



# Town of Shelburne, Vermont

PLANNING COMMISSION MEETING AGENDA  
SHELburnE TOWN OFFICES, 5420 MAIN STREET  
WEDNESDAY, NOVEMBER 9, 2022  
7:00 P.M.

IN PERSON/HYBRID MEETING; ZOOM OPTION DETAILS BELOW

**PLEASE NOTE CHANGE OF MEETING DAY**

Join PLANNING COMMISSION Zoom Meeting

<https://us02web.zoom.us/j/86424599699?pwd=UWVQZWVJRUIHT3h4YXBxdW5SUhB0QT09>

Meeting ID: 864 2459 9699; Passcode: aXUpU5

Dial by your location

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+1 312 626 6799 US (Chicago)

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+1 346 248 7799 US (Houston)

+1 360 209 5623 US

Meeting ID: 864 2459 9699; Passcode: 260663

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|---|------------------|
| <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 October 13, 2022</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. Looking ahead: next steps in regulatory reform</b>        | <b>7:15 P.M.</b> |
| <b>7. Other business</b>  | <b>8:30 P.M.</b> |
| <b>8. Adjourn</b>   | <b>8:30 P.M.</b> |

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
October 13, 2022**

**\*Hybrid meeting**

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

**STAFF PRESENT:** Adele Gravitz, Planning Director; Chris Robinson, Water Quality Superintendent.

**OTHERS PRESENT:** Members of the public participating in the meeting included Rowland Davis, Gail Albert, Dave Wheeler, Media Factory.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (9/8/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Stormwater Bylaw Edits
7. Old/Other Business
8. ARPA Committee Update
9. Adjournment

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**1. CALL TO ORDER**

Chair, Steve Kendall, called the meeting to order at 7 PM and thanked Deb Estabrook in absentia for her service on the Planning Commission. Deb Estabrook resigned from the Planning Commission due to other commitments.

**2. APPROVAL OF AGENDA**

**MOTION** by Marla Keene, **SECOND** by Stephen Selin, to approve the agenda as presented. **VOTING: unanimous (6-0); motion carried.**

**3. APPROVAL OF MINUTES**

*September 8, 2022*

**MOTION** by Jean Sirois, **SECOND** by Shawn Sweeney, to approve the minutes of 9/8/22 as presented. **VOTING: unanimous (6-0); motion carried.**

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

Marla Keene noted she works with Dave Wheeler who will be presenting the edits to the stormwater regulations. The Planning Commission did not feel there was a conflict of interest.

**5. OPEN TO THE PUBLIC**

None.

## 6. STORMWATER BYLAW EDITS

Dave Wheeler, South Burlington Water Resources Department and consultant to the Town of Shelburne, reviewed the current stormwater regulations which are found in four separate locations (zoning regulations, form-based code, subdivision regulations, and public works standards). The language of the current regulations is vague and unclear, has inconsistencies and no numerical values, and is redundant to state standards. The language should be consolidated and found only in Section 1900.4 of the zoning regulations. The other regulations and standards can then make reference to Section 1900.4. Suggested edits to the stormwater bylaw include:

- Changing the definition of “redevelopment”
- Establishing a threshold for stormwater review (half acre is commonly used)
- Applying the regulations to new and redevelopment projects
- Addressing water quality treatment standards
- Ensuring the stormwater discharge rate is no worse than existing
- Requiring applications to have a stormwater management plan and operations and maintenance plan
- Requiring a drainage and treatment plan and hydroCAD file be submitted

There was discussion of how to administer the stormwater regulations and when the regulations apply to development on a lot (new structure, addition to existing structure, half acre or larger, affordable housing, market rate housing). There was discussion of the cost of stormwater management systems for large developments and for single family houses.

Gail Albert, Shelburne Natural Resources Committee, asked how forested areas or existing trees fit into the regulations. Dave Wheeler said the regulations do not discuss trees specifically and are not part of the stormwater calculations.

The Planning Commission will include the stormwater regulations in the regulatory reform work.

## 7. OLD/OTHER BUSINESS

### *DRB Coordinator*

Staff reported applicants are being interviewed for the DRB Coordinator position.

### *Planning Commission Vacancy*

The vacancy on the Planning Commission will be posted and applicants will be interviewed.

### *Regulatory Reform*

Work continues on the overhaul of the regulations.

### *Bylaw Modernization Grant & RFP*

Staff is working concurrently on the bylaw modernization grant and RFP for a consultant to assist with regulatory reform.

*Meeting Schedule*

The agendas will be light for the next two meetings to allow staff to complete the RFP and grant application. Tentatively on October 27, 2022 the Planning Commission will meet with the town committee, board or commission available on that date. November 10, 2022 meeting agenda will also be light and not require much staff time.

*Building Energy Standards*

Stephen Selin suggested the town's regulations incorporate building energy standards.

**8. ARPA COMMITTEE CHARTER**

Staff reported the charter for the ARPA Committee has been approved by the Selectboard.

**9. ADJOURNMENT**

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

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

The meeting was adjourned at 9:14 PM.

*RScy: MERiordan*

MEMO

TO: PLANNING COMMISSION

RE: Looking ahead; next steps in regulatory reform

FROM: Lee Krohn, AICP, Town Manager/Interim Planning Director

DATE: November 4, 2022

As you are aware, the zoning proposal put forward by the Planning Commission will be considered in a public hearing at a special Selectboard meeting for that purpose on Tuesday evening, November 15. That hearing will determine the fate of the Mixed Residential portion of the form based code overlay.

In the meantime, I'm sure that the Planning Commission wishes to consider possible next steps within the larger context of regulatory reform. As has been discussed before, the 'perfect world' approach would be to rewrite the entire bylaw from scratch, starting over in ways that are better focused on internal clarity, consistency, and reduced complexity; as well as clearer aim toward goals and outcomes sought to be achieved rather than pure regulatory restriction.

That said, doing so is a 'heavy lift' at any time, and certainly now during more staffing transitions. Yet the process must keep moving forward in some manner. You'll recall that we made great progress the last time we were in this circumstance, cleaning up a number of procedural challenges. I suggest we continue doing so as best we can here and now.

Suggestions to consider:

Stormwater: you had a presentation at your last meeting. Is this believed a priority for continued work?

Further elimination of regulatory references to Town Plan conformance within the Zoning Ordinance. We began that process in the subdivision regs, but need to continue this elsewhere (conditional use review and any other references). As discussed before, it is a 'backwards' approach to how land use planning and regulation is supposed to work, and sets up great potential for unresolvable regulatory conflict.

Need to add back in a timeframe in the subdivision regs for final plan submission after a preliminary plan is approved. That got lost in the shuffle somehow the last time around. The former standard was a six-month timeframe; I believe we had discussed changing that to one year.

I think we need to revisit our village center regs to better accommodate adaptive reuse of existing buildings, especially for multi family housing. Example: the Creamery building in the heart of the village has long been a multi-unit professional office building. An inquiry was made about converting it into an apartment building, a perfect use in this location, but current zoning would only allow a small number dwelling units, both inefficient and unviable financially. With known need for housing, great political angst whenever something new is proposed, and what I hope is a shared desire to avoid disinvestment in existing buildings (especially historic structures), I believe that allowing greater flexibility for adaptive reuse of these existing buildings is an essential high priority for action.

Also regarding housing: I scrambled to complete as best I could on very short notice and to submit the bylaw modernization grant application. No matter whether that is approved, here's another suggestion to consider:

So often in the process of bylaw revision, it's thought that we must review existing rules and tinker with them to try to achieve better outcomes; or we try to rewrite rules entirely; yet it becomes a confusing dialogue either because no one really understands what will result, or everyone has a different picture in their mind of what the new rules and numbers and densities mean.

I suggest instead that we choose several existing neighborhoods in Shelburne that are generally loved and thought to be examples of successful neighborhoods – for example, Bacon Drive or the Hullcrest/Juniper/Martindale areas off of Shelburne Road. Analyze these in terms of lot sizes, setbacks, etc. and then write new regs for other parts of Town consistent with these patterns. In this approach, there is clear, tangible understanding of what will result. Why try to start over when we already have successful patterns upon the land?

Indeed, we don't need a consultant to do this kind of work for us; we should be able to do it ourselves.

One more suggestion for now, which understandably may be more politically challenging than thought prudent to tackle at this time: this relates to the relatively new requirement that all subdivisions in the Rural district be reviewed as Planned Unit Developments (PUDs), and that all of these property owners set aside 60% of their land as unusable and undevelopable.

For those who were not present at that time, this change was created as a so-called "compromise" in order to allow a single landowner to develop his land in ways that were not possible under the former rules. In exchange for allowing that one landowner to develop, all other Rural district landowners were then subjected to far more restrictive rules than had existed before.

For better or worse, the concept of a PUD is to allow more flexible approaches to development, and have typically been allowed or intended for larger commercial or residential projects. Indeed, a PUD is a tacit admission that regular zoning does not allow for successful development patterns or outcomes, but that's a different conversation for another day. The PUD concept was not usually intended to apply to every smaller development, although it may certainly be useful in certain circumstances. It's also a more complicated process to navigate for all involved.

In addition, the newly required 60% 'set aside' seems to me a rather harsh limitation. It effectively removes 2/3 of development opportunity otherwise supposedly permitted in the bylaw. There is also no rational nexus between this restriction and any specific values sought to be achieved – critical habitat, wetland, connectivity for wildlife corridors or human bike/ped connectivity, contiguity with other open or protected lands... in other words, we're creating a patchwork quilt of required undevelopable land (which may or may not be otherwise undevelopable due to other restrictions upon wetlands, steep slopes, and the like) without any strategic purpose other than limiting development. Further, while these restrictions as contemplated in the required open space agreements exist in legal documents, there is no practical way to keep track of all of these and attempt to enforce those agreements if necessary.

All that said, it's also true that a PUD approach can allow for a more 'clustered' approach to subdivision and larger blocks of undeveloped land. Yet if that's really the underlying goal, then a far simpler approach is to simply allow and encourage all subdivisions everywhere to be developed based on the density permitted on the overall, total land area and not be concerned at all about minimum lot sizes for individual homes. This concept has long been described as "conservation zoning", and has been published and illustrated by Randall Arendt and others for many years. I have seen this approach used successfully elsewhere, and has been seen as mutually beneficial to landowner/applicants as well as municipalities. It's less costly to develop overall, not least of which relates to roads and infrastructure, is less disruptive to the landscape, offers greater ability to create real neighborhoods instead of just subdivisions, and naturally leaves larger blocks of contiguous open space for both human and natural resource benefits. It's also much more of a "carrot" than "stick" approach to open space protection, as it becomes a natural byproduct of this approach rather than a regulatory restriction with no obvious or apparent purpose.

That's likely plenty for now to help jump start continued conversation. I hope you find this information helpful.