

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE PLANNING COMMISSION. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COMMISSION.

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
January 14, 2016**

**MEMBERS PRESENT:** Ron Bouchard (Chairman); Jaime Heins, Kate Lalley, Dick Elkins. (Ann Hogan and Mark Brooks were absent.)  
**STAFF PRESENT:** Dean Pierce, Planning Director.  
**OTHERS PRESENT:** None.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (12/10/15, 12/17/15)
4. Commissioner Questions/Comments
5. Open to the Public
6. Public Hearing: Proposed Bylaw Amendments
7. Energy Facility Siting Ordinance
8. Comprehensive Plan Topics
9. Other Business/Correspondence
10. Adjournment

---

**1. CALL TO ORDER**

Chairman Ron Bouchard called the meeting to order at 7 PM.

**2. APPROVAL OF AGENDA**

**MOTION** by Dick Elkins, **SECOND** by Kate Lalley, to approve the agenda as presented. **VOTING: unanimous (4-0); motion carried.**

**3. APPROVAL OF MINUTES**

*December 10, 2015*

**MOTION** by Kate Lalley, **SECOND** by Jaime Heins, to approve the minutes of December 10, 2015 as written. **VOTING: unanimous (4-0); motion carried.**

*December 17, 2015*

**MOTION** by Jaime Heins, **SECOND** by Dick Elkins, to approve the minutes of December 17, 2015 with correction of the spelling of “Angolano” and clarification that Dan Burks resigned from the Planning Commission due to relocation out of state. **VOTING: unanimous (4-0); motion carried.**

**4. COMMISSIONER QUESTIONS/COMMENTS**

- Jaime Heins commented on the Vermont Railways proposed intermodal facility (transfer station) with multiple storage sheds and an office structure on the former Harbour Industries property off Route 7. The railroad is asserting federal pre-emption to local land use regulations which means the proposal will not have DRB review for environmental, traffic, and building impacts. There will be huge traffic impacts, noise, and public safety concerns, especially with more children

- using the Webster Road pathway to walk to school. The Town Manager said the project will be the single most impactful project Shelburne has seen. The town needs to gather as much information and work with Dave Wulfson (Vermont Railways) to make sure the railroad is aware of the community's concerns.
- Ron Bouchard said the railroad is contemplating an oil storage tank on the site and a fleet filling station as well. All the town citizens must do all that can be done to ensure the proposal is not harmful to the town.
  - Kate Lalley reported on the meeting in Burlington on the form based code process and the discussion with the consultant who had a depth of expertise in form based code. Other towns also attended the meeting. The takeaway from the meeting for Shelburne is "what's old is new" (creative reuse of properties) and having change occur slowly over time is the best approach which is what Shelburne has been doing right along.

## 5. OPEN TO PUBLIC

None.

## 6. PUBLIC HEARING: Form Based Code and Subdivision Bylaw Amendments

The public hearing resumed at 7:15 PM.

### *Form Based Code*

Dean Pierce reported legal review of the form based code by the Town Attorney is nearly complete. There are some changes relative to historic resources. Other changes throughout the document pertain to clarifying the bylaw, alerting the reader to information in multiple places in the document, adding definitions and adding to existing definitions. The changes are not major. The Town Attorney did comment on use of the word "should" and other aspirational language in the document.

The Planning Commission made the following edits to the document:

- Section 1.2.1.H – Build-To Zone. Insert "A build-to zone is a" at the start of the sentence (to read: "A build-to zone is a zone the edge of which....").
- Section 1.3.4.A – change "General" to "Residential Uses".
- Section 1.4.2.M.2 – change "om Figure 1.4.7" to "in Figure 1.4.7".
- Section 1.5 – Public Realm Standards, #7 – change "should" to "shall" (to read: "Squares and plazas shall be located....").
- Section 1.6.2.I.4 – correct the spelling of "waiver".

There was discussion of consideration of utilities in the public right-of-way. Form based code does not discuss the location of utilities. Section 1.5.1 speaks to street types. Kate Lalley suggested the placement of utilities should be based on the size of the right-of-way for the street type. Reference to Shelburne's public works standards should be removed. Dick Elkins said there are two issues to consider: access to a site and accommodation of utilities. There should be a minimum standard for access to a site and language to accommodate utilities. Reference to Section 1900.8 should remain.

**MOTION by Kate Lalley, SECOND by Dick Elkins, to continue the public hearing on form based code until January 28, 2016. VOTING: unanimous (4-0); motion carried.**

*Subdivision Definition*

Dean Pierce reported town-wide a subdivision of four or more lots is a Major Subdivision and three or fewer lots is a Minor Subdivision. Dick Elkins noted his research of area towns and their thresholds for Major/Minor subdivisions. Dean Pierce pointed out the changes in the definition pertain to special treatment for projects that are approved under form based zoning. It was noted PRD and PUD are considered the same. PUD is used.

**MOTION by Kate Lalley, SECOND by Dick Elkins, to continue the public hearing on subdivision definition until January 28, 2016. VOTING: unanimous (4-0); motion carried.**

**7. ENERGY FACILITY SITING ORDINANCE**

The Planning Commission reviewed the draft energy facility siting ordinance. Jaime Heins noted the first page of the ordinance provides background on Section 248. The goals that are listed show Shelburne supports renewable energy, but wants local review by the DRB in addition to review by the Public Service Board.

The Planning Commission suggested changes:

- Move the Natural and Scenic Resources paragraph to the Site Layout and Design section.
- Move the Setbacks paragraph to the Setback section.
- Add “prime ag soils” to the excluded area.
- Add text on what triggers the application process.

Jaime Heins will incorporate the revisions to the draft document.

**8. COMPREHENSIVE PLAN TOPICS**

The Planning Commission reviewed the bike/ped infrastructure development plan. Jaime Heins said planned projects should reflect what has been identified in the capital improvement plan. Kate Lalley said the paths should remain on the map as aspirational to achieve connectivity and any publicly owned land should have public access. There was brief discussion of on-road and off-road bike paths.

Minor edits were made to the designated village center and Vermont neighborhood text under Future Land Use – Growth Area 1, Shelburne Village.

**MOTION by Jaime Heins, SECOND by Dick Elkins, to schedule a public hearing on the amendments to the Shelburne Comprehensive Plan presented to and reviewed by the Planning Commission on January 14, 2016 and specifically including updating the Bicycle and Pedestrian Map and addressing requirements relating to designated village centers and neighborhoods and with the materials**

henceforth designated as the “January 2016, public hearing draft. VOTING: unanimous (4-0); motion carried.

**MOTION by Jaime Heins, SECOND by Dick Elkins, to direct staff to warn a public hearing on March 10, 2016 on the proposed amendments to Shelburne’s Comprehensive Plan as presented and reviewed by the Planning Commission on January 14, 2016, and to distribute copies of the proposal as required by statute. VOTING: unanimous (4-0); motion carried.**

**MOTION by Jaime Heins, SECOND by Kate Lalley, that the ‘Plan Change Report’ prepared by staff in fulfillment of statutory requirements be approved and distributed as required. VOTING: unanimous (4-0); motion carried.**

## **9. OTHER BUSINESS**

### *Legislative Session*

Jaime Heins will testify at the legislative session on behalf of the Town of Shelburne.

### *Reappointment*

Ron Bouchard announced he will not be seeking reappointment to the Planning Commission when his term expires.

## **10. ADJOURNMENT**

With no further business before the Planning Commission and without objection the meeting was adjourned at 9:20 PM.

*RScty: MERiordan*