

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
May 18, 2023**

***Hybrid meeting.**

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

STAFF PRESENT: Aaron DeNamur, Planning Coordinator.

OTHERS PRESENT: Rowland Davis, Don Rendall, Dorothea Penar, Jim White, Persis Worrall, Fritz Horton, Rosemary Sadler, Donna Millay, Brandy Saxton, Rod Francis, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (4/12/23)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Discussion: Consultant Report on Bylaw Review
7. Update from Planning Coordinator
8. Other Business
9. Adjournment

1. CALL TO ORDER

Chair, Steve Kendall, called the meeting to order at 7 PM.

2. APPROVAL OF AGENDA

MOTION by Stephen Selin, **SECOND** by Shawn Sweeney, to approve the agenda. **VOTING: unanimous (6-0); motion carried.**

3. APPROVAL OF MINUTES

April 12, 2023

MOTION by Stephen Selin, **SECOND** by Tom Karlhuber, to approve the minutes of 4/12/23 as presented. **VOTING: 5 ayes, one abstention (Marla Keene); motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Positive comment was made on working with Brandy Saxon.

Following a question on the opportunity for public input on the bylaw revision work by the consultants, Brandy Saxon explained the three phases of outreach: first, informing the public as to what is taking place, second, getting community feedback, and third, getting

feedback on the work that has been drafted. There will also be Planning Commission meetings where feedback/input will be welcomed.

6. DISCUSSION: Consultant Report on Bylaw Review

The consultants from PlaceSense, Brandy Saxon and Rod Francis, gave a progress report on the review of the town's bylaws, reported the website has been created, the email list has been started, and informal meetings scheduled beginning with the farmers market. The consultants noted the town plan was read against the regulations, the Homes Act, and the grant funding Shelburne received for the bylaw update. Key findings from the review included:

- The base density must be increased throughout the sewer service area (allow up to five dwellings/acre).
- Duplexes and multi-family housing must be allowed in more areas of town.
- Compact, walkable, connected development should be fostered in the growth areas (avoid “lollipops” and allow passage through open space between developments).
- Use of a complex approval process and excessive use of PUDs indicates problems in the bylaws (use Better Places Guide).
- The town has achieved its resource protection goals in the town plan, but needs to plan and regulate for the future.
- The regulations on stormwater management need to be updated (use GSI and LID techniques).
- In the form based code, duplicate modules should be eliminated and what the town wants to retain should be identified then integrated into the base zoning.
- Forward looking standards should be applied to site plan and subdivision components relative to vehicle use, multimodal transportation, allowing for expansion in housing choice, and minimizing impacts of future development.
- The town plan has many policy recommendations reflecting community expectations, but the scope exceeds municipal authority and capacity.

There was discussion/comment on the following:

- State requirements for wastewater and stormwater – The consultants noted the town can define where new sewer connections can be. That is a tool the town has. The Homes Act allows for increased density if sewer service is available, but a drastic increase in housing in Shelburne is not anticipated as a result of this. Cost to build/convert housing is a factor.
- Impact of subdividing a lot and creating a new lot without frontage, creating investment properties by allowing single family homes to convert to two unit rentals, short term rentals (Airbnb), duplexes, ADUs, all of which may not address the housing issue – The Planning Commission agreed further discussion is needed.
- The state altering the stormwater regulations if more lot coverage is being allowed with the new legislation – The consultants said it is unlikely the state will alter the regulations; it will be up to towns to manage their stormwater.

- Examples would be helpful when the consultants identify a problem, such as a purpose statement that can be improved.
- With regard to town staffing and resources, the town should not do less out of fear of not being able to achieve – Aaron DeNamur said staff has the capacity to achieve a lot if the bylaw is streamlined and simplified. Brandy Saxon added there are techniques and approaches available, such as third party review and streamlining the regulations, which help.
- Recommendations from the consultants getting the town closer to creating middle housing - Brandy Saxon pointed out zoning is not the only gate. There are other serious challenges so it is important the regulations are not creating a barrier and are doing all that can be done to get the desired outcome. The zoning document will guide how the community wants to move in a 20 year timeframe. Rod Francis added the regulations codify key quality of life amenity concerns along with responsiveness to environmental concerns such as stormwater and reducing dependence on single occupancy vehicle movements.

PUBLIC COMMENT

Rowland Davis urged keeping protection of natural resources strong in the new regulations. Rod Francis explained looking forward the town should think of resource protection from the standpoint of how the community will experience climate change including arrival of invasive species, and that should be in the foreground of what drives the resource protection effort.

Jim White stressed the importance of using the regulation revision to do what can be done to protect natural resources.

Dorothea Penar noted historic homes in the village should be protected from being torn down and replaced with higher density housing. Also, frontage requirements should be changed to allow houses to be built in a lot behind the historic homes, and an incentive could be given to preserve the historic homes. Runoff into the lake with greater housing density must be addressed as well.

Persis Worrall asked if the regulations are in compliance with the town plan on natural resources issues, and if the new housing bill conflicts with other legislation such as Act 171. Brandy Saxon said the town plan calls for expansion of resources protection and this needs to be upfront in the regulatory process.

Don Rendall suggested language/definition of open space and open space conservation land be clarified, distinguish between land with built characteristics on it and natural resources. The consultants agreed further refinement of terms is needed.

7. UPDATE FROM PLANNING COORDINATOR

- Planning commissioners are invited to join Aaron DeNamur at the table at the farmers market to discuss the zoning revisions.

- Planning staff will present the parade ground project to the Selectboard at the next Selectboard meeting.
- Forward any questions/comments for the consultants to Aaron DeNamur.

8. OTHER BUSINESS

Meeting Schedule

Next Planning Commission meeting is June 8, 2023

9. ADJOURNMENT

MOTION by Jeff Hodgson, SECOND by Tom Karlhuber, to adjourn the meeting.

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

The meeting was adjourned at 9:09 PM.

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