

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

January 28, 2021

***Meeting held via teleconference.**

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

STAFF PRESENT: Dean Pierce, Planning Director.

OTHERS PRESENT: Gail Albert, Mike Ashooh, Mark Sammut, David Hillman.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (1/14/21)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Regulatory Reform
7. Other Bylaw Issues
8. Other Business/Correspondence
9. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION by Stephen Selin, SECOND by Megan McBride, to approve the agenda as presented. VOTING: unanimous (7-0); motion carried.

3. APPROVAL OF MINUTES

January 14, 2021

MOTION by Steve Kendall, SECOND by Jean Sirois, to approve the minutes of 1/14/21 as presented. VOTING: unanimous (7-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Neil Curtis mentioned he is considering constructing an outbuilding close to his property line.

5. OPEN TO THE PUBLIC

None.

6. REGULATORY REFORM

The Planning Commission continued discussion of the comments from the Town Manager on regulatory reform:

Streamline the DRB Process

Staff provided suggested language to give the DRB flexibility to make the classification of an application as a major or minor subdivision after looking at the definition and the scope of the project which could potentially decrease the number of steps in review of a major subdivision application.

David Hillman, DRB Chair, said having only Sketch and Final Plan review will accomplish the same as having a third step (Preliminary Plan review). If there are findings with a project then the applicant must return to the DRB for review. Sketch Plan review should be retained because it is an opportunity to make the applicant aware of any pitfalls with their project. The applicant could be given the choice to combine Preliminary and Final Plan review. Many applicants provide a lot of detail at Preliminary Plan review and if the comments from the DRB are addressed for Final Plan review then the application will likely receive approval.

Dean Pierce noted if there are only two steps of review, Sketch and Final, there could be a longer time span between the reviews in order for the applicant to gather all the needed input.

Mark Sammut, DRB Vice Chair, suggested making Sketch Plan review optional and letting the developer determine how much investment is made in the site plan to be submitted. If an applicant chooses to do a two step process and the DRB feels all details have not been addressed then review of the application by the DRB will be continued.

Gail Albert, Shelburne Natural Resources Committee, urged getting input from the various town committees, such as the Shelburne Natural Resources Committee, early in the process before investment in the project plan is made by the developer. Dean Pierce agreed meeting with the Shelburne Natural Resources Committee could be advanced in the review timeline. It is not a requirement that an application be reviewed by the Natural Resources Committee though staff advises each applicant to do so.

Stephen Selin expressed concern about potentially eliminating opportunity for neighbors to comment on a project before the developer goes too far in the planning process. The DRB should decide how many steps of review a project should have.

Jean Sirois stated the town should find ways to speed up the process for the applicant. The onus is on the applicant to have a complete application. Dean Pierce said there could be options that vary by location in that the process could be faster where there is uniform agreement on where development should occur.

Stephen Selin mentioned property line adjustments being handled administratively. David Hillman said applications should be handled administratively whenever possible.

The Planning Commission was in support of the language suggested by staff giving the DRB discretion to classify an application as a major or minor subdivision and decreasing the number of steps in the review process. Dean Pierce suggested language should be

added to allow PUD applications to have a two step review process rather than a three step process. The Planning Commission concurred.

On-the-Record Review

The Selectboard will decide whether to maintain on-the-record review.

Eliminate Fences as Prohibited Structures in a PUD Buffer

Dean Pierce suggested the DRB should be given the authority to allow a fence in the PUD buffer as part of the approval process or the applicant could request amendment to the PUD rule (Section 1930.1.C).

Gail Albert mentioned the work by the animal co-existence subcommittee and the concern about fences. The letter from Don Randell will be forwarded to the Planning Commission.

The Planning Commission discussed having PUD buffers remain in the Rural District and Conservation District, and having review of an application by the Shelburne Natural Resources Committee as part of the review process.

There was discussion of ways to track and communicate problem areas with the zoning regulations such as having a “see-click-fix” tool for zoning issues.

Opportunities to Simplify and Expedite the Review Process

There was continued discussion of making the review process go faster and streamlining the workload on staff while still maintaining a complete record on an application. Important components on applications before the DRB are the conclusions, conditions of approval, and the decision itself. There was discussion of having written decisions versus the motion recorded in the minutes of the meeting to be approved by the DRB. All decisions are appealable and on-the-record. NAPA and on-the-record requirements dictate what needs to be in the record. The “Memo of Municipal Action” indicates a decision was made on a property. Meeting minutes are stored in the town vault. Decisions are kept in the Planning & Zoning Office. Staff researches previous actions related to a property or project when drafting the staff report on an application.

There was discussion of tiny houses as an accessory apartment or as a separate application. Dean Pierce noted people have also inquired about having an accessory apartment and a tiny house. Whether a tiny house is fixed to the ground or mobile is a consideration.

David Hillman suggested finding out from applicants what the stumbling blocks are in the review process. Mike Ashooh said the Selectboard needs to hear what reforms are easy and doable and those that are more complicated. The impetus for the Selectboard is to reduce confusion, eliminate redundancy, create efficiencies, promote economic development, and take advantage of the resources the town has.

The Planning Commission will continue the discussion on regulatory reform items.

7. OTHER BYLAW ISSUES

The Planning Commission will discuss the list of regulatory reform items composed by Megan McBride and Stephen Selin at the next meeting. Dean Pierce said enforcement is an issue that needs to be addressed.

8. OTHER BUSINESS/CORRESPONDENCE*Survey Results*

Staff is working on a summary of the survey results that will show what people want, like and do not like about the town.

9. ADJOURNMENT

MOTION by Jean Sirois, SECOND by Steve Kendall, to adjourn the meeting.

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

The meeting was adjourned at 9:12 PM.

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