

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING**

July 9, 2020

***Meeting held via teleconference.**

MEMBERS PRESENT: Jason Grignon (Chair); Steve Kendall, Jean Sirois, Megan McBride, Deb Estabrook. (Stephen Selin and Neil Curtis were absent.)

STAFF PRESENT: Dean Pierce, Planning Director.

OTHERS PRESENT: Dan York, Allyson Myers, Joyce George, Gail Albert, Don Rendall, Anthony Seidita.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (6/25/20)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Selectboard Request re: Rural PUD Zoning
7. Options for Nonconformities
8. Updates
9. Other Business/Correspondence
10. Adjournment

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION by Steve Kendall, **SECOND** by Deb Estabrook, to approve the agenda as presented. **VOTING: unanimous (4-0)** [Megan McBride not present for vote]; **motion carried.**

3. APPROVAL OF MINUTES

June 25, 2020

MOTION by Steve Kendall, **SECOND** by Jean Sirois, to approve the 6/25/20 minutes with the following amendments:

- **Item 6, Options for Nonconformities, 2nd paragraph, 1st sentence – rewrite to read: “Jason Grignon mentioned setbacks protect conservation areas. They also influence design of residential areas and affect sense of place.”**
- **Item 8, Updates, bullet on the sidewalk fund – add “The Planning Commission’s discussion included impact fees.”, and in the bullet on interim zoning – correct the date to 7/30/20.**

VOTING: unanimous (4-0) [Megan McBride not present for vote]; **motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Anthony Seidita, Shelburne resident, asked if an architect could do a presentation on a project if not on the agenda. Jason Grignon said individuals can speak under the public comment section, but if the presentation is lengthy it is recommended to be on the agenda. Mr. Seidita noted review of past minutes show an architect made a 53-minute presentation that was not on the agenda.

6. SELECTBOARD REQUEST re: RURAL PUD ZONING

Dean Pierce reviewed the request by the Selectboard to have some definitions clarified. Don Rendall, Shelburne Natural Resources Committee, reported the committee has been working on better definition of natural resources in town to highlight open space and include mention of septic systems, stormwater construction, and impervious surface. The committee also worked on the definition of slope (area towns address slope with a tiered percentage of steepness of slope approach) and forest (marry the word definition with the map showing the forest and stay consistent with the language used by the state relative to 'forest blocks').

Jason Grignon asked how the percentage of slope is quantified. Dean Pierce said the regulations assume a cell is equal to or greater than 10 meters.

Megan McBride asked if there is value to looking at different tiers for slopes. Don Rendall said the Town of Williston, for example, has a tier of 10% to 15% slope in the rural area for a single family house and does not recommend development on slope greater than 15%.

Jason Grignon asked about the setback with forest blocks. Dean Pierce spoke about the 2016 data on forested areas and that the Shelburne Natural Resources Committee recommends forest blocks in Shelburne be 25 acres or larger. Don Rendall added the committee is trying to identify smaller blocks with habitats. Gail Albert noted a 25-acre block in Shelburne would offer some protection and conservation. The 25 acres could be across properties. Shelburne Natural Resources Committee wanted to look at a larger area in terms of species and habitat protection.

7. OPTIONS FOR NONCONFORMITIES

There was discussion of the suggested language addressing setbacks in the Rural District. The language includes an increase in the percentage cap and minimum allowable encroachment. There was discussion of having a different number for residential uses (one to two family homes) versus nonresidential uses. Staff will draft language for consideration.

The Planning Commission discussed limiting multiple expansions of buildings under the suggested language. Dean Pierce pointed out the size of the building at the date of the regulations will limit the expansions.

Gail Albert mentioned restraints on impacting the forest blocks with building expansions. Dean Pierce said the town would need to adopt tree cutting regulations in the Rural District to do this. Only the Lakeshore Overlay has tree cutting regulations. There will be a map showing the location of trees to buildings.

The Planning Commission will discuss the issue of setbacks more broadly at a future date. Dean Pierce advised being clear on the resources and the standard of protections as well as the standard the DRB is to use. General purpose referrals and criteria are not helpful to the DRB.

There was discussion of administrative approvals. The Planning Commission concurred with administrative approval for same use residential, but not commercial.

The Planning Commission discussed allowances to the setback and incorporating more of form based zoning requirements into conventional zoning where acceptable. The rules will have different impacts in different districts. There was discussion of decks in the front yard rather than in the back or side yard. Dean Pierce said there should be fewer obstacles to a porch/deck in the front yard provided the structure is not encroaching in the right-of-way. Staff will revise the language for review at the next meeting.

COMMENTS

Allyson Myers asked if the revised language will allow a swimming pool to be built in the front yard.

Dan York said the proposed language will allow a porch on the front of their house eight feet from the setback and still leave about 30' from the edge of the porch to the road.

8. UPDATES

- Selectboard adopted the proposed interim zoning regulations. It is anticipated there will be additional proposals.
- Form based zoning proposal will be addressed at the 7/14/20 Selectboard meeting.
- Staff drafted a motion for action by the Selectboard on the majority of the form based items (noncontroversial items), changes to the subdivision bylaws, and changes to the design review process.
- A memo was received on the solar field proposal at the Shelburne Museum. The Planning Commission has status and receives notifications.
- Changes to zoning and housing (H.926, S.237) are proceeding in the legislature.

9. OTHER BUSINESS/CORRESPONDENCE

None.

10. ADJOURNMENT

**MOTION by Jean Sirois, SECOND by Steve Kendall, to adjourn the meeting.
VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 8:53 PM.

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