

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
September 8, 2022**

**\*Hybrid meeting**

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

**STAFF PRESENT:** Adele Gravitz, Planning Director.

**OTHERS PRESENT:** Members of the public participating in the meeting included Jim White, Rowland Davis, Robilee Smith, Steve Brandon, Shelly Crombach, Pete Serisky, Nancy Badami, Jay Kelly, Bob Millay, Mary Bauman, Anne Hogan, Greg Doremus, Donna Millay, Art Freidman, Allyson Myers, Mark Sammut, Bob Bouchard, Monica Lalime, Chris Latta, Jessica Trautwine, Dianna Davis, Joyce George, Tracey Beaudin, Mike Ashooh, ,Dorothea Penar Media Factory.

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (8/25/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Public Hearing: Remove Form Based Code Mixed Residential Character District
7. Old/Other Business
8. 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 Marla Keene, **SECOND** by Shawn Sweeney, to approve the agenda as presented. **VOTING: unanimous (6-0); motion carried.**

**3. APPROVAL OF MINUTES**

*August 25, 2022*

**MOTION** by Jean Sirois, **SECOND** by Tom Karlhuber, to approve the minutes of 8/25/22 with the change in Item 6 (Road Map to Regulatory Reform) to add at the end of the first paragraph a sentence stating “The Planning Commission agreed with the regulatory reform steps as proposed by Blue Zones.”, and in the first sentence of the 3<sup>rd</sup> paragraph to change “such as” to “...regulatory reform and gathering input from SAFE, natural resources committee, bike/ped committee, housing subcommittee.” **VOTING: unanimous (6-0); motion carried.**

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

None.

**5. OPEN TO THE PUBLIC**

None.

**6. PUBLIC HEARING: Remove Form Based Code Mixed Residential Character District (MRCDD)**

**MOTION by Marla Keene, SECOND by Shawn Sweeney, to open the public hearing to consider the proposed zoning amendment to amend the Shelburne Road Form Based Overlay District to remove the Mixed Residential Character District in its entirety and all references to the Mixed Residential Character District thereto from the Shelburne Road Form Based Overlay District. VOTING: unanimous (6-0); motion carried.**

The public hearing was opened at 7:09 PM. Staff summarized the review of the Shelburne Road Form Based Mixed Residential Character District by Blue Zones and consideration of removal of the district.

**PLANNING COMMISSION COMMENTS**

Marla Keene stated removing the ability to develop in form based code in the entirety of the district detracts from some of the objectives of the code. Ms. Keene proposed interim zoning as an option until the desired amendments can be made, noting that interim zoning will give the Selectboard discretion and allow projects to move forward in the right direction. Jean Sirois stated form based code needs to be refined and made simpler. Deb Estabrook recalled the Selectboard wanted something done expeditiously. The Planning Commission can re-look at the district when doing further regulatory reform work. Tom Karlhuber spoke in support of suspending this part of the code and developing the zone and an evolving plan that allows robust development and building a community in place. Steve Kendall pointed out the Blue Zones report says it is more efficient and productive to take out the district rather than make a tweak, and this is only the start of the work on what is wanted in the district.

**PUBLIC COMMENTS**

Robilee Smith urged the Planning Commission to approve the amendment and pass the matter to the Selectboard for approval. The existing form based code is problematic. The density is not in line with the vision for the town. Form based code ties the hands of the DRB. Residents look to the town to have well thought out regulations. Form based code does not live up to that. The town's vision is beautiful, but that is not the reality from form based code. Everyone wants closure on the matter.

Shelly Crombach noted many hours of work were done by the Planning Commission on the code. Form based code came about because conventional zoning was not producing what the town wanted. There are studies posted on the website on how form based code is better than conventional zoning. The Planning Commission should look at what the consultants have said. It is too early to make a change like what is proposed. Housing is needed in Shelburne in order to attract new residents. The town's comprehensive plan

shows the growth areas. The town's vision will take time to happen. The code was enacted to create a new vision, create places that are walkable. The proposed community could be a placemaking area with commercial, walkable pathways through the development, attracting young professionals to take care of an aging population. No one will come to Shelburne if there are no starter homes. All are urged to look at the consultant's information and read the code.

Nancy Badami stated the Form Based Mixed Residential Character District does not border Route 7 so the 'Vision for 7' does not take the district into account. The town's comprehensive plan shows the majority of growth is to occur in the village center. Responsible development is in keeping with the character of the district. The types and mass of buildings to be built are out of character. The MRCD should be removed from the Form Base Overlay.

Adele Gravitz pointed out that a small portion of the Mixed Residential Character District does border Route 7 near Webster Road.

Steve Brandon echoed the statements that things take time and that form based code was done because conventional zoning was not working. Dr. Brandan said there are issues with both codes. One solution could be to put a maximum into the MRCD rather than wiping it out. A possible outcome if the district is removed is that single family houses will be built on a private street which the town does not want. It may be possible to connect the street eventually to the West property and convert to a public street.

Pete Serisky said DRB involvement with conventional zoning development is to smooth out issues and have public comment. [Marla Keene pointed out the DRB is responsible for upholding the bylaws and any negotiations must be within the bylaws.]

Jay Kelly mentioned the impact of adding 150 housing units and associated traffic to Shelburne Road and the already congested intersections.

Bob Millay opined walkability was gone when Route 7 was widened to four lanes and connectivity is flawed due to the perpendicular private roads to Route 7. Once a development is built it cannot be undone. Form based code has many flaws. The MRCD should be removed.

**MOTION by Marla Keene, SECOND by Jean Sirois, to close the public hearing and recommend to the Selectboard to amend the Shelburne Road Form Based Overlay District by removing the MRCD in its entirety and all references to the MRCD thereto from the Shelburne Road Form Based Overlay District. VOTING: 5 ayes, one nay (Marla Keene); motion carried.**

The public hearing was closed. There was discussion of the timeline for action by the Selectboard. It was noted the amendment could be on the Selectboard October 11, 2022 meeting agenda.

## 7. OLD/OTHER BUSINESS

### *DRB Coordinator Taking New Position*

Staff reported the DRB Coordinator has taken a new position. Adele Gravitz will cover the DRB and triage the work.

### *RFP Process*

Staff reported projects greater than \$10,000 will go out to bid, projects less than \$10,000 will be decided by the Town Manager. [There was public comment in support of having the RFP be general so the consultant can generate ideas and that the Planning Commission should be involved in drafting the RFP along with staff.]

### *Regulatory Overhaul*

Staff will do a work program based on the three steps from Blue Zones and put this out to bid given current staffing levels. The Planning Commission has moved on the MRCD and will move on to unraveling the regulatory overhaul. Staff is seeking a bylaw modernization grant.

There was agreement the Planning Commission needs to keep moving forward with regulatory reform. The priority is getting the reform done quickly and efficiently with input to have the regulations match the town plan.

### *Stormwater Regulations Update*

Staff suggested the second meeting in September be cancelled to allow time to work on the update of the stormwater regulations which will be ready for the October meeting. The Planning Commission agreed to cancel the September 22, 2022 meeting.

### *Meetings with the Natural Resources Committee*

A meeting with the Shelburne Natural Resource Committee will be on a future agenda.

### *Media Factory*

There is a plan in place with Media Factory to rectify sound issues at meetings. Staff is still working on a mobile media screen.

### *Local Options Tax*

Don Porter was told the Planning Commission will reach out to his group or tune into the Selectboard discussion of the local options tax.

### *Planning Commission Training*

Staff will pull together helpful training for commissioners.

## 8. ADJOURNMENT

**MOTION by Marla Keene, SECOND by Jean Sirois, to adjourn the meeting.**

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

The meeting was adjourned at 8:27 PM.