

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 PLANNING COMMISSION. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COMMISSION.

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

June 25, 2020

***Meeting held via teleconference.**

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

STAFF PRESENT: Dean Pierce, Planning Director.

OTHERS PRESENT: Dan York, Allyson Myers.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (6/11/20)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Options for Nonconformities
7. Statewide Legislative Matters
8. Updates
9. Other Business/Correspondence
10. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION by Megan McBride, **SECOND** by Steve Kendall, to approve the agenda as presented. **VOTING: unanimous (6-0); motion carried.**

TRB deliberative session will be held following the Planning Commission meeting.

3. APPROVAL OF MINUTES

June 11, 2020

MOTION by Deb Estabrook, **SECOND** by Jean Sirois, to approve the 6/11/20 minutes with the following amendments:

- **Remove the second incidence of “Stephen Selin” from MEMBERS PRESENT.**
- **Item #8, Other Business, bullet on Selectboard public hearing on interim zoning – rewrite second sentence to read: “As suggested by a member of the Selectboard the zoning may require businesses to carry insurance for tents for outside dining/activities.”**

VOTING: 5 ayes, one abstention (Steve Kendall); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Dan York, 34 Richmond Drive in the Longmeadow neighborhood, explained his plan to add a front porch to his house built in 1968, but he discovered the house is in the 30' setback. Planning staff mentioned different approaches such as seeking a variance or a waiver or asking the Planning Commission to consider changing the regulation.

Dean Pierce stated Section 2110.46 (Setbacks) is where revisions could be made.

6. OPTIONS FOR NONCONFORMITIES

Dean Pierce reviewed current language in the regulations pertaining to nonconforming structures and options for revision that would be consistent across districts, allow administrative approval of changes to residential structures, and conditional use approval of commercial structure changes. Administrative approval is already allowed for minor changes with no increase in the nonconformity. Presently, significant changes must be approved by the DRB. One revision could be to allow administrative approval if the changes are residential or minor. Also, administrative approval rather than the DRB could be allowed if a nonconforming structure is moved. The Planning Commission can consider rewriting the general regulations/definitions, modifying the setback requirements, or extending the list of features that do not count as setback.

Jason Grignon mentioned setbacks protect conservation areas, residential areas, and sense of place. For safety, structures need to be set back from the right-of-way, but the town does not necessarily want to mandate front yard size. Dean Pierce said the front yard is about environment and property value. Noise is also an issue with regard to distance from the right-of-way. Setbacks have been in place in Shelburne for the past 12 years. One approach to set a setback could be to base the setback on an average distance or percentage.

There was discussion of ensuring the setback does what was intended, not just choosing an arbitrary number for the setback, and having the size of the setback make sense. Porches should be allowed. The setback size should allow as much flexibility as possible. Measuring from a different starting point and having the setback based on a physical feature like a curb is an option. The town should not be setting a setback so that it is easier to condemn or acquire the space. The setback provides area for items that belong in the right-of-way, such as utilities.

The Planning Commission will discuss residential setbacks, setback encroachment options, and administrative approvals at a future meeting. Staff will gather more information.

7. STATEWIDE LEGISLATIVE MATTERS

Dean Pierce gave an update on S.237 which includes housing and accessory housing elements. The bill seems to take away some local control. H.926 deals with Act 250 related issues.

The Planning Commission wants to be kept informed and felt the Selectboard should be made aware of the ramifications of the bill for the town.

8. UPDATES

- Selectboard public hearing on form based code changes – Comments from the public were mostly against the node by Martindale. The Selectboard extended the hearing to 7/14/20 to handle noncontroversial items and to 7/28/20 to discuss the node at Martindale. The public should be made aware of the underlying reasons for the changes to the zoning which were not to accommodate a developer.
- Bike/Ped Committee and Public Works Committee input on forming a sidewalk fund – Both committees felt the fund was a good idea, but the details need to be worked out. Megan McBride suggested another approach could be any new properties built in specified districts must contribute to a sidewalk fund for the town to use to build sidewalk where wanted.
- Interim zoning – The Selectboard scheduled a public hearing on 7/30/20 to discuss the interim zoning proposal. There will likely be multiple iterations of the interim zoning bylaws. Interim zoning can help with the limited staffing situation and allow the development review process to continue to move forward.
- PUD buffer proposal - Fences and retaining walls would be allowed in the PUD buffer with the changes. The Selectboard will discuss the PUD buffer on 7/30/20.

9. OTHER BUSINESS/CORRESPONDENCE

None.

10. ADJOURNMENT

MOTION by Steve Kendall, **SECOND** by Megan McBride, to adjourn the meeting.

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

The meeting was adjourned at 9:04 PM.

RScty: MERiordan