

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

July 14, 2021

***Hybrid meeting held in-person and via teleconference.**

MEMBERS PRESENT: Steve Kendall (Chair); Jason Grignon (Vice Chair); Marla Keene, Jean Sirois, Deb Estabrook, Neil Curtis. (Stephen Selin was absent.)

STAFF PRESENT: Lee Krohn, Town Manager; Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: Mark Sammut, Anne Bentley, John Day, Mike Major, Allyson Myers, Fritz Horton, Joyce George, Don Rendall, Gail Albert, Chandler Noyes, Mike Schramm, Sean McFaden, Christine Haines, John Cocina, Dan York, Persis Worrall, Mike Ashooh, Kate Lalley, David Leckey, David Hall, Media Factory (Wendy).

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (6/9/21)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Joint Meeting with DRB and Town CBCs
7. Other Business/Correspondence
8. Adjournment

1. CALL TO ORDER

Chair, Steve Kendall, called the hybrid meeting to order at 7 PM, held roll call, and reviewed the meeting protocol.

2. APPROVAL OF AGENDA

MOTION by Deb Estabrook, **SECOND** by Jason Grignon, to approve the agenda as presented. **VOTING** by rollcall: unanimous (6-0); motion carried.

3. APPROVAL OF MINUTES

June 9, 2021

Tabled to the next meeting.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

- Joyce George urged publishing the simplifications made to the zoning regulations in the local newspaper and Front Porch Forum so the public is aware.

- Dan York thanked the Planning Commission for the work on the setback issue, noting the change in the regulation has allowed them to build their deck.
- Steve Kendall mentioned the following:
 - Resignation of Dean Pierce as Planning Director - A big acknowledgement is given of Dean Pierce's work with the Planning Commission and for the town for many years. Mr. Pierce will be missed and is wished the best in his future endeavors.
 - Megan McBride resigned from the Planning Commission – Megan McBride is thanked and wished the best.
 - Welcome to Marla Keene - Selectboard appointed Marla Keene to fill the vacancy on the Planning Commission.
 - Economic development report presented to the Selectboard – The report pointed to the need for reform and simplification of the regulatory process, but not loosening the process.

6. JOINT MEETING with DRB and Town CBCs

Decreasing Steps of Review to Include Conceptual Plan and Final Plan Reviews

Lee Krohn explained the efficiencies in time and money for both the town and applicants by having a conceptual review of a proposal where any issues are identified and input from the relevant town departments is sought then warning a Final Plan hearing on the application. The Final Plan hearing may or may not be continued (depends on whether the DRB needs more information to make a decision). The concept is simplifying the process, but not giving up substance or content in any way.

Comments and suggestions by attendees included:

- Regulatory reform is needed with respect to the “blizzard of regulations” to which staff must comply. The regulations are overly complicated. There is conflict between the subdivision regulations and the zoning regulations.
- An insightful exercise to pinpoint where simplification is needed would be to count the number of applications before the town, read the applications, note the length of the applications and any redundancies within the application package.
- Staff should have more authority to make some decisions on a proposal before the application is reviewed by the DRB.
- A one-page checklist should be drafted delineating to the applicant what is needed to be in the application at each level of review (Conceptual, Final).
- Staff should have discretion on which town departments need to provide input on an application. Not all departments are applicable to all applications.
- There should be enough advance notice to town committees that are asked to provide comment on a proposal so the matter can be handled as part of a regularly scheduled committee meeting and not an extra meeting.
- More timely response is needed from department heads and committees with the letters on applications.
- The town plan must be accommodated by any proposal. The town plan is a guiding document. If a regulation is not clear and there is language in the town plan guiding a direction, then that is the spirit/intent of what should be followed.

- Staff should be able to confirm whether an application complies with the regulations and where there is flexibility. The DRB has statutory authority to interpret the applicable regulations and then deal with any issues or conflicting opinions.
- The DRB does take the town plan into consideration, but must uphold and adjudicate based on the regulations otherwise the town will lose upon appeal in court.
- The areas in the regulations that the Planning Commission has authority to change need to be identified. The public needs to better understand the roles of various boards/committees in order to appropriately direct their inquiries.
- There is agreement redundancy needs to be eliminated and the process streamlined. As a first pass, Preliminary Review can be eliminated, boundary line adjustments and mergers do not need to go before the DRB, and the sidewalk fund contribution from an applicant for their proposal should be at the discretion of the DRB.
- The goal is to get to the town vision in the town plan via implementation of the regulations/rules.
- A consultant may need to be hired to help with simplifying the regulations because the volunteers on board and committees do not have the time or expertise necessary for this task.
- The town has many regulations that do not make sense such as requiring street trees under power lines or sidewalks to nowhere. The rules need to be reviewed to make sure they make sense for the town.
- Enforcement of the rules is lacking.
- The regulation forcing houses to be built in the forest should be changed to locate the houses in an open field in order to maintain the forest for stormwater management and other benefits.
- Guidelines should be created to help the decision making process especially when dealing with waivers. Staff support is needed with drafting the guidelines.

7. OTHER BUSINESS/CORRESPONDENCE

Planning Director

There will be opportunity for input on the search and hiring for the position.

8. ADJOURNMENT

MOTION by Jason Grignon, SECOND by Deb Estabrook, to adjourn the meeting.

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

The meeting was adjourned at 9 PM.

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