of Section 7.5, meets the additional requirements / conditions of Section 7.5.4 and all other applicable Sections of the Zoning By-Laws.**

Does the SPGA believe the proposed marijuana establishment is complying with the purposes and intent of Section 7.5 and does it meet the additional requirements / conditions of Section 7.5.4 and all other applicable section of the Zoning By-Laws?
YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- 2. The Marijuana Establishment is designed to minimize any adverse visual, sensory, or economic impacts on abutters and other parties in interest.**

Does the SPGA believe that the proposed marijuana establishment is adequately minimizing the adverse visual, sensory, or economic impacts on abutters and other parties in interest?
YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- 3. The Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.**

Does the SPGA believe that the marijuana establishment is compliant with all state agencies and applicable state laws and regulations?
YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

4. The applicant / owner has satisfied all of the conditions and requirements of this Section and other applicable Sections of these Zoning By-Laws.

Does the SPGA believe the applicant has satisfied all of the conditions and requirements of this an other section and all sections of the Zoning By-Laws?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

5. The Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that all operations of the facility, including storage, cultivation, and delivery are adequately secured on-site or via delivery.

Does the SPGA believe the applicant is complying with the intent of the safety measures requested?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

6. The Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses, as per Sections 7.5.5.2.12 and 7.5.5.2.16.

Does the SPGA feel the applicant has adequately prepared for the increased traffic demands?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

When finished with these questions, go back to the **Final Vote** above.

Decision requirements, in addition to Section 9.4.2.2, are as follows:

Section 8.3 Water Supply Protection District (WSPD)

8.3.9 Additional requirements for a Special Permit in the Water Supply Protection District

- 1. The Planning Board shall follow all Special Permit procedures contained in Section 9.4 of these By-laws. In addition the Planning Board shall distribute copies of all application materials to the Board of Health and the Conservation Commission, each of which shall review the application, and following a vote, shall submit recommendations and comments to the Planning Board. Failure of boards to make recommendations within 20 days of distribution of the application materials shall be deemed to be a lack of opposition. One copy of the application shall be transmitted to the Town Clerk for viewing by the public during office hours.**

Has the SPGA provide copies of application to the Board of Health, Conservation Commission and the Town Clerk?

YES or NO

Has the SPGA received recommendations from the Board of Health?

YES or NO

Has the SPGA received recommendations from the Conservation Commission?

YES or NO

Have the SPGA members reviewed and taken into account the recommendations of the Board of Health and Conservation Commission in making their decisions regarding this Special Permit?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- 2. The Planning Board may grant the required Special Permit only upon finding that the proposed use meets the following standards and those set forth in Section 9.4 of these By-laws. The proposed use must:**

- 1. Not, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Supply Protection District.**

Does the SPGA believe the applicant has accounted for the quality and quantity of water in the Water Supply Protection District impacted by this application?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- 2. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.**

Does the SPGA believe the applicant has taken every measure to protect the site from substantial disturbance?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

- 3. The Planning Board shall not grant a Special Permit under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in this section.**

Does the SPGA believe the applicant has provided all materials and they are sufficiently detailed, definite and credible enough for us to evaluate this project?

YES or NO by a _____ vote.

Board comments to support/detail their findings on this item:

When finished with these questions, go back to the **Final Vote** above.

When reviewing the Town of Sheffield Zoning By-Laws (ZBLs), many sections are supportive of housing production, including the following, as stated in Section 3.1.3 Table of Use Regulations.

Housing allowed By-Right:

- Single family dwellings in all Town Districts
- 2- and 3-family dwellings in all Town Districts
- Accessory single-family dwelling unit in the Village Center District by right
- Mobile home as temporary living quarters, for up to 1 year once the building permit is issued, in the Rural District

Housing allowed by Special Permit:

- Multi-family dwelling containing up to 4 dwelling units by Special Permit in the Rural and Village Center Districts
- Multi-family dwelling containing up to 6 dwelling units by Special Permit in the Village Center District
- Boarding House by Special Permit in the Village Center District
- Accessory single-family dwelling unit in the Commercial District by Special Permit
- Accessory single-family dwelling unit in the General Business District by Special Permit
- Accessory apartment in the Rural and Village Center Districts by Special Permit; size allowed by Special Permit is 300 sq. feet minimum and 800 sq. feet maximum

All uses stated above are subject to the Zoning By-Law's dimensional requirements, such as lot size and setbacks while other uses require additional acreage. Please see Section 4.0 Dimensional Requirements for complete information.

With few exceptions, housing uses in the Sheffield Zoning By-Laws have not been reviewed for over a decade. As such, they have not been updated to reflect newer housing concepts such as cluster developments, manufactured homes (certainly no longer fair to call them mobile homes), or even 3-D Printer homes.

Sheffield faces four serious obstacles to housing development, which may be addressed by changes in the current Zoning By-Laws.

1. The high price of land and the required acreage for building a housing unit, which runs from a 2-acre lot size in the General Business District to ½ acre in parts of the Village Center District in Sheffield, where a private water company provides water service. The price of land may account for the absence of any 40B application.
2. A considerable amount of Sheffield lies in the areas with high water tables. Since Sheffield has no Municipal Septic System, every home needs a septic system. While part of the Sheffield Village Center and beyond (as opposed to the Ashley Falls Village Center) is served by a private water company, most dwelling units in Sheffield also require a private well. Distances between the septic system and the well are carefully regulated by law and frequently these distances require a larger building envelope. (Sheffield has not explored shared septic systems or packets and should do so.) As a result, infill is difficult and even adding an accessory apartment may

mean upgrading a septic system, along with concerns about water availability and flow from a current well.

3. The lack of any public transportation in Sheffield. While the Senior Center provides transportation during the week to Seniors, if one is to own a home or rent in Sheffield, one needs their own transportation. This lack of public transport may be limiting buildable areas.
4. The lack of builders or developers interested in building housing in the current market unless it is building a new luxury private home or renovations. With the Pandemic, Sheffield, which has always been an attraction to 2nd homeowners given its proximity to major metropolitan markets, has seen a steep rise in home prices, as well an increase in new luxury home building and renovations.

Going forward in implementing the Town's Housing Production Plan, the following recommendations are made:

- A complete review of the Zoning By-Laws with the goal of identifying all obstacles to "affordable" "workforce" or just "buyable" housing. This review should include dimensional requirements, including building height and extra requirements for anything other than a single dwelling unit; lot size acreage requirements in all four Districts; review of housing options available in each District, whether by right or Special Permit, and whether these continue to be viable.
- Identify where housing in-fill opportunities may exist.
- Suggested options to bring non-conforming homes/housing units into conformance. Are there patterns or clusters of such units in certain areas of Town, like the two Village Centers?
- Understand the potential, as well as limits and costs, of new septic systems/packets for in-fill housing or multiple-unit housing; septic upgrades to accommodate an accessory apartment or dwelling unit and costs; and the costs of extending private water company service, as well as hooking two dwelling units to a single private well.
- Identify housing development concepts, such as clustered housing and community land trust, which are currently not listed in Sheffield's Zoning By-Laws, evaluate their potential, and develop appropriate implementation strategies. One such example is Detroit's starter homes construction and management.
- Explore what over rural communities, here in MA and elsewhere, are doing to meet housing crises, like Sheffield's.
- Evaluate recent housing types or construction techniques, from new manufactured homes placed on a concrete slab to homes being built through 3-D Printers.
- Identify obstacles in the State's building code, which may be preventing new construction of a variety of housing types, if any, and begin a State House lobbying process for their removal.
- Understand MASS housing construction and rehabilitation initiatives, as well as grant funding to accomplish same. Identify funding sources, develop a grant writing timeframe, and identify resources to write the grants.

Sheffield's Zoning By-Laws are only a portion of moving forward in implementing more housing types and options for Sheffield, and they represent opportunities as well as current obstacles. Only through a complete review, will such obstacles be identified. This is the first step in changing obstacles to opportunities, which often requires the approval of Town voters.