

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
April 26, 2016**

MEMBERS PRESENT: Gary von Stange (Chairman); Colleen Parker, John Kerr, Jerry Storey, Josh Dein.
ADMINISTRATION: Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Jerry Ouimet, Fire Chief, John Goodrich, First Assistant Fire Chief.
OTHERS PRESENT: MaryAnne Hamilton, Jaime Heins, Kate Lalley, Persis Worrall, Georgene Grover, Michael Abrams, Heather McKim (Shelburne News).

1. CALL TO ORDER

Chairman von Stange called the meeting to order at 7 PM.

2. APPROVAL OF AGENDA

Add as Item 15.a: Liquor License for Shelburne Craft School.

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the agenda as amended. VOTING: unanimous (5-0); motion carried.

3. APPROVAL OF MINUTES

April 12, 2016

MOTION by Jerry Storey, SECOND by John Kerr, to approve the 4/12/16 minutes as written. VOTING: unanimous (5-0); motion carried.

April 16, 2016

Josh Dein suggested a change in the wording in the table on Page 2, Secondary Projects, Notes to read: "Josh will consult with the CBC chairs for input and suggestions for enhancing the appointment procedures and then present the findings and recommendations to the Selectboard. If available during this process the information obtained during the annual CBC presentations may also be used." There was disagreement with the suggested wording change. Mr. Dein suggested the audio tape of the meeting be consulted and perhaps transcribed to ensure accurate minutes.

MOTION by Colleen Parker, SECOND by John Kerr, to approve the 4/16/16 minutes as distributed. VOTING: 4 ayes, one nay (Josh Dein); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

There were no comments from the public.

5. SELECTBOARD COMMENTS

- Josh Dein mentioned the award ceremony for members of town committees and town staff with extensive years of public service and dedication to the town.

- Jerry Storey mentioned the article in the *Shelburne News* noting it is most unusual and extraordinary for a community to have 37 employees and volunteers awarded commendations for 20+ years of public service. Appreciation and thanks are extended to all those honored.
- Gary von Stange reported in reference to the comment by an individual at the last Selectboard meeting regarding an error in the Rules of Procedure relative to providing agenda notice, state statute 1VSA312 provides for proper notice. The collegial way to handle a mistake if one had been made would have been a phone call rather than an announcement at the Selectboard meeting.

6. TOWN MANAGER'S REPORT

Joe Colangelo highlighted the following from the manager's report posted online:

- Work has begun on the goals stated at the recent Selectboard retreat.
- Betty Marcher was recognized for her 30th anniversary as a town employee doing various tasks over the years including most recently managing the town's website using best practices.

Josh Dein asked for an update on the legal expense budget. Peter Frankenburg reported the amount spent through March 31, 2016 is \$139,627. The amount spent on the Vermont Railway case to date is \$57,497.50. The information sent to the Selectboard provided a summary of legal expenses in other categories.

7. INTERVIEW/APPOINT TO COMMISSIONS, BOARDS, COMMITTEES

The Selectboard interviewed candidates for appointments to the following town boards, commissions, and committees:

Natural Resources Committee

MOTION by Colleen Parker, SECOND by John Kerr, to appoint Michael Abrams to Shelburne Natural Resources Committee for a term starting April 26, 2016 and ending March 31, 2019. VOTING: unanimous (5-0); motion carried.

Development Review Board & Development Review Board Alternate

MOTION by John Kerr, SECOND by Colleen Parker, to appoint Judith Christianson as a full time member of the DRB for a term ending March 31, 2019. VOTING: unanimous (5-0); motion carried.

MOTION by Colleen Parker, SECOND by Jerry Storey, to appoint Jeff McBride as DRB alternate for a term ending March 31, 2017. VOTING: unanimous (5-0); motion carried.

Social Services Committee

MOTION by Jerry Storey, SECOND by Colleen Parker, to appoint Georgene Grover to fill the current term on the Social Services Committee ending March 31, 2017. VOTING: unanimous (5-0); motion carried.

8. PUBLIC HEARING: Subdivision and Zoning Bylaw Amendments Associated with Form Based Code

The public hearing was opened at 7:23 PM. Dean Pierce gave an overview of the amendments highlighting the following:

- The town decided to implement form based code to enhance the quality of the Route 7 corridor, promote economic development, and because form based code places more emphasis on what buildings look like and less emphasis on the types of uses in buildings. Also, the permit process is accelerated in exchange for developing to the community's goals.
- Form based zoning has a level of detail not customary in Euclidean zoning.
- Components of form based zoning include a regulating plan, use district, frontage zones, buildings types, street types, storm water, signage, landscaping, lighting, parking, and historic landmarks.
- The character district will indicate building types which will indicate uses so the property owner knows what can be built.
- Form based zoning will be an overlay and optional to use.
- There will be a better connection between what the community wants (vision) and what is built under form based zoning though results will take time. [Staff will research if choosing the form based overlay is binding.]

COMMENTS

Kate Lalley stated form based zoning achieves a clear vision that can revitalize the Route 7 north character and recognizes the difference of the area closer to the village versus the town line with South Burlington. Form based zoning allows protection of resources that need/require protecting (Monroe Brook) and compensates property owners. Form based zoning allows for more neighborhood friendly development.

Jaime Heins stated form based zoning is a transitional project. The Selectboard is urged to look at all the input from the charrette and public forums.

Persis Worrall asked about the "special character district", reference to open space being in a different form (i.e. parking court), and other purposes in addition to economic development to change the zoning. Dean Pierce explained the "special character district" name is simply a designation, and open space in form based zoning has a more urban role due to more urban development with greens and large squares such as parking courts.

Kate Lalley said in addition to promoting economic development form based zoning will re/develop small under-performing and often vacant parcels on Route 7 in a manner more storm water friendly and with the land being used more economically in the corridor. The zoning will incentivize adaptive reuse of parcels and create a Shelburne identity and enhance livability especially for surrounding neighborhoods.

There were no further comments.

MOTION by Colleen Parker, SECOND by Jerry Storey, to close the public hearing on proposed amendments to the subdivision bylaws. VOTING: unanimous (5-0); motion carried.

MOTION by Jerry Storey, SECOND by Josh Dein, to close the public hearing on proposed zoning bylaw amendments. VOTING: unanimous (5-0); motion carried.

The public hearings were closed at 8:09 PM.

MOTION by Colleen Parker, SECOND by Jerry Storey, to adopt the amendments to the subdivision bylaws as proposed. VOTING: unanimous (5-0); motion carried.

MOTION by Jerry Storey, SECOND by Colleen Parker, to adopt amendments to the zoning bylaws as presented. VOTING: unanimous (5-0); motion carried.

MOTION by Jerry Storey, SECOND by Colleen Parker, to adopt the Shelburne Low Impact Development Guidance Manual, dated 2015, as presented. VOTING: unanimous (5-0); motion carried.

Jerry Storey asked that the reactions to form based code in the short term be shared with the Selectboard.

9. FIRE DEPARTMENT PRESENTATION re: EQUIPMENT STATUS AND REQUESTS

Fire Chief Ouimet and First Assistant Chief Goodrich presented information on the volunteer Shelburne Fire Department, volume of calls and hours of training each year, current equipment and replacement schedule that includes a Quint ladder truck to replace Engine 2. The ladder truck will allow better access to multi-story buildings, enhance the safety of firefighting, and improve the ISO rating. The truck will fit inside the existing station and not require additional staff.

10. SECOND READING: PEDDLERS ORDINANCE

MOTION by Colleen Parker, SECOND by John Kerr, to read the Peddlers Ordinance by title. VOTING: unanimous (5-0); motion carried.

Joe Colangelo reported the Town Attorney reviewed the ordinance and made some changes. The revised document will be available for public hearing and possible adoption at the next meeting.

11. SECOND READING: FOOD TRUCK ORDINANCE

MOTION by Colleen Parker, SECOND by John Kerr, to read the Food Truck Ordinance by title. VOTING: unanimous (5-0); motion carried.

Joe Colangelo reported the Town Attorney reviewed the ordinance and made some changes. The revised document will be available for public hearing and possible adoption at the next meeting.

Josh Dein said he would like some potential different wording that is in line with the intent of the ordinance and shelters potential organizations that would like to have a food

truck that does not affect the public, but are encumbered by the permitting process that does not serve a significant public good. Mr. Dein asked the risk assessment of enacting ordinances that are all encompassing to protect the town from future events when it is not known how many events are likely and how broad the ordinance should be. Mr. Dein will submit language for review by the Selectboard.

12. SECOND READING: SOLAR ELECTRIC GENERATION FACILITY SITING STANDARDS ORDINANCE

MOTION by Colleen Parker, SECOND by Jerry Storey, to read the Solar Electric Generation Facility Siting Standards Ordinance by title. VOTING: unanimous (5-0); motion carried.

Joe Colangelo reported the Town Attorney needs more time to work on the ordinance. There is concern the ordinance as written may be difficult or too expensive to enforce. There was mention of the Planning Commission or the Selectboard being the recommending body versus the DRB. Following further discussion there was agreement Jaime Heins and town staff will work with the Town Attorney on the ordinance.

MOTION by Colleen Parker, SECOND by Jerry Storey, to continue the 2nd Reading of the Solar Electric Generation Facility Siting Standards Ordinance to May 10, 2016. VOTING: unanimous (5-0); motion carried.

13. SECOND READING: THREE YEAR WASTE WATER ALLOCATION ORDINANCE

MOTION by Colleen Parker, SECOND by Jerry Storey, to read the Three Year Waste Water Allocation Ordinance by title. VOTING: unanimous (5-0); motion carried.

Joe Colangelo confirmed the school set aside was eliminated and the municipal set aside was reduced to 1,000 gallons in the ordinance.

14. FIRST READING: AMENDMENTS TO PARKING ORDINANCE

MOTION by Colleen Parker, SECOND by Jerry Storey, to read the Shelburne Parking Ordinance by title. VOTING: unanimous (5-0); motion carried.

Joe Colangelo noted the following wording will be added to Section 2.v: "On the north side of Harbor Road from Turtle Lane to 687 Harbor Road". The dog park committee, paths committee, and police are in support of the amendment.

15. APPROVE GRANT APPLICATIONS

Speed Cart

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the grant application (\$10,000 grant) to the Governor's Highway Safety Program for a speed cart. VOTING: unanimous (5-0); motion carried.

Beach Plantings

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the tree plantings grant application to Vermont Department of Forests, Parks, and Rec for plantings at the town beach. VOTING: unanimous (5-0); motion carried.

15.a APPROVE LIQUOR LICENSE

Shelburne Craft School

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve a liquor license for BYOB events at Shelburne Craft School. VOTING: unanimous (5-0); motion carried.

Gary von Stange noted the Selectboard reserves the right to make the license temporary.

16. EXECUTIVE SESSION and/or ADJOURNMENT

VT Railways; Contracts

MOTION by Colleen Parker, SECOND by John Kerr, to find that premature general knowledge of the legal strategy related to the ongoing litigation with VT Railways, Inc. and consideration of contracts with outside parties, namely lease agreements for the third floor of the municipal building and the Pierson Library building, would place public bodies and person(s) involved at substantial disadvantage. VOTING: unanimous (5-0); motion carried.

MOTION by Colleen Parker, SECOND by Jerry Storey, to go into Executive Session pursuant to 1VSA313 (7)&(i) to discuss litigation relative to Vermont Railways and contracts, and to invite the Town Manager to attend for all items and the Finance Manager to attend for discussion of contracts. VOTING: unanimous (5-0); motion carried.

The regular meeting was adjourned and Executive Session convened at 9:10 PM

RecScty: MERiordan