

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
March 28, 2019**

**MEMBERS PRESENT:** Andrew Everett, Dick Elkins, Stephen Selin, Kate Lalley, Susannah Kerest, Neil Curtis. (Jason Grignon was absent.)  
**STAFF PRESENT:** Dean Pierce, Planning Director.  
**OTHERS PRESENT:** Peg Rosenau, Sean MacFaden, John McNeil, Lee Krohn, Mike Ashooh, Chris Robinson, Jerry Storey, Jonathan Harris, Becky Castle.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (2/7/19)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Zoning Matters
7. Planning Matters
8. Future Agenda Topics
9. Other Business/Correspondence
10. Adjournment

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**1. CALL TO ORDER**

In the absence of Jason Grignon, Andrew Everett facilitated the meeting and called to order at 7 PM. It was noted this is the last meeting for Susannah Kerest and the first meeting for Neil Curtis.

**2. APPROVAL OF AGENDA**

**MOTION** by Kate Lalley, **SECOND** by Stephen Selin, to approve the agenda.

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

**3. APPROVAL OF MINUTES**

*February 7, 2019*

**MOTION** by Susannah Kerest, **SECOND** by Dick Elkins, to approve the 2/7/19 minutes with the minor edits noted by Jason Grignon and depicted in copy of minutes included in meeting packet. **VOTING: unanimous (6-0); motion carried.**

**4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST**

Andrew Everett said he has a social connection to Jonathan Harris and Amanda Herzberger.

Stephen Selin said he has worked on Herzberger house.

**5. OPEN TO THE PUBLIC**

There were no comments at this time.

## 6. ZONING MATTERS

Becky Castle, 4947 Spear Street, read a list of questions on the zoning changes pertaining to development in the Rural District and asked for an explanation of the requirement to go through the PUD process for development in the rural zone. Additional items needing clarification include the definition of open space, the 60% open space requirement, five acre threshold for a boundary line adjustment, and accessory uses on the land. Ms. Castle said the town is putting restrictions in place that limit what the property owner can do with their land and this impacts the value of the land.

Jonathan Harris, High Acres Farm, echoed the questions and issues mentioned by Becky Castel and noted the difficulty they are experiencing trying to do a boundary line adjustment on their farm.

A gentleman who owns property on Mt. Philo Road mentioned his desire to have the town conserve 30 acres of his property so it is not developed.

There was discussion of the size limit on a boundary line adjustment, the definition of 'open space', and the PUD requirement in the Rural District. Dean Pierce read the definition of open space in the bylaws, summarizing that open space is essentially land set aside to remain in its natural state or for ag use or active or passive outdoor recreation uses. Regarding farming, zoning does not impact a farmer engaged in ag activities. The town asks that a farmer inform the town if a barn is being built. The town will investigate whether there are restrictions on any open space as part of a PUD in the Rural District that is involved in an ag activity.

Dick Elkins gave a brief history of the zoning changes to help landowners with 10 acres in the Rural District have enough developable land to build on despite steep slopes, wetlands, and such. The requirement of 60% open space was the number thought to be workable. Andrew Everett added the open space requirement was done to protect the area while not infringing on the rights of the landowner to develop. There was continued discussion of the PUD requirement and open space in the rural zone, and the potential burdens on the landowner. Sean MacFaden, Shelburne Natural Resources Committee, mentioned the long standing prescription in Shelburne to maintain the rural character and the importance of the rural zone to the town's economic vitality. There is merit to having a PUD as a mandatory requirement in the Rural District because five acre zoning in the standard subdivision is a recipe for sprawl and a perfect way to fragment the landscape. Thoughtfully designed PUDs encouraging clustering may not be the perfect solution, but do preserve some of the features the town has repeatedly mentioned as important such as the remaining woodlots, contiguous ag lands, viewsapes. The PUD is a way to achieve this and allow the landowner to get a return on their investment. Landowners in the Rural District are urged to have dialogue with the Shelburne Natural Resources Committee.

Becky Castle expressed frustration with working with the town when trying to subdivide one lot to build their house off the farm so if someone brings a lawsuit against the farm their residence is not involved.

## 7. PLANNING MATTERS

### *Storm Water*

Water Quality Superintendent, Chris Robinson, reviewed the town's storm water requirements to manage storm water in the municipal system. The town holds an MS4 permit and has four impaired waterways (Monroe Brook, McCabe Brook, Shelburne Pond, Lake Champlain). All state and federal regulations for storm water management must be met. The town does this through local bylaws and permitting. A website has been done on the ongoing storm water management efforts by the town. Regional Planning has been hired to help the town meet requirements of the MS4 permit. Shelburne is also getting assistance from South Burlington. There are 15 projects to be done in town (Shelburne's share of the cost is \$3.7 million) plus a phosphorus control plan, stream gage and precipitation monitoring (cost of \$10,000/year), and ongoing monitoring, record keeping, and reporting. The new three acre permit rule (all properties with three or more acres of impervious surface must have a storm water permit) impacts about 19 properties in town. The town will be updating the storm water ordinance which will outline storm water funding via a tax or a fee (if a storm water utility is formed), continue maintaining MS4 permit requirements, do the RFP for the phosphorus control plan, do the flow restoration plan design, and update the storm water website.

### *Mike Ashooh and Lee Krohn: Priorities & Assorted Topics*

Newly elected Selectboard member, Mike Ashooh, listed issues of interest to him including storm water, open space, rural character matters, and economic development in town. Town Manager, Lee Krohn, added the priorities of the Selectboard are captured in the list of goals and objectives for the Town Manager which was included in the Planning Commission meeting packet. There is potential for lots of synergy between the Selectboard and Planning Commission. The Planning Commission is urged to think about goals to achieve and the best tools to do that as well as consequences and unintended consequences of the town's actions.

## 8. FUTURE AGENDA TOPICS

- Form based zoning
- Legislative issues
- Getting more input from the community (community input polling)

## 9. OTHER BUSINESS/CORRESPONDENCE

Susannah Kerest was thanked for her service on the Planning Commission.

## 10. ADJOURNMENT

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

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

The meeting was adjourned at 9:16 PM.

*RScty: MERiordan*