

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
August 11, 2022**

**\*Hybrid meeting**

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

**STAFF PRESENT:** Lee Krohn, Town Manager.

**OTHERS PRESENT:** Members of the public participating in the meeting included Jim White, Rowland Davis, Lynn Richards, Shelley Crombach, Steve Brandon, Pete Serisky, Nancy Badami, Media Factory.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (7/14/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Conversation: Lynn Richards, Blue Zones, Possible Next Steps
7. Planning Commission Report: Article XXII Bylaw Amendment (MRCD)
8. Old Business
9. New/Other Business
10. Adjournment

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**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

**MOTION** by Jean Sirois, **SECOND** by Stephen Selin, to approve the agenda as presented. **VOTING: unanimous (6-0); motion carried.**

**3. APPROVAL OF MINUTES**

*July 14, 2022*

**MOTION** by Stephen Selin, **SECOND** by Shawn Sweeney, to approve the minutes of 7/14/22 as presented. **VOTING: 5 ayes, one abstention (Jean Sirois); motion carried.**

**4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST**

None.

**5. OPEN TO THE PUBLIC**

- Jim White, Hillcrest Terrace, introduced and explained Shelburne Alliance for the Environment (SAFE) which is a grassroots citizen advocacy group of Shelburne residents. The mission of SAFE is to promote the ecosystem and protect natural

resources by adherence to the goals in the comprehensive town plan with regard to land use and development, and implementation of policies ensuring economic development is managed in ways consistent with the goals of the town plan. The group demands the environment be taken into consideration in all town decisions and activities including any environmental impacts from development, and hopes to be a helpful partner with the Planning Commission and the Selectboard. More information on SAFE can be found on the website, and will be published in the local newspaper and on social media. A letter was sent to the Selectboard and Planning Commission with the names of coordinating groups.

- Rowland Davis spoke about SAFE and regulatory reform being interlocked projects for the Town, and the hope the RFP process for hiring a consultant will be an open process with public input

#### **6. CONVERSATION: Lynn Richards, Blue Zones, Possible Next Steps**

Lynn Richards with Blue Zones reviewed three next steps that Blue Zone could provide to the town in the reform of form-based code. The steps include technical assistance to help understand what is out of alignment with the code and town plan, a mini code audit, and developing a work program. There was discussion of how Blue Zones can help identify what the town needs to do next and understand what is wanted with the code. The town plan was recently updated (in 2019) and the zoning has been “tweaked” along the way (a full overhaul may have been more fruitful). Form based code should be tackled first then the conventional zoning. There was discussion of the DRB’s role which is to adhere to the regulations, not change the regulations to adhere to the town plan. Questions to be answered include how much development the town wants and where, and where public discourse fits in. Staff pointed out Shelburne has a Planning Director who can work with the Planning Commission to fashion a strategy so it may not be necessary to hire a consultant to do this work or various next steps. The Planning Commission will discuss how to go forward with the Planning Director to identify what to implement first from the Town Plan.

#### **7. PLANNING COMMISSION REPORT: Article XXII Bylaw Amendment**

It was noted the bylaw amendment is to replace the Form Based Code Mixed Residential Character District with conventional zoning.

**MOTION by Jean Sirois, SECOND by Stephen Selin, to warn a public hearing on 9/8/22 to consider the elimination of the Mixed Residential Character District from the form-based code overlay and all references thereto throughout the document, and to approve the Report of the Planning Commission on that issue.**

#### **DISCUSSION:**

- **There was discussion of invoking interim zoning rather than approving the amendment since the issues of the Mixed Residential Character District have been narrowed. Staff cautioned under interim zoning any other uses not otherwise permitted can be considered. Also, interim zoning would put development applications in that geographic area into the Selectboard’s hands for hearings and decisionmaking; not likely additional workload they wish to inherit,**

and about which they are not as experienced as the DRB. The district can be fine-tuned without going into interim zoning. The amendment does not remove options for housing. A compromise that transitions from Shelburne Road to neighborhoods and is consistent is what is wanted.

- Steve Brandon and Shelley Crombach said they have been working with the neighbors on an updated development proposal for their property, which they believe follows form-based code and the Town Plan. Due to the timing of the amendment, it may not be possible to submit an application.
- It was noted the Planning Commission has taken a methodical approach over the past 10 months and is addressing form-based code because the consultant found what could happen in the Mixed Residential Character District is not consistent with the Town Plan and not the intent of the form-based overlay.
- There was a question of whether the Selectboard can defer applications to the DRB under interim zoning. Staff suggested there may not be a legal basis, although it had been done once before elsewhere. Marla Keene mentioned under interim zoning in South Burlington the City Council determines if an application can move forward and if so then the application then goes to the DRB for review.
- Resident Pete Serisky suggested that form-based code is often used in downtown areas and along main corridors, not in residential neighborhoods. A petition was signed by many townspeople in support of removing the Form Based Mixed Residential Character District.

**VOTING:** 5 ayes, one nay (Marla Keene); motion carried.

**8. OLD BUSINESS**

None.

**9. NEW/OTHER BUSINESS**

None.

**10. ADJOURNMENT**

**MOTION** by Jean Sirois, **SECOND** by Shawn Sweeney, to adjourn the meeting.

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

The meeting was adjourned at 8:58 PM.

*RScty: MERiordan*