



Town of Shelburne, Vermont

PLANNING COMMISSION MEETING AGENDA
SHELBURNE TOWN OFFICES, 5420 MAIN STREET
WEDNESDAY, NOVEMBER 30, 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/84427585700?pwd=a3UzbFIGY1dsdm9sY3hxRzQ3WVplUT09>

Meeting ID: 844 2758 5700; Passcode: Kva3cg

Dial by your location

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

Meeting ID: 844 2758 5700; Passcode: 849528

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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 November 9, 2022 | 7:00 P.M. |
| 4. Disclosure related to potential conflicts of interest | 7:05 P.M. |
| 5. Public comments on matters not on the agenda | 7:10 P.M. |
| 6. Ongoing discussions with CBCs of matters of mutual interest:
Bike/Ped/Paths/Village Safety and Natural Resources/Conservation | 7:15 P.M. |
| 7. Regulatory Reform: continued discussion regarding the “two stage” approach
as discussed before, possible alternative path to implementation, the Blue Zones
suggestions, and an eventual RFP | |
| 8. Other business | 8:00 P.M. |
| 9. Adjourn | 8:30 P.M. |

RECENT HISTORY/DISCUSSION OF REGULATORY REFORM – for the 11/30/22 PC meeting

Prepared by Lee Krohn, AICP

23 November 2022

The “three step” process proposed by Blue Zones consultants, as described by Adele Gravitz

Step One

In a 2-3 hour work session (facilitated by Blue Zones/consultant) understand how the regulations, as written, do not support the objectives of the Comprehensive Plan or stated another way, how the Comprehensive Plan is out of the alignment with our current zoning.

This is a major piece of information to understand. This is not about our goals (a term I heard used in the conversation at the last PC meeting). It is a much more fundamental issue about the objectives of the Comprehensive Plan and how the regs do or do not support those objectives. (Regs include Zoning and Subdivision, Overlays, and FBC). I think goals and objectives are similar but slightly different in the context of this exercise and conversation.

Understanding how the regs do not support the objectives of the Comprehensive Plan seems to be a critical first step as we unpack the big picture overview of regulatory reform.

This analysis is also a way of understanding and daylighting many of the issues that our CBCs like Natural Resources and Housing (and many others) often bring to the attention of the PC as well as DRB and SB.

Step Two

Based on the above work session, Bluezones/consultant would do the mini code audit.

Based on direction from the PC, Blue Zones could take the top misalignments as articulated by the work session in Step One and highlight how the existing codes does or does not support those objective as found in the comprehensive plan.

Step Three

The workplan. Bluezones would suggest a workplan that addresses precisely what was uncovered in steps One and Two. As we have discussed this would very likely mean a complete overhaul.

Blue Zones could draft a specific work program for the town to update its by-laws. A well-crafted work program would ensure that detailed drafting would carry out the priorities and direction established by the town. This ensures that our RFP would do exactly what is needed to be done because experts in the field would write the workplan. Also, this workplan will be Shelburne (place) specific and not generic! Of course, if Blue Zones did this work, they would not compete to write the regs. They can help us find the experts.

The more recent “two step” process as proposed by PC member Marla Keene:

- Separating the tasks of regulatory reform into “bylaw consolidation” to deal with zoning ordinance redundancies, internal inconsistencies, review for alignment with the Town Plan, and “regulatory changes” for changes to the bylaws to create a more clear, functional, and unified approach to the overall regulatory system.

With all due respect for all of the prior work, thought, and discussion that has gone into this, I believe (and recommend to the Planning Commission) that Marla’s “two step” proposal is a more efficient and effective approach to this overall work effort. It essentially blends the first two ‘Blue Zones’ steps into one, with their step 3 being the same as Marla’s step 2, being the “heavy lift” of large-scale overhaul for which outside consulting assistance may well be needed.

Where I differ in this overall process, and offer respectfully for Planning Commission consideration, is who is better and more appropriately positioned to do the initial analysis of step 1. For reasons I will describe briefly below, I believe that our own staff can and should do this work. Although I offer this to you on my own, I will state here that our new Planning Coordinator Aaron DeNamur also agrees with this premise.

This is a perfect project for staff to tackle. Aaron already knows our bylaws fairly well, and it will be a fine exercise for him in his new role to analyze those bylaws in relation to the Town Plan. It will help him get up to speed more quickly on those bigger picture concepts in the Town Plan; and in also coordinating this analysis with our new DRB Coordinator Kit Luster, begin to help create the greater interactivity and workflow that we seek to build in this restructured and restaffed Planning & Zoning Office. Building further on that purpose and intent, this background memo will also be sent to DRB members to help keep keep all informed and conversation continuing. It’s of foundational importance that the PC as policy makers maintain open lines of communication with the DRB as those tasked in some respects with implementing those policies. This, too, is a practice I recommend continuing.

Getting back to the ‘step 1’ work effort: based on my own decades of experience as a Planning Director, this is a project that I would have expected of myself, and that I believe my Planning Commission would have expected of me as their professional staff. While I understand fully that consultants can certainly play important roles in expanding our reach, perspective, and expertise, I don’t think we should feel compelled to have them do all of our work for us.

We hire staff to do actual, real work analyzing issues and providing professional guidance to the boards and community we serve. Hiring outside consultants to do the real work leaves only more purely administrative work for our own people. There is more to life than managing meetings and consultants.

Paying outside help to have to read and learn our systems adds time and expense to the overall effort. We already have people who know at least part of our system, and should certainly be able to (and should certainly have the time for) this initial analysis of “plan vs bylaws”.

This initial analysis might well not seek to prejudge which are the “top misalignments” as described in the Blue Zones process, but will seek to identify an array of these perceived or actual misalignments for Planning Commission consideration. It would then be up to the Planning Commission, with staff guidance, to begin to organize or prioritize these toward the larger regulatory overhaul to come (which will necessarily, as long agreed, need to clarify our processes as well as our regulations). Indeed, there are many “misalignments” within the zoning ordinance and subdivision regs themselves that will be identified and untangled. So it’s not just misalignments cast as “plan vs bylaws”, but also internal misalignments, being “bylaws vs bylaws”.

Another key aspect of this overall work effort will necessarily include breaking down silos and seeking interrelationships or potential synergies between solutions to issues or concerns raised by various interests. Individual entities may believe that their particular area of interest is of singular importance that must be addressed immediately, or as we’ve heard before, are believed to be long overdue. These tend to be presented without fuller consideration of other perceived or actual priorities, and without fuller consideration of the interactions or potential synergies with other priorities or interests, or other essential aspects of workflow.

Philosophically speaking:

The Planning Commission is the *de facto* “hub” of the municipal wheel, with all of the other entities representing the “spokes”; yet a wheel only rolls smoothly if all of the spokes are working together and pulling together with balanced tension, and if the hub is functioning properly to tie all those tensions together to help propel the wheel forward.

In summary:

I recommend that:

The Planning Commission adopt the “two step” approach as proposed by PC member Marla Keene;

The Planning Commission assign Planning and Zoning staff, led in this matter (and with the primary work assigned to) by Planning Coordinator Aaron DeNamur, to take on step 1 and report back to the PC by a date certain to be set by mutual agreement; and

Upon analysis of that work product and with greater clarity and understanding of the challenges illuminated, then issue an RFP for consulting assistance for the step 2 regulatory overhaul.

I also recommend that as discussed conceptually by both the Planning Commission and Selectboard, a request be submitted to the ARPA committee for a \$50,000 allocation toward that regulatory overhaul. It would provide the kind of tangible, long term benefit for which ARPA funds are ideally used, and would also serve as a useful placeholder in the overall capital budgeting process, whether ultimately funded by ARPA or other sources.

Thank you. I hope you find this information helpful.