

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 DEVELOPMENT REVIEW BOARD. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

**TOWN OF SHELBURNE
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
January 4, 2023**

MEMBERS PRESENT: Mark Sammut (Chair); John Day, Mike Major, Allyson Myers, Bob Glover, Zeke Plante, David Hillman. (Anne Bentley was absent.)

STAFF PRESENT: Kit Luster, DRB Coordinator; Aaron DeNamur, Planning Coordinator & Assistant Zoning Administrator; Ken Belliveau, Planning consultant.

OTHERS PRESENT: Steve Kendall, Rowland Davis, Jim White, Victoria Bennett, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Discussion: DRB Input on Bylaws
4. Other Business
5. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the meeting to order at 7 PM.

2. PUBLIC COMMENTS

None.

3. DISCUSSION: DRB Input on Bylaws

Aaron DeNamur reviewed his memo which covered:

- Structural/organizational changes to help the bylaws be more understandable and easier to read
- Policy between the bylaws and town plan such as with density in Growth Area 1 versus Growth Area 2)
- An RFP has been drafted for a consultant to assist in drafting a unified bylaw for the town

The DRB discussed the following:

- The Planning Commission decides on the bylaws, not the DRB.
- Simplifying the bylaws and shortening the document would be good.
- Coordination between the bylaws and town plan must be ensured.
- The code must be explicit and if there is intent to have something applied then that should be stated in the bylaw.
- If latitude is going to be allowed, then that should be stated in the bylaw.

- It is universal to need to update zoning regulations following an update of the town plan.
- The town plan typically has a long list of items to do, but it is rare for a town to complete the list.
- The focus should be to update the regulations.
- If waivers are to be granted then there should be parameters on what the waiver is for and the criteria.
- The bylaws need to be as simple to understand as possible.
- Eliminate contradictions within the bylaws.
- Have policies and the process be more precise so decisions on applications are not vague.
- Do not layer local regulations on state regulations that address the same issue.
- Do not replicate state regulations; avoid redundancy.
- It is unusual to have the administrative rules mixed in the zoning document rather than right at the start of the document.
- Hyperlinks to anything referenced in the zoning document are needed so the information is easier and quicker to find.
- The regulations have not changed much since 1963 so a wholesale update and reorganization of the document should be done.
- The regulations should outline the steps for the applicant.
- The subdivision regulations should be rewritten or consolidated into one document so all regulations are in one place.
- How the amount/frequency of steep slopes is calculated needs to be reviewed because land with steep slope can be developed with good results.
- With the update of the town plan expect a zoning rewrite so the zoning regulations comport with the town plan.
- Call out where waivers can and cannot be granted.
- A master plan needs to be done for sidewalks in town.
- Clarity is needed on following recommendations from the town's committees.
- Consultants who work with developers in Shelburne should be asked for feedback on the bylaws.
- Applicants should have clear direction on what the DRB is looking for and compliance to the bylaws.

There was discussion of the role of Shelburne Historic Preservation & Design Review Committee in review of applications, and extending design review down the Route 7 corridor. There was also discussion of form based code and the disconnect between what is allowed by form based code and residents having no idea what is allowed and that the DRB cannot stop the development if all the criteria are met. There was mention of having a choice of zoning codes to follow (form based or conventional) and that having

two codes is not a good idea. The town needs to look at what aspects of form based code are wanted and where, and have only one code to follow.

Comments from the public included:

- Simplify the code
- Have references to the town plan and bylaws adjusted in accordance with town plan goals
- Allow latitude with guidance for the DRB
- Allow waivers with conditions and guidance on the conditions
- Add to the regulatory structure (e.g. reference to mapping tools) to help the process be more effective, not just be more efficient, and to help the DRB make a decision on an application
- Have strict rules on aesthetics
- Enforce the zoning regulations
- Bylaws need to conform to the goals in the town plan

It was noted that some items in the town plan, such as solar panels and power, are not addressed in the bylaws (the wording says “encourage” which makes it difficult to require and could potentially lead to a legal battle).

4. OTHER BUSINESS/CORRESPONDENCE

Next Meeting(s)

January 18, 2023 – regular DRB meeting (one application for multi-family housing under form based code)

Meeting Format

Following discussion, the DRB concurred with continuing the hybrid meetings.

5. ADJOURNMENT

MOTION by Mark Sammut, SECOND by John Day, to adjourn the meeting.

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

The meeting was adjourned at 8:34 PM.

RScty by tape: MERiordan