

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
May 23, 2019**

MEMBERS PRESENT: Jason Grignon (Chair); Andrew Everett, Dick Elkins, Kate Lalley, Stephen Selin, Neil Curtis, Megan McBride.
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Pam Brangan, Mark Brooks, Ron Bouchard, Tyler Scott, Jeff Herzberger.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (5/9/19)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Public Hearing: Accessory Apartments
7. Other Zoning Matters
8. Planning Matters
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

MOTION by Neil Curtis, **SECOND** by Stephen Selin, to approve the agenda as presented. **VOTING: unanimous (6-0)** [Kate Lalley not present for vote]; motion carried.

3. APPROVAL OF MINUTES

May 9, 2019

MOTION by Andrew Everett, **SECOND** by Neil Curtis, to approve the minutes of May 9, 2019 with correction to the spelling of Don Rendell and Sean McFaden, and with clarification that the value of “x” relative to core forest will be clarified following further discussion with Shelburne Natural Resources Committee. **VOTING: unanimous (6-0)**[Kate Lalley not present for vote]; motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

There were no comments from the public.

6. PUBLIC HEARING: Accessory Apartments

The public hearing was opened at 7:04 PM. Jason Grignon noted correction to Section 1210.3 to move the second incidence of “accessory” to after the word “new”.

There was discussion of allowable size of an accessory apartment and whether porches, decks, and such should be allowed. Dick Elkins spoke against accessory apartments being permitted uses, but if they are permitted uses then there should be parameters on where the units can be located, minimum lot size for an attached unit, building envelopes especially in the Rural District, character of area consideration, and loss of viewscape and solar access for the neighbors consideration. In contrast to allowing accessory apartments as a permitted use, having accessory apartments as a conditional use will protect the rights of homeowners and provide the opportunity for people to ensure the accessory apartment does not adversely impact their property. Jason Grignon agreed some thought could be given to conditions with a permitted use. An accessory apartment now is a conditional use and any challenges will be on the relevant conditional use criteria. Criteria have not been defined for accessory apartments as a permitted use. Dean Pierce suggested adding language to the conditional use criteria and using that to address concerns. Jason Grignon suggested monitoring the number of applications for accessory apartments to determine if further fine-tuning of the permitted use language is needed.

Mark Brooks, Housing Subcommittee, said accessory apartments are typically family oriented. Building a separate structure on a property to rent out would have a long payback to cover the cost of construction. An addition to an existing house would make more sense and in that situation it is most likely family members will be living there. Down the road the unit may be rented perhaps

There were no further comments.

MOTION by Andrew Everett, SECOND by Kate Lalley, to close the public hearing on the proposed changes to the zoning bylaw which may be summarized as changes that would simplify review procedures applicable to accessory apartments and modify the definition of accessory apartments as duly warned for 5/23/19. VOTING: unanimous (7-0); motion carried.

The public hearing was closed at 7:40 PM.

MOTION by Andrew Everett, SECOND by Kate Lalley, to forward to the Selectboard for consideration and action along with a copy of the associated Bylaw Change Report the proposed changes to the zoning bylaw which may be summarized as changes that would simplify review procedures applicable to accessory apartments and modify the definition of accessory apartments which were duly warned for 5/23/19 including the minor change to Section 1210.3 moving the word “accessory”. VOTING: 6 ayes, one nay (Dick Elkins); motion carried.

7. OTHER ZONING MATTERS

Definitions

Jason Grignon suggested Shelburne Natural Resources give feedback to the Planning Commission on the definitions of core forest, edge forest, forest block, wildlife, wildlife habitat, riparian corridor. Neil Curtis said data are needed to understand the ramifications of the definitions. Jason Grignon said clarification is needed on what the town is trying to prevent/protect relative to forested areas and corridors. Dean Pierce said there is mapping that can help identify areas and provide some answers to questions. Kate Lalley suggested the DRB look at the mapping to identify places of priority.

Neil Curtis commented why steep slopes are defined and regulated is not documented anywhere. Jason Grignon said the Planning Commission needs to address the source of the problem not just symptoms with the regulations.

Form Based Zoning

Dean Pierce contrasted features of conventional zoning versus form based zoning, noting it is difficult to do form based zoning in a corridor. The experience of Yarmouth, Maine with form based zoning was reviewed. Different approaches can be used including having an optional or mandatory overlay, hybrid code, simpler codes. Presently there are three properties in the Route 7 corridor that have used form based zoning for development.

Jason Grignon suggested having a pilot project as a case study or adding a waiver process so there is flexibility through waivers to reach the goal. The amendments to the form based code should be reviewed as a first step. Dean Pierce said more discussion is needed on the economic development initiative (nodes or centers) supported by the Selectboard and storm water facilities in the corridor. Kate Lalley said the retail use requirement on the first floor with form based code may not be relevant with the current state of retail. There should be flexibility in the code.

Tyler Scott, Scott & Partners, discussed the lot on Shelburne Road (former bowling alley) owned by Pecor to be developed by Jeff Davis in partnership with Champlain Housing Trust into affordable housing. The lot has a significant drop off on the east side and the entrance must line up with the existing traffic light on Route 7. Form based code will allow 33 units of housing versus 19 with conventional zoning which is good, but it is very difficult to meet the intent of form based code in the design. Having the access match up to the traffic light splits the lot. The ground floor commercial space would be very small and not useful so it is likely it would remain vacant. Having the parking for the retail space is a problem due to the drop off on the east side of the property. The requirement of the ground floor being two feet above grade means there will be 24' of ramp in order to access the first floor and meet ADA requirements. Mr. Scott reviewed different development scenarios on the lot including two buildings versus one building, pocket park in the frontage along Route 7 and buildings behind, and having the buildings be just housing.

There was discussion of stepping down the buildings to gain more floors inside without increasing the outside height. Tyler Scott suggested with a housing only project an exception should be made to the requirement to build within the build-to zone, and the

two foot above grade requirement should be eliminated. Jason Grignon agreed the Planning Commission could look at recharacterizing the area and exceptions for residential development, building height, number of units, first floor retail use if the project is strictly residential, and the two foot above grade requirement. Tyler Scott advised the town should define floor to floor height, not ceiling height.

Kate Lalley asked about redesigning the bowling alley building for housing and having the parking underneath. Tyler Scott said this could be made to work, but there would not be all the parking that is needed.

There was further discussion of density bonuses, waivers, façade of the building facing Route 7 or having the front entrance at the back of the building structure, buildings located close to the street or set back, having the Design Review Committee decide on 'superior design', and storm water issues. There was agreement the Planning Commission needs to look at the big picture and what is trying to be achieved.

8. PLANNING MATTERS

Clean Up Amendment to Comprehensive Plan

Deferred to the next meeting.

9. OTHER BUSINESS/CORRESPONDENCE

Energy Subcommittee

Jeff Loiter has been appointed to the Energy Subcommittee. Matt Dooley can be appointed.

Housing Subcommittee

Openings on the subcommittee need to be filled for the seats formerly held by Brian Precourt and Mark Brooks.

10. ADJOURNMENT

MOTION by Dick Elkins, **SECOND** by Kate Lalley, to adjourn the meeting.

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

The meeting was adjourned at 9:35 PM.

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