



# Town of Shelburne, Vermont

## SELECTBOARD MEETING AGENDA

Tuesday, August 25, 2020

Shelburne Town Offices, 5420 Shelburne Road, Shelburne, Vermont

VIRTUAL/REMOTE MEETING -- LOGIN/CALL IN DETAILS BELOW

Join SELECTBOARD Zoom Meeting

<https://us02web.zoom.us/j/82018267781?pwd=c1p0WjhzcjYxdkx2RE9uWUp2eENoQT09>

Meeting ID: 820 1826 7781

Password: 9sXPQq

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 820 1826 7781

Password: 064930

Call to Order/Roll Call	7:00 P.M.
*Approve Agenda	7:00 P.M.
*Approve meeting minutes of August 11, 2020	7:00 P.M.
Public Comments	7:05 P.M.
Selectboard Comments	7:15 P.M.
Town Manager Report/Update	7:20 P.M.
New business owner update: Lara Maloy, Furchgott/Sourdiffe Gallery	7:25 P.M.
Reappraisal update	7:35 P.M.
*Regulatory reform action plan – proposed first steps	7:45 P.M.
Preliminary schedule and process for budget review	8:30 P.M.
*Set hearing date for Shelburnewood CDBG grant application	8:40 P.M.
*Wastewater allocations	8:45 P.M.
*Memorandum of Understanding and Resolution re: Wake Robin water tank	8:50 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*

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<b>Public Comments</b>	<b>7:05 P.M.</b>
<b>Selectboard Comments</b>	<b>7:15 P.M.</b>
<b>Town Manager Report/Update</b>	<b>7:20 P.M.</b>
<b>New business owner update: Lara Maloy, Furchgott/Sourdiffe Gallery</b>	<b>7:25 P.M.</b>
<b>Reappraisal update</b>	<b>7:35 P.M.</b>

Municipal Assessor Ted Nelson will update the Board on plans to restart the reappraisal process in a manner respectful of homeowner/landowner concerns as well as safe protocols and practices.

<b>*Regulatory reform action plan – proposed first steps</b>	<b>7:45 P.M.</b>
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At our August 11 meeting, an array of ideas and suggestions were presented as a proposed action plan for regulatory reform. The Board will recall that this was one of several interconnected matters set forth in my goals and objectives for the year, and that the Board had directed me to prepare an action plan for that meeting. Based on that evening's discussion, please find attached a suggested strategy for tangible first steps. To help make forward progress and improve systems, these are focused primarily on process efficiencies and not as much on content at this time. It is likely that most discussion of regulatory review standards themselves will require lengthy processing among various CBCs before any consensus can be reached.

**Preliminary schedule and process for budget review**

**8:30 P.M.**

It is always hard to believe, I know... we just barely begin a new fiscal year, and have to turn around and think about starting the budget process over again. Toward that end, please find attached an early draft calendar which is based on prior years. It may need minor adjustment to ensure that we meet legal deadlines; and/or we may consider an entirely different approach given current circumstances that will likely preclude our gathering in person for the foreseeable future. That said, with the ink now dry on the formation of a standing Finance Committee, we will likely want to seek their counsel on both operating and capital budgets. Thinking even more expansively, this is the time to consider if we even want to continue with the same process. While easier to just rest on the past and keep doing the same thing, it's important to at least think about reimagining the process. If we land right back where we have been, at least we'll do it consciously, and not just because "that's how we've always done it".

Last year at this time, I challenged department heads to think more creatively about operations and budgets. I did not want us all to presume that we should keep doing the same thing we've always done but with a proverbial 3% increase. Are we doing things that we don't need to do or shouldn't be doing; are we not doing things that we should be? Are staffing and processes and workflow appropriate for our needs? I'm not sure that process was as successful as I had hoped, but I believe it is always worth trying.

That said, does the Board have any initial thoughts at the outset – for example, should a goal at the start be a 0% increase in the overall operating budget, given past, current, and anticipated/possible new debt, not least of which will be a +-\$1M bond vote regarding the prospective Fire/Rescue project?

To be sure, some work done by our dedicated staff is dictated by external rules or requirements. Water and wastewater systems must continue flowing while meeting safety standards; Police Department protocols are under internal and external pressures to minimize costs while offering an expanded range of services; finance becomes ever more complicated while the routine work of collecting revenue, paying bills, and managing payroll never ends. Some departments and workflows may be harder than others to reimagine, but it's important to ask these questions of us all. Yet, as with last year's wastewater analysis, it was well worth the time, effort, and cost to reconsider that system, and whether to stay the course, consolidate treatment plants, or go to South Burlington – and based on that analysis, we will likely set sail in a different direction than we have done before.

What's a small town to do when faced with larger town responsibilities and expectations? We must try again to challenge ourselves to think creatively about all that we do (or don't do but wish we did). After all, a budget is not just an end in itself; it's really a means to an end – for how we must or choose to spend our money reflects not only regulatory realities, infrastructure needs, and community expectations, but goals to be achieved. As just one example: if we truly wish to make Shelburne a more walkable/bikeable community, then we must be willing to spend more money in different parts of town in order to achieve that goal. It may mean putting a 'pause' on other cherished activities in order to balance wants, needs, and resources; all yet to be determined in this process.

**\*Set hearing date for Shelburnewood CDBG grant application**

**8:40 P.M.**

You will recall that the prior Shelburnewood CDBG application for a grant to do a feasibility analysis of park expansion was not approved in the last round. As I understand it, the project was thought worthy; there was just too much demand for limited funds, and these typically must be shared geographically around the state. Shelburnewood seeks to try again in the next round, which thus triggers a new round of process, including a Selectboard public hearing to take public comment and determine Board support for the project. Given public notice requirements, the earliest we could hold that hearing would be at our September 22 meeting. I recommend a motion to that effect.

**\*Wastewater allocations**

**8:45 P.M.**

We now have four requests at this time, two for 210 GPD each for new single-family homes, and two for 140 GPD each for accessory apartments.

Jim Collins, Bourgea Lane, tabled at our last meeting for process clarifications. The question here was equitable treatment due to unusual circumstances of seeking to reserve an allocation in hopes that the sewer main on RT 7 will be upgraded next year. Having discussed this with Chris Robinson, we believe this permissible under the allocation ordinance, and any other applicants would be considered in the same manner – granting an allocation request with the clear conditions that it cannot be used, and connection to our wastewater system cannot be made, unless and until that sewer main is upgraded and the capacity issue is resolved – and the applicant pays the additional mitigation fee as adopted by the Selectboard to help cover the costs of that upgrade.

Allocations granted are good for several years, on the presumption that construction does not always occur immediately in any circumstance, even absent the unique situation here.

So this first one is for Jim Collins, Bourgea Lane, 210 GPD for a new home, with the above conditions.

Justin Wygmans at the so-called “Lot 1A” on Milkweed Lane; again, 210 GPD for a new home.

Christopher Fischer, 165 Lakeview Drive, 140 GPD for an accessory apartment.

Sean Toohey/Maureen Mindell, 164 Pierson Drive: 140 GPD for an accessory apartment.

All are OK per Chris Robinson.

**\*Memorandum of Understanding and Resolution re: Wake Robin water tank**

**8:50 P.M.**

This is a two-part matter; relevant documents are attached. These relate to the second water tank and related infrastructure and water line easement recently constructed or created at Wake Robin, and the intent to turn these over to the Town for ownership and maintenance. The MOU explains in detail the specifics involved; the resolution, if approved, would effectuate this transaction and authorize the Town Manager to sign any documents needed in this matter. It’s my understanding that this is all as was intended originally when the new building and the additional water tank were constructed. These have been reviewed by Rick Lewis and the Town attorney, and are considered complete and “ready to go”. A motion to accept these documents and authorize the Town Manager to sign the resolution would be in order.

**\*Adjourn**

**9:00 P.M.**

*Thank you.*

**\* Decision Item**

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

**TOWN OF SHELBURNE  
SELECTBOARD  
MINUTES OF MEETING  
August 11, 2020**

**\*Meeting held via teleconference.**

**MEMBERS PRESENT:** Jerry Storey (Chair); Mike Ashooh, Mary Kehoe, Jaime Heins, Kate Lalley.  
**ADMINISTRATION:** Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director.  
**OTHERS PRESENT:** Members of the public participating in the meeting included Joyce George, Don Porter, Gail Albert, Ken Albert, Jason Grignon, Neil Curtis, Rep. Jessica Brumsted, Alec Webb, Steve Mayfield, Allison Celmer, Scott Sivo, Sam Anderson, Rosalyn Graham, Tom Tompkins, Elaine Limanek Susan McLellan, Dan York, Sue Furry-Irish.

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**1. CALL TO ORDER**

Chair Jerry Storey called the teleconference meeting to order at 7 PM, explained the procedure to be followed, and held a roll call. A moment of silence was held in remembrance of long time Shelburne resident and past town and state elected official, George Schiavone.

**2. APPROVE AGENDA**

**MOTION by Jaime Heins, SECOND by Mike Ashooh, to approve the agenda with the addition of three wastewater allocation requests. VOTING by roll call: unanimous (4-0) [Mary Kehoe not present for vote]; motion carried.**

**3. MINUTES**

*July 28, 2020*

**MOTION by Mike Ashooh, SECOND by Jaime Heins, to approve the minutes of 7/28/20 with the addition of the adjournment time for Executive Session and the regular meeting. VOTING by roll call: unanimous (4-0) [Mary Kehoe not present for vote]; motion carried.**

**4. PUBLIC COMMENT**

- Sam Anderson with the Greater Burlington Industrial Corporation was introduced and will participate in the discussion on economic development and regulatory reform later in the meeting.
- Ken Albert, Shelburne resident, spoke highly of George Schiavone as an individual and a long-time public servant.

**5. SELECTBOARD COMMENTS**

- All were urged to attend and support Shelburne Day on 8/15/20.
- Gratitude was expressed to Diana Vachon, Town Clerk, and all the volunteers who assisted with the primary election.

**6. TOWN MANAGER REPORT/UPDATE**

Lee Krohn reported:

- The first installment of town taxes is due 9/15/20.
- Condolences to the family of George Schiavone.

**7. BUSINESS UPDATE DURING PANDEMIC**

Steve Mayfield, Shelburne Country Store and Christmas Tree Shoppe, Alec Webb, Shelburne Farms, Ken Albert, Shelburne Vineyard, and Rosalyn Graham, SBPA E-newsletter, briefed the Selectboard on how their businesses have found ways to continue to operate through the COVID pandemic despite the vague and frequently changing rules from the state. Business owners are cautiously optimistic and look for what they can do for and with each other through these challenging times.

**8. UPDATES: Shelburne Community School and Social Services Committee**

*Shelburne Community School (SCS)*

Principals, Allison Celmer and Scott Sivo, gave an update on the adaptations and innovations the school system is implementing to meet the needs of students and families. There will be a hybrid school week with groups attending classes for two days and then learning remotely the balance of the week. The school continues to work with health care providers and the Dept. of Health on COVID matters.

*Social Services Committee*

Sue Furry-Irish and Elaine Limanek with the Social Services Committee mentioned some organizations requesting funds have returned the money because services were not delivered due to COVID. New requests will begin in September.

**9. MASKS/FACE COVERINGS FROM THE STATE**

Staff reported the town received 1,900 COVID masks from the state and is in the process of identifying where the needs are for the masks. The plan is to make the masks as widely available as possible. Suggestion was made to have the police hand out masks on Shelburne Day.

**10. PUBLIC HEARING: Proposed Zoning Bylaw Amendments – PUD buffers  
MOTION by Mary Kehoe, SECOND by Kate Lalley, to open the public hearing on  
proposed zoning amendments to the PUD buffer. VOTING by roll call: unanimous  
(5-0); motion carried.**

The public hearing was opened at 8:15 PM. Dean Pierce briefly reviewed the bylaw revisions to expand the list of structures allowed in the PUD buffer and to allow fences and retaining walls in the buffer; all only within the mixed-use zoning district. Conditional use review would only be required in this district if the wall structure is eight feet or higher when the wall is in the setback. The changes pertain only to the PUD buffers in the Route 7 corridor. The request for revision to the bylaw was from the AutoMaster for a retaining wall to assist with stormwater management on the site.

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to close the public hearing on the zoning amendments pertaining to structures in the PUD buffer. VOTING by roll call: unanimous (5-0); motion carried.**

The public hearing was closed at 8:24 PM.

**MOTION by Mike Ashooh, SECOND by Mary Kehoe, to approve the proposal to amend the bylaws relative to structures in the PUD buffer as presented. VOTING by roll call: unanimous (5-0); motion carried.**

#### **11. FINANCE COMMITTEE ADOPTION & APPOINTMENTS**

Staff reviewed the charter for the Finance Committee which shows a five-member committee with staggered three year terms.

**MOTION by Mike Ashooh, SECOND by Mary Kehoe, to adopt the charter for the Finance Committee as presented. VOTING by roll call: unanimous (5-0); motion carried.**

**MOTION by Mary Kehoe, SECOND by Kate Lalley, to appoint the following individuals and terms to the Finance Committee:**

- **Rosalyn Graham for an initial term of one year;**
- **Ken Albert for an initial term of one year;**
- **Tim Williams for an initial term of two years;**
- **Tom Denenberg for an initial term of two years; and**
- **Don Porter for an initial term of three years.**

**VOTING by roll call: unanimous (5-0); motion carried.**

#### **12. REGULATORY REFORM ACTION PLAN**

Lee Krohn reviewed an action plan for regulatory reform that will help approaches to economic development, save time, and improve efficiency. The plan proposes to expand the types of projects eligible for administrative review/approval, eliminates redundancy, and streamlines certain types of review. Items for further consideration include having the town boards and committees meet jointly, doing better on sequencing reviews, working out issues with projects prior to hearings, interpreting the rules with common sense, evaluating whether form-based code is working, and reconsidering on-the-record review.

There was discussion of having a unified bylaw for the town (a significant undertaking without any certainty the rules would be simplified). Support was expressed for more administrative review/approval and having the town boards meet to discuss a systematic approach to the rules. Input should also be gathered from other stakeholders. An overhaul is needed with a look toward economic development, but the process should start with a few items for discussion such as on-the-record review or form-based code. SmartGrowth could do an audit of the town to help identify where the town wants to go. Regional Planning may also have resources available.

Gail Albert, Shelburne Natural Resources Committee, suggested the town's boards and committees be involved before engaging an outside consultant to identify common goals and the plan lay out.

Neil Curtis, Shelburne Planning Commission, said the Planning Commission tries to address feedback from residents and businesses in town. Having the Selectboard and Planning Commission meet more frequently to discuss planning and zoning issues would be beneficial.

Next steps:

- Chairpersons of the town's boards and committees poll their members on ideas on regulatory reform to discuss at a joint meeting of the Chairs. The plan outlined by the Town Manager will be a guide with the goal to conclude with some actionable items.

### **13. ECONOMIC DEVELOPMENT ACTION PLAN**

Lee Krohn reviewed an action plan to promote economic development in town. Options to promote economic development should be explored before hiring an Economic Development Director. The job description and expectations of the position need to be clear before the position is filled. Businesses in town should be contacted to see what the town can do that would be most helpful to them.

Sam Anderson, GBIC, suggested the town's money would go farther with a consultant rather than a full-time employee because the money allocated for the position is not enough to attract a full time worker.

**MOTION by Mike Ashooh, SECOND by Kate Lalley, to issue an RFP for a consultant to assist with a plan for economic development.**

**DISCUSSION:**

- **Mary Kehoe recalled the Selectboard voted to hire an economic development officer and is now reversing that vote.**
- **It was noted circumstances since the vote have impacted funding for the position which impacts the ability to hire a full-time employee.**
- **Don Porter said a consultant can help pull together a program for the economic development officer to follow.**

**VOTING by roll call: 4 ayes, one nay (Mary Kehoe); motion carried.**

Staff will draft an RFP for a consultant to help develop an economic development program.

### **14. BOND VOTE LANGUAGE: Route 7 Wastewater upgrade**

Lee Krohn said the bond language is standard, and has been reviewed by the Town's engineer and bond counsel. The \$350,000 cost will be covered by the Town (25% of the overall cost), a mitigation fee paid by users in the corridor, and users on the entire sewer system.

**MOTION by Mike Ashooh, SECOND by Kate Lalley, to approve the bond vote language that reads:**

- **Shall the general obligation bonds or notes of the Town of Shelburne in an amount not to exceed \$350,000 subject to reduction from available state and federal grants-in-aid and other financial assistance be issued for the purpose of financing construction of the Route 7 sewer capacity improvements the aggregate of cost of all such improvements being \$350,000?**

**VOTING by roll call: unanimous (5-0); motion carried.**

**15. ROAD NAME**

**MOTION by Kate Lalley, SECOND by Mike Ashooh, to approve the road name “Ferndale Way” for a new road in the proposed Gardenside Nursery residential subdivision. VOTING by roll call: unanimous (5-0); motion carried.**

**16. WASTEWATER ALLOCATIONS: 25 Caspian Lane, 57 Carmi Drive, Bourgea Lane**

**MOTION by Kate Lalley, SECOND by Jaime Heins, to approve wastewater allocation of 210 gpd for a single-family house at 25 Caspian Lane and 210 gpd for a single-family house at 57 Carmi Drive in the Kwiniaska Ridge housing development. VOTING by roll call: unanimous (5-0); motion carried.**

It was noted the house on Bourgea Lane has not yet been built. Staff will investigate whether sewer allocation can be granted at this time.

**17. ADJOURNMENT**

**MOTION by Mike Ashooh, SECOND by Mary Kehoe, to adjourn the meeting. VOTING by roll call: unanimous (5-0); motion carried.**

The meeting was adjourned at 10:00 PM.

*RScty by tape: MERiordan*

\_\_\_\_\_  
For the Selectboard

\_\_\_\_\_  
Date

## **Regulatory Reform – Recommended first steps forward**

**For consideration on August 25, 2020**

**Follow up to the initial draft of August 11, 2020**

As you recall, an array of action steps were proposed on August 11 toward the Selectboard priority of regulatory reform. It is acknowledged that not all were agreed to at the outset, and even if they were, not all can be addressed simultaneously. As with any action plan, it's important to define tangible first steps that can reasonably be achieved, and to create forward momentum via initial successes.

Toward that end, please find below recommended first steps forward. Although not entirely the case, these are aimed primarily at process improvements and efficiencies, as it is recognized that discussion about changes to regulatory standards themselves will likely be a longer conversation among more parties.

These recommendations remain at this point in concept form in order to determine whether there is support for these ideas. If so, then I will return at an upcoming meeting with specific proposed zoning language that would create these changes. As noted before, I believe these also fundamental to helping set the stage for our economic development initiative, as well as helping to resolve certain staffing issues in the Planning & Zoning Office. Thus, making these changes can help to achieve three separate but related goals simultaneously.

These are separated into two categories – the first being those concepts that primarily involve regulatory change; the second being those process-related concepts that can be done now, without regulatory change.

### **BYLAW ISSUES**

#### **Remove apparent or actual requirements for permits for projects that involve no actual zoning issues.**

As noted in the August 11 draft, as I have seen in just these past several weeks, and as noted by two DRB Coordinators, we spend much time and energy processing and issuing permits for projects that should be exempt as maintenance and which involve no actual zoning issues. Examples include but are not limited to kitchen or bathroom remodeling, replacing stairs or decks of like size and location, replacing fences, finishing basement space, or creating closets within existing interior space. Many bylaws also exempt *de minimus* projects like small garden sheds up to 120 sq ft that are not on permanent footings or foundations. Another key aspect to consider with these is the impossibility of equitable enforcement – in these types of cases, only those who inquire under current rules must apply and pay for permits; those who don't we may never know about. This would also apply to signs, whether conforming or non-conforming, if all that's really changing is the color, logo, or wording, or replacing an existing physical structure of like size and location, and it's not in a historic/design review district, then what are we even reviewing at all?

These changes alone would simplify much workload, and help to create a more welcoming approach where we can simply say, *“Thanks for asking, thank you for maintaining or improving your property, good luck with your project”*.

**Expand opportunities for administrative review of projects that don’t need the time, cost, complexity, and effort from all parties of DRB review.**

As also noted in the August 11 draft, we currently send many cases through DRB review that can readily be handled administratively. Examples include boundary line adjustments, and minor subdivisions. In addition, if the ‘no permit needed’ approach to sign changes noted below is not deemed appropriate, then allowing these changes to or replacement of signs that involve little or no actual physical changes to size, location, or placement would be appropriate for administrative review as well.

These two changes alone (eliminating permit requirements for certain projects and expanding administrative review) would help to improve the efficiency and effectiveness of our systems. If I were to take a step or two further, I would propose the following (but recognizing these may be perceived as larger and potentially more controversial steps):

**Eliminate fences from the definition of prohibited structures in rural district PUDs, and/or the rule which requires a significant setback from property lines contradicting the usual purpose of a fence.** We just made it somewhat easier to install a fence or retaining wall in a PUD buffer in the mixed-use district, but only there.

**Change the definition of “subdivision” so that it only relates to actual subdivision of land, and not other projects such as multi-unit housing or commercial projects that do not involve subdivision of land.** In a manner similar to the fence/retaining wall matter, we addressed this recently as eliminating a redundancy in the form-based zoning district, but only there. Similar redundancy exists throughout.

**Revisit the Commerce and Industry South rules for uses and signs, to create greater consistency on both sides of the RT 7 ‘gateway’ and allow greater flexibility and opportunity for Shelburne Green, et al to reach its full potential.**

NOTE: To be clear, shifting minor subdivisions to administrative review would also involve rolling back a recent regulatory change that now requires all rural subdivisions to go through PUD review. You may recall that this zoning change was put forward as a “compromise” that gave one landowner new freedom to develop, but which added significant burden upon all other landowners in the rural district. While PUD review might make sense for larger subdivisions, it makes little sense for minor subdivisions.

## **PROCESS ISSUES**

These are matters within our control now, and which do not require bylaw changes; instead only needing changes in our flexibility and willingness to consider helpful adaptations to current systems.

### **Streamline review processes whenever possible.**

We took one step forward here recently, in allowing administrative permitting of minor design review cases that don't really require DRB review. We could take this one step further by having the HPDRC and DRB meet simultaneously to review other cases which rise above administrative review but which could still benefit from "one stop shopping". Applicants only need to appear once, only need to explain their projects once, both boards benefit from hearing the other's thinking and discussion, and decisions can be made more timely.

Similarly, this could apply in certain cases with the NRCC, for the same reasons and with the same benefits to all parties.

### **Ensure timeliness, coordination, and proper sequencing of multiple CBC reviews.**

Perhaps this is generally done and the few cases I've witnessed are outliers, but in each of these cases, our systems created great and needless angst for applicants/landowners. In one case, there was pressure from one direction to maintain an existing treeline along the road, while pressure from another direction to require a sidewalk to be built; both could not be satisfied simultaneously. Intervention was required to sort it out, but it needn't have reached that level of conflict. In another case, the DRB issued sketch plan approval for a certain number of housing units. Only thereafter was NRCC involved, issuing a strong recommendation for significantly fewer housing units on the property, after the project had already been engineered and designed. And here, the information had long been known, but was not brought forward until after sketch plan review. Such a process belies the purpose of sketch plan review, which is to illuminate major concepts and concerns at the outset.

### **Streamline and simplify regulatory review processes generally.**

Understandably, this, too, might actually involve bylaw changes, but let's explore the concept. We presently require a three-step application/review/decisionmaking process for many projects: sketch, preliminary, and final plan reviews. This requires three applications, three fees, three staff reports, three public hearing notices and processes, and three decisions. Why not condense this to two: sketch plan review/preliminary review, similar to what we have now, where applicants can come in with concept plans to test the waters. Then just have a single application process from there, with complete plans submitted under a single hearing process, which can be recessed as needed for adjustments to plans as may be required or agreed to. This accomplishes the exact same purposes as our current three-step process, but which eliminates an entire time-consuming and costly step for all involved. Nothing is lost regarding the thoroughness of review; we just save time, work, and cost for all involved.

Similarly, why not just issue zoning permits concurrently with DRB decisions? There's no actual need for yet another application, fee, and process, and this also allows any appeal periods to run concurrently instead of sequentially. It's one thing if we're just approving a subdivision, and then individual zoning/building permits are sought for each new home; quite another if it's a commercial project with multiple levels of review and eventual DRB approval for an entire project. All of the essential municipal concerns should be incorporated into a DRB approval anyway, so why not just issue the zoning permit at the same time? Then any final details that may be needed will still be incorporated into any certificate of occupancy, so this would be another step toward simplifying process while not abandoning any values or responsibilities we have to ensure compliance.

### **Encourage and facilitate dialogue between the PC and DRB.**

The reasons for this were enumerated before and need not be repeated here. It just makes sense as two parts of the whole.

### **SUMMARY**

While presuming there may have been good reasons to construct our processes the way they presently exist, the priority press now is to make changes to improve these systems. These systems and rules were not handed down from above; these are our systems and rules. We have the right, and I believe the responsibility, to ensure that they serve our needs as effectively and efficiently as possible. I believe that these first steps would be valuable in their own right, and would demonstrate to the community that we both recognize the need and have the will to follow through.

Finally, to help keep the "action" of an action plan in the forefront, I suggest that any ideas found to be readily supportable be considered for creation and adoption as interim bylaws. This would allow for 'fast track' implementation to make progress quickly and early, just as we did recently for the conduct of outdoor business activity. There is nothing complicated about these ideas; they should not require months of discussion to implement.

I hope we can approach these ideas from the perspective of, "*Why not give these a try?*". It may be easy to defend current systems with, "We do it this way because..." or "We can't do that because...", but then progress is stymied before we even get started.

If regulatory reform is truly a priority, then we cannot keep doing the same thing over and over and expecting a different result.



# Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELBURNE ROAD SHELBURNE, VT 05482

Clerk/Treasurer  
(802) 985-5116

Town Manager  
(802) 985-5111

Zoning & Planning  
(802) 985-5118

Assessor  
(802) 985-5115

Recreation  
(802) 985-5110

FAX Number  
(802) 985-9550

## PROPOSED BUDGET DEVELOPMENT TIMELINE FOR FISCAL YEAR 2022

- |                  |                                                                                                                                        |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| September 22     | Approve draft budget schedule                                                                                                          |
| October 13       | First draft of CIP                                                                                                                     |
| October 27       | Second draft of CIP                                                                                                                    |
| November 10      | First review of budget proposals from department heads                                                                                 |
| November 24      | Selectboard/Manager discussion of budget proposals and budget impacts related to identified priorities, opportunities, and constraints |
| December 8       | Continued budget discussion                                                                                                            |
| December 16?     | All day budget review – TBD                                                                                                            |
| December 22      | Continued budget discussion; warning hearings for January 12, 2021                                                                     |
| January 5        | Town Manager submits budget to Selectboard                                                                                             |
| January 12       | Selectboard public hearings on Town/School budgets and CIP                                                                             |
| January 19 or 26 | Approve budget and warn Town Meeting                                                                                                   |
| March 1 & 2      | Annual Town Meeting                                                                                                                    |

**AUTHORIZING RESOLUTION AND CONSENT  
OF THE TOWN OF SHELBURNE SELECTBOARD**

The undersigned, being the members of the Selectboard of the Town of Shelburne, a municipal corporation duly created and validly existing under and pursuant to the laws of the State of Vermont ("Town"), hereby resolve as follows:

**WHEREAS**, Wake Robin Corporation owns a parcel of land located at 200 Wake Robin Drive in the Town of Shelburne as well as a water line and 80,000-gallon water storage tank located on the parcel as further depicted on a Plat entitled "Plat of Survey Wake Robin Life Care, 200 Wake Robin Drive Shelburne, Vermont" dated June 4, 2020 and to be recorded in the Town of Shelburne Land Records ("Plat");

**WHEREAS**, Wake Robin desires to transfer the 80,000-gallon water tank, a portion of the water line, as well as an easement over a portion of 200 Wake Robin Drive to the Town of Shelburne;

**WHEREAS**, the proposed transfer is in the best interest of the Town of Shelburne taxpayers;

**NOW THEREFORE**, be it resolved that the Selectboard agrees to accept an Easement Deed and Bill of Sale for the easement, water line and 80,000 gallon water tank as depicted on the Plat.

**RESOLVED**, that the Town hereby authorizes Town Manager Lee Krohn to execute on behalf of the Town any and all necessary and incidental documents, papers and materials, including but not limited to agreements, contracts, assignments, and any and all other documents, written materials or other papers required in connection with the above-described conveyance.

**IN WITNESS WHEREOF**, the undersigned have executed this Resolution on the dates set forth below.

TOWN OF SHELBURNE SELECTBOARD

\_\_\_\_\_  
Dated

By: \_\_\_\_\_  
Lee Krohn, Town Manager, and duly  
authorized to sign on behalf of the  
Selectboard by approval dated August \_\_\_\_,  
2020.

Memorandum of Understanding  
Regarding Ownership and Responsibilities  
For Waterworks Infrastructure in the Town of Shelburne  
by and between Town of Shelburne and Wake Robin Corporation

As of July 22, 2020

The Town of Shelburne (“Town”) owns and operates water transmission infrastructure that serves and is located on the property owned by Wake Robin Corporation (“Wake Robin”). Wake Robin owns and operates a water distribution system serving its residents and the Wake Robin community. This Memorandum of Understanding (“MOU”) has been jointly prepared by the Town and Wake Robin at the request of the State of Vermont, Department of Environmental Conservation, Drinking Water and Groundwater Protection Division, to identify the responsibilities of each of Wake Robin and the Town for the ownership, maintenance and upkeep of infrastructure, and for conduction of water quality testing. Unless otherwise expressly provided for herein, each of the Town and Wake Robin are responsible for maintaining their respective owned infrastructure. Reference is further made to the attached plan entitled “Water Tank As-Built Site Plan” prepared by Civil Engineering Associates, Inc., updated June 4, 2020 (the “Detail Plan”), which depicts the Town-owned water system facilities and a portion of the Wake Robin-owned water lines.

**Major Water Mains**

The Town owns, and is responsible for maintenance of, a 12-inch ductile iron (DI) water main that runs approximately 1,200 feet from a 500,000-gallon storage tank on the south side of Cynosure Drive to a booster pump station (all owned and maintained by the Town). From the booster pump station, the Town-owned 12-inch DI water main runs approximately 2,400 feet in a southerly direction along the east side of Route 7, crossing under Route 7 to the west, just north of Ridgefield Road. From the Route 7 crossing, the 12-inch DI water main extends approximately 4,600 feet westerly along Ridgefield Road, feeding the Town-owned 628,000 gallon “Wake Robin” primary water tank<sup>i</sup>, located on the east side of the Wake Robin campus (the “Town Primary Tank”). The Town Primary Tank and Town-owned water main line are located within an easement area pursuant to easement granted by Wake Robin to the Town.

From the Town Primary Tank, a 10-inch water line owned and maintained by the Town runs to a valve owned and maintained by the Town located immediately to the east of the Wake Robin-owned Maintenance Building. This valve demarcates where Town ownership of the water supply terminates, and Wake Robin’s private water system begins. The Wake Robin water system is authorized under WSID #s 5087 and 20449. The 10-inch line enters the Maintenance Building housing a meter, a booster pump station and a fire pump, all owned by Wake Robin and which serve the Wake Robin campus as permitted for the referenced WSID #’s. Both the Town and Champlain Water District (“CWD”) have access to the Maintenance Building for monitoring water pressure and the SCADA (supervisory control and data acquisition) water metering system owned by CWD. CWD equipment in the Maintenance Building permits CWD to monitor and control the Town Primary Tank remotely from their facility in South Burlington. Wake Robin currently pays for the electricity servicing the equipment (including SCADA equipment) in the Maintenance Building. The Maintenance Building booster pump station feeds an 8-inch water main owned by Wake Robin that supplies the Wake Robin private water distribution system.

Wake Robin’s water distribution system consists of 8-inch ductile iron mains, and in more recently constructed phases of the campus, 8-inch C-900 PVC mains which run throughout the Wake Robin campus. From these mains, individual water services supply the various buildings and uses.

## **Water Storage Tanks**

As noted above, the Town Primary Tank is located at the east end of the Wake Robin campus. A new, more recently permitted 80,000 gallon secondary water tank (“Town Secondary Tank”) was constructed by Wake Robin for the benefit of the Town during the summer of 2019. The purpose of the Town Secondary Tank is to provide redundancy and emergency storage and capacity in the event the Town Primary Tank is temporarily taken out of service by the Town. The Town Secondary Tank is owned by the Town. The Town Secondary Tank is fed by a new 10-inch C900 PVC line (owned by the Town), located in an extension of the existing Town waterline easement area, to connect to the afore-mentioned 10-inch line that extends to the Maintenance Building. The Town Secondary Tank and associated water lines, valves, equipment and infrastructure are a part of the Town-owned Town water system and required to be maintained by the Town

## **Pump Stations**

The booster pump station located in the Maintenance Building includes a duplex pump system and a hydro pneumatic tank, in addition to a diesel-powered horizontal fire pump, designed to provide adequate pressure during domestic and fire flow demands. Fire protection is provided in the form of sprinklered buildings and hydrants located throughout the Wake Robin campus. The Maintenance Building booster pump station feeds an 8-inch DI water main that supplies the Wake Robin private water distribution system. The booster pump station equipment is owned and maintained by Wake Robin.

## **Hydrants**

The three (3) hydrants and Seven (7) valves depicted on the Detail Plan are owned and maintained by the Town.

## **Testing**

The Town is responsible for all water tank testing for the Town Primary Water Tank and Town Secondary Water Tank and Town water system. Wake Robin contracts with CWD for CWD to perform testing of Wake Robin’s private water distribution system.

The Town and Wake Robin have entered into this Memorandum of Understanding, signed by their respective duly authorized agents, as of the \_\_\_ day of \_\_\_\_\_, 2020.

## **Agreed to and Accepted by:**

\_\_\_\_\_  
Town of Shelburne Water Commission Chair  
John Schold

\_\_\_\_\_  
Town of Shelburne Water Superintendent  
Rick Lewis

\_\_\_\_\_  
Town of Shelburne Town Manager  
Lee Krohn

\_\_\_\_\_  
Wake Robin Corporation President & CEO  
Martha Maksym

<sup>i</sup> Despite it being commonly referred to as the Wake Robin tank, both water tanks on the Wake Robin campus are owned by the Town.