



# *Town of Shelburne, Vermont*

PLANNING COMMISSION MEETING AGENDA  
SHELBURNE TOWN OFFICES, 5420 MAIN STREET  
**THURSDAY, OCTOBER 28, 2021**  
IN PERSON MEETING; ZOOM OPTION DETAILS BELOW

**PLEASE NOTE CHANGE BACK TO REGULAR MEETING DAY**

Join PLANNING COMMISSION Zoom Meeting

<https://us02web.zoom.us/j/81610288796?pwd=dzZxWm1HTFVaT0pRZzBOSTBCUStHdz09>

Meeting ID: 816 1028 8796; Passcode: pt855F

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: 816 1028 8796; Passcode: 576333

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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 14, 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. Continued discussion of priorities going forward</b>      | <b>7:15 P.M.</b> |
| <b>7. Form based zoning, issues and concerns</b>                | <b>8:00 P.M.</b> |
| <b>8. Other business</b>  | <b>8:30 P.M.</b> |
| <b>9. Adjourn</b>   | <b>8:30 P.M.</b> |

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING**

**October 14, 2021**

**\*Hybrid meeting held in-person and via teleconference.**

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

**STAFF PRESENT:** Nini Anger, Executive Assistant; Adele Gravitz, newly hired Planning Director.

**OTHERS PRESENT:** Members of the public participating in the meeting included Patrice Tabo, David Palmer, Ann Hogan, Robilee Smith, Kevin O'Brien, Media Factory.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (9/23/21)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Strategic Planning Session - Priorities Going Forward
7. Municipal Planning Grant Proposal
8. Other Business/Correspondence
9. Adjournment

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**1. CALL TO ORDER**

Chair, Steve Kendall, called the hybrid meeting to order at 7 PM and held rollcall.

**2. APPROVAL OF AGENDA**

**MOTION** by Stephen Selin, **SECOND** by Deb Estabrook, to approve the agenda with the amendment to address the grant application prior to the strategic planning session. **VOTING: unanimous (7-0); motion carried.**

**3. APPROVAL OF MINUTES**

*September 23, 2021*

**MOTION** by Neil Curtis, **SECOND** by Jean Sirois, to approve the minutes of 9/23/21 as presented. **VOTING: 5 ayes, 2 abstentions (Deb Estabrook, Stephen Selin); motion carried.**

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

None.

**5. OPEN TO THE PUBLIC**

➤ Robilee Smith and Kevin O'Brien confirmed the Planning Commission received the letter they submitted with suggestions on the town plan review and priorities. Steve Kendall said the information will be included on a future agenda.

- Adele Gravitz, Shelburne's new planning director, mentioned her career in placemaking and expressed appreciation for being selected for the position. Ms. Gravitz said she is excited to be able to help move the town forward.

## 6. MUNICIPAL PLANNING GRANT PROPOSAL

Steve Kendall mentioned prerequisites are required to apply for 'downtown' status and for Shelburne the organizational framework is one of the missing pieces. The grant money would be used to hire a consultant to help the town create the organizational framework.

Patrice Tabo and David Palmer, members of Shelburne Business & Professional Association, mentioned that SBPA has over 70 business members and does many promotional events and activities and acts like a chamber of commerce for the town. SBPA would like to be involved with the downtown designation endeavor.

Neil Curtis mentioned Vergennes formed a partnership to pursue downtown designation.

**MOTION by Stephen Selin, SECOND by Deb Estabrook, to support having the Town Manager move ahead with the grant application to pursue downtown designation for the Town of Shelburne and hire an economic development consultant. VOTING: unanimous (7-0); motion carried.**

## 7. STRATEGIC PLANNING SESSION – PRIORITIES GOING FORWARD

Following discussion, the Planning Commission listed items of priority including:

- Community development
- Streamline, reduce redundancy, reduce contradictions in the regulations
- Confirm sewer service district boundary is in line with where growth is occurring
- Use design review criteria with guidelines for all development along the Route 7 corridor
- Make needed adjustments in form based code
- Bike/ped connections
- Simplify (uncomplicate) language in the bylaws
- Work toward a unified bylaw concept
- Eliminate form based zoning as an overlay and have each district in town covered by either conventional zoning or form based code, or merge conventional zoning and form base code into one set of zoning regulations
- Educate the public about the Planning Commission process with the town plan and zoning regulations
- Review recommendations in the town plan to determine what can readily be accomplished; begin with recommendations for the village core and move outward
- Determine priorities and identify which regulations do not support the priorities; show town support for conservation of priority areas
- Do an economic impact analysis of development on a town-wide basis
- Determine if action items in the town plan support each other
- Request funds in the budget for a consultant to work on a unified bylaw

- Have an aligned view of where the town is going
- Work on one section of the town plan and the cross-references at a time
- Energy/climate issues

**8. OTHER BUSINESS/CORRESPONDENCE**

None.

**9. ADJOURNMENT**

**MOTION by Stephen Selin, SECOND by Deb Estabrook, to adjourn the meeting.**

**VOTING: unanimous (7-0); motion carried.**

The meeting was adjourned at 8:38 PM.

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The topics below were all suggested in the October 14 meeting:

- Community development
- Streamline, reduce redundancy, reduce contradictions in the regulations
- Confirm sewer service district boundary is in line with where growth is occurring
- Use design review criteria with guidelines for all development along the Route 7 corridor
- Make needed adjustments in form-based code
- Bike/ped connections
- Simplify (uncomplicate) language in the bylaws
- Work toward a unified bylaw concept
- Eliminate form-based zoning as an overlay and have each district in town covered by either conventional zoning or form-based code, or merge conventional zoning and form base code into one set of zoning regulations

- Educate the public about the Planning Commission process with the town plan and zoning regulations
- Review recommendations in the town plan to determine what can readily be accomplished; begin with recommendations for the village core and move outward
- Determine priorities and identify which regulations do not support the priorities; show town support for conservation of priority areas
- Do an economic impact analysis of development on a town-wide basis
- Determine if action items in the town plan support each other
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- Energy/climate issues

For the moment, we'll hold off on discussion of form-based zoning, as that's the next separate topic unto itself.

As for the rest, it's always an interesting process and discussion to take a long list of ideas and then formulate them into a useful, strategic workplan. Some topics are inherently similar; others may offer synergy if tackled together; some may be underway by other means; some may be simpler; others are complex and quite consumptive of our limited time, energy, and resources.

So how best to proceed? Sometimes it's 'check off the boxes' on the matters easiest to address; sometimes it's thought to tackle the single biggest problem that keeps getting put off; sometimes it's thought best to pursue the 'best bang for the buck' – what would make the biggest positive impact with the least overall effort?

I suggest first deciding whether there are Town Plan goals that might be pursued; in particular, whether there may be non-regulatory ideas or projects you'd like to take on. So often, planning is simply synonymous with zoning and regulation, and it can be forgotten that there can be more to planning than just rulemaking. I'm not suggesting we do more studies; there have been plenty of studies done here that have not necessarily been implemented – interestingly and ironically, in cleaning out the planning office, I found a number of bike/ped, RT 7/Village, and even economic development studies that had rarely, if ever, been mentioned even as we have pursued (or are pursuing) these very same issues anew. That said, as I've learned in my past, it can be very helpful to take a fresh look at how a sewer service district interrelates with zoning districts and the intended purposes, and whether these support or conflict with each other. It's not a complicated endeavor, and can be quite illustrative of the interplay between separate but inextricably interrelated municipal programs. It should be no surprise that if higher density is encouraged closer to the core, then our water and wastewater (especially the latter) service districts should align with those districts and goals (as politically charged as this always becomes).

As for bike/ped connections, the new connectivity study is about to launch with the regional planning commission and our own bike/ped groups, so that one will take care of itself. We'll keep the PC informed, and you're welcome to be as involved as you wish, but it doesn't necessarily require the PC's active effort to pursue.

All that said, if the PC's priority is to continue tackling regulatory reform, there is no lack of possibilities. We did well in the first round of "process" amendments, which I hope will have been adopted by the Selectboard by the time of our meeting on Thursday evening. If continuing this work is the selected priority, then it's the question of "where do we go from here?". Form-based code raises many questions, and we'll take those up shortly.

NRCC has its own issues and concerns which they raise frequently. Certainly, continuing to simplify the zoning bylaw is a worthy goal. Unifying zoning and subdivision regs should not be a heavy lift if effort were laser-focused in that direction. Simplifying/eliminating needless matters like the several pages of rules currently in place just for signs on our own playing fields would be easy to do. I have to believe these could be streamlined to a single paragraph at most. I'm sure there are many other similar parts of the zoning ordinance that would benefit from that type of fresh look. Revisiting the rules for the Shelburne Green area (Commerce and Industry South) has been mentioned as needing attention as well.

In the end, everything is important to someone somewhere. While open and spirited dialogue is good, it's also important to avoid 'paralysis by analysis' or getting lost in the weeds. Our collective goal should eventually be to make decisions and set sail, so we have direction and a course of action to pursue. It could, but need not, necessarily be decided tonight.

## **7. Form based zoning, issues and concerns**

**8:00 P.M.**

As for form-based code, that's a big issue in its own right. Significant time and resources were spent to create this bylaw on the theory of incentivizing (re)development on the RT 7 corridor north of town. To date, it's gained little traction. Some suggest the problem is that it's optional; others suggest it's simply far too complicated. As one person noted in David Leckey's economic development analysis, you can't create a separate 125-page rulebook and claim you simplified the process.

In my own opinion, our version of form-based zoning is indeed too complicated. There are multiple subzones ("character districts"), each with its own separate subset of allowable building types and other prescriptive standards, and each with its own subset of land uses that are allowed in these various building types. And DRB review is still required. A purer form-based code is not concerned with land uses, and allows administrative review. I'm not suggesting that we likely have the bandwidth or interest in pursuing wholesale changes to this, but if I'm off base on that, it might help better promote achievement of its intended goals.

To be sure, we've had limited experience to date with form-based project. Clint West's carpet cleaning business was the first. With all due respect, I'm not sure that this architectural design is what we'd like to replicate on the corridor, but it did meet our prescriptive standards. It has some odd architectural features, has an unfortunate array of utility connections highly visible on the north wall that ideally would have been hidden or blended better into that façade; and sits so close to the street that the building and landscaping will get hammered every winter by snow, salt, and ice. However, that project benefited from the increased residential density granted in form-based code. There are six apartments on the second floor that were rented almost immediately, and to my knowledge, have created no adverse impacts.

David Shenk's new proposed assisted living facility next to the Dutch Mill also benefits from that density increase. However, I'm not sure we're seeing the dramatic architectural and site enhancements that are typically a foundational driving force of form-based code.

If we really wanted increased density and stronger architectural form, it would have been simpler to just increase density allowances for certain desired land uses, and then adopt design review on the corridor, with simple, clear design guidelines to help.

Indeed, another bylaw change sought by HPDRC is to do just that: expand design review to the entire RT 7 North corridor. How and whether that would interface with form-based code is an interesting question.

On the other hand, as you saw in a recent letter to the PC, others now question the density increase allowed by form-based code. The specific case of concern is the six-acre parcel behind the chiropractor's office at RT 7 and Clearwater Road. Here, with a parcel of that size, whether anticipated or otherwise, it appears to potentially allow 100+- dwelling units, where far fewer than that would be permitted under 'regular' zoning.

So while the form-based density increase worked well at the carpet shop and for the prospective new assisted living facility, it is now raising questions and concerns from the neighbors of that proposed project.

As always, key to Planning Commission consideration is whether this is a site-specific challenge (i.e., the “wake up call” that often arises upon a specific project proposal), or is this a more broad-based concern with the bylaw generally; and also as always, no matter which this is, whether that makes it a priority need for action. As you know, even if the PC could change this rule overnight, it would not affect the present case about which neighbors are concerned. That project is being reviewed under the present rules as they exist today.

This is all more than I had intended to write with regard to the matters before us, but I hope it helps to illuminate some of the possible topics before us, and how we might consider these in determining a course of action.

**8. Other business**

**8:30 P.M.**

**9. Adjourn**

**8:30 P.M.**