

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
June 9, 2016**

MEMBERS PRESENT: Jaime Heins (Chairman); Mark Brooks, Ann Hogan, Kate Lalley[*arrived 7:10 PM*], Dick Elkins, Jason Grignon. (Don Posner and Peter Antinozzi were absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Bonnie Christie.

AGENDA:

1. Call to Order
2. Disclosure of Potential Conflicts of Interest
3. Approval of Agenda
4. Approval of Minutes (5/26/16)
5. Commissioner Questions/Comments
6. Open to the Public
7. Storm Water
8. Other Zoning Issues
9. Complete Streets
10. Other Business/Correspondence
11. Adjournment

1. CALL TO ORDER

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

2. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

None.

3. APPROVAL OF AGENDA

MOTION by Dick Elkins, **SECOND** by Ann Hogan, to approve the agenda with the amendment that the stormwater item will be discussion only. **VOTING: unanimous (5-0)**[Kate Lalley not present for vote]; motion carried.

4. APPROVAL OF MINUTES

May 26, 2016

MOTION by Dick Elkins, **SECOND** by Ann Hogan, to approve the minutes of 5/26/16 with the following correction(s)/clarification(s):

Page 1, Commissioner Comments, 1st bullet, sentence in brackets – add the name of the movie as “What’s Your Water Mark?”;

Page 2, Stormwater Implementation Options, paragraph beginning “Jaime Heins will...” – change “asked” to “ask”;

Page 3, Sign Lighting, 1st sentence – change “levels by district ad time” to “levels by district and time”.

VOTING: unanimous (5-0)[Kate Lalley not present for vote]; motion carried.

5. COMMISSIONER QUESTIONS/COMMENTS

- Mark Brooks reviewed a map of Shelburne showing residential dwellings by year of construction, noting the development pattern is the main growth has been focused in the growth areas. Another map will be done showing construction from 1950 through 1970. The revised map will be provided to the Planning Commission when available.
- Ann Hogan reported on the Regional Planning event on May 31st for area planning commissions. Presentations included public engagement, housing issues, legislative updates, and future events (zoning for business, housing, grants and funding sources, affordable housing).
- Ann Hogan provided a copy of an article from VermontWatchdog.org ranking the states on economic performance and economic outlook. Vermont is 39th out of 50 in economic performance and 49th out of 50 in economic outlook.

6. OPEN TO PUBLIC

Bonnie Christie, SNRCC and Pierson Library trustee, invited the Planning Commission to join Shelburne Natural Resources Committee in the showing of “What’s Your Water Mark?” Two “Water Matters” seminars have been held thus far. Lewis Creek Association and Conservation Law Foundation are spearheading the effort. Hinesburg and Charlotte are participating in the program. Shelburne should do some programs to get the public involved. An event onto itself could be held or anchored onto the stormwater summit. Another option is to do a Shelburne heritage series on natural, cultural, historical, architectural resources in the town, past, present and future. Dean Pierce suggested the program could be a foundation piece for a future town plan. Kate Lalley suggested getting input from other town boards and committees as well.

7. STORMWATER

Stormwater Overlay District

Dean Pierce reviewed draft language in Article V that incorporates form based code stormwater pieces and VLCT model bylaw pieces. The following edits were made:

- In section 500 Purpose – replace “It is the goal of this article” with “The purpose of this article”.
- Spell out EPR (Environmental Protection Rules).

There was discussion of addressing properties outside the overlay because in aggregate the stormwater runoff can have an impact. Section 530.3 has language on pre- and post-construction as does Section 1900.4 of the site plan regulations. Kate Lalley advocated for looking at stormwater management as a town-wide responsibility. Jason Grignon suggested having low impact development as the expectation and the overlay apply as a threshold is reached. Kate Lalley stated density as a best management practice focuses impacts to be mitigated in one area rather than sprawled out. Transfer of development rights (TDR) approach could be used.

Staff will research examples of language for a town-wide approach (Westford, Essex, Williston were mentioned). The Planning Commission will further discuss thresholds and town-wide applicability of stormwater management versus a tiered system.

Stormwater Summit Planning Committee

Jaime Heins reported the Town Manager will provide more information on the stormwater subcommittee. Chris Robinson, Water Quality Supervisor, will be involved.

8. OTHER ZONING ISSUES*Trailers/Vehicles Used as Storage*

Following discussion the following edits were made:

Section 1950 (Performance Standards)

- Section 1950.2.J.1 to read: “Abandoned, inoperable, or unused appliances, furniture, equipment, and motor vehicles (buses, cars, trucks, trailers, etc.) if kept on site shall be located and completely screened or enclosed so as to not be visible from adjacent roads or properties, and shall not be located within the Floodplain and Watercourse Buffer Overlay District.”
- Section 1950.2.J.2 to read: “Outdoor storage of four or more unregistered and uninspected motor vehicles constitutes a junkyard or salvage yard and is not permitted except in connection with an approved vehicle salvage operation.”
- Section 1950.2.J.3 to read: “Additional regulations relating to storage in motor vehicles, Motor Vehicle Trailers as structures, and Portable Storage Containers as structures are found in Section 1980.9.”

Section 1980 (Miscellaneous Provisions)

- Section 1980.9 to read: “Motor Vehicle Trailers as structures; Portable Storage Containers as structures”
- Delete Section 1980.9.A and re-letter the subsequent subsections appropriately.
- In re-lettered Section 1980.9.A - replace “Motor Vehicle Trailers including” with “Motor vehicle tractor trailers...”
- In re-lettered Section 1980.9.B.2 – show “zoning permit” in lower case letters.
- Re-lettered Section 1980.9.B.3 to read: “Located on a single family residential property for fewer than six months and having a cumulative area of less than 160 square feet. Such containers located on a single family residential property for more than six months shall require a permit.”

Article XXI (Definitions)

- Delete the definitions for “Motor Vehicle” and “Motor Vehicle trailer”.

Staff will provide the refreshed language for storage trailers.

Sign Lighting

Following discussion the majority of the Planning Commission agreed sign lighting should be on or off (i.e. remove the low level option). It was noted the lighting applies to signs for businesses, not the building or interior lighting for businesses.

Setbacks in Private Rights-of-Way

Mark Brooks provide material on rights-of-way on private roads along the lake where property lies extend over the roadway and there is no clear right-of-way or where the setback begins. The setback is defined as from the property line or street right-of-way. The standard setback is 30', but for the lots along the lake there is no road right-of-way

and if the property line is used to determine the setback then the house could end up in the street. Colchester determines the setback from a point 30' from the middle of the road. South Burlington uses the road as the subdivision of the lot and applies the setback to the lots on each side of the road. Mark Brooks suggested using the Colchester method and adopting a number for the right-of-way or measuring from the edge of the road for the setback. The bylaw needs to clearly state what is done. The subdivision definition of "street" should be added to the zoning bylaw and the words "public or private road" should be added to the definition in both places.

Dean Pierce and Mark Brooks will work on illustrations of different scenarios for setbacks on Clearwater Road and Windmill Bay.

Schedule for Discussion of Zoning Items on DRB List

The schedule was reviewed. Discussion of setbacks by Mark Brooks was moved to the July meeting. No other changes were made.

9. COMPLETE STREETS

There was discussion of state law relative to "complete streets". The law requires considering all users when doing more than a simple paving project. Complete streets in the rural environment does not require all the facilities needed in the village because there is not the population in the rural district. There is a process to report the number of projects done in a year and if complete streets applied and how. There is a "cost escape" clause in the statute which says all the facilities do not need to be built if the cost cannot be justified. Some towns have drafted policies to help in decision making on complete streets planning.

There was discussion of submitting a proposal to adopt a complete streets policy to the Selectboard. Dean Pierce said according to the Town Manager the Selectboard agenda is full and the board may not get to the policy for a while. Kate Lalley suggested focusing on an overhaul of the subdivision regulations and the public works standards to ensure there is connectivity in town rather than focusing on complete streets. The Planning Commission should review the complete streets material for any helpful information.

Ann Hogan suggested with the next update of the comprehensive plan the words "complete streets" should be added.

10. OTHER BUSINESS

Pole Mounted Antennas by Verizon

The Planning Commission was sent a copy of the application by Verizon for antennas mounted on telephone poles on Shelburne Road in two locations. Verizon met with Shelburne Historic Preservation & Design Review Committee as the CLG for the historic district in the village because Verizon also wants to locate an antenna in the village.

Decision on Vermont Railways

The town is still waiting for a decision from the judge on a letter from the attorney for The Nature Conservancy regarding ANR modifying the preconstruction permit for Vermont Railways and giving verbal authorization to cut trees.

11. ADJOURNMENT

MOTION by Ann Hogan, SECOND by Mark Brooks, to adjourn the meeting.

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

The meeting was adjourned at 9:50 PM.

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