

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
February 11, 2020**

- MEMBERS PRESENT:** Jerry Storey (Chair); Jaime Heins [arrived 7:05 PM], Mike Ashooh, Mary Kehoe, Colleen Parker.
- ADMINISTRATION:** Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Chris Robinson, Water Quality Superintendent; Nina Anger, Executive Assistant to Town Manager.
- OTHERS PRESENT:** Gail Henderson King, Tom and Sue Tompkins, Susan and David McLellan, Ruth Hagerman, Don Porter, Anthony Seidita, Clint West, Wayne Elliott, Cathy Townsend, Lee Hillman, Scooter MacMillan (Shelburne News).
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1. CALL TO ORDER

Chair Jerry Storey called the meeting to order at 7 PM.

2. APPROVE AGENDA

MOTION by Mike Ashooh, **SECOND** by Colleen Parker, to approve the agenda as presented. **VOTING: unanimous (4-0) [Jaime Heins not present for vote]; motion carried.**

3. MINUTES

January 21, 2020

MOTION by Mike Ashooh, **SECOND** by Colleen Parker, to approve the minutes of 1/21/20 as presented. **VOTING: unanimous (5-0); motion carried.**

4. PUBLIC COMMENT

Gail Henderson King reported the tree advisory committee is reapplying for “Tree City USA” status. Shelburne has again met the criteria. Other news from the tree advisory committee includes that the town did not receive the urban tree grant this year, UVM interns will be hired to do a management plan for the emerald ash borer (grant was received), and revisions are being made to the tree policy dealing with trees on private property and with tree protection during construction.

5. SELECTBOARD COMMENTS

- Mary Kehoe urged all to vote on March 3, 2020 and to attend the talk on women in the Civil War hosted by the Shelburne Historical Society.
- Jerry Storey thanked Public Works and emergency services for their work during the recent snow storm, and noted the vote on the Rice Lumber property for the Fire/Rescue building will occur no later than Election Day, November 2020.

6. WELCOME TO NEW BUSINESSES

One Day in July investment advisory firm was welcomed to Shelburne.

7. TOWN MANAGER REPORT

Lee Krohn reported:

- The Town Annual Report has been sent to the printers. Thanks to all who helped with the publication.
- Pierson Library/Town Hall project received the “Best of the Best” Honor Award for large commercial building design and construction, as well as the “People’s Choice” award, at the recent Efficiency Vermont Better Buildings by Design conference.
- Shelburne native, Megan Nick, received Second Place in the World Cup for aerial skiing.
- Conferences on First Responder wellness have been very informative and beneficial for building a peer network.
- Staff has been addressing issues identified by VOSHA, and negotiated the fine down from roughly \$65,000 to roughly \$19,000.

8. SELECTBOARD PARTICIPATION ON COMMITTEES

The Selectboard agreed any Selectboard member on a town committee serves as a liaison and in an advisory role only (non-voting member). The role needs to be clarified and codified in the Selectboard Rules. Also, a Selectboard member serving on a committee prior to being elected to the Selectboard needs to be clarified.

9. SHORT TERM RENTAL ISSUES

There was discussion of the issue of impact on quality of life, enforcement/inspection, behavior of renters, owner occupied or not, and other pros and cons of short-term rentals. The Selectboard suggested that the Planning Commission hold meetings or hearings to gather input from the public on the subject.

10. PUBLIC HEARINGS: Zoning and Subdivision Bylaws Amendments

Subdivision and Form Based Zoning

MOTION by Mary Kehoe, SECOND by Jaime Heins, to open the public hearing on the Subdivision and Form Based Code amendments. VOTING: unanimous (5-0); motion carried.

The public hearing was opened at 7:37 PM. Dean Pierce gave a brief overview of the changes to form based code and the subdivision regulations, noting a third of the changes to form based code were done by the consultant (Brandy Saxton), a third was done by the Planning Commission, and a third of the changes were due to applications. There was discussion of continuing to allow a choice of conventional zoning or form-based code with development proposals, allowing waivers, and making form based code more user friendly. There was also discussion of the functionality of form-based zoning.

COMMENTS

Questions were asked seeking clarification of the proposed changes and whether any of the proposed changes will make it easier for the project at the former bowling alley to move forward. The Selectboard requested more specific information on impacts. Dean Pierce noted the amendment to remove the frontage zone may impact the bowling alley

development. Substantive form-based code changes deal with redevelopment of existing sites, changes to stormwater, and removal of the frontage zone in the Regulating Plan.

Clint West, developer, supported the option to develop under form-based or conventional zoning, but said requiring buildings to be located so close to the road is problematic. His new building gets showered by snow and debris from snowplowing, and plantings will struggle to survive in that environment. Also, requiring 40% glass on the building is expensive and risky for damage with the building located so close to the road. Signage is also an issue.

There were no further comments.

MOTION by Jaime Heins, SECOND by Mike Ashooh, to continue the hearing on amendments to the Subdivision and Form Based Code to March 24, 2020.

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

Design Review

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to open the public hearing on proposed zoning changes related to historic preservation and design review.

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

The public hearing was opened at 8:43 PM.

MOTION by Colleen Parker, SECOND by Jaime Heins, to continue the hearing on proposed zoning amendments related to design review to March 24, 2020. VOTING: unanimous (5-0); motion carried.

11. PROPOSED STORMWATER ORDINANCE AND CREDIT MANUAL

Lee Krohn reviewed revisions to the stormwater ordinance and credit manual pertaining to assessment of fees, phase-in of fees, and credits. Concern was expressed about residential properties paying more in fees. This was the 'second reading' required by the Town Charter; a public hearing is warned for 2/25/20. An explanation of the stormwater ordinance and manual will be provided at Town Meeting.

12. PROJECTS FOR WASTEWATER SYSTEM ANALYSIS AND STORMWATER MANAGEMENT

Wayne Elliott, Aldrich + Elliott, reviewed the wastewater facility consolidation options and the South Burlington option. Application has been made to the state clean water revolving fund for \$82,900 for engineering. A 50% subsidy is provided. The Town Manager needs to be authorized to execute the agreement. There was discussion of the cost of inaction and the cost to upgrade the equipment at the treatment plants.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to approve the loan application for the CWSRF program in the amount of \$82,900 with the understanding there is a 50% subsidy so the town would be borrowing \$41,450 as presented in Memo #2 from Chris Robinson, and to identify Lee Krohn as the

authorizing representative to sign any necessary documents. VOTING: unanimous (5-0); motion carried.

Chris Robinson reported Wright-Pierce Engineering has been hired to do an inflow and infiltration analysis, some modeling of the system, and identification of choke points. The firm will also work on the Hillside issue. A draft agreement has been submitted. The cost of the work will be paid for with funds from the wastewater capital budget.

There was a question on camera work on the sewer lines. Chris Robinson said this work has been done and some of the oldest sections of pipe have been replaced (up to 80% of Plant 1 infrastructure and 50% of Plant 2). There is more work to do.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to authorize the Inflow and Infiltration Analysis and Sanitary Sewer Evaluation with Wright-Pierce Engineering as presented in the memo from Chris Robinson at a cost up to \$200,000. VOTING: unanimous (5-0); motion carried.

Chris Robinson reported the final phosphorus control plan per the MS4 Permit is due to the state by April 2021. A status report is due April 2020. Fitzgerald Environmental Associates has been hired. The cost of the contract will be covered by the wastewater budget and a \$30,000 grant from Regional Planning if received. There is a 20% match to the grant (\$6,000).

MOTION by Mary Kehoe, SECOND by Jaime Heins, to authorize the application for a UPWP grant from CCRPC as presented. VOTING: unanimous (5-0); motion carried.

Chris Robinson reported a stone-lined ditch will be installed on Bostwick Road and the gully stabilized by the Waldorf School. Application has been made for two grants, one in-kind grant for \$13,000 for phase 1 and one from the Better Roads program for \$24,000 for phase 2.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to authorize the grant applications for the Better Roads (\$24,000) and grant-in-aid (\$13,000) grants for the Bostwick Road gully and ditch projects as presented. VOTING: unanimous (5-0); motion carried.

Chris Robinson briefly reviewed the constructed gravel wetland to be installed on the South Burlington/Shelburne line. Estimated cost is \$700,000. The Town has funding up to \$706,000 through the Clean Water grants. There is a 50% match. The town has \$666,000 of match available through what the state has already vetted (VELCO licenses, value of the land, cost of easements). The Selectboard is requested to authorize use of up to \$706,000.

The Selectboard will take action at a subsequent meeting once the bid numbers for the project are received.

13. TOWN MANAGER GOALS AND OBJECTIVES 2020

Goals include:

- Stormwater Municipal Utility
- Economic Development
- Organizational and Other Special Initiatives

There are objectives under each goal. The Board noted that these are also its own goals and objectives for the year to come, and are subject to adjustment or change as issues or matter arise over the course of the year.

MOTION by Mary Kehoe, SECOND by Colleen Parker, to approve the Town Manager Goals and Objectives for 2020. VOTING: unanimous (5-0); motion carried.

14. TOWN FACILITY USE/FEE POLICY

The proposed amendment would now include a fee exemption for nonprofits and homeowners' associations, as per prior practice. With other minor changes that the Library Trustees will make to their policy, both the Library and Town policies will be consistent, as had always been our goal.

MOTION by Jaime Heins, SECOND by Colleen Parker, to approve the Town Facility Use/Fee Policy amendment as presented. VOTING: unanimous (5-0); motion carried.

15. VELCO AGREEMENT: HARBOR ROAD

Lee Krohn noted the three-year agreement pertains to the VELCO substation on Harbor Road. It is the same as in prior years, with VELCO agreeing to repair any damage to the road that may be caused if they have to transport very heavy equipment to the site. Prior agreements had been annual; this would be for three years, simplifying matters for both parties and protecting the Town's interests.

MOTION by Colleen Parker, SECOND by Mike Ashooh, to accept the agreement with VELCO for the Harbor Road substation and authorize the Town Manager to sign the agreement. VOTING: unanimous (5-0); motion carried.

16. WASTEWATER ALLOCATION: Fiddlehead Brewery Tasting Room

MOTION by Jaime Heins, SECOND by Colleen Parker, to authorize wastewater allocation up to 1,323 gpd for the Fiddlehead Brewery tasting room. VOTING: unanimous (5-0); motion carried.

17. CERTIFICATE OF LEGAL STATUS

Lee Krohn said the certificate applies to the grand list and that there are no appeals pending.

MOTION by Colleen Parker, SECOND by Mary Kehoe, to accept the Certificate of Legal Status and authorize signature. VOTING: unanimous (5-0); motion carried.

18. ADJOURNMENT

MOTION by Colleen Parker, SECOND by Jaime Heins, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:45 PM.

RScty: MERiordan

For the Selectboard

Date