



Town of Shelburne, Vermont

PLANNING COMMISSION AGENDA

THURSDAY, April 28, 2022

7:00 P.M.

Meeting will be hybrid in person and via zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/89031269893?pwd=ay92VnVPbnJZamF6dDF5QzArZ0owQT09>

Meeting ID: 890 3126 9893

Passcode: xv9MqH

Dial by your location

+1 929 205 6099 US (New York)

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Meeting ID: 890 3126 9893

Passcode: 881124

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|--|------------------|
| 1. Call to order/roll call | 7:00 P.M. |
| 2. Approve agenda | 7:00 P.M. |
| 3. Approve meeting minutes of March 10, 2022 | 7:00 P.M. |
| 4. Disclosure related to potential conflicts of interest | 7:05 P.M. |
| 5. Elect Commission Officers | 7:10 P.M. |
| 6. Public comments on matters not on the agenda | 7:15 P.M. |
| 7. Updates: Follow-up items | 7:20 P.M. |
| 8. PC & DRB Conversation about Form-Based Code | 7:25 P.M. |
| 9. Other Business: Sketch Application (in packet) & RFP | 8:45 P.M. |
| 10. Adjourn | 9:00 P.M. |

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
April 14, 2022**

***Hybrid meeting.**

MEMBERS PRESENT: Steve Kendall (Chair); Marla Keene, Deb Estabrook, Jean Sirois, Stephen Selin.
STAFF PRESENT: Adele Gravitz, Planning Director.
OTHERS PRESENT: Members of the public participating in the meeting included Nancy Badami, Pete Serensky, Robilee Smith, Ann Hogan, Don Rendall, Tracey Beaudin, Shelley Crombach, Steve Baietti & Julia Ely, Jay Kelly, Brian Dempsey, Mike Ashooh, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (3/10/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Updates/Follow Up Items
7. Public Hearing: Conduct of Outdoor Business Activity
8. Qualifications of Planning Commission New Members
9. Selectboard Memo & DRB/PC Discussion
10. Other Business/Correspondence
11. Adjournment

1. CALL TO ORDER

Chair, Steve Kendall, called the hybrid meeting to order at 7 PM. Introductions were done.

2. APPROVAL OF AGENDA

MOTION by Deb Estabrook, SECOND by Jean Sirois, to approve the agenda as presented. VOTING: unanimous (5-0); motion carried.

3. APPROVAL OF MINUTES

March 10, 2022

MOTION by Deb Estabrook, SECOND by Jean Sirois, to approve the 3/10/22 minutes as presented. VOTING: unanimous (5-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Don Rendall, Shelburne Natural Resources Committee, requested the Planning Commission review the four items that the committee brought to the Planning Commission for consideration.

6. UPDATES/FOLLOW UP ITEMS

The following was noted:

- The meeting with the DRB and the Planning Commission is 4/28/22 to discuss the form based code overlay and other zoning issues.
- Adele Gravitz will discuss with the DRB the decision on using *Shelburne News* to post meetings.

7. PUBLIC HEARING: Conduct of Outdoor Business Activity Bylaw

Adele Gravitz gave background information on the outdoor business activity bylaw to help local businesses during the pandemic and the effort to make the bylaw permanent.

MOTION by Deb Estabrook, SECOND by Jean Sirois, to open the public hearing on the proposed Conduct of Outdoor Business Activity Bylaw and outdoor private space activation. VOTING: unanimous (5-0); motion carried.

Minor edits were made to Sections 3(b) & (c) to add language to say no additional parking spaces are required for outdoor seating or outdoor provision of services. There was public comment on use of the public sidewalk space for seating and maintaining a 5' wide walkway. Adele Gravitz clarified if a sidewalk is 8' wide, for example, three feet of the width can be used for seating.

MOTION by Deb Estabrook, SECOND by Jean Sirois, to close the public hearing on the proposed new bylaw: Conduct of Outdoor Business Activity. VOTING: unanimous (5-0); motion carried.

MOTION by Deb Estabrook, SECOND by Jean Sirois, to vote on the proposed Conduct of Outdoor Business Activity Bylaw (outdoor public/private space activation), and send the proposed bylaw to the Selectboard for consideration. VOTING: unanimous (5-0); motion carried.

8. QUALIFICATIONS OF NEW PC MEMBERS

The Planning Commission concurred with the qualifications for new members and where openings on the commission are posted.

9. SELECTBOARD MEMO & DRB/PC DISCUSSION

There was discussion of the memo from the Selectboard asking the Planning Commission to look at the zoning bylaws. Adele Gravitz suggested a consultant be hired to help look at the issues of concern noted in the memo. The consultant can help strategize a short term and long-term plan. The Planning Commission felt there should be a joint meeting with the Selectboard and DRB once a course of action is decided.

Comments covered the following:

- The Planning Commission is urged to address the Mixed Residential Character District in the Form Based Code Overlay in the short term and tackle more broad zoning reform later.
- The town needs to remedy the density and building height (40' tall with flat roof) issues allowed in the Form Based Overlay.
- Density was not the intent with form based code; it was form, attractiveness of the building, appeal in the corridor.
- Having the consultant learn the zoning bylaws and comprehensive town plan and understand the history of the town will take too long and allow development and irreparable change to occur which will transform the town.
- Documents are available and will be submitted to the Planning Office that outline the concerns with the Form Based Mixed Residential Character District and show where there are conflicts between the zoning regulations and the town comprehensive plan.

- A map showing the maximum density (worst case scenario) in the Form Based Overlay may be a helpful tool.
- Transitions, not density, are the point.
- Transitioning may slow the spread of density, but the density matter needs to be addressed before entire areas of the town are transformed.
- The Selectboard needs the Planning Commission's recommendations on the zoning issues and recommended actions.
- Removing form based code will eliminate problems.
- The move to form based zoning was to address what was happening on Route 7 under conventional zoning.
- The Selectboard should be pressed to reconsider interim zoning and pause form based zoning.
- The Selectboard should be asked to put a pause on applications in the Form Based Overlay Mixed Residential Character District until the consultant can provide answers.
- The Selectboard is asking to identify exactly what the problems are (density? Unintended consequences? Integration with surrounding neighborhoods?) and what can be done immediately, short term options, long term options.

Ann Hogan volunteered to work with staff to pinpoint where the problems are with form based code.

Steve Kendall suggested a two-track approach:

- Immediate need is the Mixed Residential Character District in the Form Based Overlay.
- Longer term need is to identify and address inconsistencies between the zoning bylaws and the town plan.

There was discussion of the scope of work in the RFP for the consultant including looking at the worst case scenario and what needs to be changed to avoid having this happen in the Form Based Overlay, determining the right approach to address the issues, looking at the impact of suspending form based zoning. Staff will draft an RFP for review by the Planning Commission.

10. OTHER BUSINESS

None.

11. ADJOURNMENT

MOTION by Jean Sirois, SECOND by Deb Estabrook, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:14 PM.

RScty: MERiordan

**Town of Shelburne Planning and Zoning Department
5420 Shelburne Road Shelburne, VT 05482**

Request for Proposals

Analysis to clarify and illustrate ramifications of the Mixed Residential Character District of the Shelburne Road Form-Based Overlay District

Objective

Provide the Planning Commission with visual and written description clarifying and illustrating the ramifications of Shelburne’s Mixed Residential Character District—if realized, as the zoning bylaw is currently written.

Since the Town’s entire zoning bylaws need an overhaul, the Town is not looking for any fixes to the current Mixed Residential Character District.

Background

The Planning Commission is facing pressure to stop two different projects in the Mixed Residential Character District currently in the development review process. At this time both applications are not currently vested.

The Planning Commission requested an analysis, as described in this RFP, to assist as they decide a course of action for the Mixed Residential Character District.

While residents are concerned about these two specific projects, the mission of the Planning Commission is to guide planning for all of the residents, businesses, and visitors to Shelburne.

Shelburne is a town of approximately 7,700 on Lake Champlain in Chittenden County, Vermont.

The Town updated its zoning bylaws by adding a form-based code overlay. Some of the goals for the Mixed Residential Character District include promoting connectivity (within projects, as well as to other projects, neighborhoods, the Village Center, and abutting communities), emphasizing place/gateway identity as you travel south from South Burlington into Shelburne, and creating opportunities to provide much needed housing options on and adjacent to the portion of Route 7 (Main Street) just north of the Town Village Center to the South Burlington border.

The form-based code overlay process started in *2011 with the last update in 2020. The product of this effort was a Form-Based overlay titled Shelburne Road-Form Based Overlay District. The Mixed Residential Character District is one of seven-character districts in the Form-Based Overlay District.

*Process started with the report, *A Vision for 7* – a vision for change. (Link in Attachments)

It seems that the general perception of the intended outcome is not in sync with the permitted outcome as currently written.

Some concerns

- Allowable density/intensity
- Allowable height
- Setback from the road is not context (site) sensitive

- The Development Review Board feels their hands are tied (no brakes) if applicant checks all the boxes.
- No ability to be context (site) sensitive. For example, ability to align buildings to maximize solar gain for rooftop solar panels.
- It is not possible to realize the complete streets/connectivity goals of the Mixed Residential Character District given all the private roads in Shelburne. Lack of access results in projects functioning like unconnected islands and inhibits the ability to have robust connected design within and out of the 'island'.

Geographic area Mixed Residential Character District (Link in Attachments)

Administration and structure

The project coordinator and principal contact will be the Director of Planning and Zoning.

Products

- Weekly check-ins with staff
- Draft presentation to the Planning Commission 6/23
- Final product, as detailed in the awarded and agreed upon scope of work 6/30

Qualifications

Specialized background working with small rural communities on writing regulations.

Response

Responses to this RFP should consist of the following:

1. A cover letter expressing the consultant's interest in working with the Town of Shelburne, as well as, describing why your firm is qualified to undertake the work requested.
2. Identification of the principal individuals that will provide the requested services, including any sub-consultants with professional qualification and rates.
3. Consultant will propose methodology, analysis, products or deliverables, and total project budget--geared to inform decision making body, as well as the community, on the ramification of the Mixed Residential Character District on Shelburne. All text and visuals must be Shelburne-specific, not a generic template.
4. Provide examples of successful similar projects, why projects were successful including after-the-fact revisions, including brief project descriptions and contact names and addresses for reference.

Contract Time Period

All proposals must be received no later than 12:00 noon on Friday, May 13, 2022.

It is anticipated that the Town Manager will award a contract to the selected consultant May 20, 2022.

All work on the project must be completed by June 30, 2022.

First meeting with project lead week of May 23rd

Presentation to Planning Commission on June 23, 2022

Final products due on June 30, 2022.

Submissions

Consultants interested in this project should submit one electronic copy to Adele Gravitz, Director of Planning, via the following email address: agravitz@shelburnevt.org.

All proposals must be received no later than **12:00 noon on Friday, May 13, 2022**. The Town reserves the right to reject any proposals and/or modifications received after that time.

All proposals become the property of the Town upon submission. The expense of preparing and submitting a proposal is the sole responsibility of the consultant. The Town reserves the right to accept, modify, or reject any or all bids, waive formalities, and make decisions in the best interests of the Town. This solicitation in no way obligates the Town to award a contract.

Attachments

A Vision for 7 [A Vision for 7](#)

Comprehensive Plan [Shelburne, Vermont Comprehensive Plan](#)

Zoning Bylaws (including Shelburne Road- Form Based Overlay District) [Shelburne Zoning and Subdivison By-Laws](#)

Economic Study 2021 (Email agravitz@shelburnevt.org for a copy)