

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
January 9, 2020**

MEMBERS PRESENT: Jason Grignon (Chair); Kate Lalley, Neil Curtis, Stephen Kendall, Megan McBride, Jean Sirois, Stephen Selin [arrived 7:07 PM].

STAFF PRESENT: Dean Pierce, Planning Director.

OTHERS PRESENT: Brian Precourt, James Kelly, Florence Fooden, Ross Mohn, Gail Albert, Deb Rooney, John Rooney, Clare MacNeil, Anthony Seidita.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (12/19/19)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Public Hearing: Proposed Amendments to Subdivision Bylaws
7. Zoning Topics
8. Planning Fundamentals
9. Other Business/Correspondence
10. Adjournment

[Note: Minutes reflect the order of the revised agenda.]

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION by Stephen Kendall, **SECOND** by Jean Sirois, to approve the agenda with the addition of discussion of the telecommunications application form. **VOTING: unanimous (6-0)** [Stephen Selin not present for vote]; motion carried.

3. APPROVAL OF MINUTES

December 19, 2019

MOTION by Stephen Kendall, **SECOND** by Jean Sirois, to approve the minutes of 12/19/19 with the global correction of the spelling of “Tyler Scott”. **VOTING: unanimous (7-0)**; motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Brian Precourt asked about progress on the change in zoning to address the sidewalk waiver. Dean Pierce reported there were comments from the Paths Committee and the

Housing Subcommittee, but no ground swell to make a change. Kate Lalley noted there has been openness to creating a fund that developers can pay into rather than build the infrastructure. The money in the fund would be prioritized and applied where the town wants the infrastructure at that time. Any change to the regulations will need Selectboard approval.

6. TELECOMMUNICATIONS APPLICATION FORM

Dean Pierce stated the telecommunications application form was developed from the ordinance. There could be further changes if the ordinance is amended. The town is anticipating a telecommunications application to be submitted in the near term.

MOTION by Stephen Kendall, SECOND by Jean Sirois, to approve the telecommunications application form as presented. VOTING: unanimous (7-0); motion carried.

7. PUBLIC HEARING: Proposed Amendments to Subdivision Bylaws

Dean Pierce gave a brief overview of the proposed amendments to form based zoning and revision to the definitions of “major subdivision” and “minor subdivision” to recognize projects under form based code. The proposed changes eliminate duplication of process, but do not reduce review of applications by the DRB.

COMMENTS

There were questions from the public on the following:

- Definition of ‘subdivision’ including shopping centers and multi-family housing - Dean Pierce explained more review of larger projects was wanted. Shelburne has zoning and subdivision regulations so there are duplicative regulations. Projects developed under form based code are reviewed under form based regulations.
- One set of zoning more advantageous than the other – Jason Grignon said this is possible, but there will not be any less scrutiny of projects regardless.
- Public awareness of form based zoning which seems to say density is good, but not all agree – Jason Grignon explained the public process that occurred to adopt form based zoning. There are additional requirements with form based zoning pertaining to storm water and architecture.

There were no further comments.

MOTION by Stephen Kendall, SECOND by Jean Sirois, to close the public hearing duly warned on 1/9/20 on certain proposed changes to the Subdivision Bylaw which would modify the definition of the terms “subdivision”, “major subdivision”, and “minor subdivision”. VOTING: unanimous (7-0); motion carried.

MOTION by Stephen Kendall, SECOND by Jean Sirois, to approve the associated Subdivision Bylaw Change Report, dated 11/14/19, and direct staff to forward/distribute said report and copies of the amendment proposal to the Selectboard as required by statute. VOTING: unanimous (7-0); motion carried.

8. ZONING TOPICS

Form Based Zoning Revision

There was discussion of the proposed multi-family affordable housing project on the former Champlain Lanes property in partnership with the Pecor family and Champlain Housing Trust. The lot is unique and does not fit with the intentions of form based code. Dean Pierce pointed out there are very specific waivers available so development of the Champlain Lanes lot is doable, but the current proposal may be trying to do too much on the lot. Maintaining the dual access to the mobile home park may not be required.

A gentleman in the audience asked if the retail/commercial requirement in form based zoning was removed for the bowling alley property. Kate Lalley explained the requirement for ground floor retail at the Martindale node was scaled back due to changing commercial market demand. This does not preclude retail in the node. Jason Grignon stressed the zoning is not being changed for a specific project. There was further explanation of the role of the Planning Commission with setting the rules (bylaws) and making revisions versus approving specific development applications which is done by the DRB.

There was mention of existing issues with the Champlain Housing Trust project at Harbor Place placing a burden on law enforcement. Concern was expressed by neighbors about the number of units in the proposed low income housing development on the former Champlain Lanes property, increased crime, isolating residents without cars because walking to stores and services is not workable or safe, danger to children crossing Route 7, the lack of playground area, and proximity to a liquor store. Also, the project does not fit well on the lot. The lot does not seem viable for a residential development with all the car and truck traffic and noise from Route 7.

There was comment that the benefit of housing on the lot is the property is on the bus line and more people using public transit makes it more viable. Also, more density makes the development more economically viable. Jason Grignon explained form based zoning allows flexibility for what appeals to developers and fits within the site and is what the town wants to see. Due to the uniqueness of the Champlain Lanes lot there are limitations. The access to Route 7 (at the traffic light) bisects the lot which is a problem.

Comments from the attendees were in favor of maintaining the zoning for the lot without revision, and that changes could create a corridor of “Lego shaped apartment buildings” as the entrance to Shelburne. Jason Grignon noted the town must adhere to the growth projections in the town plan. Stephen Selin pointed out form based zoning moves the buildings up to the street which helps to slow down the speed of cars and minimize the danger.

There was mention of the revisions to form based code being very difficult for the layperson to understand.

PUD Buffer

Dean Pierce said the PUD requirements have been changed piecemeal over time. The proposed revisions will make change for all PUD types. Revision to Section 1930.1 will

allow the DRB to change the periphery buffer. Revision to Section 1930.7.C will allow retaining walls in the buffer. Language on landscaping on the wall and the height of the wall can be added.

There was discussion of limiting the height and linear feet of a retaining wall in the buffer and the wall mitigating storm water or environmental concerns. A reason such as slope is needed in order to justify having a retaining wall in the buffer. Other suggested limitations include one retaining wall per buffer side and the wall not occupying greater than 50% of the buffer area. Using space in front of the wall in the buffer needs to be addressed.

The Planning Commission will review language in Section 1930.7.C and ruminate on the discussion of revisions to form based zoning and the sidewalk waiver.

9. PLANNING FUNDAMENTALS

Information on the fundamentals of planning was provide for guidance to the commissioners.

10. OTHER BUSINESS/CORRESPONDENCE

Car Storage on North Side of Teddy Bear

The Planning Commission discussed the request from Bobby Miller to allow car storage on the north side of the Teddy Bear site as a conditional use. Stephen Selin urged having a use that will be of great benefit to the area if a conditional use is allowed. Kate Lalley mentioned the connection of the Artesian Village and Teddy Bear. Jason Grignon suggested getting input from the economic development initiative and discussing the matter further at a future meeting.

Budget Items

There was mention of the potential to cut funding for energy improvements in municipal buildings. The Planning Commission felt the return on investment justifies full funding of the budget item.

There was mention of funding for the Open Space Fund at \$32,500. The Planning Commission concurred with continued support of the Open Space Fund.

11. ADJOURNMENT

MOTION by Kate Lalley, SECOND by Neil Curtis, to adjourn the meeting.

VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 9:33 PM.