

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  
February 27, 2020**

**MEMBERS PRESENT:** Jason Grignon (Chair); Kate Lalley, Neil Curtis, Stephen Kendall, Jean Sirois, Stephen Selin. (Megan McBride was absent.)

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

**OTHERS PRESENT:** Elsa Bosma, Diana Reilly, Bob Rowe, Dave Curley, Tom Anderson, Al Marlow, Sean Moran, Julie Gaboriault, Joyce George, James Proft, Tod Warner, Gail Albert, Ross Mohn, Flo Fooden, Eileen Warner, Susan McLellan, Clare MacNeil.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (2/13/20)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Issue of Concern to Northern Neighborhoods
7. Zoning Topics
8. Other Business/Correspondence
9. Adjournment

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**1. CALL TO ORDER**

Chair Jason Grignon called the meeting to order at 7 PM.

**2. APPROVAL OF AGENDA**

**MOTION** by Stephen Kendall, **SECOND** by Stephen Selin, to approve the agenda with the addition of an appointment to the Housing Subcommittee. **VOTING: unanimous (6-0); motion carried.**

**3. APPROVAL OF MINUTES**

*February 13, 2020*

**MOTION** by Stephen Kendall, **SECOND** by Stephen Selin, to approve the minutes of 2/13/20 as written. **VOTING: unanimous (6-0); motion carried.**

*February 13, 2020 – TRB minutes*

Postponed to 3/26/20.

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

None.

**5. APPOINTMENT: Housing Subcommittee**

Jason Grignon announced the appointment of Julie Gaboriault to the Housing Subcommittee.

## **6. OPEN TO THE PUBLIC**

Sean Moran, President of the Lakeview Cooperative, said he would like to comment on the project by Champlain Housing Trust.

## **7. ISSUE OF CONCERN TO NORTHERN NEIGHBORHOODS**

Dean Pierce gave a brief overview of the basis for planning and regulations and explained reasons to have a comprehensive plan (to have zoning, subdivision, and flood hazard regulations, and to have the ability to apply for grants). The town's legislative bodies (selectboard, planning commission, development review board) and their function were also reviewed. Dean Pierce pointed out the town's comprehensive plan addresses housing and there are housing regulations in state statute that mandate equal treatment of housing types. The town plan provides guidance on housing including the need for affordable housing and where this is located. There is a public hearing process which provides opportunity for the public to make comment on zoning and planning issues.

### *COMMENTS*

Sean Moran, Lakeview Co-op, spoke of the need for affordable housing in Shelburne and in support of the Champlain Housing Trust proposal, though it is not certain more mixed use development is needed. Also, the CHT development should be moved farther back from Route 7 and there is concern by residents of the Lakeview Co-op about continued use of the access road.

Gail Albert, Shelburne resident, spoke in support of the CHT proposal and affordable housing.

Elsa Bosma, Oak Hill Road, asked if there are rules on the percentage of low income or affordable units or retail space. Jason Grignon said the housing section of the town plan has goals for affordable housing. Dean Pierce noted Shelburne does not have 'inclusionary zoning'. Within form based zoning there is the idea that buildings will have an active use on the ground floor such as retail and another use such as housing above.

Diana Reilly, Summit Circle, spoke in support of not changing the zoning for the CHT proposal and having inclusionary zoning with low and moderate income housing to help young professionals remain in the area. Also, the CHT building should be moved farther back from Route 7.

Joyce George, Summit Circle, expressed concern for high density residential housing for the following reasons:

- In violation of the node in form based zoning and regular zoning
- Increases the need for more schools
- Tax increases
- Increases demand on town and school services

- Impact on quality of life
- Noise

Joyce George said a marketing plan for Route 7 is needed to avoid random development. High value commercial development is needed. The Planning Commission is asked to disapprove the CHT project and hold all developers to the regulations in form based code or regular zoning. The CHT project should be redesigned so the building close to Route 7 contains retail and the building in back is residential. Shelburne has many affordable housing units already. CHT should offer single family units that are affordable. Jason Grignon clarified the Planning Commission does not approve any development projects. Dean Pierce pointed out form based code allows 33 units on a parcel the size of the former bowling alley lot and allows more than one building on a parcel so CHT is not asking for an exception. In addition, form based code requires buildings to be closer to the road. CHT wanted their building to be farther back. Aligning the access road to the intersection at the traffic light by Martindale would bisect the project. The removal of the node is one of the changes to form based code forwarded to the Selectboard and this was done prior to receiving the proposal by CHT. There were other changes to form based code suggested by CHT that have not yet been discussed by the Planning Commission.

Ross Mohn, Oak Hill Road, expressed concern about removal of the node because it is an ideal place for a node. The area is active with commerce, offices, and a deli. The entrance to the CHT lot could be moved south of the site. Kate Lalley explained the change to the node was to provide flexibility with development of the odd shaped lot and the next node was very close (only 2/10<sup>th</sup> of a mile away).

Eileen Warner, Oak Hill, said removal of the node is a surprise because residents like the commercial uses there. Retail and service oriented businesses are coming back. Kate Lalley said a study was done to determine why service based businesses are working in Shelburne.

Susan McLellan, Falls Road, confirmed a developer can decide whether to use form based code or regular zoning with their development.

Jason Grignon mentioned the Selectboard has set aside funds for economic development in town. The public is urged to express their ideas and suggestions on form based zoning issues to the Selectboard.

## **8. ZONING TOPICS**

### *PUD Buffer*

There was discussion of revising PUD buffer requirements to allow fences and retaining walls which would address the request by the Automaster. The Planning Commission also discussed whether a PUD buffer is needed.

### *COMMENTS*

Gail Albert, Shelburne Natural Resources Committee, urged looking at the larger impact of changing the PUD buffer requirements and to avoid doing 'spot zoning'. The purpose

of the retaining wall or fence should be defined so the DRB can decide if the request to locate in the buffer is reasonable.

Kate Lalley said a fence or retaining wall height of 4' is acceptable. Stephen Selin said a fence should be allowed on the perimeter of a parcel to eliminate upkeep of the area between the property line and the fence (i.e. the 50' buffer). Following further discussion there was agreement 'fence' and 'retaining wall' can be added to the list of items allowed in the buffer. Minor edits were made to Section 1980.10 Retaining Walls (correct spelling of "Except" in Section 1980.10.A and begin the second sentence in Section 1980.10.D with "Retaining walls more than 2' from the property line..."). Retaining walls can be 4' in height, but not exceed 12' in height, and the wall can be terraced. Clarifying language will be added to state that lakeshore erosion control structures are excluded.

The Planning Commission will add the PUD buffer revisions to a future agenda.

#### **9. OTHER BUSINESS/CORRESPONDENCE**

None.

#### **10. ADJOURNMENT**

**MOTION by Neil Curtis, SECOND by Stephen Selin, to adjourn the meeting.**

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

The meeting was adjourned at 9:30 PM.

*RScty: MERiordan*