



Town of Shelburne, Vermont

PLANNING COMMISSION AGENDA

THURSDAY, MARCH 10, 2022

7:00 P.M.

MEETING WILL BE FULLY REMOTE VIA ZOOM

Join Shelburne Planning Commission

<https://us02web.zoom.us/j/84500481629?pwd=TUNVVWdsRWdBMUlOV3ZKVVW1EUjRiUT09>

Meeting ID: 845 0048 1629

Passcode: L6a7ue

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 845 0048 1629

Passcode: 388523

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|---|------------------|
| 1. Call to order/roll call | 7:00 P.M. |
| 2. Approve agenda | 7:00 P.M. |
| 3. Approve meeting minutes of February 24, 2022 | 7:00 P.M. |
| 4. Disclosure related to potential conflicts of interest | 7:05 P.M. |
| 5. Public comments on matters not on the agenda | 7:10 P.M. |
| 6. Updates: Follow-up items | 7:15 P.M. |
| 7. Finalize Outdoor Dining Bylaw | 7:25 P.M. |
| 8. Review existing Mixed Residential Character District | 8:15 P.M. |
| 9. Other Business | 8:55 PM |
| 10. Adjourn | 9:00 P.M. |

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELburnE PLANNING COMMISSION. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COMMISSION.

**TOWN OF SHELburnE
PLANNING COMMISSION
MINUTES OF MEETING
February 24, 2022**

***Virtual meeting.**

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

STAFF PRESENT: Adele Gravitz, Planning Director; Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: **Members of the public participating in the meeting** included Gail Albert, Joyce George, Steve Brandon, Nancy Badami, Pete Serisky, Robilee Smith, Kevin O'Brien, Johnny Helzer, Rosalyn Graham, Media Factory.

Others attending included: Nancy Badami, Rowland Davis, Donna Millay, Ann Hogan, Ken Albert, Chris Latta, Chris Badami, Greg Doremus, and Don Rendall

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (2/10/22)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Updates/Follow Up Items
7. COVID-related Bylaw Work
8. Shelburne Road Form Based Overlay District
9. Correspondence: Crombach-Brandon Project
10. Other Business/Correspondence
11. Adjournment

1. CALL TO ORDER

Chair, Steve Kendall, called the virtual meeting to order at 7 PM. Introductions were done.

2. APPROVAL OF AGENDA

MOTION by Jason Grignon, **SECOND** by Neil Curtis, to approve the agenda with the addition of an update from Ken Belliveau, interim DRB coordinator. **VOTING: unanimous (7-0); motion carried.**

3. APPROVAL OF MINUTES

February 10, 2022

MOTION by Neil Curtis, **SECOND** by Jason Grignon, to approve the minutes of 2/10/22 with the change from 'hybrid meeting' to 'virtual meeting'. **VOTING: unanimous (7-0); motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

None.

6. UPDATES

The following was noted:

- The Selectboard is holding a public hearing on 3/22/22 to discuss changing form based code with regard to the height of multi-family buildings (allow only two-story multi-family buildings).
- Regarding the interim bylaw on outdoor dining being made permanent, local businesses support the bylaw and being allowed to have outdoor dining. Staff will follow up on the wording changes proposed by Lee Krohn and inform the Planning Commission.

UPDATE ON PLANNING & ZONING OFFICE FROM KEN BELLIVEAU

Ken Belliveau reported for an extended period of time there was no professional staff in the office which caused many delays and a backlog of work. With the new Planning Director and an interim DRB Coordinator now in place progress is being made. A permanent employee still needs to be found for the DRB Coordinator position.

7. COVID-related BYLAW WORK

Ken Belliveau addressed outdoor seating at restaurants per the bylaw, noting restaurants are a conditional use, not a permitted use, and a conditional use requires DRB review and approval. Also, many restaurants in town have shared parking. The Planning Commission may want to consider requiring a permit for outdoor service.

There was public comment from business owners and members of Shelburne Business and Professional Association in support of extending the bylaw to allow outdoor dining and allowing visibility of the seating/restaurant to attract more business.

Following further discussion, the consensus of the Planning Commission is to act on the interim bylaw expeditiously for restaurants in Shelburne, pursue doing an ordinance and then integrating the bylaw permanently into the regulations. To that end, edits were made to the interim bylaw language to require an administrative permit, remove wording about six-foot separation and sewer allocation, and use words such as “temporary” or “not permanent” rather than “seasonal”. Staff will revise the bylaw language for action at the next meeting.

8. SHELburne ROAD FORM BASED OVERLAY DISTRICT

Steve Kendall reported the Selectboard will be holding a hearing on enacting interim zoning in the Shelburne Road Form Overlay Mixed Residential District to restrict the height of multi-family buildings to no greater than two stories. The attorney representing a group of town residents requested multi-family buildings be eliminated from the zone, but the Selectboard disagreed because of the negative impact on workforce housing that is linked to multi-family dwellings. The Planning Commission is asked to look at the overlay district.

There was public comment on the impact to the neighborhoods of single-family homes in the district by huge multi-family buildings which would be more fitting in other districts. There are two zones, one abuts Shelburne Road and one is off from Shelburne Road. Also, the density allowed in the overlay (120 units on six acres versus one house on less than an acre) does not make sense and is four times greater than the density in the village. There will be no green space/open space for the residents of the multi-family buildings. The density needs to be more in balance with the surrounding neighborhoods.

The Planning Commission will review the language for the overlay district for discussion at the next meeting. The memo from Jason Grignon, dated 2/14/22, will be taken under consideration. There was suggestion from the public to look at all building types allowed on Shelburne Road and in residential neighborhoods in the character districts. Ken Belliveau advised finding out the goals and objectives intended to be addressed by the code as written before making changes. Mr. Belliveau noted there is serious work that needs to be done with the town’s regulations which are very complicated as they exist today.

9. CORRESPONDENCE

Crombach-Brandon Project

The Planning Commission received written correspondence on the Crombach development project.

10. OTHER BUSINESS

None.

11. ADJOURNMENT

MOTION by Jean Sirois, SECOND by Deb Estabrook, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 9:48 PM.

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Conduct of Outdoor Business Activity
“Outdoor public/private space activation”

1. Purpose

The purpose of this bylaw is to protect the general public health and welfare, enhance community vitality, and provide for orderly physical and economic growth of the Town of Shelburne, by allowing commercial establishments to conduct business outdoors, and in more flexible manner.

2. Applicability

This bylaw applies to all restaurants, retail, and service establishments and all other businesses throughout the Town of Shelburne.

3. Specific Provisions

A. Restaurants may create areas for outdoor dining in front, side, or rear yard areas that do not conflict with adjoining land uses, public sidewalks, or other required parking spaces or traveled ways. Reasonable provision shall be made for separation between dining areas and areas reserved for motor vehicle travel. Dining areas shall not interfere with pedestrian travel or emergency vehicle access. No additional parking shall be required for outdoor seating beyond what is or has been required for regular, year-round indoor dining.

B. Outdoor seating is exempt from the setback requirements of the underlying zoning districts and may use the public sidewalks, but shall not interfere with pedestrian travel by maintaining a 5-foot wide continuous pathway; and shall not reduce the number of on-site required parking spaces for the restaurant by more than 50%. At no time shall outdoor seating or food trucks interfere with pedestrian or emergency access.

C. Outdoor Provision of Services:

Any service establishment may provide their service outdoors. Outdoor provision of services shall be permitted to use the public sidewalks but shall not interfere with pedestrian travel by maintaining a 5-foot wide continuous pathway and shall adhere to the setback requirements of the underlying zoning district; and shall not reduce the number of on-site parking spaces for the specific business by more than 50%. At no time shall the provision of services interfere with emergency access.

D. Outdoor Displays of Merchandise:

Any business holding a valid permit to operate a retail store or restaurant may erect a display of goods offered for sale, or a display which is designed to promote the sale of goods, including produce, products, goods, equipment, prepared food or commodities, outside a building without meeting the area restrictions provided in the Shelburne Zoning Regulations. Outdoor displays of merchandise shall not interfere with pedestrian travel by maintaining a 5-foot wide continuous pathway and shall not reduce the number of on-site parking spaces by more than 50%. At no time shall outdoor displays interfere with emergency access.

E. Temporary Tents for Outdoor Seating, Displays of Merchandise or Provision of Services: Temporary tents may be erected on site, as long as it does not interfere with required parking or pedestrian or emergency access.

In no case shall any combination of these provisions interfere with emergency services or reduce the number of parking spaces currently in existence by more than 50%.

All other provisions of the Shelburne Zoning Regulations shall remain in effect.

4. Enforcement of these Bylaws shall be as provided for in Title 24 of State Statute and the Shelburne Zoning Regulations.

5. In accordance with 24 V.S.A., Section 4464(c), administrative review of applications is hereby authorized. Department of Planning and Zoning staff may review and approve such permit applications.

REPORT OF THE PLANNING COMMISSION
REGARDING PROPOSED ZONING AMENDMENTS
WARNED FOR A PUBLIC HEARING ON April 14, 2022

Pursuant to 24 VSA 4441, the Planning Commission shall prepare a report to accompany proposed zoning amendments addressing how any proposal:

Conforms with or furthers the goals and policies in the Town Plan, including the availability of safe and affordable housing;

Is compatible with future land uses and densities of the Town Plan; and

Carries out, as applicable, specific proposals for planned community facilities.

The proposal presented in this package relates to implementing the goals as expressed in the Shelburne Comprehensive Plan (2019) to support Land Use in Shelburne and Economic Development through placemaking: activation of the Town's outdoor spaces.

Land Use in Shelburne p. 8

Goal: Pursue future land use based on the principles of "placemaking." Placemaking is the process of creating quality places where people want to live, work, play and learn. Thus, the explicit aim of the future land use section of this plan is to promote the creation of quality places that combine:

- a) Appropriate physical form (i.e., development occurs at a human scale and is pedestrian oriented),
- b) A mix of land uses and functions, and
- c) A mix of social opportunity.

Economic Development in Shelburne p. 52

Encourage town residents and businesses to utilize local service providers (professionals, trades, etc.) in order to support local businesses efforts.

The proposal presented in this package is the First Recommendation listed in the Town of Shelburne Economic Development Report (2021) p. 3

Recommendations: 1.

Make the current Interim Bylaws for Outdoor Business permanent. Residents highly value local businesses, and they would like to see more small businesses, especially restaurants. Help your local businesses thrive by allowing them to advertise with flexible signage, hold outdoor sales events, lower restaurant parking /table ratios, and allow open dining areas. In essence, don't require your local businesses to "hide" their businesses; let people see what they have to offer.

This proposal makes permanent an interim bylaw that was supported and enjoyed by the town for the last two years.

Approved by the Planning Commission as a part of its public hearing on _____, 2022.

(PC to decide to date March 10 or April 14)

