

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
January 11, 2024**

***Hybrid meeting.**

MEMBERS PRESENT: Jean Sirois, Marla Keene, Jeff Hodgson, Stephen Selin, Shawn Sweeney. (Steve Kendall and Tom Karlhuber were absent.)

STAFF PRESENT: Aaron DeNamur, Planning Director.

OTHERS PRESENT: Sylvia Maille, Bernie Guillmette, Claude LaPierre, Andy LaPierre, David Webster, Robin Jeffers, Fritz Horton, Ken Albert, Gail Albert, Mark Capeless, Pete Serisky, Sarah Roy, Ruth Hagermann, Joyce George, Dorothea Penar, Brandy Saxton, Rod Francis, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (12/14/23)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Review/Discuss: Draft Zoning Map and Draft Article 3
7. Other Business
8. Adjournment

1. CALL TO ORDER

In the absence of Chair, Steve Kendall, Jean Sirois facilitated the meeting and called to order at 6:30 PM.

2. APPROVAL OF AGENDA

MOTION by Stephen Selin, **SECOND** by Jeff Hodgson, to approve the agenda.

VOTING: unanimous (4-0)[Marla Keen not present for the vote]; motion carried.

3. APPROVAL OF MINUTES

December 14, 2023

MOTION by Jeff Hodgson, **SECOND** by Shawn Sweeney, to approve the minutes of 12/14/23 as presented. **VOTING: 4 ayes, one abstention (Jean Sirois); motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

None.

6. REVIEW/DISCUSS: Draft Zoning Map and Draft Article 3

Consultants, Brandy Saxton and Rod Francis, noted the website has been updated, the email list is up to 134 people, and four neighborhood meetings are scheduled. Cindy Cook and Aaron DeNamur are working on the specific details of the meetings.

The draft zoning map and draft language in Article 3 were reviewed. The following was discussed:

- Village 2 District – Concern was expressed about dimensional standards (setbacks) and maximum lot coverage. The system is creating the opportunity for small infill to occur, but not large infill where buildings are torn down. The lot coverage standards are set at the upper limits without altering the character of the area. The consultants will provide examples of this.
- Stormwater management with the greater density – The consultants noted there is tension between the state stormwater rules and more compact, denser development. This will have to be addressed at the state level.
- Shelburne Road 1 District – Uses in the SR-1 District were reviewed. Auto sales and service as well as garden center is encompassed under the ‘retail’ umbrella.
- Shelburne Road 2 District – Uses in the SR-2 District were reviewed. It was noted the definition of uses, such as “transportation assembly”, will explain why the designation is a permitted or conditional use.
- Residential Neighborhood District – Up to a four unit dwelling is permitted. It is a requirement of Act 47 to allow this.
- Residential Shoreline District – No comments/questions.
- Business & Industry District – It was noted splitting the large lot off Executive Drive needs further discussion. Discussion of the best zoning district for the airfield was tabled to a future meeting.
- Rural Residential District – Permitted and conditional uses in the district were reviewed. There was discussion of worker housing being conditional rather than a permitted use (conditional use allows conditions of approval to be applied). There was discussion of “accessory short-term rental” and owner occupied versus the owner not living in the house. The town needs to decide the policy for renting a house that is not owner occupied. There was discussion of permitted and conditional non-residential uses in the district. It was noted that the 10% lot coverage limit helps determine what can occur on a lot. There was mention of cannabis manufacturing under ‘food & beverage manufacturers’ and ‘light industry’. The consultants suggested cannabis manufacturing be included in a similar category of non-cannabis uses.
- Rural Heritage & Tourism District – It was noted the district encompasses the large land parcels that the town enjoys, such as Shelburne Farms.
- Rural Resource Protection District – It was noted the district encompasses conserved farmland and the land around Shelburne Pond. Concern was expressed about the 10-acre requirement when people do not want to change the five-acre requirement. The consultants noted the density was increased and a duplex could be built on five acres. Further discussion by the Planning Commission is needed.

- Open Space & Recreation District – Concern was expressed about parking being a use in the district.

PUBLIC COMMENTS

Mark Capeless questioned if the sewer service line to define the district boundary is the best approach, specifically on Spear Street. The consultants pointed out the designation using the sewer line placement is per the town plan and sewer ordinance. The Planning Commission must decide whether to change the town plan or sewer ordinance if the line is not used.

Gail Albert asked for clarification of the definition of “specialized housing”. The consultants explained specialized housing is congregate housing generally not subject to licensure. Gail Albert also asked how the five acres requirement in the Rural District supports land conservation. The consultants pointed out language could be drafted that allows flexibility for lot size and frontage when land is being conserved.

David Webster stated existing front yard setbacks in the village are greater than 10’ and the bylaws should be in sync with this. There is concern about changing the nature of the village with increased density. The consultants said the town plan has statements in support of keeping the village as the center of town and having growth occur in the Shelburne Road area; this is what the bylaws state. Stephen Selin commented there is concern the language incentivizes tearing down structures that are not contributing to the historic nature of the village. There could then be built much taller structures which would change the nature of the village so care must be taken in setting lot coverage and setbacks. The consultants said the numbers can be set at the lowest level to retain the character of the village.

Dorothea Penar expressed concern about potential conflict between the bylaws and design review guidelines, and that increasing density is an incentive to tear down existing buildings which will impact the village.

Joyce George stated drawings of lot size and structures that can be used to determine lot coverage can be found in the Assessor’s Office.

Ken Albert commented a diligent job has been done working with Act 47 on the kinds of development and actions on different lots in different districts. The sewer line on Spear Street should be the designation of the district so people can drive down a busy road yet still see the Vermont landscape.

Pete Serisky expressed concern that more density per acre is being allowed with the bylaws than what is required with Act 47. The consultants explained the intent is to increase housing that fits compatibly into the neighborhood.

Don Randall pointed out if Kwiniaska and the marina are not included in the Open Space & Recreation District then that is the conservation zone that exists today. The consultants assured conservation protections are not being removed. Any parcel that is conserved or

has existing legal instruments will not be impacted. Land that is open space set aside as part of a subdivision is not part of the Open Space & Recreation District.

Bernie Guillmette spoke against the 10-acre requirement in the Rural Resource Protection District.

Sylvia Maille mentioned her family has owned their farmland for 105 years and is the last operating dairy in the town and should be protected by the bylaws.

7. OTHER BUSINESS

Meeting Schedule

January 25, 2024 - Joint Meeting with SNRCC re: regulatory protection of habitat loss identified in the Arrowwood Report; listening session

February 8, 2024 – Continued review of the bylaw rewrite

Neighborhood Meetings

Advertisement of the upcoming neighborhood meeting(s) has been published in the *Shelburne News*.

Stormwater Coordinator

A stormwater coordinator for the town has been hired.

8. ADJOURNMENT

MOTION by Shawn Sweeney, SECOND by Jeff Hodgson, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:07 PM.

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