



# *Town of Shelburne, Vermont*

PLANNING COMMISSION AGENDA

WEDNESDAY, January 25, 2023

7:00 P.M.

Meeting will be hybrid: in person and via zoom

**PLEASE NOTE CHANGE OF MEETING DAY**

Join Zoom Meeting

<https://us02web.zoom.us/j/87682295522?pwd=akw2NjZ4bDNDQVZkL0V1T0J5dIRFdz09>

Meeting ID: 876 8229 5522

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- |  |           |
|--|-----------|
| 1. Call to order/roll call   | 7:00 P.M. |
| 2. Approve agenda  | 7:05 P.M. |
| 3. Approve meeting minutes of December 14, 2022 and January 11, 2023 | 7:10 P.M. |
| 4. Disclosure related to potential conflicts of interest             | 7:15 P.M. |
| 5. Public comments on matters not on the agenda                      | 7:20 P.M. |
| 6. Update from Planning Coordinator                                  | 7:30 P.M. |
| 7. Other Business  | 8:15 P.M. |
| 8. Adjourn   | 8:30 P.M. |

Next Meetings: February 8, February 22

TOWN OF SHELBURNE

# Memo

**To:** Shelburne Planning Commission

**From:** Aaron DeNamur, Planning Coordinator and Assistant Zoning Administrator

**Date:** 01/19/2023

**Re:** Planning Coordinator's Update

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The RFP for the bylaw rewrite was distributed on January 12th. It has been posted on the VPA and NNECAPA listserv's, the NNECAPA webpage, the Town's webpage, the VLCT classifieds page, and was emailed to the contact I have for Blue Zones. As of this writing no proposals or questions have been submitted but that is not surprising given the deadline for submittals is not until February 17.

I have restarted the work of analyzing the regulations for issues that I think should be addressed and will list more below. My recommendation is that the commission begin discussing how it would like to address these and some of the others listed in my previous memo of 12/09/2022. This will allow the consultant to be informed about how the Planning Commission feels about some of these issues immediately upon beginning their work. Decisions don't need to be made right now but it would be useful to begin deliberating on some of these topics. It may take time to arrive at a consensus on many of them.

## Issues to address

- Article 16 is far more complex than it needs to be in order to accomplish its purpose. The structure and wording make it difficult to understand.
- Subdivisions in the Rural District- Is it necessary that all subdivisions be PUD's? Do we really need to essentially take away 60% of someone's property? It may be worth considering other options to achieve the goals of this district.
- Section 1900.11 could be improved or even expanded. Are there other things that the Zoning Administrator should be able to approve administratively? Do Site Plans for Permitted Uses need to go to the DRB? Food for thought.
- Section 1930 addresses PUD's, and I think it needs to be completely struck. It is far too convoluted, long, and unhelpful. There is no need for us to have so many different types of PUD's with differing, and often unclear, requirements.
- The Performance Standards found in Section 1950 should be reevaluated. Some of the things addressed seem entirely unnecessary (if someone has radioactive waste on their

property we will be calling the federal government, that is not something the Town's ZA would address). I question whether we could effectively regulate several of the other requirements (noise, smoke, odor, heat).

- The Planning Commission may want to consider loosening the parking requirements found in Section 1960.
- There are 2 conflicting standards for the allowed size of accessory dwelling units. Section 2110.1 states that they can be up to 1,500 square feet. However, each zoning district has a statement about the allowed size for ADU's, most say no more than 50% of the size of the principal dwelling and no more than 2 bedrooms.
- If Keeping of Farm Animals is going to be listed as a Conditional Use, as it is for the Residential District, there needs to be a very clear definition of what is considered a farm animal. Would someone need to get Conditional Use approval from the DRB if they want to keep a couple chickens in their backyard? There is currently nothing in the bylaw that clarifies that.
- Is Article 5 necessary at all?
- Recommended Actions #1-3 in the Housing section of the Town Plan have not been implemented. These recommendations provide a mandate to reevaluate density allowances in the growth areas identified in the plan.
- There are Recommended Actions within the Natural and Scenic Resources and Land Conservation chapter of the Town Plan that are related to land use regulation, such as #1 and 2.2, that are worth consideration.

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
January 11, 2023**

**\*Hybrid meeting**

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

**STAFF PRESENT:** Aaron DeNamur, Planning Coordinator.

**OTHERS PRESENT:** Members of the public participating in the meeting included Rowland Davis, Don Rendall, Gail Albert, Jim White, Fred Morgan, Persis Worrall, Media Factory.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (12/14/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Update from Planning Coordinator; Discussion of RFP Draft
7. Old/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 Shawn Sweeney, to approve the agenda.**

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

**3. APPROVAL OF MINUTES**

*December 14, 2022*

Postponed to the next meeting.

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

None.

**5. OPEN TO THE PUBLIC**

- Jim White, resident, stated with development managing growth, the protection of natural resources, housing needs, dealing with climate change ties in the review process so the Planning Commission should not just fine tune the status quo or refine efficiency of the process to keep cost lows, but should aim at creating an innovative prototype that could even be useful to other towns and benefit the state overall.
- Rowland Davis, resident, thanked the Planning Commission for the opportunity of public participation in the RFP process.

## 6. UPDATE FROM PLANNING COORDINATOR; DISCUSSION OF RFP DRAFT

Aaron DeNamur reported on the following:

- The work session on the bylaws with the DRB was productive with good suggestions on the process.
- The Housing Subcommittee is working on a proposal for accessory dwelling units and wants changes in the bylaws to encourage these units.
- The town received a bylaw modernization grant from the state for \$25,000 with a 10% match which will be forgiven if the bylaws are adopted. [Following discussion, the Planning Commission agreed to have staff add language to the RFP for the bylaw consultant regarding the grant funds and requirements.]

The Planning Commission reviewed and discussed the draft RFP and made edits to clarify the following:

- Integrate the assessment into one cohesive document
- Identify inconsistencies
- Clarify hourly rate for items outside the scope of work and lump sum amounts
- Clarify the statement regarding “waiving formalities” in the RFP
- Use an ‘active voice’ with the text in the RFP
- Make clear that a digital PDF must be submitted
- Use bullet points
- Insert the list of bullet points drafted by Planning Commissioner Karlhuber
- Add language to the RFP introductory paragraph stating “in conformance with the town plan” and “preservation of natural resources”
- State that the consultant is to produce a draft suitable as outlined in state statute

The Planning Commission concurred with staff incorporating the edits as discussed and issuing the RFP. The RFP will be posted on multiple list services, the town’s website, and possibly with the VLCT. A subcommittee of three planning commissioners (Steve Kendall, Marla Keene, Tom Karlhuber) and the Planning Coordinator will select the consultant by 3/17/23.

### *Comments*

Persis Worrall, resident, suggested in the RFP overview section, the “big picture” items need to be mentioned that are important to the town (i.e. guiding development and conservation/environmental protection) so the consultant is aware of this. Also, the consultant should not be constrained from bringing forth different ideas or format on the typical zoning districts, zoning boundaries, and densities. The Planning Commission concurred.

Jim White, resident, suggested the expectations and experience of the consultant be listed. Steve Kendall pointed out this will be part of the conversation when choosing the consultant.

Gail Albert, resident, spoke in support of hiring a consultant from Vermont to ensure an understanding of the environment and lifestyle in the state.

## **7. OLD/OTHER BUSINESS**

### *Planning Commission vacancy*

A candidate will be recommended to the Selectboard for appointment by 1/24/23.

### *Next Meeting*

Tasks to do at the next meeting include reviewing the list of items to be addressed with the bylaw re-write.

## **8. ADJOURNMENT**

**MOTION by Marla Keene, SECOND by Jean Sirois, to adjourn the meeting.**

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

The meeting was adjourned at 8:29 PM.

*RScty: MERiordan*

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE PLANNING COMMISSION. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COMMISSION.

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
December 14, 2022**

**\*Hybrid meeting**

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

**STAFF PRESENT:** Lee Krohn, Town Manager; Aaron DeNamur, Planning Coordinator; Ken Belliveau, Planning consultant.

**OTHERS PRESENT:** Members of the public participating in the meeting included Fritz Horton, Dorothea Penar, Patricia Fontaine, Michele Crowder, Rowland Davis, Don Rendall, Sean MacFaden, Shelburne Town Host, Media Factory.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (11/30/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Ongoing Discussions with Shelburne CBCs
7. Status Update from Planning Staff
8. Old/Other Business
9. 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 Shawn Sweeney, **SECOND** by Tom Karlhuber, to approve the agenda.

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

**3. APPROVAL OF MINUTES**

*November 30, 2022*

**MOTION** by Stephen Selin, **SECOND** by Tom Karlhuber, to approve the minutes of 11/30/22 with the clarification that Don Rendall was requesting in addition to discussion of the Blue Zones recommendations that the Planning Commission look at the action items submitted by the Shelburne Natural Resources Committee sooner than later. **VOTING:** unanimous (5-0); motion carried.

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

None.

**5. OPEN TO THE PUBLIC**

None.

## 6. ONGOING DISCUSSION WITH SHELBURNE CBCs

### *Shelburne Historic Preservation & Design Review Committee (SHP&DRC)*

Fritz Horton and Dorothea Penar gave a brief history of the SHP&DRC's work in town and showed the guidebook that was developed to assist people doing projects within the historic district. Pictures of buildings in the village that underwent design review by the committee were shown. Challenges remain such as helping property owners maintain buildings within the historic district, avoiding demolition from neglect, incentivizing the renovation of buildings, and making structures compatible with the historic district. SHP&DRC gives recommendations and helps people understand what they have for a building and the work they can do.

There was discussion of possibly expanding the purview of design review by SHP&DRC to the entire town and incentivizing preservation of buildings. It was noted that the hope was form based code would be a substitute for design review. Design review focuses on site specific issues. There could be a different layer of design review for buildings in other areas of town outside the village that should be preserved. Incentives could include tax benefits, 0% loans, federal tax benefits (for historic buildings), local incentives.

### *Shelburne Equity & Diversity Committee*

Patricia Fontaine and Michele Crowder gave an overview of the committee and recent work with a consultant to address equity issues in town. The town is urged to look at development through an equity lens.

## 7. STATUS UPDATE FROM PLANNING STAFF

Aaron DeNamur explained the suggestion to divide the zoning reform work into two categories: structural/organizational changes and policy questions for the Planning Commission/inconsistencies between the bylaw and town plan. The work would be done in three phases and take 19 months. Cost estimate is \$70,000.

There was discussion of the following:

- Submitting an RFP to the state in January for a bylaw grant in January.
- Including the DRB in the conversations (it is key to have good communication between the DRB and Planning Commission and having input from the DRB in the process is helpful; staff will become very familiar with the bylaw and more effective in utilizing it).
- Hearing the suggestions on housing from the Housing Subcommittee.
- Using money allocated for economic development (already in the budget) for the bylaw work. ARPA funds may also be available.
- The first phase of the work will inform the following phases; the first phase should cover the Blue Zone recommendations.
- Filing an RFP for phase one (identification/analysis of inconsistencies between the bylaws and town plan goals) and an RFP for the remaining work (rewriting the bylaws) versus one RFP for the entire project with opt out options relative to the consultant.



**MOTION by Tom Karlhuber, SECOND by Shawn Sweeney, that the Planning Department produce a three-part RFP for consultation. VOTING: unanimous (5-0); motion carried.**

## **8. OLD/OTHER BUSINESS**

### *Mandatory Form Based Code*

Marla Keene noted the first chapter of the town plan mentions making form based code mandatory and suggested that after the code modifications are complete then form based code should be mandatory. Lee Krohn said the town should write the rules to be clear and instructive to produce the development the town wants.

### *Planning Commission vacancy*

Steve Kendall, Shawn Sweeney, Aaron DeNamur, and Lee Krohn will conduct the interviews of candidates for the Planning Commission.

### *Inconsistency between Map 3 and Map 5 in the Town Plan*

Aaron DeNamur reported a property owner discovered that Map 3 in the town plan shows their property in conservation while Map 5 does not. The property owner does not want their property classified under conservation and would like Map 3 to be corrected. Changes to the town plan must go through the amendment process.

## **9. ADJOURNMENT**

**MOTION by Marla Keene, SECOND by Stephen Selin, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 9:17 PM.

*RScty: MERiordan*