

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
September 8, 2016**

MEMBERS PRESENT: Jamie Heins (Chairman); Mark Brooks, Ann Hogan, Kate Lalley, Jason Grignon. (Dick Elkins, Don Posner, and Peter Antinozzi were absent.)

STAFF PRESENT: Dean Pierce.

OTHERS PRESENT: Chris Bissonette, Dick & Peggy Meunier, Bonnie Christie, Perry Gagliardi, Amy Bourgea, Mike Bourgea, Beth Phillips, Jim Collins, Pat Collins, Ann Clark, Pat Far, Riki Bowen, H. Wright Caswell, Melanie Needle.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Disclosure of Potential Conflicts of Interest
4. Approval of Minutes (8/11/16)
5. Commissioner Questions/Comments
6. Open to the Public
7. Land Area Requirements in Rural District
8. Regional Energy Plan
9. Zoning Issues
10. Municipal Planning Grant
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 (5-0); motion carried.**

3. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

None.

4. APPROVAL OF MINUTES

August 11, 2016

MOTION by Ann Hogan, **SECOND** by Jason Grignon, to approve the minutes of 8/11/16 as written. **VOTING: 4 ayes, one abstention (Jaime Heins); motion carried.**

5. COMMISSIONER QUESTIONS/COMMENTS

- Government Municipal Day is 9/9/16 in Montpelier. There are many relevant topics to be covered. Kate Lalley will be attending.

- “What’s Your Water Mark?” can be viewed on 9/13/16 at 6:30 PM in the town hall.
- Stormwater Summit is 9/22/16.
- Ethics training seminar is 9/14/16 at 7 PM.

6. OPEN TO PUBLIC

Jim Collins, representing the landowners in the Bourgea Trust, expressed concern about the future road off Webster Road per Form Based Code, noting the following:

- The property owners did not receive written notification of the future road which will go through their private property. If notice had been received the residents would have been more involved.
- Drawing lines on a map affects many people, future income, and future development so there are consequences. The issue is Form Based Code and the future road and whether the road is mandatory. [Dean Pierce will investigate and provide an answer.]
- The road goes through private property that is not intended to be developed by the property owners.
- The section of road that will be built as part of the development application for 93 Webster Road will be a two lane road with parking on both sides going nowhere.
- Until the entire road via Form Based Code is complete there will need to be temporary roads. The temporary roads should have an end date and be removed, but this has not been discussed for the “road to nowhere” associated with the 93 Webster Road application. The length of time for “temporary” needs to be specified.
- A property owner who might want to develop under conventional zoning and the only viable location is where the Form Based Zoning road is located will either block the road with the development or be denied a permit to build under conventional zoning.
- There is concern about the town taking property by eminent domain if necessary to complete the Form Based Zoning road.
- The Planning Commission is urged to look at the plan and see if all conditions are accommodated.
- Residents brought up their concerns to the DRB and were instructed to talk to the Planning Commission. The residents want to know where to go to get their questions answered.
- Density in the area of 93 Webster Road is a consideration especially with the planned salt operation off Route 7 and the proposed housing development on Spear Street with over 100 houses. Traffic is already bottlenecked at the Webster Road/Route 7 intersection. There is question of making the area high density. A traffic study should be required for the subdivision proposal at 93 Webster Road.

H. Wright Caswell, Farmstead Homeowners Association, said the 18 homeowners in the development were not notified or provided with information on the proposed road. Jaime Heins suggested informing the DRB Administrator that abutting landowners did not receive notice.

Pat Far, Chesapeake Drive, stated there have been multiple water main breaks on Webster Road at the junction. The water supply and environmental impacts of the proposed development need to be discussed.

Riki Bowen said she learned of the application for 93 Webster Road through Jim Collins, not the town. Ms. Bowen objected to the Form Based Code road going through her backyard.

Pat Collins said the applicant for the proposed development at 93 Webster Road believes she has to build the road to conform to Form Based Code. The road goes through the Hoes house and wetlands. The property owners were not informed of the road.

Mike Bourgea stated it is the understanding that traffic and water runoff implications do not need to be reviewed with the proposal at 93 Webster Road.

7. LAND AREA REQUIREMENTS IN RURAL DISTRICT

There was discussion of the development requirement in the Rural District of having five acres of developable land for each lot to be developed. The Meuniers lot is large enough to subdivide, but if the developable land requirement is factored in then the lot is not large enough to subdivide. The Planning Commission has discussed alternatives to the five acres of developable land requirement such as having the requirement on lots of 15 or more acres or removing the requirement entirely. The Meuniers attempted without success to create a PUD and acquire rights to more land to incorporate into the PUD to meet the five acre developable land threshold. The Town Attorney gave an opinion that a PUD does not have to contain contiguous parcels (for example there could be land separated by a town highway). The opinion from the Town Attorney is not the same as the DRB issuing approval and non-contiguous PUD has not had widespread support.

Kate Lalley mentioned there are tremendous benefits to keeping the rural area rural and saving the most important areas by fostering development in other areas.

Peg and Dick Meunier explained their plan to try to stay on the 10.1 acre property where they have lived for the past 40 years by subdividing and selling one five acre parcel with the existing house which is too large for them now that their children are grown and building a new house on the new 5.1 acre lot. Because there is slope on some of the acreage the five acre requirement is not met. There are only a few 10 acre lots in the Rural District with a similar circumstance.

Ann Hogan said there is a finite universe of people in the same situation as the Meuniers and it appears the Town Attorney was trying to find a way to accommodate the Meuniers. The Planning Commission does not want to get into a transfer of development rights policy and there is agreement on the value of the Rural District and the environment, but people are important, too. Ms. Hogan suggested revisiting having a small exception for a 10 acre parcel with a piece that is undevelopable due to slope. People are not going to build a house on the slope.

Kate Lalley said this is like “rural infill” of sorts. The town wants to avoid sprawl development which usually comes into play with large parcels. The mechanism may be raising the threshold to 15 acres or more.

Jason Grignon pointed out the Meuniers have enough space for a house that does not impact the slope or wetlands and the concept of density is not affected by their proposal. The developable land argument is a lever to control density, but there are exceptions and the town has controls for what construction is allowed in the Rural District. Dean Pierce noted the work on the town plan in early 2000 by the Planning Commission and the public survey that indicated the desire to keep the rural parts of town rural revolved around the total number of lots that could be created in the Rural District. The concern driving the policy were larger land parcels (50, 80, 100 acres) where an impact would be seen.

Mark Brooks commented there could be 10 acres of flat land subdivided into two lots with two houses that stand out versus 10 acres with slope and wetlands that could still support two houses, meet all setbacks, but the houses would blend in better with the land.

Jaime Heins stated making exceptions is not his preference. The views of the full Planning Commission should be heard on the matter.

8. REGIONAL ENERGY PLAN

Melanie Needle, Senior Planner with Regional Planning, gave a presentation of the Regional Energy Plan and requested local feedback, concerns, and priorities. Feedback is also being collected from electric utilities. Act 174 which was passed by the legislature requires Regional Planning to develop an enhanced regional energy plan. Determination of energy compliance then gets substantial deference in Section 248 Public Service Board proceedings for renewable energy generation applications. The town having a town energy plan and the town doing enhanced regional energy planning is not required, but a choice by the town. The Public Service Department is drafting a set of standards for the town and the regional energy plan. Public hearings will be held on the draft. If the town decides to do enhanced energy planning for substantial deference this is done until July 2018 with the Public Service Board and thereafter with Regional Planning.

Jaime Heins asked who is involved in the rule making. Melanie Needle said input is being gathered from regional planning commissions, the forum held by Vermont College in Montpelier, Vermont Natural Resources Council, Vermont Energy Action Network, and a survey that was circulated.

Melanie Needle stated the state energy comprehensive plan includes goals on weatherizing homes, having 90% of the energy from renewable sources (switch from fossil fuels), and reducing the amount of energy used by the state. Having 90% renewable energy by 2050 is statutory in the State of Vermont. Reducing greenhouse gas emissions 50% from 1990 levels is statutory in the State of Vermont. The plan will be looking at energy demand and fuel mix by 2050. The first draft of the Regional Energy Plan will be

available by May 2017 for feedback. Adoption by Regional Planning is slated for February 2018 for incorporation into ECOS.

Kate Lalley expressed concern about emissions from wood and biomass, adding it seems to be disingenuous to talk about renewables when there are emissions from all the wood burning. Melanie Needle said by going to 90% renewables there is a decrease in emissions. The more solar and wind, the less carbon emissions, but this is not being quantified in the plan. Kate Lalley suggested adding clarification on biomass wood pellets and less emissions.

The plans by Bennington to reach the 90% target by Year 2050 was reviewed. The Renewable Energy Production Mapping that identifies potential energy generation sites for solar and wind on undeveloped land was reviewed. A large portion of Shelburne has potential for residential renewable energy generation. Constraints are also identified (environmentally sensitive areas, conserved lands, ag soils). Shelburne has Level 1 & 2 constraints. Shelburne has prime solar potential with no constraints and solar with Level 1 & 2 constraints. Feedback is needed from the town by October 7th or sooner on what needs to be on the map (i.e. appropriate areas for energy generation). Dean Pierce asked about factoring in aesthetics. Melanie Needle stated once this is part of the energy plan then it is a valid constraint. The town needs to be as specific as possible. The next steps include the list of potential constraints by October 7th if possible so the map accurately reflects the town's land use goals.

9. ZONING ISSUES

Sidewalks & Paths

Dean Pierce stated the DRB is looking for greater flexibility in instances when walking and biking facilities are required as part of site plan review (Section 1900.7.A).

There was discussion of modifying the bylaws and revising the Public Works Specifications sooner than later. Storm water management needs to be tied in as well. Following further discussion the Planning Commission agreed the DRB needs more clarification on what is wanted in town and the long term outcome. Illustrations of what is intended would be helpful.

The Planning Commission will review the modifications to Article XIX as drafted by Kate Lalley for discussion at the first meeting in October and request that the DRB provide more information on what is being requested.

10. MUNICIPAL PLANNING GRANT

Dean Pierce reported if the town is to pursue a municipal planning grant then the application is due by October 31st. The subject matter must be identified. Ideas suggested include a buildout analysis of Shelburne Road, form based overlay district, buildout analysis of the growth center, transportation and flow of traffic in the village. Following discussion there was agreement staff will develop an outline for a village parking and transportation study and after approval by the Planning Commission the grant application can be submitted.

11. OTHER BUSINESS/CORRESPONDENCE*Earlier Start Time for Next Planning Commission Meeting*

The Planning Commission meeting on 9/22/16 will begin at 6:30 PM.

RFP for Form Based Zoning

The deadline for the RFP has been extended one week by Regional Planning.

VLCT Town Fair 2016

October 5th and 6th are the dates of the VLCT Town Fair at CVE in Essex Junction.

Public Works Specifications

Staff will talk with the Town Manager and Public Works Director regarding the update of the Public Works Specifications.

12. ADJOURNMENT

MOTION by Jaime Heins, SECOND by Ann Hogan, to adjourn the meeting.

VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:35 PM.

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