

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
April 25, 2019**

**MEMBERS PRESENT:** Jason Grignon (Chair); Dick Elkins, Kate Lalley, Stephen Selin, Neil Curtis. (Andrew Everett was absent.)  
**STAFF PRESENT:** Dean Pierce, Planning Director.  
**OTHERS PRESENT:** Jerry Storey Jonathan Harris, Becky Castle, Gail Albert, Pam Brangan, Maureen Mindell, Megan McBride.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (4/11/19)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Planning Matters
7. Zoning Matters
8. Future Agenda Topics
9. Other Business/Correspondence
10. Adjournment

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**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

**MOTION** by Dick Elkins, **SECOND** by Stephen Selin, to approve the agenda as presented. **VOTING: unanimous (5-0); motion carried.**

**3. APPROVAL OF MINUTES**

*April 11, 2019*

**MOTION** by Dick Elkins, **SECOND** by Stephen Selin, to approve the minutes of 4/11/19 with the clarification of the comments on open space by Stephen Selin (Item #6, Zoning Matters) to say that it should be possible to revisit the location of open space. **VOTING: 4 ayes, one abstention (Kate Lalley); motion carried.**

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

Stephen Selin mentioned that he has worked on the Harris house and the Herzberger house.

**5. OPEN TO THE PUBLIC**

Jerry Storey, Selectboard Chair, reported the Selectboard will be scheduling an economic development initiative meeting in early June with a focus on Route 7 revitalization, regulatory review, sustainable tourism/visitation, and business assistance, capital assistance, tax stabilization. The Selectboard would like the Planning Commission to

participate. The Selectboard retreat will be a separate meeting to the economic development initiative.

Gail Albert suggested when the zoning regulations are reviewed the issue of signage for businesses on Route 7 should be considered. The regulations require signs to be on the front of the building, but some businesses, such as Arts in the Village, have a building that does not front on the road. It would help promote economic development if signs can be seen from Route 7.

## **6. PLANNING MATTERS**

### *Energy Subcommittee*

There was discussion of having a planning commissioner on the subcommittee for continuity. There was also discussion of how to disseminate information to members between meetings without violating the Open Meeting law. There was mention of using the Recommended Actions in the comprehensive plan to define work for the subcommittee. Neil Curtis stressed making sure the scope of work for the subcommittee has buy-in from the Town Manager. The Planning Commission will outline a new charge and do re/appointments to the Energy Subcommittee at the next Planning Commission meeting.

### *Housing Subcommittee*

Pam Brangan reviewed the housing information posted on the website showing how the town has grown over time and where the growth has occurred. Jason Grignon suggested staff send a note to the other committee Chairs regarding the information on the website and post a note on Front Porch Forum. The Planning Commission will outline a new charge and do re/appointments to the Housing Subcommittee at the next Planning Commission meeting. Dean Pierce noted the subcommittee members have been attending the CCRPC regional housing forums.

## **7. ZONING MATTERS**

### *Accessory Apartment Proposal*

Dick Elkins expressed concern about accessory unattached structures and the change to a permitted use from a conditional use. The character of Shelburne is due to the style of houses and this could change that character. No other town allows accessory units as a permitted use.

Stephen Selin pointed out the bylaws allow an unattached accessory structure as a conditional use now so the change is from conditional use to permitted use.

Pam Brangan, member of the housing subcommittee, said according to the housing audit in the Town of Essex conducted by CCRPC the benefits of accessory units include:

- Increase in community housing supply without more development
- Facilitating use of an existing house
- Is a form of affordable housing
- Improves cash flow for homeowner
- Allows the aging to stay with or close to family

Dick Elkins stated accessory housing as an attachment is a good idea. Some towns have very strong requirements for accessory units, much stronger than what Shelburne is proposing. There are other considerations as well such as storm water management and additional driveways, and perhaps ensuring the units are handicap accessible.

Jason Grignon asked if design considerations should be included. Kate Lalley pointed out the Shelburne Historic Preservation & Design Review Committee does have oversight in the Design Review Overlay District.

**MOTION by Kate Lalley, SECOND by Stephen Selin, to direct staff to warn a public hearing on May 23, 2019 on the amendment to the zoning bylaw to modify language to allow as permitted uses accessory apartments with up to two bedrooms in districts allowing single family residence as reflected in documents previously distributed and hereby approved for discussion at the public hearing. VOTING: 4 ayes, one nay (Dick Elkins); motion carried.**

**MOTION by Kate Lalley, SECOND by Stephen Selin, to approve the Zoning Change Report, dated January 31, 2019, and direct staff to distribute the report and copies of the amendment proposal as required by statute. VOTING: 4 ayes, one nay (Dick Elkins); motion carried.**

*PUDs in Rural District*

Jonathan Harris, High Acres, said after further review of the regulations there may not be need to amend the language in Section 340 of the Subdivision Regulations because a boundary line adjustment does not create a new lot.

Following discussion, the Planning Commission felt the language should be clarified and graphics could possibly be added to demonstrate what the bylaws are saying. Section 320A Subdivision Bylaws Planning Standards should be modified as follows:

- Subsection (c) should read: “The proposed change does not violate any conditions imposed from prior municipal approvals.”
- Subsection (d) should read: “Any application for a change of use filed with the town within two years of approval of the boundary adjustment shall require mailed notification to all abutters of a copy of the application.”

Gail Albert asked if The Land Trust is notified if a permit has been issued administratively on land involved in conservation.

The Planning Commission reviewed the definitions of open space, core forest, slope, legal mechanism, and should/shall.

Becky Castle said the language as written for open space says 60% must be set aside which is a concern. There is also concern about the variety of interpretations of the state language for “ag use”. Also, it is unclear why a PUD is required for one, two, or three lots on a large 100-acre parcel which would not have the impact of a house on every five

acres in the 100 acre parcel. Working lands and local food production need to be worked into the definition so the land can be used.

Kate Lalley said an alternative to the PUD approach could be to use building envelopes to determine where to locate development. Dean Pierce noted PUDs have areas where building is allowed or not allowed. Stephen Selin said with a PUD – Residential there could be one house per five acres, but the houses must be clustered.

Jonathan Harris felt the language restricts use of the land and urged having generative language that is in the spirit of enhancing open space. The language should allow a relationship with the open land, not just observing it from afar. Build in flexibility for future change rather than just imposing geometry on the landscape.

Gail Albert suggested building envelopes be the area where permanent structures are allowed. In the PUD process the precious elements of the land are considered.

The Planning Commission will rewrite the open space definition to more closely mirror the language in the South Burlington regulation for consideration at the next meeting.

#### **8. FUTURE AGENDA TOPICS**

- Election of Chair and Vice Chair
- Form Based Zoning
- Waivers
- Charge and re/appointments for Energy Subcommittee and Housing Subcommittee
- Definitions

#### **9. OTHER BUSINESS/CORRESPONDENCE**

Planning commissioners will mark their anticipated attendance on the attendance spreadsheet.

#### **10. ADJOURNMENT**

**MOTION by Kate Lalley, SECOND by Neil Curtis, to adjourn the meeting.**

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

The meeting was adjourned at 9:28 PM.

*RScty: MERiordan*