

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 25, 2018**

MEMBERS PRESENT: Andrew Everett (Acting Chair); Dick Elkins, Kate Lalley, Susannah Kerest, Asim Zia [arrived 7:55 PM], Perry Gagliardi [via telephone]. (Jason Grignon and Graham Byers were absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Dave Marshall, Charli Kail, Chris Roy.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (11/9/17 & 1/11/18)
4. Disclosure of Potential Conflicts of Interest
5. Open to the Public
6. Zoning Bylaw
7. Comprehensive Plan
8. Updates
9. Commissioner Questions/Comments
10. Other Business/Correspondence
11. Adjournment

1. CALL TO ORDER

In the absence of Chair Grignon, Acting Chair Everett facilitated the meeting and called to order at 7 PM.

2. APPROVAL OF AGENDA

MOTION by Dick Elkins, **SECOND** by Kate Lalley, to approve the agenda as presented. **VOTING: unanimous (5-0)**[Asim Zia not present for vote]; motion carried.

3. APPROVAL OF MINUTES

November 9, 2017

MOTION by Dick Elkins, **SECOND** by Kate Lalley, to approve the minutes of 11/9/17 with the following correction(s)/clarification(s):

- Page 2, 3rd paragraph, sentence beginning “Dick Elkins noted that restaurants are not an allowed use...” – change “Dick Elkins noted” to “It was noted”.

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

January 11, 2018

Deferred due to lack of a quorum present at the 1/11/18 meeting.

4. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

There were no comments from the public at this time.

6. ZONING BYALW

Kwiniaska Request

The Planning Commission discussed the request by the new owners of Kwiniaska for a zoning change to allow a deck on the clubhouse which is a nonconforming structure. Proposed language was reviewed for Section 1920.B.2 to allow expansion of a nonconforming structure in the Rural District as long as the structure is not getting closer to the road. The regulation mimics what is allowed along Route 7 in the Mixed Use Commerce & Industry districts. There was also discussion of possible language to restrict linear expansion and ensure the addition to a building is to the back of the building. Dean Pierce suggested referring to the 'building rear line' and stating that the addition cannot be closer than that line. A definition would be needed for "building rear line". Other suggestions included limiting the expansion to 20% of the existing structure.

Dick Elkins cautioned that any change to the bylaw is for the entire district, not just one property.

Dave Marshall, CEA, suggested allowing an addition on the side of the building up to a certain percentage of the footprint.

Kate Lalley spoke of incentivizing re-use of existing structures. Allowing flexibility and a reasonable limit on the potential scale of the structure would be good.

Following further discussion the consensus of the Planning Commission is to add language to Section 1920.B.2 to say "except in no case should the building addition exceed [X percentage] of the footprint". There was discussion of an appropriate percentage of increase. Mr. Elkins said the expansion should be no more than a 25% increase in size and not on the sides of the existing building. Andrew Everett suggested the expansion not exceed 33% of the structure. Perry Gagliardi said the percentage must be adequate to allow the proposed deck to be built on the clubhouse at Kwiniaska. Kate Lalley urged using a larger percentage such as 50% to incentivize re-use of existing structures particularly if buildings are a nonconforming use. Dick Elkins suggested working on the request from Kwiniaska now and addressing a change for the district-at-large later.

MOTION by Dick Elkins, SECOND by Andrew Everett, to change the wording in Section 1920.B.2 to allow expansion up to 25% of the existing building footprint. VOTING: unanimous (5-0)[Asim Zia not present for vote]; motion carried.

Staff will draft the Zoning Change Report and text for the public hearing.

Halvorsen Request

Chris Roy, representing Jeff Halvorsen, explained the need for a fence on the lakeside edge of the Halvorsen property for safety purposes. The language in the regulation provides for maintaining the integrity of the Lakeshore Overlay District and provides for a safety fence. The measure of the height of the fence per the regulations may need review due to the slope of the Halvorsen land. A height of four feet is suggested for the fence and the height should be measured vertically.

Dean Pierce suggested the height could be limited to a measure of one 8' section of fence.

Dick Elkins suggested the fence should be set back twice the height of the fence.

Kate Lalley stated aesthetics from the lake is an element of the Lakeshore Overlay District so fences should only be located where necessary and perimeter fencing should not be allowed. A setback to allow for vegetation will maintain the aesthetics from the lake. Chris Roy said the property owner likely will not object to a setback for the fence and vegetation though it is doubtful the fence will be visible from out on the lake. The fence will only be installed where necessary for safety purposes. Dean Pierce noted there are separate requirements in the Lakeshore Overlay District relating to cutting and there are state requirements and requirements on the subdivision of which the Halvorsen parcel is a part. If there is to be cutting to install the fence all the requirements must be met. Chris Roy assured the fence will comply with all the regulations.

The subdivision plans approved by the DRB and the site where the proposed fence will be were reviewed. There was discussion of how to measure the height of the fence and if the language applies only to a safety fence or for any fence on a lot in the Lakeshore Overlay District. It was noted the bylaw dictates some design requirements in the Lakeshore Overlay District (e.g. stairs must be a certain distance and of a certain height over the land). Asim Zia stated conservation of trees is very important along the lakeshore so there should be a provision that the fence can be built, but trees will not be removed.

MOTION by Asim Zia, SECOND by Kate Lalley, to add the following language to the bylaws:

- **Section 1720.7 – Lakeshore safety fence located at least 10' landward from the top of the bank.**
- **Section 2110.NNN – Lakeshore Safety Fence. An artificially constructed, open barrier not more than four feet in height erected within the Lakeshore Overlay District to separate people and animals from significant topographic hazards such as steep embankments and rock faces. A fence shall be considered “open” if every segment of the fence (e.g. section between posts) is composed of at least 75% open spaces and no more than 25% solid materials. The height of the fence shall be measured perpendicular from the finished grade at the base of the fence to the top of the highest horizontal or nearly horizontal element of the fence of any eight foot section.**

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

There was mention of the list of requested zoning changes from the DRB that were previously discussed to be included in the Zoning Change Report and public hearing. Staff will forward the list to the Planning Commission.

Form Based Zoning

Deferred to the next meeting.

7. COMPREHENSIVE PLAN

Housing

Dean Pierce reported projections on the rate of growth indicate growth will be modest and affordable housing is based on regional projections, but there is no regional projection. The forecasted housing need will be greater than the forecasted growth. This must be reconciled.

Kate Lalley suggested considering accessory dwelling units and converting large single family houses into two family houses as a way to address housing need. Dean Pierce noted Shelburne allows accessory units in structures other than the house.

Dick Elkins suggested focusing on the Route 7 section of town where people are looking for apartments and do not want to have a vehicle.

Dean Pierce questioned if it is necessary to have language to ensure the town does not grow too fast when there is no indication the town will grow too fast. Dick Elkins felt the language should remain.

There was discussion of inclusionary zoning versus hamlets. Kate Lalley said affordable housing should not be forced into specified locations.

There was discussion of the housing section of the town plan. Edits were made to the text (replace "with Rural Hamlets" with "and pursue Rural Hamlets" in the new language in the opening paragraph, change "encourage" to "support" in Recommended Action 4, combine Objectives 3, 4, and 5). It was suggested the section could be shortened by simply listing five housing objectives wanted by the town. The Planning Commission will send further suggestions to Andrew Everett on language to eliminate so the section is more concise.

The Planning Commission reviewed the outline of meeting topics and schedule. Susannah Kerest volunteered to review the Towers & Telecommunications section of the town plan, and Kate Lalley volunteered to review the Natural Resources section.

8. UPDATES

None.

9. COMMISSIONER QUESTIONS/COMMENTS

None.

10. OTHER BUSINESS/CORRESPONDENCE

The Planning Commission will ask the Housing Subcommittee to identify three to five locations in Shelburne (near the Rural District, but not necessarily in the Rural District) where hamlet developments might work.

11. ADJOURNMENT

MOTION by Kate Lalley, SECOND by Susannah Kerest, to adjourn the meeting.

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

The meeting was adjourned at 9:48 PM.

RScty by tape: MERiordan