

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
April 26, 2018**

MEMBERS PRESENT: Jason Grignon (Chair); Dick Elkins, Kate Lalley, Susannah Kerest, Stephen Selin. (Andrew Everett, Asim Zia, and Graham Byers were absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Gail Albert, Don Rendell, Susan Moegenburg, Judy Raven.

AGENDA:

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

1. CALL TO ORDER

Chair Jason Grignon called the meeting to order at 7 PM and welcomed Stephen Selin to the Planning Commission.

2. APPROVAL OF AGENDA

MOTION by Kate Lalley, **SECOND** by Dick Elkins, to approve the agenda.
VOTING: unanimous (5-0); motion carried.

3. ANNUAL ORGANIZATIONAL MEETING

Chair

Dean Pierce facilitated nominations for Chair.

MOTION by Dick Elkins, **SECOND** by Susannah Kerest, to nominate Jason Grignon as Chair of the Shelburne Planning Commission. There were no other nominations. **VOTING: unanimous; motion carried.**

Jason Grignon is Chair of the Shelburne Planning Commission and assumed facilitation of the meeting.

Vice Chair

MOTION by Dick Elkins, **SECOND** by Susanna Kerest, to nominate Andrew Everett as Vice Chair of the Shelburne Planning Commission. There were no other nominations. **VOTING: unanimous; motion carried.**

Andrew Everett is Vice Chair of the Shelburne Planning Commission.

4. APPROVAL OF MINUTES

March 22, 2018

MOTION by Kate Lalley, SECOND by Dick Elkins, to approve the minutes of March 22, 2018 as written. VOTING: unanimous (5-0); motion carried.

5. DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

None.

6. OPEN TO THE PUBLIC

There were no comments from the public at this time.

7. COMPREHENSIVE PLAN

Natural Resources

Susan Moegenburg reviewed suggested edits by the Natural Resources Committee to the Objectives and Recommended Actions in the Natural Resources section of the comprehensive plan. The suggestions include:

- Amending the zoning bylaws and subdivision regulations by strengthening the language and leaving less open to interpretation.
- Putting the focus on surface and ground water.
- Considering a scenic protection overlay.
- Having new requirements for subdivisions that include taking the status of a water body into account in the development review process so a waterway listed as impaired is a factor in the planned development, for example.
- Specifying that there can be no impact on ground or surface water by blasting including residual chemicals going into ground water. Have a footnote to create a regulation to periodically test water in wells within a certain radius of the blasting over a two year period following construction as recommended by a hydrologist or expert identified by the town.
- Site walks are recommended with appropriate professionals to identify significant habitat, features, and such.
- Development review and planning should begin with consideration of wildlife habitat, water bodies, and other significant resources.
- Strengthen the language and rewrite related zoning and subdivision regulations to include reference to maps and the Open Space Plan.
- Group the goals around the topical areas as ordered in the Open Space Plan.
- Add goals on water quality, forest and corridor protection, ag soils, Right to Farm, value added agriculture, and green building techniques.
- Specify continued support of the Open Space Fund, allocation each year consistent with local land values, and exploration of supplemental funding opportunities.
- Change the name of the Open Space Fund to “Conservation Fund”.

Kate Lalley said linking the location of development with hydrology and protecting natural resources and places challenged by riparian corridor issues will help use the growth areas as efficiently as possible. Jason Grignon pointed out land use guides where development and infill happens. Kate Lalley said the Natural Resources section of the plan should integrate more with the Land Use section. Susan Moegenburg said the committee's point of view was how to conserve important natural resources rather than having hydrology drive where development occurs. The state water resources overlay showing intermittent streams, wetlands, and other watercourses could be used to see where impacts by development would occur. Dean Pierce noted there are statutory requirements on flood resilience. There is a map showing streams in Shelburne that can be worked into the Land Use Regulations. There is also a watercourse protection and flood overlay district. The state has identified corridor protection areas, wetlands, and ANR river corridors. Shelburne already has these areas covered. The town can adopt regulations for streams fed by a watershed greater than two square miles. Shelburne requires a 50' buffer along the lakeshore. The town has these layers and regulations that mesh with maps showing wildlife habitat and associated resources. Hydrology fits with all this.

Kate Lalley said the town needs to figure out how to use the regulations to leverage more compact walkable development in the historic village and protect natural resources. Jason Grignon pointed out the town plan is creating the framework for how to make the needed bylaw changes. Gail Albert suggested making reference in the town plan to appropriate regulations.

There was discussion of PUDs in the Rural District. Kate Lalley suggested language be added to say the PUD requirements should be expanded for development in the Rural and Conservation districts. Gail Albert said development should occur in the most responsible place with respect to natural resources on the property.

There was discussion of Act 250 requirements for larger developments, but not smaller developments. Kate Lalley suggested language be added to cover any subdivision or development containing critical wildlife. Dick Elkins said there could be language to conserve corridors in specified areas. Susan Moegenburg said areas that promote continuity between existing habitats and corridors should be protected. The concept is to look at resources on a parcel and fit development around the resources. Stephen Selin expressed concern about burdening the property owner. Dean Pierce pointed out unless a corridor or feature is shown on the map it will be difficult for the DRB to consider. Dick Elkins commented requiring the DRB do a site walk as part of the initial permitting process would allow the critical features to be identified.

There was review of the use of the word "require" in the text. Other edits included:

- Section 1.5.2 - the word "careful" should be removed before "siting of utility lines".
- Section 1.6.2 - remove the reference to cats.
- Section 1.6.3 - minimizing light pollution should be encouraged by no lighting, LED lighting, or downward facing lighting. The statement on streetlights should

be removed. The lighting requirements in the subdivision regulations should be re-evaluated.

- Section 2.4 - there should be size constraint for extraction of earth resources (i.e. could say “require extraction of earth resources beyond a certain threshold”).
- Section 2.6 - check to see if there are any towns that ban chemicals on lawns.
- Section 4.6 - need better explanation of “right to farm”.
- Section 7.3 – transfer tax to fund the Open Space Fund could be a burden for some first time home buyers. The language should read “expand resources available for the Open Space Fund”.

The Natural Resources Committee will continue to work on the language in the Natural Resources section for review by the Planning Commission.

Energy

The Planning Commission reviewed the text in the Energy section. Stephen Selin suggested Efficiency Vermont do review and inspections. There was discussion of co-locating EV charge stations in places the town wants to develop as ‘nodes’. There was discussion of roof top and ground based solar and wind technology. Judy Raven pointed out energy decisions need to encompass all people in town. Not everyone has the funds to have solar energy.

There was discussion of the schedule to cover review/update of the remaining sections of the plan and produce the draft.

8. UPDATES

- Dean Pierce reported the session with the Housing Subcommittee was good.
- The Selectboard adopted the zoning changes advanced by the Planning Commission and is awaiting the updated town plan for review.
- Heliports will be discussed when the Planning Commission covers the Transportation section of the town plan.

9. COMMISSIONER QUESTIONS/COMMENTS

None.

10. OTHER BUSINESS/CORRESPONDENCE

None.

11. ADJOURNMENT

MOTION by Kate Lalley, SECOND by Dick Elkins, to adjourn the meeting.

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

The meeting was adjourned at 9:22 PM.