

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
April 28, 2016**

MEMBERS PRESENT: Jaime Heins (Chairman); Mark Brooks, Ann Hogan, Kate Lalley, Dick Elkins, Jason Grignon. (Don Posner and Peter Antinozzi were absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Lee Suskin, Don Rendall.

AGENDA:

1. Call to Order and Group Photo
2. Approval of Agenda
3. Approval of Minutes (4/14/16)
4. Commissioner Questions/Comments
5. Open to the Public
6. Committees/Boards/Commissions (CBC) Form
7. Rules of Procedure
8. Work Plan
9. Other Zoning Issues
10. Stormwater Regulation and Planning
11. Other Business/Correspondence
12. Adjournment

1. CALL TO ORDER

Chairman Jaime Heins called the meeting to order at 7 PM.

2. APPROVAL OF AGENDA

MOTION by Mark Brooks, **SECOND** by Ann Hogan, to approve the agenda as presented. **VOTING:** unanimous (6-0); motion carried.

3. APPROVAL OF MINUTES

April 14, 2016

MOTION by Mark Brooks, **SECOND** by Dick Elkins, to approve the minutes of 4/14/16 with the following correction(s)/clarification(s):

Globally correct the spelling of “Brangan” and “Mark Brooks”;

Page 3, Item #8, Work Plan, 1st bullet – change “land use map” to “zoning bylaws”;

Page 3, Item #9, Stormwater Regulation and Planning, 1st paragraph, sentence reading: “Stormwater master planning includes...” – add “for the Monroe Brook impaired waterway” to the end of the sentence;

Page 4, Other Zoning Issues, Sign Lighting, 3rd paragraph beginning “The definition of “glare” in Section 2110.14...” – correct the spelling of “eye”.

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

4. COMMISSIONER QUESTIONS/COMMENTS

- Jaime Heins announced the Selectboard approved form based code. After the 21 day appeal period the code will be part of the town's zoning bylaw.
- Ann Hogan inquired about the status of the "Envision" planning tool and suggested the tool could be applied to land use development such as the Kwiniaska project to see impact on schools, public safety, stormwater, for example. Ms. Hogan will further pursue the matter.
- Dick Elkins suggested the Planning Commission consider encouraging the DRB to ask the developer to give consideration to the town plan relative to affordable housing. Following further discussion the Planning Commission agreed to state publicly the suggestion that the staff report for the Kwiniaska proposal address affordable housing.

5. OPEN TO PUBLIC

There were no comments from the public.

6. COMMITTEES/BOARDS/COMMISSIONS (CBC) FORM

The Planning Commission reviewed the responses to the CBC questions drafted by Jaime Heins. Minor edits were made. Jaime Heins will prepare the document for submittal to the Selectboard.

7. RULES OF PROCEDURE

Lee Suskin, Chair of the Shelburne Ethics Committee, reviewed the definition of 'conflict of interest', the appearance of conflict of interest, scenarios requiring disclosure, and recusal. There will be a training session in the fall for all CBC members on the Ethics Ordinance. The Ethics Committee hears complaints and settles appeals on conflict of interest. Mr. Suskin suggested reference be made to the Ethics Ordinance in the Planning Commission Rules of Procedure for handling ex parte communication and official acts or actions as was done with conflict of interest.

Ann Hogan asked for a definition of "official act or action". Lee Suskin said any act performed on behalf of the town as a public official is an official act or action.

Jaime Heins suggested the training session in the fall have more focus on real world case studies and scenarios of conflict of interest and less focus on the Open Meeting Law.

Proposed edits to the Rules of Procedure were reviewed including cross referencing the town ethics ordinance in the definitions and adding reference to student representatives. There was discussion of special versus emergency meetings and when/if the Planning Commission acts in a quasi-judicial capacity. There was discussion of the solar siting ordinance and the decision making body (Selectboard, Planning Commission, or DRB).

Revisions to the Rules of Procedure will be incorporated for review at the next meeting and possible adoption.

8. WORK PLAN

Tasks in the work plan were discussed. The following was noted:

- Dick Elkins will work on tightening up the language pertaining to PUDs in the rural area. There was agreement PUD requirements should be updated to more clearly advance the goals contained in the comprehensive plan.
- Remove bolding of form based code (signifying a priority task). Refinement of the code is on hold until the code has been in use for a period of time.
- Delete wind ordinance task item.
- Change “energy facility siting” to “solar facility siting”.
- Develop appropriate transportation infrastructure and public right-of-way for all users.
- Publicize the business needs assessment and support local economic development. Tie this into the refinement of form based code.
- Quantify housing need and collaborate with the Housing Subcommittee.
- Develop preferred siting locations for telecommunication facilities.

Staff will update the work plan and investigate having a student intern help with the siting map work.

9. OTHER ZONING ISSUES

Sign Lighting

There was discussion of eliminating a blanket statement about sign lighting being limited to specified hours. The town has lighting standards that must be followed for each district. Language could be added to address when signs are on/off. Staff will develop a table by district showing when lights are on/off.

Excavation and Fill

The Planning Commission agreed that mulch should not be considered fill. The permit threshold was set at 8 yards. Add “final grades greater than 20%” to C.3 in the excavation and fill bylaw. There was discussion of involving the stormwater coordinator for the town to review the work so people are not filling in swales by mistake.

Trailers

Ann Hogan provided information on different types of trailers and discussed trailers used for storage being treated as a structure and requiring a permit. Suggestion was made to edit the bylaw to say trailers are considered a vehicle and may not be repurposed as a structure. Dean Pierce clarified the issue is the storage use of a structure that at one point was on the road. Following further discussion the Planning Commission agreed the problem to be resolved needs clarification. Mark Sammut, DRB Chair, will be invited to a future meeting to discuss the matter.

10. STORMWATER REGULATION AND PLANNING

The model stormwater bylaw was reviewed. Millie Archer from VLCT, Shelburne Natural Resources Committee, and Lewis Creek Association will be invited to a future meeting to discuss the stormwater bylaw.

11. OTHER BUSINESS

None.

12. ADJOURNMENT

MOTION by Mark Brooks, SECOND by Dick Elkins, to adjourn the meeting.

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

The meeting was adjourned at 9:56 PM.

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