

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
April 11, 2019**

MEMBERS PRESENT: Jason Grignon (Chair); Andrew Everett, Dick Elkins, Stephen Selin, Neil Curtis. (Kate Lalley was absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Tom Anderson, Alec Webb, Bob Clark, Jerry Storey, Sylvia Maille, Paul Irish, Betsy Rich, Eric Morris, Sean MacFaden, Gail Albert, Don Rendall.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (3/28/19)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Zoning Matters
7. Planning Matters
8. Future Agenda Topics
9. Other Business/Correspondence
10. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Changes to the agenda included postponing the minutes until a quorum is present of those in attendance at the 3/28/19 meeting, and addressing form based zoning at a future meeting. [Note: a motion was not stated to approve the agenda though a vote was taken.]

3. APPROVAL OF MINUTES

March 28, 2019

The minutes were clarified to reflect the name of the property owner on Mount Philo Road (Tom Anderson) and his comments on purchasing 75 acres in 1970, selling 20 acres, having a house on 40 acres and being surrounded by conserved land. [Note: a motion was not stated to approve the minutes though a vote was taken.]

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Andrew Everett said he serves on a board with Jonathan Harris and Becky Castle, and knows Bob Clark.

Stephen Selin said his architectural firm has worked on both Jonathan Harris' house and Amanda Herzberger's house.

5. OPEN TO THE PUBLIC

Paul Irish, resident, spoke of the bylaw change and urged the Planning Commission to revisit the rationale for the 25% expansion limit. Mr. Irish said his house built in the 1870s is in the Rural District and the entire structure is in the setback (nonconforming structure). The 25% limit would only provide an additional 225 s.f. of space for him which is not enough to build an attached garage for example. Mr. Irish suggested doing an inventory of the number of structures impacted to get a realistic perspective. Jason Grignon said the Planning Commission will add discussion of the 25% limit to a future agenda.

6. ZONING MATTERS

There was review of the past discussion of open space in the Rural District and the data showing surrounding towns range from a requirement of 50% to 70% open space. Shelburne requires 60%. Jason Grignon said clarifying language can be added, but the bylaws should not be too verbose. Stephen Selin said people should not be locked into the open space forever. There was discussion of potential ways to approach open space that allows flexibility in the future. There was also discussion of having a threshold of the number of lots before the open space requirement is invoked. Jason Grignon said the Planning Commission needs to revisit agricultural and secondary agricultural activities on the land. Considerations include wildlife corridors, core forest, elements that define Shelburne.

COMMENTS

Tom Anderson, Mount Philo Road, said people with open space are not taking care of the land. The town cannot dictate what people can do with their open space land. The town should not dictate 60% must be open unless there is a use on the land. The rules have to be more open and every property should be considered separately.

Sylvia Maille, Dorset Street, said her family continues to farm the land for over 100 years, but it is getting more difficult. Ms. Maille mentioned her family is trying to separate the existing small house on the farm to the original lot and farm the remainder of the land. Most of the land is open and being farmed. The cost and time required for a PUD or subdivision is a challenge. Dean Pierce clarified the Maille situation is actually a lot merger. When there is a lot in the five acre district abutting open land and nothing is done to keep the lot separate from the adjoining open land then the property is effectively merged and the PUD or subdivision process must be followed to separate out the lot. Jason Grignon said the Planning Commission will discuss lot merger on a future agenda.

Jonathan Harris, High Acres Farm, spoke of their boundary line adjustment request involving 17 acres on their property rather than going through the PUD process, and suggested subsection (c) of Section 320.A be eliminated. Dean Pierce said the request could be addressed by modifying Section 340 to except boundary line adjustments. Jason Grignon said it makes sense to reduce administrative overhead and streamline the process. Neil Curtis stressed the zoning regulations need to be clear about uses allowed in a district, but regulating uses through a boundary line adjustment is problematic and overly burdensome. Jonathan Harris spoke of the shifting role of farming in Vermont and

the new relationship with landscape and thoughts about open space. For Vermont to stay the same then Vermont will have to change. Jason Grignon spoke of finding a balance.

Bob Clark, Spear Street, said Map 2 in the town plan shows his property marked “conservation” yet no one contacted him about this. It should be a priority to talk to the landowner who should not be the last to know. Farmers are trying to make a living farming and it is a problem with the town “guiding” what can happen on 60% of the acreage. It is encumbering on property to be involved with other parties. Jason Grignon stressed an error was made with the maps during the update of the town plan. There was no intention of stopping any property owner from using their land. There is agreement discussion of secondary agricultural activities is needed. Dean Pierce added definitions to work on include steep slope, core forest, open space, and using “shall” or “should”.

Eric Morris, Monarch Lane, said the Land Trust is looking at redefining agriculture to allow open space with activities such as mountain biking or polo, for example. When there are restrictions on development which includes the words “open space” whether it is the town or third party control there needs to be leniency.

There was mention of getting information out to landowners to get input on the bylaws.

7. PLANNING MATTERS

A timeline is needed for the amendments to the town plan to be completed including the Future Land Use Map. The Planning Commission is interested in a joint retreat with the Natural Resources Committee. Storm water will be discussed at a future meeting.

8. FUTURE AGENDA TOPICS

- Housing subcommittee reappointments and update charge
- Economic development discussion
- Bylaw waivers
- Natural Resources draft regulation
- Energy subcommittee
- Expansion limit in Rural District of 25%
- Secondary agricultural activities
- Section 1980.2 – merger
- Section 340 exclude boundary line adjustment from subdivision

9. OTHER BUSINESS/CORRESPONDENCE

None.

10. ADJOURNMENT

MOTION by Stephen Selin, SECOND by Neil Curtis, to adjourn the meeting.

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

The meeting was adjourned at 9:19 PM.