

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 12, 2017**

MEMBERS PRESENT: Jaime Heins (Chairman); Mark Brooks, Kate Lalley [arrived 7:05 PM], Jason Grignon, Dick Elkins, Don Posner, Ann Hogan.
STAFF PRESENT: None.
OTHERS PRESENT: Dave Marshall, Gail Albert, Becky Castle, Bob Clark.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Disclosure of Potential Conflicts of Interest
4. Approval of Minutes (12/8/16 & 12/15/16)
5. Commissioner Questions/Comments
6. Open to the Public
7. Rural District Issues
8. Housing Subcommittee Brochure
9. Bylaw Issues
10. Other Business/Correspondence
11. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION by Jason Grignon, SECOND by Mark Brooks, to approve the agenda as presented. VOTING: unanimous (6-0)[Kate Lalley not present for vote]; motion carried.

3. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

None.

4. APPROVAL OF MINUTES

December 8, 2016

MOTION by Mark Brooks, SECOND by Jason Grignon, to approve the minutes of December 8, 2016 with correction of minor typographical errors and clarification that the state was 20% forested in the late 1800's and has since gotten as high as 80% forested (bullet under Item 7 – Parcelization). VOTING: 5 ayes, one abstention (Ann Hogan)[Kate Lalley not present for vote]; motion carried.

December 15, 2016

MOTION by Mark Brooks, SECOND by Jason Grignon, to approve the minutes of December 15, 2016 with correction of the spelling of “Heins”. VOTING: 5 ayes, one abstention (Ann Hogan)[Kate Lalley not present for vote]; motion carried.

5. COMMISSIONER QUESTIONS/COMMENTS

- Ann Hogan thanked all who sent condolences on the death of her husband, Bill Hogan. The thoughts are greatly appreciated.
- Jaime Heins announced the 1/26/17 Planning Commission meeting is cancelled due to scheduling conflicts.
- Jaime Heins distributed copies of the “My Turn” opinion editorial on “parcelization” with a focus on connectivity in general (i.e. for pedestrians and wildlife).
- Jaime Heins mentioned the 2017 legislative session is underway. Shelburne has a new representative.

6. OPEN TO PUBLIC

None.

7. RURAL DISTRICT ISSUES*Integrated Agriculture Bylaw*

Becky Castle reported on her survey of six Shelburne farmers doing integrated agriculture. Some of the farmers were not aware of the bylaw and were told by the town there was no need to apply for a permit, but were advised to do so to provide a certain level of protection. Other landowners gave comment, but did not want their name used. The farmers are stressed out by the bylaw. Two property owners were active in helping to draft the following recommended changes to the bylaw:

1. The bylaw should have a specific trigger to indicate when the property owner should apply (i.e. a certain level of revenue or years of activity) or the requirement should be all need to apply at the start. [Jaime Heins pointed out there is a definition of “integrated agriculture” and the requirement for a conditional use application. A better job can be done communicating this information. Zoning enforcement also needs to occur.]
2. Eliminate the categories of “primary integrated agriculture” and “secondary integrated agriculture” and have one category of “integrated agriculture”. [Jason Grignon stated the intent of the bylaw is to show what portion of the integrated agricultural activity is secondary to avoid an activity overwhelming the primary purpose of the farm.]
3. Remove the requirement for target revenue since no other permit, state or local, requires the permit holder to publicly report profit and loss.
4. Allow an illustrative list of products and services to be provided because agricultural activities must be diversified and nimble in order to survive. [Kate Lalley said the focus is more on what is done and how relative to impact on neighbors and the intensity of the activity.]

Gail Albert recalled the integrated agriculture regulation may have been formulated for Shelburne Vineyard where one crop of grapes was being grown. The regulation may have been written narrowly then generalized to apply to farms in the rural area. Shelburne Natural Resources Committee was concerned with melding two types of uses and potentially having a large piece of property with a barn and a horse (i.e. farm) and then a

large store. With respect of neighbors and the character of the area, primary and secondary integrated agricultural uses can be blended. The parameters of the requirement to submit financial information on the operation should be clarified and broadened because a crop can fail in a year or may take several years to mature enough to harvest.

Bob Clark suggested requiring a reporting of the labor hours (how much time is spent farming) rather than financial information.

Dave Marshall, CEA, pointed out conditional use review tries to understand impacts of the activity on one property to the surrounding properties and the town. The focus should be on items such as traffic, lighting, noise. In other words identify the activities, not the budget.

Ann Hogan stated the bylaw is intrusive government in asking for financial information. Shelburne supports business growth in town and the ordinance needs to help with this. Dick Elkins recalled the bylaw was drafted because the Planning Commission wanted insurance the rural district was being protected. Following further discussion the Planning Commission agreed the revenue requirement section needs to be simplified (perhaps show a percentage rather than a number) and it needs to be clear when an application for a permit is needed (have a rolling time horizon in the certification). There was discussion of other towns in the state not having a similar bylaw as Shelburne because they are covered by state law. Dave Marshall explained state law says farming activity with 50% or greater revenue generated from product on the land is exempt from other rules. Less than 50% revenue triggers Act 250 review and possibly municipal applications.

Dave Marshall will forward additional information to Dean Pierce and the Planning Commission will give the matter further consideration.

Other Rural District Issues

Dave Marshall offered to help in the discussion of developable area in the Rural District.

8. HOUSING SUBCOMMITTEE BROCHURE

The Planning Commission reviewed the housing brochure and made the following comments:

- The intent is to quantify housing types in town, trends of what is being built, and demographics (population, age, income).
- Clarification is needed on whether accessory apartments are included as 'renter occupied unit'.
- The headers in the brochure are confusing.
- The user of the brochure may not be interested in the history of the state or the town so this information may not be necessary.
- The brochure should be concise and to the point.
- Number of households rather than number of families should be used.
- Demographics, not population, should be used and the information should be grouped together.

- Distinction should be made between the number of occupancy permits issued and the number of permits issued.
- Table of contents, introduction, history, tables of matrices, and a glossary of terms should be included in the brochure.
- Spell out the pricing.
- Housing by zoning district, historical growth per district, average number of bedrooms would be helpful information.
- For affordable housing look at income versus what is on the market pricewise.
- Layer in the county information.
- Clarify the estimated household income number as to whether in Shelburne or the county.
- Note the sources of information and why selected.
- Percentage of households and income needs to be consolidated and broader.
- Verify/clarify the numbers.

Ann Hogan pointed out the growth rate goal of the town is 105 people per year and the growth rate over the past six years (2010-2016) was 615 people which is very close to the target goal.

9. BYLAW ISSUES

MOTION by Don Posner, SECOND by Mark Brooks, to direct staff to warn a public hearing on February 9, 2017 on zoning changes related to sidewalk and path requirements, regulation of trailers and storage of waste, regulation of sign lighting, setbacks from private rights-of-way, and excavation and fill requirements as reflected in documents previously received, discussed, and approved. VOTING: unanimous (7-0); motion carried.

MOTION by Dick Elkins, SECOND by Mark Brooks, to approve the Zoning Change Report prepared by staff and dated 1/12/17 and to direct staff to distribute the report and copies of the amendment proposal as required by statute. VOTING: unanimous (7-0); motion carried.

10. OTHER BUSINESS/CORRESPONDENCE

None.

11. ADJOURNMENT

MOTION by Don Posner, SECOND by Jason Grignon, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 8:55 PM.