

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
March 8, 2018**

MEMBERS PRESENT: Jason Grignon (Chair); Dick Elkins, Kate Lalley, Susannah Kerest, Andrew Everett [arrived 8:17 PM]. (Asim Zia, and Graham Byers were absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Nate Burris, Dave Marshall, Charli Kail, John Paul, Jim Gernander, Steve Gonsalves, Hope Johnson, Don Rendell.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (2/22/18)
4. Disclosure of Potential Conflicts of Interest
5. Open to the Public
6. Zoning Issues
7. Comprehensive Plan
8. Updates
9. Commissioner Questions/Comments
10. Other Business/Correspondence
11. Adjournment

[Note: Minutes reflect the order of the published agenda.]

1. CALL TO ORDER

Chair Jason Grignon called the meeting to order at 7:05 PM.

2. APPROVAL OF AGENDA

MOTION by Dick Elkins, **SECOND** by Kate Lalley, to approve the agenda with the amendment to postpone approval of the 2/22/18 minutes until the end of the meeting. **VOTING:** unanimous (4-0)[Andrew Everett not present for vote]; motion carried.

3. APPROVAL OF MINUTES

February 22, 2018

MOTION by Dick Elkins, **SECOND** by Susannah Kerest, to approve the minutes of February 22, 2018 with the following correction(s)/clarification(s):

- Page 2, Public Comment, 2nd paragraph, last sentence – change “DRB” to “Planning Commission”.
- Page 2, Comprehensive Plan, paragraph beginning “Dick Elkins said the town...”, 1st sentence – insert “for example” after the word “because” to read “...just because, for example, the proposal for Kwiniaska...”.

VOTING: unanimous (4-0)[Andrew Everett not present for vote]; motion carried.

4. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Susannah Kerest disclosed Nate Burris is a colleague of her husband.

5. OPEN TO THE PUBLIC

There were no comments from the public at this time.

6. ZONING ISSUES*Public Hearing: Proposed Zoning Bylaw Changes*

The public hearing was opened at 7:11 PM on proposed changes to allow limited expansion into the front yard setback in the Rural District, installation of a safety fence in the Lakeshore Overlay District within the 100' setback, cross referencing site plan and conditional use review requirements, and correction of typographical errors in Table 2. There were no comments. The public hearing was closed.

MOTION by Dick Elkins, SECOND by Kate Lalley, that the following changes to the zoning bylaws and the accompanying Bylaw Change Report be forwarded to the Selectboard for consideration and action:

- **Addition of language to allow as nonconformities subject to conditional use review limited expansion of structures encroaching on the front yard setback in the Rural District.**
- **Addition of language to allow as a permitted use subject to all other applicable requirements of the Lakeshore Overlay District installation of a “lakeshore safety fence” structure within the 100’ setback from the 102’ elevation contour along Lake Champlain.**
- **Addition of language cross referencing statutory authority relating to Site Plan Review and Conditional Use Review.**
- **Correction of typographical errors in Table 2.**

VOTING: unanimous (4-0)[Andrew Everett not present for vote]; motion carried.

Request to Restrict Cutting of Vegetation by the Golf Course

Nate Burris stated outdoor recreation can be divided into active and passive uses. The suggested changes to the regulations are to address outdoor recreation uses and golf courses. The language to limit a golf course to the existing footprint and have a no cut zone within the setback will help golf courses work in concert with the surrounding area. Limiting the footprint of the golf course will reduce impact on neighbors from herbicides and pesticides or stray golf balls traveling at a high speed or people walking onto properties looking for lost golf balls. Having a no cut zone will preserve existing vegetation and reduce adverse effect on surrounding neighborhoods.

Dave Marshall, Civil Engineering Associates, reviewed the area on the Kwiniaska Golf Course where two additional golf holes are proposed. Susannah Kerest asked what reviews will be done for the proposed golf holes other than coming before the Planning Commission. Dean Pierce said site plan and conditional use applications must be filed for review by the DRB. There will also be Act 250 review which will cover wetlands, storm water, and archeological resources.

Nate Burris agreed the DRB is the proper place for review for a permit, but the Planning Commission decides the rules to govern the hearings for permits. The plan by the golf course is to cut the woods between the 17th hole and the residential development to the south. The Planning Commission is asked to look at the theory behind the proposed development and determine if it conforms to the town plan.

Dave Marshall said there are rules already in place for review of projects by the DRB. It is better to look holistically rather than pigeonhole rules. There are holes on the golf course next to residential houses. The golf course was in existence before the housing developments.

Following further discussion the Planning Commission felt the suggested language to restrict cutting of vegetation is too broad-based and would have impacts elsewhere. There are processes in place (Act 250 and DRB review) that allow individuals to express concerns and advocate a negotiated settlement. There are setback requirements. Nate Burris clarified he is proposing a no cut zone within a certain distance. The Planning Commission pointed out Mr. Burris can advocate for trees to remain for screening during the site plan review process before the DRB.

Jason Grignon mentioned having reference in the town plan relative to adverse impacts on wildlife corridors. Dean Pierce explained when a project is required to go through Act 250 review the town does a pre-Act 250 review of natural resources items. Kate Lalley suggested input be gathered from Shelburne's Natural Resources Committee because it seems onerous to lump golf courses in with other development that involves lots of construction. Dean Pierce said the Natural Resources Committee could consider whether golf courses should be subject to additional review or the Planning Commission could modify the subdivision regulations or consider other regulations focused on natural resources.

Dave Marshall said environmental resource protection should apply to all projects, not just golf courses. Any golf course larger than 10 acres will be subject to Act 250 review and many of the same criteria are in the town's zoning regulations. Some communities have combined their subdivision and zoning regulations into one land use regulation so applicants can see all the rules in one place.

Jason Grignon asked how the setback to protect core habitat and wildlife corridor is determined. Dean Pierce said the Natural Resources Committee is discussing a map for the town plan to show core areas and corridors as best can be done. An overlay district could then be done and any development in the overlay would have to meet the requirements of the overlay.

Jason Grignon observed any changes to the zoning regulations done by the Planning Commission now will not impact the golf course project, but the DRB can be informed of the discussion.

7. COMPREHENSIVE PLAN

“Triggers”

The Planning Commission reviewed examples of “triggers” (e.g. waste water capacity, storm water, school capacity, growth target, and others). Dick Elkins suggested when the 90% mark is reached for waste water capacity certain types of development should be frozen to ensure some capacity is available for a development the town may want. Dean Pierce said there are restrictions on the amount of sewage capacity people can use and there are reserves. Jason Grignon noted the objective is to have a framework in the plan for guidance. Dean Pierce commented Regional Planning has triggers for geographic distribution of growth, such as 80% of growth in the county should occur in growth areas. Regional Planning uses this as a monitoring tool to see if growth is occurring where wanted. If triggers are used in a more proactive manner then forecasts would be done each year. Jason Grignon said it is good to see where to focus growth and how to grow. Review of the previous 12 months will show where growth occurred and the triggers. Dean Pierce mentioned one year of data may not give an accurate picture; there could be fluctuations. More thought should be given to develop a policy on growth. Kate Lalley suggested the data could be generated for the town report each year so residents see how the town is growing and if this is the best way to grow.

Growth and Development

Dean Pierce announced Perry Gagliardi has resigned from the Planning Commission.

The Planning Commission reviewed the suggested changes to the Growth and Development section. Dick Elkins urged reviewing the 2006 Village Plan Update to see if any changes should be made before making reference to the data. Kate Lalley said a recommendation in the town plan could be to update the village plan as soon as possible.

There was discussion of the goal stating the number of people added to the town each year (average of 50 people) and where growth is wanted to happen. Dean Pierce suggested the language could say an average of 50 people over the next 10 years with 80% of the growth occurring in the sewer service area. Susannah Kerest suggested being more specific and scientific by using housing units rather than the number of people. Andrew Everett said the goal should refer to managing and controlling the number of housing units with oblique reference to the number of people as an historic rate of growth.

There was mention of the rating system used by the Town of Williston to rank development proposals as a way to control growth in town. Staff will gather more information.

Don Rendell, Shelburne Natural Resources Committee, said the objective on town infrastructure is weak in reference to storm water and should be tightened up for water quality protection. Kate Lalley said the capacity of land to handle storm water is a factor that influences why growth is guided into certain areas. Jason Grignon said storm water is another capacity trigger. The town has plans for a storm water utility which will have considerable expense. Following further discussion Don Rendell volunteered to draft some language on storm water for consideration.

Andrew Everett volunteered to do another review of the Growth and Development section and the Housing section as well.

Housing

Dean Pierce said the Housing Subcommittee is willing to work on the Housing section of the plan. Kate Lalley urged prioritizing a deepening understanding of density. Different examples of density should be shown so the town does not end up with density where it is not wanted. Hamlets could be shown or a new neighborhood in the growth area. There was discussion of a map showing potential locations of hamlets in town drafted by the Housing Subcommittee. The locations are on Irish Hill Road and on the edge of the Rural District.

Hope Johnson, resident, said the report by the South Burlington Affordable Housing Committee, dated April 24, 2013, has lots of maps that could provide some guidance. South Burlington also has a housing trust fund. Shelburne does not have enough starter homes and is losing many of its senior citizens.

Dean Pierce will forward the report by the South Burlington Affordable Housing Committee to the Housing Subcommittee.

8. UPDATES

Dean Pierce reported he has had discussions with Mia Smith about graphic design work in the comprehensive plan and is checking the budget to see what is feasible.

9. COMMISSIONER QUESTIONS/COMMENTS

- Jason Grignon mentioned Jaime Heins is now serving on the Selectboard and there is an open seat on the Planning Commission with the resignation of Perry Gagliardi.

10. OTHER BUSINESS/CORRESPONDENCE

None.

11. ADJOURNMENT

MOTION by Andrew Everett, SECOND by Susannah Kerest, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:37 PM.

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