



# Town of Shelburne, Vermont

PLANNING COMMISSION MEETING AGENDA

WEDNESDAY, MAY 12, 2021

VIRTUAL/REMOTE MEETING -- LOGIN/CALL IN DETAILS BELOW

**PLEASE NOTE CHANGE FROM REGULAR MEETING DAY**

Join PLANNING COMMISSION Zoom Meeting

<https://us02web.zoom.us/j/83978312786?pwd=WHIQS2JtVnhkOVNKYm9BYVNEWmQ2QT09>

Meeting ID: 839 7831 2786

Passcode: Gq4h18

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 839 7831 2786

Passcode: 478692

- |   |                  |
|---|------------------|
| <b>1. Call to order/roll call</b>                                   | <b>7:00 P.M.</b> |
| <b>2. Approve agenda</b>  | <b>7:00 P.M.</b> |
| <b>3. Approve meeting minutes of April 22, 2021</b>                 | <b>7:00 P.M.</b> |
| <b>4. Disclosure related to potential conflicts of interest</b>     | <b>7:05 P.M.</b> |
| <b>5. Public comments on matters not on the agenda</b>              | <b>7:10 P.M.</b> |
| <b>6. Follow up from recent hearing regarding fences</b>            | <b>7:15 P.M.</b> |
| <b>7. Continued work on zoning amendments – the “second bundle”</b> | <b>7:30 P.M.</b> |
| <b>8. Appoint member to the Housing Subcommittee</b>                | <b>8:20 P.M.</b> |
| <b>9. Other business</b>  | <b>8:25 P.M.</b> |
| <b>10. Adjourn</b>  | <b>8:30 P.M.</b> |

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
April 8, 2021**

**\*Meeting held via teleconference.**

**MEMBERS PRESENT:** Steve Kendall (Chair); Jason Grignon (Vice Chair); Megan McBride, Jean Sirois, Stephen Selin, Neil Curtis, Deb Estabrook.

**STAFF PRESENT:** Dean Pierce, Planning Director.

**OTHERS PRESENT:** Gail Albert, Don Rendell, Joyce George.

**AGENDA:**

1. Call to Order
2. Annual Reorganizational Elections
3. Approval of Agenda
4. Approval of Minutes (3/25/21)
5. Disclosures/Potential Conflicts of Interest
6. Open to the Public
7. Bylaw Revision/Regulatory Reform
8. Other Business/Correspondence
9. Adjournment

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**1. CALL TO ORDER**

The teleconference meeting was opened at 7 PM. Dean Pierce facilitated election of the Planning Commission Chair.

**2. ANNUAL REORGANIZATION ELECTIONS**

*Chair*

**MOTION by Stephen Selin, SECOND by Neil Curtis, to nominate Jason Grignon as Chair of the Shelburne Planning Commission.** Jason Grignon respectfully declined due to personal time constraints.

**MOTION by Jason Grignon, SECOND by Jean Sirois, to nominate Steve Kendall as Chair of the Shelburne Planning Commission. VOTING: unanimous; motion carried.**

Steve Kendall is Chair of the Shelburne Planning Commission and facilitated the meeting.

*Vice Chair*

Megan McBride said she will be unable to continue as Vice Chair due to personal time constraints.

**MOTION by Megan McBride, SECOND by Deb Estabrook, to nominate Neil Curtis as Vice Chair of the Shelburne Planning Commission.** Neil Curtis respectfully declined due to personal time constraints.

**MOTION by Megan McBride, SECOND by Deb Estabrook, to nominate Jason Grignon as Vice Chair of the Shelburne Planning Commission. VOTING: unanimous; motion carried.**

Jason Grignon is Vice Chair of the Shelburne Planning Commission.

**3. APPROVAL OF AGENDA**

**MOTION by Neil Curtis, SECOND by Jason Grignon, to approve the agenda as presented. VOTING: unanimous (7-0); motion carried.**

**4. APPROVAL OF MINUTES**

*March 25, 2021*

**MOTION by Jason Grignon, SECOND by Stephen Selin, to approve the minutes of 3/25/21 with correction of the word “installed” to “installing” under Disclosures and Megan McBride disclosing their plans to install a fence on their property. VOTING: 6 ayes, one abstention (Deb Estabrook); motion carried.**

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

None.

**6. OPEN TO THE PUBLIC**

None.

**7. BYLAW REVISION/REGULATORY REFORM**

The Planning Commission discussed:

*Section 810 Site Preservation, Landscaping and Grading and Excavation*

- Revisions to the language pertain to protecting wildlife habitat and natural areas by tying in Act 250 via 10VSA151§6086. Act 250 automatically applies to subdivisions with 10 or more dwelling units. The language in Section 810 would apply to fewer than 10 units.
- Don Rendell and Gail Albert, Shelburne Natural Resources Committee, mentioned using a tool known as BioFinder to identify areas with rare and endangered species which can open negotiation with landowners to try to protect natural resources on the property without excluding development.
- Jean Sirois stated preserving wildlife should be one component, not the only component of review. A landowner has the right to use and develop their land. Protection of natural resources must be done within reason.
- It was noted animals, such as deer, can relocate to a new area if development is infringing on habitat. Clustering houses can protect resources on a property.
- Megan McBride suggested looking at areas the town wants to protect and writing regulations to do that. This will help the town and the landowner as well.
- Gail Albert said referencing maps like BioFinder would be helpful to pinpoint areas. Don Rendell added an overlay zone could be created, but care needs to be taken when highlighting sensitive areas because collectors may come and remove the rare/endangered species.

- Megan McBride suggested doing an overlay for key pieces that are not currently protected. Don Rendell pointed out this is already being done with the forest blocks.
- Dean Pierce suggested the issue of finding a balance with the scale of a subdivision and preserving natural resources could be with language saying "...any major subdivision (four or more lots or 10 or more in the form based zone) must be designed to avoid necessary wildlife habitat and endangered species...."
- Stephen Selin expressed concern that maps identifying sensitive areas could impact the value of a property, and suggested Section 810 could be edited to say "...a subdivision must be designed where possible to avoid habitat...."
- Gail Albert urged having Shelburne Natural Resources Committee involved earlier in the process to review the property before a development design and proposal advances too far.
- Jason Grignon pointed out this is opportunity to support recommendations in the town plan.
- Neil Curtis said the language in the first paragraph of Section 810 gives the DRB latitude to decide whether a natural resource on a site is an asset to be protected.
- Don Rendell recalled a report that was done several years ago that found areas with natural resource protections in place did not reduce the value of the land and very often enhanced the value of the land.
- Megan McBride commented that any development should benefit the town and balance what the people want and the areas to protect.
- Jean Sirois stated the town cannot say no to development or the town will not exist. Give and take needs to happen. The word "avoid" in Section 810.1, paragraph 2, should be replaced with "minimize".
- Jason Grignon pointed out there is a big difference between "avoid" and "prohibit". Language is needed to support what the town wants as stated in the town plan.

#### *Section 1900.11 Administrative Review*

- The language aligns with the bylaws in surrounding towns and applies to minor site plan review applications or a change in use, not larger projects.
- The Planning Commission expressed concern about the allowance for an increase in building area or impervious coverage at 5,000 s.f. or 3% of site coverage as being too great for administrative approval.
- There was clarification that the Administrative Officer per Shelburne's charter is the Town Manager, but customarily the DRB Coordinator or Planner handles administrative approvals.

#### EDITS

##### *Section 810*

The Planning Commission concurred with editing the second paragraph of Section 810.1 to read: "Any major subdivision (four or more lots; 10 or more lots in the Form Based District) must be designed to avoid necessary wildlife habitat and endangered species..." and editing the second paragraph under the section defining undue adverse impact on rare and irreplaceable natural areas to read: "The project does not violate a clear, written community standard such as the language contained in the town plan, open land studies,

bylaws, and other municipal documents intended to preserve rare and irreplaceable natural areas.”

#### *Section 1900.11*

The Planning Commission concurred with editing Section 1900.11.A, 2<sup>nd</sup> sentence to read: “The Administrative Officer may review, approve, approve with conditions, or deny: site plans involving a principal permitted use, site plans involving an approved conditional use, and site plans of planned unit developments if the proposed amendment meets one or more of the following criteria:”

#### NEXT STEPS

The Planning Commission will discuss at a future meeting the paragraph in Section 810 about a project “not offending the sensibilities of the average person” to determine if the paragraph should be edited or deleted.

The Planning Commission will continue discussion of Section 1900.11 at a future meeting. Staff will provide a visual to show an example of increase in building area or impervious coverage of 5,000 s.f. or 3% of site coverage.

Review of the bylaws for regulatory reform will continue.

### **8. OTHER BUSINESS/CORRESPONDENCE**

#### *Housing Subcommittee*

Jason Grignon reported the Selectboard voted to appoint subcommittees through the CBC appointment process. All terms would be 3 years and the subcommittee would report to the Selectboard. This impacts the Housing Subcommittee appointed by the Planning Commission for a term of one year. Presently there are two vacancies on the Housing Subcommittee. The Planning Commission could rename the subcommittee as a ‘working group’ and avoid having the Selectboard make the appointments.

The Planning Commission will submit questions to the Selectboard on subcommittee appointments.

### **9. ADJOURNMENT**

**MOTION by Jason Grignon, SECOND by Deb Estabrook, to adjourn the meeting.  
VOTING: unanimous (7-0); motion carried.**

The meeting was adjourned at 9:27 PM.

*RScy: MERiordan*

TO: PLANNING COMMISSION  
FROM: Lee Krohn, AICP  
RE: May 12, 2021 meeting  
DATE: May 7, 2021

As you know, we are all working together to try to maintain forward progress on various matters related to regulatory reform, and simplifying certain aspects of process and procedure. Toward that end, please find attached an annotated version of some of the work in your “second bundle” that you had begun reviewing at your April 8 meeting. At this point, given current circumstances, I respectfully suggest that for the immediate future, we focus only on these process issues, and not dive back into expanded regulatory restriction such as NRCC seeks. We’ve got to get our collective house in better order for efficiency and effectiveness before we start adding on yet more regulatory burden on ourselves, applicants, and landowners.

Out of respect for everyone’s prior work and to limit possible confusion, I have maintained the structure and content of the attached excerpts from that April 8 document, yet have also annotated it with highlighted text where I have questions or suggestions for improvement. While I find much of this overall text less clear and concise than it could be, I have not suggested here that type of overhaul to help us stay focused on what you’re used to seeing and not complicate forward progress.

The other item that was held out of our recent public hearing was fences. The initial proposal was to exempt fences in most cases from permitting. Then there were the many “what if” type questions that raised concerns. Having reviewed some other zoning bylaws, here’s my conceptual proposal for your consideration. If you find it conceptually OK, I can draft an actual, more detailed proposal. In concept:

*Other than in design/historic districts, exempt fences from permitting if under four feet tall; perhaps require DRB review if taller. Clarify permissible/desired characteristics for all fences (“good side” faces out, does not interfere with sight lines along streets or at intersections, is at least “X” feet back from planned or existing public sidewalks)... and clarify prohibited characteristics for all fences (not made of corrugated metal or fiberglass, no exposed sharp edges or points, not create hazardous conditions, not interfere with surface water or drainage...).*

A few editorial comments on the matters in the other document:

**Boundary line adjustments** – important to allow administrative review/approval, while retaining the opportunity to refer to the DRB if something appears overly complex or problematic. Requiring DRB review for these adds much time, expense, and resources for all involved, for no added value. Reality is that most of these are *de minimus* transfers between willing landowners for mutually beneficial purposes, and there’s nothing for the DRB to review. The DRB supports this concept of admin approval. Note that in my nearly 25 years in Manchester, we only saw one of these that gave us pause and that would have sent to the DRB if pursued; it was a radical change to multiple lots, not just simple transfers between adjoining. Admin review criteria can be simple and few: no new lots being created, no material changes to prior approvals, no new nonconformance being created... Good to see this on our radar.

**Lot mergers:** even more extreme example of above. What is it we are reviewing when someone wants to merge lots? Why is this even a zoning issue? We should simply say thank you, be sure your attorney updates deeds and records deeds and/or a survey in the land records, and give us a copy for our tax map update.

**Administrative review of site plans/land uses:** Similar to above, it's important to allow admin review/approval of non-material changes to previously approved plans. Good to see this is on our radar.

**Consolidated/simplified review:** Not sure this has been discussed before, but which I believe is related to these other topics, and of similarly fundamental importance:

If we don't already, allow a single application to suffice for projects that may involve multiple aspects of regulatory review, whether site plan review, conditional use, subdivision.

Then allow/ensure that a single hearing process can suffice for the entire project review, and make clear that where duplicative standards apply, a single answer can suffice for both the applicant and the DRB – until we can eliminate all of the redundancy and duplication that exists presently.

Eliminate the artificial distinction and multiple applications/reviews/decisions that presently exist with preliminary and final plan reviews. Combine these so there is sketch plan review and then simply project review, which can take as short or as long as needed for thorough review. It gives up nothing of value, but saves enormous amounts of time, money, effort, and process for all involved. A project hearing can be recessed as few or as many times as needed within a single hearing process to allow for questions to be answered, plans to be modified, changes to be made...

I know this works; I lived it with my board for decades; and if staff work proactively with applicants in advance, then to the greatest extent possible, project designs are already in good, clear, and compliant form so that reviews can be effective and efficient. By way of extreme example, I remember my DRB approving the biggest project we'd ever reviewed in a single hearing, because it met or exceeded all of our standards, and there was nothing to debate or redesign. We had a good preliminary concept review, worked with the applicant throughout the design process, received the application, held a site visit, and held the hearing. Done. Other projects, of course, may require multiple hearings to get everything right.

**TRB:** Separate from zoning, but upon which there appears mutual agreement between PC and DRB, ask the SB to change the telecom ordinance so all review goes to the DRB. Other towns simply include the telecom ordinance as a chapter within zoning, which makes sense as well. I am not aware of any legal or practical reason that it must remain as a standalone municipal ordinance.

Thank you. I hope you find this information helpful in preparation for Wednesday evening.

## Administrative Site Plan review /approval of changes

**Administrative Review.** In accordance with 24 V.S.A., Section 4464(c), administrative review of **very** minor site plan review applications and requests for minor site plan amendments is hereby authorized. Department of Planning and Zoning staff may review and approve an application for site plan approval or amendment to an approved site plan if the applicable conditions listed below are satisfied **as provided below.**

- A. **Under the authority provided in this section, administrative approval shall not extend to master plans, **subdivisions**, or variances. The Administrative Officer may review, approve, approve with conditions, or deny administrative amendments to site plans involving a principal permitted use, site plans involving an approved conditional use, and site plans of planned unit developments, if the proposed amendment meets one or more of the following criteria:**

An application is eligible for Administrative Review if.¶

- ~~1. The application is for construction of an accessory structure of less than 500 square feet of building footprint.¶~~
- ~~2. The application is for construction of a deck, access stairway, or patio of less than 500 square feet of area.¶~~
- ~~3. The application is for adjustment or relocation of any utility, utility box, stormwater facility, or other structure that is consistent with the intent and conditions of a previously approved site plan.¶~~
- ~~4. The application is for minor alterations to an approved landscaping plan such as substitution of appropriate species, provided that the total value of landscaping is equal to or above that approved by the Development Review Board.¶~~
- ~~5. The application does not involve the construction or relocation of a principal structure on the site.¶~~
- ~~6. The application involves the addition of parking, paving, or other impervious surface amounting to not more than five percent of the total impervious surface on the site.¶~~
- ~~7. The application involves the change in use of all or some of the existing building space from one permitted or approved conditional use to another permitted or approved conditional use.¶~~
- ~~8. The application does not involve an addition to a principal structure of more than 500 square feet of building footprint.¶~~
- ~~9. All coverage and other limitations set forth in these Regulations will be satisfied by the proposed development.¶~~
- ~~1. Relocation of site improvements and/or accessory structures that have been previously approved, provided that such relocations do not alter the approved coverage for the site.~~
2. Re-approval of plans if a permit issued by the Development Review Board has expired within the preceding six months and no changes or alterations of any kind are proposed, including those outlined in (4) below.
3. Approval of plans showing as-built adjustments beyond standard field adjustments, provided that such adjustments do not require the amendment of any condition of approval in the most recent findings of fact.

1. Minor alterations to an approved landscaping plan such as substitution of appropriate similar species or landscaping or hardscaping materials, provided that the total value of landscaping proposed in the amended plan is equal to or exceeds the amount approved by the Development Review Board. I caution us here – landscaping is much more a qualitative than quantitative matter. Basing decisions based on dollar amounts is a poor criterion. This (and all landscaping review and decisionmaking), should be based primarily on purpose and intent, viability related to site specific conditions, and beautification.

2. An increase in building area and/or impervious coverage totaling less than five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. Applicants are advised that the cumulative total increase in building area and/or site coverage cumulatively permitted through all administrative amendments on any one lot shall not exceed five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. Development Review Board approval shall be required for any amendment exceeding these limits.
3. All coverage and other limitations pursuant to these regulations shall apply in determining whether an administrative amendment shall may be approved.
4. Changes in use of all or part of a building or structure with prior site plan approval to a permitted use in the applicable zoning district, provided the proposed use, whether solely or in combination with other uses subject to the same approval, will not result in any permitting requirement or threshold being exceeded or violated.

B. During construction, the Administrative Officer may authorize or require, in writing, at his/her own determination or upon the request of the applicant, minor adjustments to a site plan which does do not affect the substance of the site plan approval. Such minor adjustments shall be consistent with the intent of the approved site plan. All determinations of eligibility for field changes are subject to the discretion of the Administrative Officer. Where conditions are encountered which constitute a material change to an approved site plan or where the developer otherwise wishes to modify the approved site plan, an amendment to the approval shall be filed with the Development Review Board or Administrative Officer for review in accordance with procedures required for such applications.

C. Notification of Development Review Board. Upon granting administrative approval, staff shall notify the Development Review Board of such action at its next meeting.

CD. Appeal. Any administrative review decision by staff pursuant to this section may be appealed to the Development Review Board in accordance with the provisions of 24 V.S.A., Chapter 117, and these Regulations. Furthermore, an applicant may, at any time prior to the issuance of an administrative decision, request that an application otherwise eligible for administrative review be reviewed by the Development Review Board

Administrative approval of non-substantive conditional use changes

**1910 Conditional Uses.** The purpose of conditional use review is to allow certain specified uses to occur in the various zoning districts, provided that specified criteria are met and certain conditions satisfied. Such uses are called conditional uses, and may only occur after being approved in accordance with the procedures described in this section

1910.1 Jurisdiction. A use designated as a conditional use in any district shall only be established, enlarged, or intensified upon Conditional Use approval by the Development Review Board after public notice and a public hearing in accordance with the provisions of 24 V.S.A., Section 4464, and as may be described in Article XX of these Regulations. **Certain minor adjustments to conditional use approvals may be authorized administratively as specified below.**

**Except where eligible for administrative review, a** Applications for

Conditional Use approval shall be filed in the same manner as applications for Site Plan approval, as specified in Sections 1900.1 and 1900.2, except that such applications shall also address the following:

- A. Other information specified in the Conditional Use Review Procedure and Checklist endorsed by the Development Review Board.
- B. An application will not be considered complete, and will not be scheduled before the Development Review Board, until all information listed in Conditional Use Review Procedure and Checklist has been submitted.
- C. Any other data or information that the Development Review Board shall reasonably view as necessary in applying the Conditional Use review standards.

Applications.

Exemptions and Administrative Review.

- A. Within a given zoning district, a change from one conditional use to another conditional use of the same category shall not require conditional use approval, provided that the new conditional use occupies no more floor area than the original conditional use. **For the purposes of this paragraph, “conditional use of the same category” shall mean both uses share the same name in the list of allowed uses for the district.** For example, within a zoning district that allows retail uses as a conditional use, a change from one retail establishment to another retail establishment in the same space shall not require conditional use approval.
- B. As of [effective date of amendment] all Conditional Use approvals granted by the Development Review Board shall be deemed to contain include the following authorization: the Administrative Officer may upon proper application authorize minor adjustments to a Conditional Use approval which do not affect the substance of the Conditional Use approval. Such minor adjustments shall be consistent with the intent of the Conditional Use approval. Applications that represent material changes shall be filed with the Development Review Board for review in accordance with procedures required for such applications.

10 FINAL PLAT - MAJOR AND MINOR SUBDIVISIONS

The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on mylar clearly and legibly drawn, and the sheets shall be a standard size of 18" by 24" suitable for recording under Vermont Statutes.

Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. The subdivision plat shall carry the following endorsement on the copy to be filed with the Town Clerk:

Approved by Resolution of the Development Review Board of the Town of Shelburne, Vermont, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to the requirements and conditions of said resolution. Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by, Chairperson.

Except where a plat amendment may be approved administratively pursuant to Section 1065 (2), the final plat for a major and minor subdivision shall conform in all respects to the preliminary plan and sketch plan respectively as approved by the Development Review Board. The subdivision plat shall show:

1065 APPROVAL CONDITIONS

- (1) Orders and findings by the Development Review Board which contain stipulations and/or conditions affecting approvals, for any lot, tract or parcel of land may be recorded in the miscellaneous land records of Shelburne, or on the original mylar, and indexed to the record owner of said parcel, the recording fee to be paid by said owner.
- (2) As of [effective date of amendment] all Subdivision approvals granted by the Development Review Board shall be deemed to contain include the following authorization: the Administrative Officer may upon proper application authorize minor adjustments to a Final Subdivision Plat which do not affect the substance of the Subdivision approval. Such minor adjustments shall be consistent with the intent of the Subdivision approval. Applications that represent material changes shall be filed with the Development Review Board for review in accordance with procedures required for such applications.

## Administrative approval of non substantive PUD changes

- 1930.1 Review Process.
- A. In accordance with the provisions of 24 V.S.A., Section 4417, and as may be specified in Article XX of these Regulations, the Development Review Board shall conduct public hearings to consider applications for Planned Unit Development approval. All PUDs shall be considered to be major subdivisions under the Subdivision Regulations.
  - B. The Development Review Board may conduct all development reviews associated with the development (e.g. site plan approval, planned unit development approval, subdivision approval) simultaneously.
  - C. Except as may be limited in Articles III through XVIII describing individual zoning districts, the Development Review Board may modify applicable area and dimensional requirements, excluding the periphery buffer, simultaneously with the approval of the subdivision plat.
  - D. As of [effective date of amendment] all PUD approvals granted by the Development Review Board shall be deemed to ~~contain~~ include the following authorization: the Administrative Officer may upon proper application authorize minor adjustments to a PUD approval which do not affect the substance of the PUD approval. Such minor adjustments shall be consistent with the intent of the PUD approval. Applications that represent material changes shall be filed with the Development Review Board for review in accordance with procedures required for such applications

Note: 1930.1 also affected by change above.

Administrative approval of boundary adjustments

**ARTICLE IIIA: BOUNDARY LINE ADJUSTMENTS**

**300A BOUNDARY LINE ADJUSTMENTS**

Applications for boundary line adjustments shall be approved as described in this section. Any boundary line adjustment, as defined in Article II, must satisfy the requirements of this section, must be approved in accordance with this section, and shall ~~prior to being~~ submitted to Staff for filing with the Town Clerk.

**305A AUTHORIZATION OF ADMINISTRATIVE REVIEW**

Shouldn't this first paragraph simply allow administrative review and approval of boundary line adjustments? It's not really just about adjusting prior boundary line adjustments...

Criteria for review typically include:

No new lots being created;

No material changes to underlying approvals (or perhaps also as noted below, special regulatory features such as building envelopes;

No new nonconformance is created.

Right is always reserved to refer to the DRB if there are questions or concerns...

Not sure what's different here than the boundary adjustment section below (300A)

The Administrative Officer may upon proper application authorize minor adjustments to a Boundary Adjustment approval which do not affect the substance of the approval nor involve any special regulatory features such as building envelopes. Such minor adjustments shall be consistent with the intent of the approval. In granting any administrative approval the Administrative Officer shall require the applicant to comply with Sections 360A, 370A, and 380A. Applications that represent material changes shall be filed for review in accordance with procedures required for such applications.

...

**330A INITIAL REVIEW AND DEVELOPMENT OF A DRAFT DECISION**

Upon determining that an application for a boundary adjustment is complete, Staff shall review the application,. In the event the application does not qualify for administrative review, staff will prepare a staff report and/or draft decision for the Development Review Board, and place the matter on the agenda for the Development Review Board as a consent item at the next available meeting.

**340A NOTICE**

In the event the application does not qualify for administrative review, Staff shall notify the applicant, adjacent property owners, and other interested parties of the application for a boundary adjustment, the staff report and/or draft decision, and the date on which the Development Review Board will consider the matter on its agenda as a consent item, at least fifteen days prior to the meeting.

...

360A FORM OF MYLAR

When the proposed boundary adjustment has been approved by the Development Review Board or the Administrative Officer, the mylar suitable for recording shall be prepared showing all relevant information, bearings and distances of perimeter boundary lines, monumentation in accordance with Section 980 on all corners of each lot, and all

easements, and certification by a registered land surveyor that information is based on deed research and field information. In addition, in the case of approval by the Development Review Board, the following language shall be printed on the mylar:

“This boundary line adjustment does not constitute the creation of a separate parcel of land. It only adjusts the physical location of the boundary of these adjoining parcels. Any future subdivision and/development of these new parcels must be approved by the Town of Shelburne Development Review Board. This plan is approved, subject to all requirements and conditions of this approval, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 .  
by \_\_\_\_\_  
Chair”

In the case of approval by the Administrative Officer, the name of the Administrative Officer shall be substituted for the name of the DRB Chair.

...

380A RETENTION OF JURISDICTION

Any further subdivision of a lot created by the approved Boundary Adjustment shall require subdivision approval in accordance with these regulations, except where eligible for administrative review.

Note: This text was not previously circulated. Note also the interplay between this change and below.

Subdivision changes approved administratively, starting with boundary adjustments

300A BOUNDARY ADJUSTMENTS AND LOT MERGERS

Why do we think we need zoning approval to merge lots? There is no statutory requirement of which I'm aware, and it's hard to imagine what we would review. Would we ever deny a merger? All that's really needed are one or more revised deeds and a sketch showing the lot line to be erased, and notice to planning/zoning/assessing to update property maps.

Applications for boundary adjustments and lot mergers shall **may** be approved as described in this section. Any boundary adjustment, as defined in Article II, must satisfy the requirements of this section, must be approved in accordance with this section, and shall **prior to** being submitted to Staff for filing with the Town Clerk. **For the purpose of this section a lot merger is a combining of land achieved solely by the deletion of a common boundary between two adjacent lots or parcels where no other changes occur.**

305A AUTHORIZATION OF ADMINISTRATIVE APPROVAL

The Administrative Officer may upon proper application authorize Boundary Adjustments and lot mergers. Such approvals shall be consistent with the intent of any prior approvals relating to the property involved. **In granting any administrative approval the Administrative Officer shall require the applicant to comply with Sections 360A, 370A, and 380A.**

...

~~330A-340A WOULD BE DELETED~~

350A ISSUANCE OF DECISION

Following action by the Administrative Officer Development Review Board, the decision shall be issued in **the manner of a Permit** accordance with Section 420 of these Regulations **in conformance with these regulations, the provisions of the Vermont Planning and Development Act, and any conditions of approval applicable to the property subject to the application.**

360A FORM OF MYLAR

When the proposed boundary adjustment has been approved by the Development Review Board, **Administrative Officer** the mylar suitable for recording shall be prepared showing all relevant information, bearings and distances of perimeter boundary lines, monumentation in accordance with Section 980 on all corners of each lot, and all easements, and certification by a registered land surveyor that information is based on deed research and field information. In addition, the following language shall be printed on the mylar:

“This boundary line adjustment does not constitute the creation of a separate parcel of **land.** It only adjusts the physical location of the boundary of these adjoining parcels. Any future subdivision and/development of these new parcels must be approved by the Town of Shelburne Development Review Board. This plan is approved, subject to all requirements and conditions of this approval, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 .  
by \_\_\_\_\_  
Chair **Administrative Officer**”

...

Note: This goes beyond changes contemplated above  
Small subdivision changes approved administratively

MINOR SUBDIVISION - Any land which is divided or proposed to be divided into nine (9) or fewer lots where such subdivision is reviewed and approved under Article XXII of the Shelburne Zoning Bylaw. Also, any land which is divided or proposed to be divided into three (3) or fewer lots where such subdivision is not a planned unit development. **Does not include any subdivision meeting the definition of ADMINISTRATIVE SUBDIVISION.**

ADMINISTRATIVE SUBDIVISION - Land which is divided or proposed to be divided into three (3) or fewer lots where such subdivision is not a planned unit development, where the land involved is located outside all of the following zoning districts: Rural, Conservation, Lakeshore Overlay, Floodplain and Watercourse overlay, and where [.....]

...

### 320 CLASSIFICATION

The Development Review Board shall classify the subdivision proposal as either a MAJOR SUBDIVISION, ~~or a~~ MINOR SUBDIVISION, **or ADMINISTRATIVE SUBDIVISION** using the definitions given in Article II.

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### 340 EFFECT OF SKETCH PLAN ACTION

Approval of a sketch plan shall not constitute approval of the subdivision plat. **Where the Development Review Board classifies the subdivision proposal as either a MAJOR SUBDIVISION or MINOR SUBDIVISION, the Sketch Plan approval ~~and~~ is merely authorization for the applicant to file a preliminary plan or final plan application.**

**Where the Development Review Board classifies the subdivision proposal as an ADMINISTRATIVE SUBDIVISION, the Sketch Plan approval shall authorize the applicant to submit a proposed final plat and provide authorization for the Administrative Officer to approve such plat administratively in the manner of a boundary adjustment.**

Should the Development Review Board disapprove a sketch plan, it shall notify the applicant in writing of the reason for such disapproval.

Note: This goes beyond changes contemplated above