



# Town of Shelburne, Vermont

PLANNING COMMISSION AGENDA

Thursday, January 11, 2024

6:30 P.M.

Meeting will be hybrid: in person and via Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/83097451813?pwd=YzhWM0pzNDBiQnNwQmVlVU40WEpxZz09>

Meeting ID: 830 9745 1813

Passcode: 0ysjvF

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 929 205 6099 US (New York)

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|--|-----------|
| 1. Call to order   | 6:30 P.M. |
| 2. Approve agenda  | 6:05 P.M. |
| 3. Approve meeting minutes of December 14, 2023  | 6:10 P.M. |
| 4. Disclosure related to potential conflicts of interest   | 6:11 P.M. |
| 5. Public comments on matters not on the agenda  | 6:12 P.M. |
| 6. Plans for upcoming Neighborhood Meetings  | 6:15 P.M. |
| 7. Review and discussion of draft zoning map and draft Article 3 cont. (Links Below)<br><a href="#">Draft Zoning Map and Discussion Guide</a><br><a href="#">Draft Article 3</a><br><a href="#">Updated Zoning Map Draft</a> | 6:30 P.M. |
| 8. Other Business  | 8:30 P.M. |
| 9. Adjourn   | 8:40 P.M. |

Next Meetings: January 25, February 8

TOWN OF SHELBURNE

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING**

**December 14, 2023**

**\*Hybrid meeting.**

**MEMBERS PRESENT:** Steve Kendall (Chair); Marla Keene, Jeff Hodgson, Stephen Selin, Shawn Sweeney, Tom Karlhuber. (Jean Sirois was absent.)

**STAFF PRESENT:** Aaron DeNamur, Planning Director; Matt Lawless, Town Manager.

**OTHERS PRESENT:** Mike Ashooh, Sylvia Maille, Bernie Guillmette, Claude LaPierre, Andy Lapien, Jim White, Pam Brangan, Mark Capeless, Christine Wilder, Tim Loucks, Sarah Ray, Tracey Beaudin, Judy Ravin, Lee Suskin, Don Porter, Joyce George, Dorothea Penar, Brandy Saxton, Rod Francis, Media Factory.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (11/16/23)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Review/Discuss: Draft Zoning Map and Draft Article 3
7. Other Business
8. Adjournment

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**1. CALL TO ORDER**

Chair, Steve Kendall, called the meeting to order at 7 PM.

**2. APPROVAL OF AGENDA**

**MOTION** by Stephen Selin, **SECOND** by Jeff Hodgson, to approve the agenda.

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

**3. APPROVAL OF MINUTES**

*November 16, 2023*

**MOTION** by Shawn Sweeney, **SECOND** by Stephen Selin, to approve the minutes of 11/16/23 as presented. **VOTING: 5 ayes, one abstention (Tom Karlhuber); motion carried.**

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

None.

**5. OPEN TO THE PUBLIC**

None.

**6. REVIEW/DISCUSS: Draft Zoning Map and Draft Article 3**

Consultants, Brandy Saxton and Rod Francis, reviewed the meeting schedule and public outreach. Neighborhood meetings to start in January 2024. The email list continues to grow.

The draft zoning map and draft language in Article 3 were reviewed. The following was discussed:

- Section 3103 Multiple Principal Structures on a Lot – Multiple principal structures will only be allowed in Village 1, Village 2, Shelburne Road 1 & 2, Business & Industry, Rural Heritage & Tourism, Open Space and Recreation districts, and the Zoning Administrator can issue a permit. All other districts require a PUD application. [The Planning Commission concurred with multiple principal structures in districts excluding the Rural Residential District.]
- Section 3108 Lot Area per Dwelling – This section allows up to a four unit building anywhere a dwelling unit is permitted to incentivize small multi-unit buildings and infill with existing buildings rather than new construction. There was mention of Act 47 and allowing a duplex if a single-family unit can be built.
- Section 3202.E Materially Similar Uses – Zoning Administrator can determine whether a proposed use that is not in the regulations is similar to one defined in the regs and can be allowed.
- Section 3204 Multiple or Mixed Uses – This section will allow greater than one use on a lot. [The Planning Commission concurred with multiple uses on a lot when the district is mixed use.]
- Section 3205 Change of Use – This section states the permit goes with the land so a change in business on a lot, for example, does not necessarily mean a change of use.
- Changes on a lot with less than 30' of frontage and generating more traffic – The language is meant to address inadequate access for a more intense use. [The Planning Commission suggested being less prescriptive and perhaps listing exceptions.]
- Lots with no frontage meeting setbacks on all sides – The Planning Commission must decide on which setback to apply to interior lots because there is not a defined front setback. The side setback could be applied all around. There was public comment in support of making the setbacks consistent for both the front lot and back lot in an infill development. [The Planning Commission concurred with applying a five-foot side setback on interior lots.]
- Structure overhangs into the setback (porch roof, deck, etc.) – Language is needed to address overhangs into the setback and where to measure to determine the extent of the infringement into the setback. The consultants advised measuring from the closest portion of the structure to the property line and adhering to the limits specified currently in the regulations.

- Multiple dwelling units in a building – [The Planning Commission concurred that clarity in the language is needed to state multiple dwelling units are allowed in a pre-existing building that was in place at the time of adoption of the regulations.]
- Roof pitch – [The Planning Commission concurred with a roof pitch of 5 x 12 as the minimal pitch and wanted the allowed height of an accessory structure to be comparable to what is allowed now. The consultants will do further work on language pertaining to accessory structures and ADUs and provide building scenarios.]
- Roof or carport being part of the building footprint – [The Planning Commission will give further thought on lot coverage and building footprint relative to impervious surface.]
- Purpose statement for the district – [The Planning Commission suggested having a purpose statement for each district.]
- District standards (lot size, density, permitted/conditional uses) – There was comment in support of redefining a four-plex and three-plex building to avoid having four townhouse style buildings in a row, and having language that does not incentivize demolishing historic buildings to then building 35,000 s.f. buildings. There was also comment about people not being able to afford to live in Shelburne and the need to address this situation. [The Planning Commission concurred with the language allowing up to four units on a lot in Village 1 because design review standards will apply. The consultants suggested design review standards applying more broadly in town could be considered. The consultants will work further on scale, lot coverage, and building design in the districts.]

## 7. OTHER BUSINESS

### *Meeting Schedule*

January 11, 2024 – Meeting start time 6:30 PM. Continued Review of Bylaw Rewrite  
January 25, 2024 - Joint Meeting with SNRCC re: regulatory protection of habitat loss identified in the Arrowwood Report; listening session

## 8. ADJOURNMENT

**MOTION by Stephen Selin, SECOND by Jeff Hodgson, to adjourn the meeting.  
VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 9:42 PM.

*RScty: MERiordan*

# MEMO

To: Shelburne Planning Commission

From: PlaceSense

Date: 5 January 2024

Re: Infill and Redevelopment

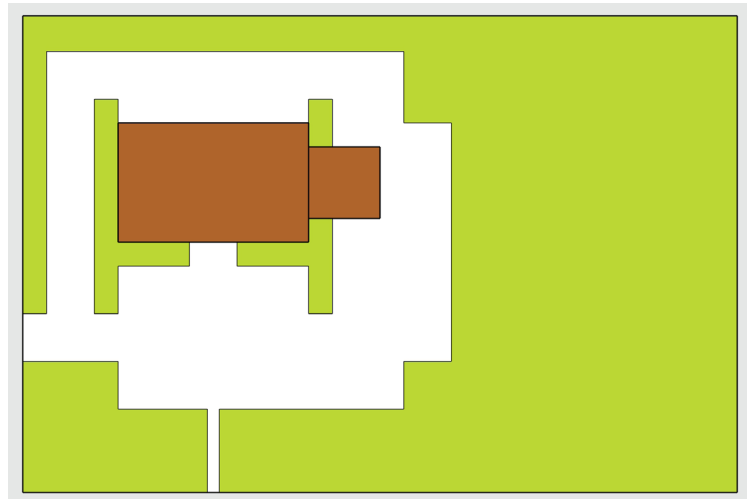
This memo is intended to answer some of the questions posed at December’s meeting related to infill and redevelopment potential in the serviced districts under the proposed zoning standards and particularly in Shelburne Village.

## Village 1

We thought it would be useful to illustrate how the proposed zoning districts standards would apply to an existing lot in the V-1 district. We selected the lot on Shelburne Road at the north end of the village currently developed with the Union Bank. It fronts on Shelburne Road, but it is accessed from the adjoining property (vet and dentist offices). Shelburne Road is divided with a painted median and access controlled at this location. This is one of the larger parcels in the V-1 district. It does not have any significant development constraints other than the limitations on road access.

The top image is the current site plan and approximate dimensions:

- Lot Size: 60,000 sf
- Lot Frontage: 300 ft
- Lot Coverage: 37%
- Front Setback: 35 ft
- Building Footprint: 4,800 sf
- # of Parking Spaces: 30

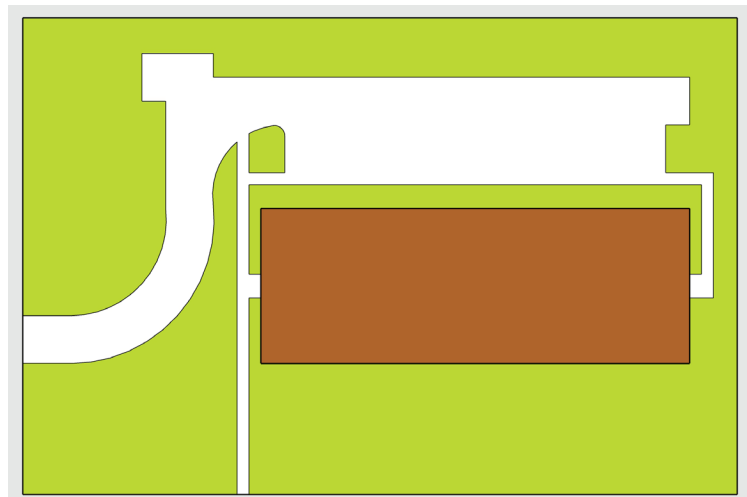


The site is developed at an intensity substantially below what is currently allowed under Shelburne’s adopted zoning regulations.

If the site were to be redeveloped for housing under the proposed V-1 zoning there would be two possible approaches – construct a multi-unit building on the lot or subdivide the land into multiple residential lots.

The bottom image shows a site plan for the multi-unit building option:

- Lot Coverage: 41%
- Front Setback: 55 ft
- Building Footprint: 12,000 sf
- # of Dwelling Units: 16
- Density: 12 du/ac
- # of Parking Spaces: 16



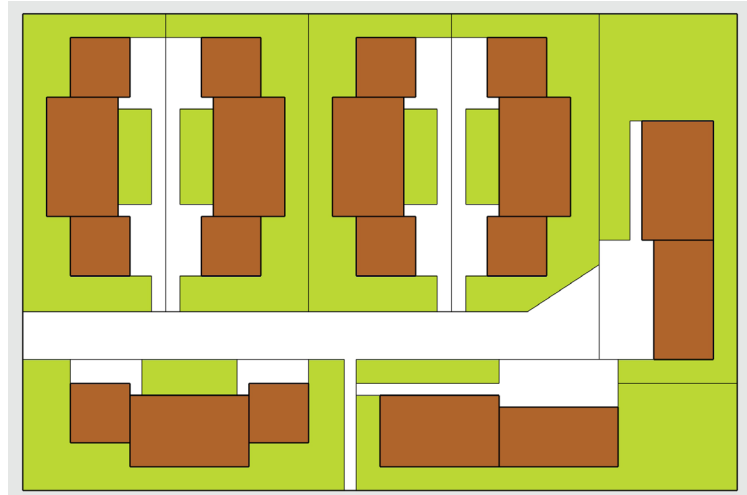
It would be possible for the developer of the multi-unit building to qualify for the state mandated 40% bonus for affordable housing. 20% of the units in the project (or 5 units, if greater than 20%) would need to be affordable. With the bonus, the number of units would increase to 22 of which 5 would need to be affordable. The density would then be 16 du/ac.

The increase in units would necessitate some changes in building layout and site design. The building footprint cannot increase because at 12,000 sf it is at the maximum allowed. The height might increase to accommodate an additional story and/or the unit size might decrease. The number of parking spaces would need to increase to at least 22. There is more than adequate room on the site to move the building closer to Shelburne Road (minimum setback would be 10 feet) and add another row of parking to the lot behind the building. The proposed V-1 standards would not be a significant constraint to any of these design modifications.

The other redevelopment scenario would be to subdivide this relatively large village parcel into multiple lots. The V-1 district allows for lots as small as 7,200 sf with 60 feet of frontage. At their maximum potential, those lots could be developed with 4-unit (quad) buildings.

Mathematically, the parcel is large enough to subdivide into 8 lots, but the need to provide access reduces that potential. It may be possible to subdivide into 7 lots with a creative site plan, shared driveways and potentially the need for a waiver from frontage requirements for one or more lots. If a street with at least a 50-foot right-of-way would be required to access the lots, lot yield could be further reduced.

The image to the right shows a site plan for the subdivision option:



Lot Coverage: 46-54%  
Front Setback: 10-15 ft  
Building Footprint: 2,750 sf (x7)  
# of Dwelling Units: 28 (4 per lot)  
Density: 20-23 du/ac  
# of Parking Spaces: 28 (garage)

Whether it would be possible for the developer of a multi-lot project to qualify for the state mandated 40% bonus for affordable housing is less clear. A narrow reading of statute would be that since each lot only has 4 units, no lot is individually eligible for the bonus. A more generous reading would say that the project has enough units in total to qualify.

In that case, the number of units in the project could be increased to 39, which would mean 5 or 6 units per lot and an overall project density of 28 du/ac. Of those 39 units, 7 would need to be affordable. Increasing the number of units will require site modifications. Providing the additional parking and building area to accommodate 1 or 2 more units on each lot will likely encounter limits posed by setbacks and lot coverage. It is not certain that a developer would be able to take advantage of the theoretically available density bonus on lots of this size. Fire code would also likely pose constraints on development potential of the subdivision option.

## Opportunity for Subdivision

We looked at the number of lots in the serviced zoning districts that are big enough to theoretically be subdivided under the proposed zoning standards. We did not continue the analysis to determine the feasibility of subdividing individual parcels (frontage, natural resource constraints, location of existing structures on the lot, etc.). About 70% of lots within the serviced area are big enough to theoretically be subdivided. By district the percentages were:

Village 1:	69%
Village 2	54%
Shelburne Road 1:	40%
Shelburne Road 2:	55%
Residential Neighborhood:	70%
Residential Shoreline:	74%

While the percentages are high, we would emphasize that the theoretical possibility of something happening under the regulations is not the same as the feasibility of it happening on the ground. We consider the likelihood that previously developed house lots less than a half acre in size will be subdivided to be relatively low. There is also the reality of Act 47 and its mandate for one-fifth acre lot sizes where single-unit homes will be allowed. So it is not really an option to increase lot sizes enough to meaningfully lower the potential for further subdivision.

## Opportunity for Multi-Unit Buildings

The proposed standards for the serviced districts offer a density incentive for small multi-unit buildings as compared to large multi-unit buildings. The intent is to encourage conversion of existing buildings to small multi-unit buildings and discourage tear-downs to redevelop the lot with a large multi-unit building. The incentive allows 3 and 4 unit buildings on the same size lots as 1 and 2 unit buildings. The density incentive provision works like this – an 8,400 sf lot in the Residential Neighborhood can be developed with:

- A single dwelling unit resulting in a density of 5 du/ac
- A duplex or a single unit with an ADU resulting in a density of 10 du/ac
- A 3-unit building resulting in a density of 15 du/ac
- A 4-unit building resulting in a density of 20 du/ac

However, to have a 5-unit building would require a bigger lot – 42,000 sf (8,400 sf per unit). And the resulting density for buildings with 5 or more units would always be 5 du/ac, the same as for single unit buildings.

Only 25% of lots in the serviced area are large enough to host a building with 5 or more units and in the Residential Neighborhood district that percentage declines to 20%. Nearly all lots in the serviced districts, except Residential Shoreline would be able to use the provision for 3 and 4 unit buildings.

# MEMO

To: Shelburne Planning Commission  
From: PlaceSense  
Date: 5 January 2024  
Re: Online Comments and Email List

There are currently 134 subscribers to the project email list. The following comments or questions have been posted to the project website since December 5:

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**From Don Rendall on Dec 7:** Much of Shelburne is currently in Rural and Conservation zoning. The PlaceSense story map for new Zoning seems to be moving to change this configuration of the Town. PlaceSense asks the Planning Commission 1) if the current language covering the Conservation zone should be changed and even discontinued, 2) if the designation of land in the conservation of Open Spaces by past subdivision Associations in (all?) portions of the Town should be removed and returned to the residential development inventory or for developed recreational use. This would be a significant change of priority by the Planning Commission after years of the Town clearly stating that it values its Open Spaces for the inherent resources upon them.

PlaceSense suggests changing the eastern rural part of town from the existing two part zoning to a new two part zoning. The half of this rural area furthest east the Residential Rural Protection Zone is intended to (a) prioritize conservation of scenic, ecological and agricultural resources, (b) support use of the land for farming, forestry and related income-producing activities, and (c) maintain a very low density of residential settlement. The Rural Residential zone between this Protection Zone and the current Growth Zone is to (a) prioritize conservation of scenic, ecological and agricultural resources, (b) facilitate any proposed minor subdivision of small landholdings that would create additional housing opportunities, and (c) manage any proposed major subdivision of large landholdings to ensure open space preservation and protection of rural character. This Rural Residential zone will thus be the next focus of development at least after the buildout of the Growth Zone before the Rural Protection Zone as the Town ages through the years.

The Town in the Shelburne Forward Together exercise has spoken loudly that it want more conservation. The blue conservation mapped zones should not be frozen. The Forest Blocks in The Rural Residential can be used for sustainable income producing forestry industry; why only in the protection zone? Similarly important farmlands exist in both of these Rural Zones; how will they be protected in the rural residential or will they be developed eventually?

I suggest the Town creatively consider keep the existing Rural and Conservation Zones but expanding the definition of the exiting Conservation Zon into a Conservation, Important Farmland, and Forest Block Zone throughout the Rural Zone. Then define the remaining Rural Zone from the Growth Zone to the eastern boundary in a least fragmenting increased clustering "conservation development" approach accomplishing the housing goals described by PlaceSense and still ensuring rural character and more open space. Incentives must be created to move the model from the system that is now



fragmenting what we cherish without regard to the values on the land. An expanded Conservation Zone can give protection to ecological resources where they exist not just in the easternmost Rural Protection zone. Please ensure that one of your neighborhood listening sessions specifically addresses the current rural residents to test this.

There are lands in the rural protection zone which are not as loaded with natural resources as other portions of the Town and could be profitably developed maybe through a transfer of development right from the rural zone.

I don't believe that by limiting population density the further east in town you are, we really meet Town goals of resource and open space protection. Will the new Bylaws allow Environmental Protection overlays to do the work of an Expanded Conservation, Agriculture, Forestry Zone? Will the residential zoning in these rural zones continue to provide the Open Space protection which the Town has long worked for and desires to maintain? What is the PlaceSense definition of Open Space and is it different than that approved by the Town in the Open Space Plan?

Thank you for consideration!

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**From Pam Brangan on Dec 8:** On 12/4, the Housing Subcommittee reviewed the Zoning Map Discussion Guide with Aaron. While some of the questions asked have already been addressed by the Planning Commission, below are our responses to questions and a few comments. We appreciated the storymap format and how specific questions have been asked for the PC (and others) to ponder. Housing Committee answers to questions posed in the zoning guide:

The municipal complex, parade, churches, etc should be included in Village-1 and not their own district.

The V-2 should extend further east on Falls Rd

The corner lots of Winterhaven should be included in SR-1

Creating a pedestrian-oriented node within the SR-1 area seems like a good idea

Unsure of the Pine Haven Shores area (SR-1 or SR-2) question.

Unsure about the Lakeview MHP frontage, doesn't seem like it has potential to include commercial like other areas.

One neighborhood residential district is good.

Giving conserved and common lands their own district makes sense and easily shows what is not developable due to conservation and other easements.

Seems like Harborwood Shores fits better with the proposed Residential Shoreline district than the Rural district.

Additional comments:

Would like to see more farms included in the Rural Heritage & Tourism district like Fisher Brothers, Bread & Butter and Killeen Crossing Farms.

Question the 5 acre zoning in some of the rural area – especially areas directly south of South Burlington where large, dense developments already exist.

Possible mapping errors – McCabes Circle (off of Harbor Rd near school) should be in the sewer & water service area; when the guide talks about Conservation & Development areas in red are owned by a nonprofit, Shelburne Museum is listed, but

is not shown in red like Shelburne Farms

Thank you!

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**From Jim White on Dec 27:** I continue to have questions about the new Rural Heritage and Tourism zone which replaces what was previously a Rural zone.

Regarding "Heritage" in the title – I get that there is considerable heritage associated with Shelburne Farms and the Shelburne Museum, but that's also true of the village zones 1 & 2. Why single out one zone for the heritage label?

Regarding "Tourism" – same basic idea. Tourists go to Shelburne Farms and the Shelburne Museum, but they also go to the village and to the Teddy Bear Factory. Why attach the tourism label to this one zone?

One "tourism" element that this zone has that interior zones lack is scenic views, but no mention is made of protections for scenic views. Perhaps that has yet to arrive.

As far as I can tell, what distinguishes this new rural zone from the other rural residential area is the expanded opportunity it offers for worker housing and "commerce." What the dimensions of this possible expansion would look like have, to my knowledge, not been discussed.

Worker Housing – what are the limits to this? Could Shelburne Farms, for example, build housing for everyone who works there? Or, for only key operational staff? Who will monitor to ensure that only employees occupy the housing? Why is worker housing necessary when high density housing zones is available less than a mile away? Could a transport system to that in-town housing serve instead? Would workers in this housing not need food stores, laundromats, and other services and so might such housing become a small village itself over time? How many other enterprises in this zone with worker housing besides Shelburne Farms would it take for the whole "rural" concept to be lost?

Commerce – what will be different about the commerce permitted in this zone as opposed to that which is allowed in other residential zoning? Will the additional "commerce" allow for expanded facilities – roads, buildings, utilities, etc.? Could an "Ethan Allen Waterslide Park with Heritage Pub and Brewery," or something of the sort, be developed in this zone, for example, since commercial indoor and outdoor recreational enterprises are permitted? Could hotels, Airbnbs, and gas stations be introduced to cater to the tourists? How secure from non-tourism development are key properties in the zone? Are we making assumptions about that?

There is already considerable allowance for residential housing and commercial enterprise in the pre-existing rural zones. What real purpose does this new zone provide other than offering a wider opening to more development, with the inevitable consequence of further eroding the rural character of Shelburne? Isn't it true that this rural character itself is a critical element in the heritage and tourism appeal of the town? Isn't this new zone rather self-contradictory in a way?

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**From Robert Birkett on January 2:** The more I read about Shelburne's zoning regulations, the more I wonder what the town would look like if a wave of development were to fully build in all of the available spots, in a relatively short time. How many more houses, businesses, etc would there be? What would our population be? Grand list? What would be the impact on needs for government services, town infrastructure,

schools, etc? What would our street look like? Answers to these questions are critical to understanding what our zoning regulations should strive for.

I may have mentioned this before, but I believe that a “build-out” analysis is critical to assessing the impact of the zoning regulation on a future Shelburne.

Thanks

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**From Rowland Davis on Jan 4:** I second the comment from Bob Birkett about the value of doing “build out” analysis — probably separately for the serviced area and the non-serviced/rural areas. This is especially important now that we know the serviced area growth limitations based on our WWTF capacity. This issue has still not been discussed by the PC. It needs to be discussed. The engineer for the WWTF project gave an estimate to the SB that 50-70 new DUs per year (on average) over the next 20 years will be allowable, bringing the new WWTF to its full capacity. How will this be managed?

As the PC moves forward with discussions on the new zoning districts in the rural area, I believe that the boundary for the Rural Resource Protection district needs careful review. Particularly for areas near the Laplatte River watershed in the southern part of town, and also for some of the areas adjacent to the Laplatte River Marsh Natural Area and the Nature Conservancy parcel. Some of the parcels there are now shown as Rural Residential, but given the importance of protecting our waterways consideration should be given to including them in the Resource Protection district. The issue of such protection for climate resiliency is discussed more in this VRNC piece

<https://vnrc.org/clean-water/vnrc-policy-position-resilience/?emci=cba3f86c-63aa-ee11-bea1-0022482237da&emdi=b7d35925-01ab-ee11-bea1-0022482237da&ceid=9345111>

There is one issue where I am still confused following the discussion at the Dec PC meeting. There was a comment from Brandy about the HOMES act requirement that duplex buildings must be allowed wherever a single family home is allowed — and how that has been incorporated into the three new Rural districts. But the Dimensional Standards table in Section 3403 of the Draft Regs seems to be written more broadly. Unless I am missing something, the table would also seem to allow for two SF dwellings on the first 5 acres (Rural Residential) — which is more than the HOMES act requires, and which would lead to a more fragmented pattern of development.

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**From Don Rendall on Dec 7:** The more I look at the proposed conversion of the existing Conservation District into an “Open Space and Recreation” zone district, the more I urge you to return to maintaining the existing Conservation District. As conceived in state statute 24VSA4414, The protections offered in conservation districts may exclude certain types of land use patterns, or only allow limited compatible land uses at very low densities. PlaceSense’s vision seems to be carving out much greater use types for these lands which may not be compatible with Shelburne’s historical vision for them. Conservation districts serve as a complement to the growth zoning intended for Vermont’s compact town centers, preserving historic settlement patterns. Uses in this district should be limited to identified resource management objectives. Please refer to Marshfield and Bolton for good examples of this. Shelburne may benefit from the creation of a Community Space and Recreation district but our Open Spaces are defined in a different way than is being discussed in the draft chapter 3. Keep the existing Conservation District.