

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
July 23, 2020**

**\*Meeting held via teleconference.**

**MEMBERS PRESENT:** Jason Grignon (Chair); Steve Kendall, Jean Sirois, Megan McBride, Stephen Selin, Neil Curtis. (Deb Estabrook was absent.)

**STAFF PRESENT:** Dean Pierce, Planning Director.

**OTHERS PRESENT:** Dan York, Joyce George, David Palmer.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (7/9/20)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Revised Options for Nonconformities
7. Publication of Notices for Planning Commission Hearings
8. Updates
9. Other Business/Correspondence
10. Adjournment

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**1. CALL TO ORDER**

Chair Jason Grignon called the teleconference meeting to order at 7 PM.

**2. APPROVAL OF AGENDA**

**MOTION** by Megan McBride, **SECOND** by Steve Kendall, to approve the agenda as presented. **VOTING:** unanimous (6-0); motion carried.

**3. APPROVAL OF MINUTES**

*July 9, 2020*

**MOTION** by Jean Sirois, **SECOND** by Steve Kendall, to approve the 7/9/20 minutes as presented. **VOTING:** 4 ayes, 2 abstentions (Neil Curtis, Stephen Selin); motion carried.

**4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST**

None.

**5. OPEN TO THE PUBLIC**

Joyce George, resident, thanked Dean Pierce for posting the Planning Commission meeting multiple times on Front Porch Forum.

**6. REVISED OPTIONS FOR NONCONFORMITIES**

*Modification of Limits on Nonconformities in the Rural District*

Dean Pierce reviewed suggested language modifications to allow greater allowances for expansion of a nonconforming structure in the Rural District. There was discussion of the following:

- Expansion ceilings of 100% of the existing building footprint or 1,500 s.f. whichever is greater, and 25% or 500 s.f. whichever is greater for accessory uses/accessory structures. Expansion up to 750 s.f. to accommodate a two-car garage, for example. Having the expansion allowance be adequate to accommodate expansion needs/requests.
- Incorporating a floor and ceiling expansion cap.
- Addressing residential and commercial structures in the setback with the modified language or having the DRB review the expansion.
- Expansions could be up to 100% of the footprint or up to 1,500 s.f., and additional living space could be added with a second or third floor to the building so the expansion could result in twice or even three times as much living space.
- Originally if a building in the Rural District was in the setback the structure could not be expanded, but with the suggested language expansion would be possible. Additionally, the setback in the Rural District was 25' and then changed to the current setback of 75'.
- Changes to the regulations must follow the statutory process for adoption by the town (i.e. public hearings by the Planning Commission and Selectboard before adoption by the Selectboard).
- Expanding a nonconforming building away from the setback does not make the structure conforming. The structure is still nonconforming because a portion is in the setback.
- Unlimited or higher expansion to the back or side of a structure in the setback could be considered since there is no further encroachment on the setback.
- An existing nonconforming structure is distinct from a non-permitted structure that was built.
- Accessory structures should not be given the same treatment as primary structures.
- The language addresses residential and business expansions, but not accessory buildings for businesses.
- The language does not address a knockdown or rebuild.
- A list of the buildings that would be impacted by the expansion language would help define what the expansion caps (floor and ceiling) should be.

Staff will revise the language to show accessory structure expansion up to 1,500 s.f. and compile a list of commercial structures impacted by the expansion language.

#### *Modification of Setback Definition*

There was discussion of items excluded from consideration when measuring to the setback (porches, decks, covered decks) and that any interior heated space, such as a vestibule or bay window, should not be included. There was also discussion of not allowing items such as fire escapes, HVAC or heat pumps in the setback. Retrofit extensions for energy efficiency purposes should be at least one foot to allow insulation to be wrapped around the outside of a building.

The Planning Commission discussed allowing porches and decks in the front yard up to the right-of-way and maintaining a minimum distance to the side and back setbacks. Patios in the setback should either not be limited relative to the setback or should be limited to being 5' off the setback much like a driveway so there is a grass buffer for stormwater runoff. The language could say that patios are allowed provided such feature is at least 5' from the vertical plane of any lot line.

Staff will do the edits to the language for decks, porches, and patios as discussed.

*Modification of Procedures*

Postponed to second meeting in August.

**7. PUBLICATION OF NOTICES FOR PLANNING COMMISSION HEARINGS**

Postponed.

**8. UPDATES**

- Next meeting: TRB hearing.
- Revised language for expansion of nonconforming structures, setbacks, and procedures will be covered at the second meeting in August.

**9. OTHER BUSINESS/CORRESPONDENCE**

- Receiving the solar field application via email is acceptable.
- Selectboard will cover the zoning change to remove the northern most node on Route 7 in form based code at the 7/28/20 meeting.

**10. ADJOURNMENT**

**MOTION by Steve Kendall, SECOND by Neil Curtis, to adjourn the meeting.**

**VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 9:29 PM.

*RScty: MERiordan*