



# *Town of Shelburne, Vermont*

## SELECTBOARD MEETING AGENDA

*for*

Tuesday, February 11, 2020

Shelburne Town Offices, 5420 Shelburne Road, Shelburne, Vermont

Call to Order	7:00 P.M.
*Approve Agenda	7:00 P.M.
*Approve meeting minutes of January 21, 2020	7:00 P.M.
Public Comments	7:05 P.M.
Selectboard Comments	7:15 P.M.
Welcome to new businesses	7:20 P.M.
Town Manager Report	7:25 P.M.
*Selectboard participation on committees – clarify roles	7:30 P.M.
*Short term rental issues – introduction	7:35 P.M.
*Public hearings on proposed amendments to zoning and subdivision bylaws	7:40 P.M.
Proposed stormwater ordinance and credit manual – second reading	8:10 P.M.
*Review/approve proposed projects for wastewater system analyses and stormwater management	8:20 P.M.
*Review/approve Town Manager goals/objectives for 2020	8:30 P.M.
*Town facilities use/fee policy: update	8:45 P.M.
*Review/approve agreement with VELCO regarding Harbor Road	8:50 P.M.
*Wastewater allocation for the Fiddlehead Brewery tasting room	8:55 P.M.
*Certificate – No Appeal or Suit Pending	8:57 P.M.
*Adjourn	9:00 P.M.

\* Decision Item

Times allotted to each agenda item are approximate and may vary depending on the discussion.

*Reasonable accommodations will be provided upon request to ensure that this meeting is accessible to all individuals*



# Town of Shelburne, Vermont

## SELECTBOARD MEETING ANNOTATED AGENDA

for

Tuesday, February 11, 2020

Shelburne Town Offices, 5420 Shelburne Road, Shelburne, Vermont

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Town Manager Report	7:25 P.M.
*Selectboard participation on committees – clarify roles	7:30 P.M.

*As I understand it, the thought here is to clarify that when Selectboard members participate on other Town committees, it is in an advisory/participatory, but non-voting, role.*

*Short term rental issues – introduction	7:35 P.M.
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*This is intended as an introduction to questions/concerns that may exist regarding short-term rentals of homes, and possible request that the Planning Commission consider how and whether some form of oversight or control may be warranted.*

*Public hearings on proposed amendments to zoning and subdivision bylaws	7:40 P.M.
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*Planning Director Dean Pierce had presented brief overviews on these two separate but related proposals in the prior requests to accept these and warn these for hearings, both of which were duly warned for this evening. One relates to proposed amendments to form-based zoning; the other relates to proposed amendments to the subdivision regulations (which themselves relate to form-based zoning). The complete proposals and maps are in your packets; Dean Pierce will be with us to explain these to you.*

*Procedurally, these could be handled together as a single hearing, but it might be better to consider these as individual and separate hearings. If one but not the other were questioned or challenged, then if handled separately, they don't both get delayed.*

*So... a motion to open the hearing on proposed amendments to form based zoning will get us started. We can hold the hearing, and consider questions and comments; the hearing can then be closed and a decision to adopt or reject can follow; or if needed, the hearing may be recessed and continued to a date certain.*

*A new motion to open the hearing on proposed amendments to the subdivision bylaws can then start the second hearing; and the same process and options apply from there.*

*FYI, I have not received any questions or comments about either of these proposals. My understanding is that each is intended to simplify or streamline project reviews in certain fashion. While I think that these could have gone further to help in that regard, I am not suggesting that we hold off on adopting these if the Board is satisfied with the proposals as presented. Incremental progress is still helpful.*

**Proposed stormwater ordinance and credit manual – second reading** 8:10 P.M.

*As you recall, and unlike other hearing processes, the Town Charter requires a first and second reading of a proposed ordinance before a public hearing may be held to consider final adoption. We held the first reading at a recent meeting; this will be the second reading, where I will present a brief review of what we'd presented before. We have then warned the public hearing itself for our next meeting on February 25, where the hoped-for adoption of the revised stormwater ordinance and credit manual will be considered.*

**\*Review/approve proposed projects for wastewater system analyses and stormwater management** 8:20 P.M.

1. Inflow & Infiltration Analysis and Sanitary Sewer Evaluation – This project has been through the solicitation process and we have chosen Wright-Pierce Engineering. As we have discussed, this project will be self-funded by the Wastewater Department, and is an essential aspect of #2, below.
2. Facility Consolidation Preliminary Engineering Review (Step 1 CWSRF) – This has been awarded to Aldrich & Elliott Engineering. The intent is a fresh look at the previous analysis done by Hoyle/Tanner to be sure we have included all relevant considerations in our review and decisionmaking. Timing is key, as the City of South Burlington needs us to commit by June 2020 if we intend to pursue that consolidation option.
3. Phosphorus Control Plan – I have hired Fitzgerald Environmental Associates. We have been working on a scope of services. This project is funded by the Stormwater budget, but I have applied for funds from CCRPC's UPWP grant. If approved, then this will only require a 20% match paid from the Stormwater budget.
4. Bostwick Rd Ditch & Gully Stormwater Project – This project is to meet a MRGP requirement and was initiated by CCRPC. The project will be bid in two phases but likely using only one contractor. The project is funded through two grants, one for each phase. A Better Back Roads grant and Grant-In-Aid funds are both administered by CCRPC and require a 20% match, which will come from the Stormwater budget.

5. Constructed Gravel Wetland – This project has just gone out to bid and the bid opening is scheduled for Feb 14<sup>th</sup>. This project is being funded by the State’s CWIP. This Stormwater project requires a 50% match. The match is the cost of the land and license for the site which has been estimated and vetted by VT DEC for a value of \$600K. The project is estimated to be about \$600K-700K.

**\*Review/approve Town Manager goals/objectives for 2020**

**8:30 P.M.**

The proposed goals and objectives are included in this packet. Presuming adoption, I will do my best to accomplish these in the manner and timeframes stated.

**\*Town facilities use/fee policy: update**

**8:45 P.M.**

*In the continuing process of harmonizing our use/fee policy for Town Offices, Library, and Town Hall, we suggest adding the following fee exemption to apply to Town Offices, in a manner consistent with what the Library Trustees have adopted for the Library. It is similar to how these used to be handled here before we tightened things up a bit in creating the new policy.*

*‘Non-profit groups which wholly or in part benefit Shelburne residents; and Shelburne condominium and neighborhood/homeowners’ associations.’*

*Along these lines, Dean Pierce has suggested an update to our Zoning Fees for form-based development projects; be great if we can adopt that tonight, as well, especially if we have already adopted the form-based amendments heard earlier this evening. That proposal is included in this packet.*

**\*Review/approve agreement with VELCO regarding Harbor Road**

**8:50 P.M.**

*This is the same agreement that we’d vetted and approved last year; the only change proposed is to extend the agreement for three years, rather than having it effective annually. I think this makes good sense, and keeps this protective agreement in place for a longer period of time. It states simply that if VELCO must bring in very heavy equipment such as a new transformer to the substation on Harbor Road, they will repair the road if that transport causes any damage. As you might imagine, unlike construction materials, a large transformer cannot be transported in lighter weight parts or pieces.*

**\*Wastewater allocation for the Fiddlehead Brewery tasting room**

**8:55 P.M.**

*This relates to the ‘tasting room’ that now exists at Fiddlehead/Folino’s Pizza. Wastewater Superintendent Chris Robinson is OK with this request for up to 1323 gallons per day (GPD) of wastewater flow for the 49 seats in the tasting room. The reason I suggest “up to” is that there are differing opinions whether 1305 or 1323 GPD are needed. With such an immaterial difference that is of no consequence to our ability to serve, it seems prudent to approve “up to” the larger amount and let the technical experts sort it out.*

**\*Certificate – No Appeal or Suit Pending**

**8:57 P.M.**

*This is apparently a statutory requirement that the Board certify that at this time, there are no appeals pending from action of the Listers, nor suits pending to recover taxes paid under protest relating to the Grand List. It has been signed by Assessor Ted Nelson, and requires the Selectboard's certification and signatures.*

**\*Adjourn**

**9:00 P.M.**

*Thank you.*

**\* Decision Item**

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# STORMWATER UTILITY UPDATE

January/February 2020

## ORDINANCE CHANGES

Adoption Winter 2019-2020

Effective July 1, 2020

Change to a two-tier approach to assessing Single Family Residential (SFR) properties:

Those with less than one acre of impervious surface;

Those with one acre or more of impervious surface.

Non-Single Family Residential (NSFR) properties are assessed based on the amount of impervious surface on the parcel. This value is derived through the use of satellite imagery.

Utility fees to be phased in over a three-year master cycle, net of any credits:

Year 1: 33% of the full billable rate;

Year 2: 66% of the full billable rate;

Year 3: 100% of the full billable rate.

## CREDIT MANUAL CHANGES

Education Credit increased from 10% to 20%

Agriculture Credit increased from 25% to 45%

Total Maximum Credit (education, agriculture, and other water quality improvement practices...) increased from 70% to 75%.

## BUDGET IMPLICATIONS (all round numbers):

FY '20 General Fund: \$206,000

FY '21 General Fund: \$206,000

FY '21 Stormwater Utility Fees: \$170,000 (estimated, @ 33% phase in)

Total FY '21 Stormwater Budget: \$401,000

FY '21 CIP contemplates \$250,000 for a project in Boulder Hill, believed feasible with utility fees and hoped-for grant funding.

As utility fees for all property owners phase in over time, general fund contributions from taxpayers should decrease accordingly.

## Lee Krohn

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**From:** Chris Robinson  
**Sent:** Friday, February 7, 2020 2:03 PM  
**To:** Lee Krohn  
**Cc:** Peter Frankenburg  
**Subject:** RE: confirming

Hi Lee,

This is the breakdown of the funding mechanisms for each project. I have copied Peter on this email.

1. Inflow & Infiltration Analysis and Sanitary Sewer Evaluation
  - a. This will be funded using available cash in the Sewer Fund. The contract price is \$186,432. However, I expect the total price to be closer to \$200,000 due to additional work in the Hillside area.
2. Facility Consolidation Preliminary Engineering Review (Step 1 CWSRF)
  - a. This will be funded with a loan from the CWSRF program. The contract price is \$82,900. There is a 50% subsidy for this loan so we will need to borrow \$41,450.
3. Phosphorus Control Plan
  - a. We have applied for a UPWP Grant from CCRPC for \$30,000. There is a 20% match required of \$6,000. The contract price for Phase 1 is \$12,800. The remainder of the grant will go towards Phase 2 (Cost is unknown until Phase 1 is complete).
4. Bostwick Rd Ditch & Gully Stormwater Project
  - a. We have applied for two grants to cover this project which has been broken into two phases. Phase 1 we hope will be funded with Grant-In-Aid funds from CCRPC. This is for \$13,000 with a \$2,600 match (20%). Phase 2 we hope will be funded with a Better Roads Grant for \$24,000 with a \$4,800 match (20%). All the matches will be paid from the Stormwater budget.
5. Constructed Gravel Wetland
  - a. This project will be funded with a \$706,000 CWIP Grant. We have \$666,266 to match (50% required) any grant money needed. The match is the VELCO license for the land and the easements from Burlington Self Storage and Bluelinx.

Let me know if you need anything else.

Chris

Chris Robinson  
Water Quality Superintendent  
Wastewater & Stormwater Department  
Town of Shelburne  
53 Turtle Lane  
Shelburne, VT 05482  
Phone: (802)985-3700  
Fax: (802)985-8314  
Email: c Robinson@shelburnevt.org  
Website: www.shelburnevt.org

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**From:** Lee Krohn  
**Sent:** Thursday, February 06, 2020 4:23 PM



## **TOWN MANAGER GOALS/OBJECTIVES for 2020**

### **GOAL 1 - Storm Water Municipal Utility**

Theme: The Utility, if approved, will be a complex administrative event and represents a public information challenge. Its successful implementation is a Selectboard 2020 priority.

A. Town Manager will direct preparation, presentation, implementation and administration of the Utility in 2020, organizing and maintaining a regular flow of public information regarding it and regularly reporting its progress and effect.

#### **OBJECTIVES**

1. Town Manager will prepare and present NLT February 11, 2020 the proposed Revised Ordinance by which the Utility is established July 1, 2020 if approved, encouraging and facilitating public input, especially from affected institutional users.
2. Town Manager will prepare and present to the Selectboard by March 10, 2020 a management plan, outlining Utility implementation by task and date.
3. Town Manager will direct financial and programmatic execution of Utility provisions, reporting progress monthly to the Selectboard beginning April 1, 2020.
4. Town Manager will originate and maintain a continuous flow of public information in 2020 specific to Utility operations, explaining in non- technical terms why the Utility is needed, how it operates, its user financial advantage, and its positive Storm Water mitigation consequence.
5. Town Manager will devise and prepare a report to the Selectboard by December 31, 2020 on Storm Water mitigation effects of Utility adoption.

### **GOAL 2 - Economic Development**

Theme: Economic Development, memorialized as a 2019 Initiative, is a 2020 Selectboard priority.

A. Town Manager will provide overall guidance, resources and support of the Economic Development Initiative

#### **OBJECTIVES**

1. Town Manager will prepare and present to the Selectboard by April 1, 2020 a management plan identifying the major administrative tasks in implementing the Economic Development Initiative, including proposed use of Budgeted 2020/2021 monies.

2. Town Manager will prepare and propose to the Selectboard feasible organizational alternatives for the Economic Development function by May 1, 2020

- a. Preparation will include consultation with regional bodies and municipalities regarding their organization of the Economic Development function, and
- b. Solicitation of input from representation of the Shelburne business community, and
- c. Recommendations regarding the hiring, full- or part-time of a staff person, together with an outline of the job description and range of compensation for that staff position.

3. Town Manager will prepare and present to the Selectboard by June 1, 2020 a recommended approach to systematically identify and initiate Town regulatory reforms considered essential to improved business attraction and investment in Shelburne.

4. Town Manager will expand and maintain active communication with the Shelburne business community to include periodic public forums, cooperative activities with the SBPA, and alerts to and encouragement of CBC member participation in state, regional, and local conferencing re: Economic Development.

### **GOAL 3 - Organizational and Other Special Initiatives**

Theme: Reorganization of the Planning & Zoning office; staff retention and succession planning; an updated OIP; and, implementation of Auditor recommendations are foci of Organizational Development, a 2020 Selectboard priority.

A. Town Manager will administer a series of related proposals, studies and activities intended to improve Town Office organization and Town staffing.

#### **OBJECTIVES**

1. Town Manager will prepare and propose to the Selectboard alternative structures for the P & Z Office by May 15, 2020 for their review.

2. Town Manager will identify local expertise, mobilize and convene these, and recommend to the Selectboard steps in formalizing a Staff Succession and Retention Plan by August 1, 2020.

- a. The Plan will contain a section on SVFD and Rescue Squad incentivization

3. Town Manager will submit an updated OIP consistent with and accompanying the 2020 CIP, by September 15, 2020, ensuring its use in 2020/2021 Budget deliberations.

4. Town Manager will prepare and propose to the Selectboard a rationale for a funded staff salary survey by October 1, 2020.

5. Town Manager will prepare and present to the Selectboard a Town Pedestrian and Bicyclist Safety Plan by May 15, 2020.

Theme: Townwide road and sidewalk safety is a 2020 Selectboard priority. The view is that the subject deserves increased attention.

The Plan will include recommended uses of 2020/2021 monies budgeted for sidewalk, line painting, pedestrian and bike safety projects, and such amounts of highway treatment as may be directed toward the safe travel of vehicles, walkers and bikers, integrating these as a program whole

The Plan should be prepared with the advice and direct input of the Bike/Ped Path Committee, the Village Pedestrian Safety Group, local non- profit resources such as Local Motion, and the Highway Superintendent.

The Plan should recommend whether an activity separate from the Highway Department is advisable, perhaps a Safety Office which includes staff safety initiatives and collective Town efforts to reduce property and casualty liability together with safe travel and environmental compliance measures.

6. Town Manager will conclude implementation of FY 2018 and FY 2019 Auditor recommendations in 2020.

Theme: Purchase and investment in pre-construction infrastructure of the Rice property site, if approved at a Special Town Meeting, is a 2020 Selectboard priority

## 2. DEVELOPMENT REVIEW BOARD/PLANNING COMMISSION\*\*

Variance or Appeal Hearing	\$200, plus 3 <sup>rd</sup> party review fees
Sketch Plan review	\$200, plus \$25 per developed lot or unit
Minor Subdivision – Final Plan	\$400, plus \$50 per developed lot or unit, plus 3 <sup>rd</sup> party review fees
Major Subdivision – Preliminary Plan	\$500, plus \$50 per developed lot or unit, plus 3 <sup>rd</sup> party review fees
Major Subdivision – Final Plan <u>or</u> <u>Form Based Zoning (FBZ) review</u>	\$400, plus \$50 per developed lot or unit, plus 3 <sup>rd</sup> party review fees
Planned Unit Developments	Per Subdivision and Applicable Conditional Use Charges
Amendment to existing subdivision or Boundary	\$300, plus 3 <sup>rd</sup> party review fees
Amendment to existing PRD or PUD <u>or</u> <u>FBZ review</u>	\$400, plus \$50 per residential lot or unit plus \$50 per commercial lot or unit, plus 3 <sup>rd</sup> party review fees
Conditional Use and/or Site Plan Review	\$300, plus 3 <sup>rd</sup> party review fees
Design Review, including request for demolition of historic structure	\$30
Engineering review and inspection (construction phase)	Fees to be paid by applicant
Petitioned or requested amendments to Town Plan or Zoning Bylaws	\$50, plus legal ad cost for Planning Commission and Selectboard hearings plus \$265 if request is for a zone change that requires preparation of impact statement pursuant to 24 VSA, section 4441 (c) or 4384 (c)

\*\*Projects proposed by the Town or its CBCs are exempt from these fees.

## **Agreement**

This Agreement is made this \_\_ day of February, 2020 between VT Transco LLC and Vermont Electric Power Company, Inc. (together, "VELCO") and the Town of Shelburne ("Town").

### **Recitals**

Whereas, VELCO owns and operates land and a substation Shelburne, Vermont;

Whereas, in or around 2020 through 2023, VELCO intends to transport to said substation by truck various substation equipment via a portion of Harbor Road in Shelburne, Vermont, to wit, a .5 mile stretch of Harbor Road lying immediately west of Route 7;

Whereas the Town of Shelburne is willing to allow said transport to occur, provided, however, that VELCO assumes responsibility for repairing damage to the above-referenced portion of Harbor Road caused by said transport;

### **Terms**

Therefore, the Town and VELCO voluntarily agree as follows:

1. The Town agrees to allow VELCO to transport to said substation by truck various substation equipment via a portion of Harbor Road in Shelburne, Vermont, to wit, a .5 mile stretch of Harbor Road lying immediately west of Route 7;

2. VELCO agrees to repair, or cause to be repaired, in a timely and workmanlike manner, damage to the above-referenced portion of Harbor Road caused by said transport and further agrees that such repairs will consist of a complete overlay of the damaged portion of the road.
3. The parties expressly acknowledge that they have each read this Agreement, understand its terms, and have entered into it freely.

**Signatures**

Vermont Electric Power Company, Inc.  
Vermont Transco LLC

By: \_\_\_\_\_  
Michael E. Fiske,  
Transmission Services & Asset Manager

Date: \_\_\_\_\_

Town of Shelburne

By: \_\_\_\_\_  
Lee Krohn,  
Town Manager, Town of Shelburne

Date: \_\_\_\_\_

PVR-4155

### Certificate—No Appeal or Suit Pending

We hereby certify that on this date there are not any appeals pending from action of the Listers nor suits pending to recover taxes paid under protest relating to the April 1, 2020 grand list of SHOLBURN, Vermont.

Given under our hands at Shelburne in the County of Chittenden, State of Vermont, this \_\_\_\_\_ day of \_\_\_\_\_.

*Assessor Listers*  
[Signature]

**Selectboard**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attested this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ Town Clerk

**§4155. Certificate and attestation—No appeal or suit pending**

When no statutory appeal as provided by law from the appraisal of the listers and no suit to recover taxes paid under protest is pending on the first Tuesday of February following such lodgment, the selectboard and listers of a town or the mayor and assessors of a city shall endorse a certificate to that effect upon the grand list and the same shall be attested by the town or city clerk with the date of such attestation.

**§ 4156. After appeal and suit determined**

When any such appeal or suit is then pending, such certificate shall be made as soon as such appeal or suit has been finally determined.

**§ 4157. Effect of such certificate**

From the date of endorsing such certificate upon the grand list as aforesaid to the effect that no such appeal or suit is pending, when offered in evidence in any court in this state, such list shall be received as a legal grand list of such town or city and its validity shall not be put in issue by any party to any action in any hearing or trial in any court.

# The Vermont Statutes Online

## Title 32 : Taxation And Finance

### Chapter 129 : Grand Tax Lists

#### Subchapter 004 : Grand List Of Town

(Cite as: 32 V.S.A. § 4155)

#### **§ 4155. Certificate and attestation-No appeal or suit pending**

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# The Vermont Statutes Online

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### **Chapter 129 : Grand Tax Lists**

#### **Subchapter 004 : Grand List Of Town**

(Cite as: 32 V.S.A. § 4157)

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From the date of endorsing such certificate upon the grand list as aforesaid to the effect that no such appeal or suit is pending, when offered in evidence in any court in this State, such list shall be received as a legal grand list of such town or city and its validity shall not be put in issue by any party to any action in any hearing or trial in any court.