



# Town of Sheffield

*Planning Board*  
P.O. Box 325  
Sheffield, MA 01257

Fax (413) 229-7010  
TTY 800-439-2370

## **Regular Meeting**

**Wednesday, October 22, 2014, 7:00 PM**

## **TOWN HALL – 1st FLOOR MEETING ROOM**

Planning Board Members Present: James T. Collingwood Jr., Chair  
David A. Smith, Sr.,  
Anthony Gulotta  
Daniel Watson  
Marie Massini-Reynolds

Members of the Public Present: Nadine Hawver

**Meeting with Building Inspector:** J. Collingwood Jr. had a meeting with the Building Inspector, Tom Carmody, to clarify the definition of “sign” on page 28 of the Town of Sheffield Zoning By-laws.

### **Mail:**

- The Sheffield Land Trust sent a notice announcing a Nature walk on October 26<sup>th</sup> at 1pm.
- Applied Geo-Spatial Analytics of Newberry, MA sent a letter advertising their land use monitoring services.
- The Sheffield Town Clerk, Felecie Joyce, sent a memo to the Planning Board regarding a petition proposing a new bylaw regarding Smart Meters. The petition, begun by Nina Anderson, has not yet been certified. Ms. Anderson is hoping to get a temporary moratorium on smart meters until March 2016. The proposed bylaw would prevent the electric company from starting work to create a smart grid.

**Minutes:** *D. Smith Sr. made a Motion to approve the October 8, 2014 minutes as written. A. Gulotta seconded his Motion and the Motion was approved unanimously.*

**Berkshire Regional Planning Commission (BRPC) Meetings:** The 5<sup>th</sup> Thursday Meeting next week will be on Thursday, October 30<sup>th</sup>, at Mazzeo’s. Board members who will attend will car-pool, mileage is paid by the town.

On November 13<sup>th</sup> at 7pm BRPC will hold a seminar on Vested Rights, Conforming Structures and Uses. D. Smith Sr., J. Collingwood Jr. and M. Massini-Reynolds will attend. The town will pay the fee due to BRPC for attendance.

The BRPC seminar on December 18<sup>th</sup> is on Subdivision and Approval Not Required (ANR) Applications.

**Solar Farm on County Road:** Maggie Martin addressed the Board about the solar farm proposed on 49 acres of land across the street from her home. She explained that the developer wants to put up 20 acres of solar panels. Ms. Martin was concerned that many trees will be cut and that the trees remaining as a screen will be only 12 feet tall, so that the panels will be clearly visible from her second floor. Ms. Martin was concerned that this solar development would adversely affect property values. She thought that solar farms should be restricted to certain areas of town. She stated that the State Department of Natural Resources strongly discourages solar farms where large-scale tree cutting is required. Ms. Martin was of the opinion that a solar development is a public utility and, according to the bylaws, new public utilities need the Planning Board's approval.

J. Collingwood reminded Ms. Martin that there are already 3 functioning solar arrays in Sheffield. He said that those facilities were constructed by right; they did not require the Planning Board's approval.

A. Gulotta added that Berkshire School has a fence around their solar array because deer died on the installation, which is hot. He recommended that Ms. Martin contact the Department of Natural Resources about the effect on wildlife. He asked if this developer has been before the conservation commission regarding this installation on County Road.

J. Collingwood said that Sheffield has no solar bylaw, the owners of the proposed solar installation on County Road have already bought the land, and as far as he knows they are allowed to put up the installation by right. Ms. Martin responded that BRPC advised her that there could be a moratorium placed on new solar farms.

D. Smith Sr. said that if the Planning Board looks into proposing a by-law regulating solar farms, that effort could be published and affect proposed solar arrays.

Ms. Martin read her proposed moratorium of solar farms for Sheffield, which was based on a moratorium implemented by another Massachusetts town. She quoted MA law stating that any Town Board, which would need to approve a permit, can intercede. She argued that this is a public utility and it should have a special permit from the Planning Board with conditions.

J. Collingwood said that the Planning Board has no jurisdiction at this time and thus cannot do anything without risking a lawsuit. He said that Ms. Martin should make her argument to the Building Inspector. Another option he recommended is to pursue the petition process.

Ms. Martin stated that she would like to become a member of the By-Law Review Committee. Nadine Hawver said she should submit her name to the Select Board.

J. Collingwood said that a 20 acre solar array would seem to be nearly impossible at that location considering the wetlands that are there.

Ms. Martin asked if the owner separates acreage out by giving it to the neighbors and then leasing it from them for a \$1 per year, would that not count toward the 20 acres allowed for solar panels? Board members suggested she ask the Town Assessor, Tammy Blackwell, that question.

Ms. Martin said that she will email the board copies of her proposed moratorium.

**Rene Wood's Proposed Registered Marijuana Dispensary District:** J. Collingwood reviewed the proposal for the Board. He stated that Rene Wood presented this a year ago, but withdrew it going into the Town Meeting. She has since made some changes and is re-submitting the proposal for a Registered Marijuana Dispensary District. The Proposed District would be the same as the Adult Entertainment District, an area on the north end of town. If someone wanted to open a marijuana dispensary it would be limited to this district. The Public Hearing for this proposal would be in January. The Board members expressed support for this proposed bylaw. Nadine Hawver noted that there could be a Special Town Meeting in January. J. Collingwood said the Planning Board may include items in the Special Town Meeting, if so, they would schedule Public Hearings on this proposed by-law as soon as the January Meeting is confirmed.

**Meetings in November and December 2014:** *A. Gulotta made a Motion that the next two Planning Board meetings be held on November 12th and December 10<sup>th</sup> 2014 and that there be no Planning Board meetings on November 26th and December 24<sup>th</sup>. His Motion was seconded by D. Smith Sr. and approved unanimously.*

**Next Planning Board Meeting will be Wednesday, November 12<sup>th</sup>.**

*A. Gulotta made a Motion to adjourn, seconded by D. Smith Sr. The Motion was approved unanimously.*

The meeting was adjourned at 7:55 PM.

Respectfully submitted,



Nadia Milleron  
Secretary to the Planning Board