

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
April 14, 2022**

***Hybrid meeting.**

MEMBERS PRESENT: Steve Kendall (Chair); Marla Keene, Deb Estabrook, Jean Sirois, Stephen Selin.

STAFF PRESENT: Adele Gravitz, Planning Director.

OTHERS PRESENT: Members of the public participating in the meeting included Nancy Badami, Pete Serensky, Robilee Smith, Ann Hogan, Don Rendall, Tracey Beaudin, Shelley Crombach, Steve Baietti & Julia Ely, Jay Kelly, Brian Dempsey, Mike Ashooh, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (3/10/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Updates/Follow Up Items
7. Public Hearing: Conduct of Outdoor Business Activity
8. Qualifications of Planning Commission New Members
9. Selectboard Memo & DRB/PC Discussion
10. Other Business/Correspondence
11. Adjournment

1. CALL TO ORDER

Chair, Steve Kendall, called the hybrid meeting to order at 7 PM. Introductions were done.

2. APPROVAL OF AGENDA

MOTION by Deb Estabrook, **SECOND** by Jean Sirois, to approve the agenda as presented. **VOTING: unanimous (5-0); motion carried.**

3. APPROVAL OF MINUTES

March 10, 2022

MOTION by Deb Estabrook, **SECOND** by Jean Sirois, to approve the 3/10/22 minutes as presented. **VOTING: unanimous (5-0); motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Don Rendall, Shelburne Natural Resources Committee, requested the Planning Commission review the four items that the committee brought to the Planning Commission for consideration.

6. UPDATES/FOLLOW UP ITEMS

The following was noted:

- The meeting with the DRB and the Planning Commission is 4/28/22 to discuss the form based code overlay and other zoning issues.
- Adele Gravitz will discuss with the DRB the decision on using *Shelburne News* to post meetings.

7. PUBLIC HEARING: Conduct of Outdoor Business Activity Bylaw

Adele Gravitz gave background information on the outdoor business activity bylaw to help local businesses during the pandemic and the effort to make the bylaw permanent.

MOTION by Deb Estabrook, SECOND by Jean Sirois, to open the public hearing on the proposed Conduct of Outdoor Business Activity Bylaw and outdoor private space activation. VOTING: unanimous (5-0); motion carried.

Minor edits were made to Sections 3(b) & (c) to add language to say no additional parking spaces are required for outdoor seating or outdoor provision of services. There was public comment on use of the public sidewalk space for seating and maintaining a 5' wide walkway. Adele Gravitz clarified if a sidewalk is 8' wide, for example, three feet of the width can be used for seating.

MOTION by Deb Estabrook, SECOND by Jean Sirois, to close the public hearing on the proposed new bylaw: Conduct of Outdoor Business Activity. VOTING: unanimous (5-0); motion carried.

MOTION by Deb Estabrook, SECOND by Jean Sirois, to vote on the proposed Conduct of Outdoor Business Activity Bylaw (outdoor public/private space activation), and send the proposed bylaw to the Selectboard for consideration. VOTING: unanimous (5-0); motion carried.

8. QUALIFICATIONS OF NEW PC MEMBERS

The Planning Commission concurred with the qualifications for new members and where openings on the commission are posted.

9. SELECTBOARD MEMO & DRB/PC DISCUSSION

There was discussion of the memo from the Selectboard asking the Planning Commission to look at the zoning bylaws. Adele Gravitz suggested a consultant be hired to help look at the issues of concern noted in the memo. The consultant can help strategize a short term and long-term plan. The Planning Commission felt there should be a joint meeting with the Selectboard and DRB once a course of action is decided.

Comments covered the following:

- The Planning Commission is urged to address the Mixed Residential Character District in the Form Based Code Overlay in the short term and tackle more broad zoning reform later.
- The town needs to remedy the density and building height (40' tall with flat roof) issues allowed in the Form Based Overlay.
- Density was not the intent with form based code; it was form, attractiveness of the building, appeal in the corridor.
- Having the consultant learn the zoning bylaws and comprehensive town plan and understand the history of the town will take too long and allow development and irreparable change to occur which will transform the town.
- Documents are available and will be submitted to the Planning Office that outline the concerns with the Form Based Mixed Residential Character District and show where there are conflicts between the zoning regulations and the town comprehensive plan.
- A map showing the maximum density (worst case scenario) in the Form Based Overlay may be a helpful tool.
- Transitions, not density, are the point.
- Transitioning may slow the spread of density, but the density matter needs to be addressed before entire areas of the town are transformed.
- The Selectboard needs the Planning Commission's recommendations on the zoning issues and recommended actions.
- Removing form based code will eliminate problems.
- The move to form based zoning was to address what was happening on Route 7 under conventional zoning.
- The Selectboard should be pressed to reconsider interim zoning and pause form based zoning.
- The Selectboard should be asked to put a pause on applications in the Form Based Overlay Mixed Residential Character District until the consultant can provide answers.
- The Selectboard is asking to identify exactly what the problems are (density? Unintended consequences? Integration with surrounding neighborhoods?) and what can be done immediately, short term options, long term options.

Ann Hogan volunteered to work with staff to pinpoint where the problems are with form based code.

Steve Kendall suggested a two-track approach:

- Immediate need is the Mixed Residential Character District in the Form Based Overlay.
- Longer term need is to identify and address inconsistencies between the zoning bylaws and the town plan.

There was discussion of the scope of work in the RFP for the consultant including looking at the worst case scenario and what needs to be changed to avoid having this happen in the Form Based Overlay, determining the right approach to address the issues,

looking at the impact of suspending form based zoning. Staff will draft an RFP for review by the Planning Commission.

10. OTHER BUSINESS

None.

11. ADJOURNMENT

MOTION by Jean Sirois, SECOND by Deb Estabrook, to adjourn the meeting.

VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:14 PM.

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