



Town of Shelburne, Vermont

PLANNING COMMISSION AGENDA

THURSDAY, May 26, 2022

7:00 P.M.

Meeting will be hybrid: in person and via zoom

PLEASE NOTE: Given rising case counts of COVID in the county, all persons attending in person are encouraged to wear masks. Thank you.

Join Zoom Meeting

<https://us02web.zoom.us/j/88256435496?pwd=S0RXeFhMQUR2OXZmeGVXdXhHbktvdz09>

Meeting ID: 882 5643 5496

Passcode: jXUQ1r

Dial by your location

+1 301 715 8592 US (Washington DC)

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Meeting ID: 882 5643 5496

Passcode: 874558

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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 April 28 and 5/12, 2022 | 7:05 P.M. |
| 4. Disclosure related to potential conflicts of interest | 7:10 P.M. |
| 5. Public comments on matters not on the agenda | 7:10 P.M. |
| 6. Elect Planning Commission officers | 7:15 P.M. |
| 7. Community Heart and Soul w Sara Lightner | 7:30 P.M. |
| 8. Old Business | 8:30 P.M. |
| 9. Correspondence | 8:45 PM |
| 10. FBC projects list | 8:50 P.M. |
| 11. Other Business | 8:55 P.M. |
| 12. Adjourn | 9:00 P.M. |

**TOWN OF SHELburnE
PLANNING COMMISSION
MINUTES OF MEETING
April 28, 2022**

***Hybrid Meeting.**

MEMBERS PRESENT: Steve Kendall (Chair); Marla Keene, Stephen Selin. (Jean Sirois and Deb Estabrook were absent.)

STAFF PRESENT: Adele Gravitz, Planning Director; Ken Belliveau, Acting DRB Coordinator.

OTHERS PRESENT: **DRB Members:** Mark Sammut, Anne Bentley, John Day, Mike Major, Allyson Myers, David Hillman, Bob Glover
Selectboard Members: Mike Ashooh, Matt Wormser, Cate Cross, Kate Lalley, Members of the public participating in the meeting included Joyce George, Pete Serensky, Robilee Smith, Rosemary Sadler, Rowland Davis, Steve Brandon, Shelley Crombach, Tracey Beaudin Nancy Badami, Jim White, Diana Davis, Chris Latta, Jessica Trautwine, Dorothea Penar, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (4/14/22)
4. Disclosures/Potential Conflicts of Interest
5. Election of Officers
6. Open to the Public
7. Updates/Follow Up Items
8. PC/DRB Conversation on FBC
9. Other Business/Correspondence
10. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION by Stephen Selin, SECOND by Marla Keene, to approve the agenda with the amendment to postpone the election of officers until the next meeting. VOTING: unanimous (3-0); motion carried.

3. APPROVAL OF MINUTES

April 14, 2022

MOTION by Marla Keene, SECOND by Stephen Selin, to approve the 4/14/22 minutes as presented. VOTING: unanimous (3-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. ELECTION OF OFFICERS

Postponed.

6. OPEN TO THE PUBLIC

Rowland Davis mentioned his application for a seat on the Planning Commission and asked the commissioners to review the memo he submitted outlining a multi-step process to resolve the issues with form based code, specifically the Mixed Residential Character District.

7. UPDATES/FOLLOW UP ITEMS

The following was noted:

- Vacancies on the Planning Commission have been posted on Front Porch Forum, the town website, and an email blast. Interviews will be scheduled for applicants in two weeks.
- The draft RFP for a consultant to review Mixed Residential Character District of the Shelburne Road Form Based Overlay District is ready for review by the Planning Commission and release.
- The Bike/Ped Connectivity Advisory Committee met on 4/25/22 to review analysis methodology and early findings from the survey. A community meeting will be held on May 25, 2022 to present findings.
- Selectboard retreat is 4/30/22 beginning at 2 PM.
- The public hearing by the Selectboard on the outdoor dining bylaw is scheduled on 5/24/22.

8. PC/DRB CONVERSATION ON FORM BASED CODE

The following was noted/discussed:

- Introductory paragraph in Section 2200.2.C of form-based code says form-based code supersedes any other zoning bylaws so the DRB has no say with form-based code applications that satisfy the checklist though the DRB can waive certain requirements to a certain extent.
- Per the language in the zoning regulations, form-based code and the conventional zoning regulations are separate and exclusive of each other.
- Form based code is very prescriptive and there is not much exception.
- Developers acknowledge they must follow what the code dictates even when it does not make sense for the project or site (i.e., build a sidewalk to nowhere).
- Editing the form-based code text will make it even more complicated.
- There is question as to why a form-based code application even needs to go before the DRB for review if the developer is not seeking any waivers.
- Developers using form-based code for their development will know precisely what must be built and can therefore know the cost of the development.
- In Shelburne, a developer has a choice to use form-based code or conventional zoning when doing a project. This choice should be eliminated and only one code should be offered.
- The DRB has a function in safeguarding how form-based code is implemented. The DRB could challenge a developer to explain why the proposal is as it is and encourage working with neighbors impacted by the project.
- Applying rules appropriately to avoid litigation for the town factors into the discussions by the DRB.
- Review of applications by a board with members who know the town and live in the town is better than by one staff person. The Planning & Zoning Office does not have the manpower to review and decide all form-based code applications. More staff would be needed.
- Staff must do due diligence before projects can move forward.
- Form based code is not integrated into the zoning regulations that preceded it and this should be done. More clarity is needed on procedural steps.
- Form based code, the goals and how to meet those goals, needs to be better explained to the townspeople to have an understanding of outcomes.
- A goal of form-based code was to have different or better results on Shelburne Road, but form-based code is voluntary for an applicant so this may or may not happen.
- Feedback is needed on other form-based code projects along Shelburne Road.
- If the disconnect of what is existing and what is to be built with a form-based code project is so great, then there is opportunity for warfare with neighbors.
- The form-based code overlay does not fit in some locations so a transitional overlay might be beneficial.
- The Planning Commission has received negative feedback on development under conventional zoning on Route 7.

- The DRB has received feedback on development not being compatible with the surrounding area (i.e., density too great).
- Form based code is usually for areas needing redevelopment, not in established, stable, desirable neighborhoods.
- Form based code will produce “cookie cutter” design and does not recognize historic resources.
- A small area should be tested with form-based code to determine if this will attract what the town desires.
- The design charette for form-based code did not provide a realistic picture of the potential for development to change the complexion of Route 7.
- There are some areas where form-based code development might be a good idea, but is not feasible.
- The form-based code document is too long (156 pages) and complicated.
- The town’s conventional zoning regulations are antiquated and has conflicting information, subjective language, and lack of clarity. This needs to be addressed.
- The town needs to ask what needs to be regulated by the town if there are federal and state regulations already in place for what is being regulated.
- The incentive with form-based code was to expedite the review/approval process with projects.
- A new charette is needed to determine what the town wants on Shelburne Road and to deal with changing development trends (i.e., apartments rather than condominiums, less parking, more green spaces).
- Shelburne Road is separate from the residential districts behind.
- With form-based code Champlain Housing Trust is converting buildings (motels/hotels) on Shelburne Road into affordable housing.

9. OTHER BUSINESS

Sketch Plan Application

There was agreement the application form is overly complicated. The Planning Commission will discuss this at a future meeting.

RFP

The RFP proposals to Clarify and Illustrate Ramifications of the Mixed Residential Character District are due May 13, 2022 to be awarded on May 20, 2022. The work will be complete by June 2022.

10. ADJOURNMENT

MOTION by Stephen Selin, SECOND by Marla Keene, to adjourn the meeting. VOTING: unanimous (3-0); motion carried.

The meeting was adjourned at 9:21 PM.

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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
May 12, 2022**

***Hybrid meeting.**

MEMBERS PRESENT: Steve Kendall (Chair); Deb Estabrook, Marla Keene (Stephen Selin and Jean Sirois were absent.)

STAFF PRESENT: Adele Gravitz, Planning Director.

OTHERS PRESENT: Members of the public participating in the meeting included Joyce George, Pete Serensky, Robilee Smith, Rowland Davis, Ann Hogan, Don Rendall, Media Factory.

AGENDA:

11. Call to Order
12. Approval of Agenda
13. Approval of Minutes (4/28/22)
14. Disclosures/Potential Conflicts of Interest
15. Open to the Public
16. Updates/Follow Up Items
17. Next Steps
18. Other Business/Correspondence
19. 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 Marla Keene, to approve the agenda. **VOTING: unanimous (3-0); motion carried.**

3. APPROVAL OF MINUTES

April 28, 2022

Postponed due to lack of a quorum present at the 4/28/22 meeting.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Robilee Smith read a statement noting concerns by the residents with the RFP seeking a consultant to look at form based code including the concern there is no public input to the consultant, the RFP is not addressing issues of the form based mixed residential character district (FBMRCD) as requested by the Selectboard (a pause should be put on any development in the FBMRCD until this is done), and the suggestion that a 3-D model should be built of what the existing code would allow. Also, Robilee Smith said the residents request the document that was submitted showing discrepancies between the town plan and FBMRCD be provided to the consultant. [The Planning Commission and staff assured that the consultant will have access to all public records and can request any needed information. The consultant will provide a third party, independent

objective analysis of the zoning regulations (form based and conventional) and the implications of the existing zoning. The RFP provides leeway to consider the FBMRC and the bigger zoning regulations picture. Staff working with the consultant will evaluate the different scenarios of development under the zoning and the Planning Commission will determine which is the worst case after the report is written. The consultant's findings will be added to all the information compiled to date on the zoning issues so the Planning Commission can do due diligence.]

Pete Serensky urged pursuing putting a pause in place on development under form based code until the issues are resolved.

Rowland Davis offered a list of useful resources for the Planning Commission to consider relative to balancing development and environmental issues.

Ann Hogan asked for an explanation of "illustrate" in the form based zoning and if there is a budget for elevation drawings.

Adele Gravitz stated the proposal from the expert consultant will clarify the issues at hand and the Planning Commission can decide on the approach.

There was discussion of the time required to vet the issues and enact change in the zoning if warranted.

6. UPDATES/FOLLOW UP ITEMS

The following was noted:

- RFP is due 5/13/22.
- The public hearing by the Selectboard on the outdoor dining bylaw is scheduled on 5/24/22.
- Election of officers on the Planning Commission is postponed until the full commission is present.
- A number of applications have been received for the vacancies on the Planning Commission. Two interviews have been scheduled.

7. NEXT STEPS

Staff reported the RFP is out. The conversation with the DRB was scheduled. The consultant presentation will be in June. Ideas going forward include getting out into neighborhoods to speak to people about the issues, meeting with all the town committees and boards for their comments, having a presentation from the Community Heart & Soul organization, attending the presentation to the Selectboard by Sustainable Development Code, getting input from the Housing Subcommittee, hearing a presentation from Places for Kids, getting input on environmental/climate resiliency matters.

Rowland Davis mentioned some information resources which he will forward to the Planning Office including the report from CCRPC dealing with climate issues, the Vermont Natural Resources Council report on what towns in the state have done with wildlife and habitat, and the form based code presentation that was done during the "Vision for (Route) 7" project. Also, Jonathan Rosenbloom's website on Sustainable Development Code is very impressive. The Planning Commission should hear a presentation. Regarding the Planning Commission workplan, finding the best way to listen to groups without overusing time resources is strongly suggested.

Don Rendall, Shelburne Natural Resources Committee, requested the list of items previously submitted by the committee for consideration by the Planning Commission remain on the agenda. The items deal with regulations to protect resources that could be lost. [The Planning Commission explained short term zoning issues will be tackled first and these involve housing and natural resources. One goal is to make the regulations so good the committee can rely on the regulations to represent best practices. Some of the items from the

committee have been incorporated into the development review process such as reviewing applications earlier in the process. Don Rendall said the committee is still not getting feedback on their questions on applications, and developers are not at the committee meetings. The committee feels the regulations at this time do not have satisfactory protections for natural resources so protections need to be added in order for the DRB to enforce the regulations as well as comments from the committee.]

Joyce George stated form based code should stay, but the boundaries should be redrawn to avoid having three-story buildings surrounded by single family houses.

Pete Serensky commented form based code in other towns appears to occur mostly in town centers or on main thoroughfares and not in residential districts.

The Planning Commission requested a list of form based code projects in town and suggested visiting each site.

8. OTHER BUSINESS/CORRESPONDENCE

None.

9. ADJOURNMENT

MOTION by Marla Keene, SECOND by Deb Estabrook, to adjourn the meeting. VOTING: unanimous (3-0); motion carried.

The meeting was adjourned at 8:20 PM.

RScty: MERiordan

Form Based Zoning Projects History

Mixed Residential (grayed out-not built)

~~FBZ 16 01: Sketch plan 9 Lots with 1 being open space. Went before DRB on 08/03/16.~~

~~Address 93 Webster Rd~~

~~Character District(s) Mixed Residential~~

~~Status Approval Expired, not built~~

~~FBZ 19 02: 3 Lot subdivision. Went before DRB on 08/17/19.~~

~~Address 157 Maple Leaf Lane~~

~~Character District(s) Mixed Residential~~

~~Status Withdrawn on 06/29/20~~

FBZ 21-02: 107 Units (Townhouses & Apartments) plus office space. Went before DRB on 11/03/21.

Crombach Project

Address- 2870 & 2882 Shelburne Rd

Character District(s)- **Mixed-Use Street** and **Mixed Residential**

Status- Sketch approved on 11/03/21. Requested extension for Final, which was granted.

FBZ 22-01: (Precourt Project) New 6-unit condo buildings. Went before DRB on 04/06/22.

Address- Off of Edward Dr. Fronts onto Bay Rd.

Character District(s)- **Mixed Residential**

Status- Sketch approved on 04/06/22.

Mixed-Use Street

FBZ 17-01: Lot merger (2 lots) Re-development. Went before DRB on 01/02/19

Multi-use building with commercial use on bottom floor and apartments on the upper floor.

Address- 2916 Shelburne Rd

Character District(s)- **Mixed-Use Street**

Status- Built

FBZ 21-03: Request to Change use and develop 77 new multi-family units. Went before DRB for Sketch on 12/15/21.

Final approval given on 05/18/22.

Champlain Housing Trust Project

Address- 3164 Shelburne Rd

Character District(s)- **Mixed-Use Street**

Status- Final approval granted by DRB on 05/18/22.

Green Corridor

FBZ 19-01: 63 Unit group living w/ basement parking. Went before DRB on 06/05/19 and 07/17/19.

Maplewood Village Senior Independent Living

Address- 3972 Shelburne Rd

Character District(s)- **Green Corridor**

Status- Construction recently completed

Mixed-Use Neighborhood

FBZ 21-01: 2 Lot Subdivision with Mixed-use PUD. Lot 2 is Form Based Zoning for 16-unit multi-family care facility. Went before DRB for Sketch on 07/07/21. Scheduled for Final on 06/01/22.

Howard Center Project

Address- 4309 & 4385 Shelburne Rd

Character District(s)- **Mixed-Use Neighborhood**

Status- Sketch approved, Up for Final approval on 06/01/22

FIGURE 2200-8. SHELBURNE ROAD REGULATING PLAN
Full-size version available in the Shelburne Planning Office



