Town of Shelburne, Vermont

PLANNING COMMISSION AGENDA
THURSDAY, May 12, 2022
7:00 P.M.
Meeting will be hybrid: in person and via zoom

Join Zoom Meeting
https://us02web.zoom.us/j/83375695061?pwd=d0ZYQk1JVnFnN0NtRnZQSENWd3FEQT09

Meeting ID: 833 7569 5061
Passcode: MWNe4S

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: 833 7569 5061
Passcode: 576471

1.	**Call to order/roll call**	7:00 P.M.
2.	**Approve agenda**	7:00 P.M.
3.	**Approve meeting minutes of April 28, 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.	**PC to discuss next steps (see attached memo)**	7:30 P.M.
8.	**Correspondence**	8:45 P.M.
9.	**Adjourn**	9:00 P.M.

TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
April 28, 2022

*Hybrid Meeting.

MEMBERS PRESENT: Steve Kendall (Chair); Marla Keene, Stephen Selin. (Jean Sirois and Deb Estabrook were absent.)
STAFF PRESENT: Adele Gravitz, Planning Director; Ken Belliveau, Acting DRB Coordinator.
OTHERS PRESENT: **DRB Members**: Mark Sammut, Anne Bentley, John Day, Mike Major, Allyson Myers, David Hillman, Bob Glover
        Selectboard Members: Mike Ashooh, Matt Wormser, Cate Cross, Kate Lalley, Members of the public participating in the meeting included Joyce George, Pete Serensky, Robilee Smith, Rosemary Sadler, Rowland Davis, Steve Brandon, Shelley Crombach, Tracey Beaudin Nancy Badami, Jim White, Diana Davis,Chris Latta, Jessica Trautwine, Dorothea Penar, Media Factory.

AGENDA:
1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (4/14/22)
4. Disclosures/Potential Conflicts of Interest
5. Election of Officers
6. Open to the Public
7. Updates/Follow Up Items
8. PC/DRB Conversation on FBC
9. Other Business/Correspondence
10. 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 Stephen Selin, SECOND by Marla Keene, to approve the agenda with the amendment to postpone the election of officers until the next meeting. VOTING: unanimous (3-0); motion carried.

3.   APPROVAL OF MINUTES
April 14, 2022
MOTION by Marla Keene, SECOND by Stephen Selin, to approve the 4/14/22 minutes as presented. VOTING: unanimous (3-0); motion carried.

4.   DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST
None.

5.   ELECTION OF OFFICERS
Postponed.

6.   OPEN TO THE PUBLIC

Rowland Davis mentioned his application for a seat on the Planning Commission and asked the commissioners to review the memo he submitted outlining a multi-step process to resolve the issues with form based code, specifically the Mixed Residential Character District.

7. UPDATES/FOLLOW UP ITEMS
The following was noted:
➢ Vacancies on the Planning Commission have been posted on Front Porch Forum, the town website, and an email blast. Interviews will be scheduled for applicants in two weeks.
➢ The draft RFP for a consultant to review Mixed Residential Character District of the Shelburne Road Form Based Overlay District is ready for review by the Planning Commission and release.
➢ The Bike/Ped Connectivity Advisory Committee met on 4/25/22 to review analysis methodology and early findings from the survey. A community meeting will be held on May 25, 2022 to present findings.
➢ Selectboard retreat is 4/30/22 beginning at 2 PM.
➢ The public hearing by the Selectboard on the outdoor dining bylaw is scheduled on 5/24/22.

8. PC/DRB CONVERSATION ON FORM BASED CODE
The following was noted/discussed:
- Introductory paragraph in Section 2200.2.C of form-based code says form-based code supersedes any other zoning bylaws so the DRB has no say with form-based code applications that satisfy the checklist though the DRB can waive certain requirements to a certain extent.
- Per the language in the zoning regulations, form-based code and the conventional zoning regulations are separate and exclusive of each other.
- Form based code is very prescriptive and there is not much exception.
- Developers acknowledge they must follow what the code dictates even when it does not make sense for the project or site (i.e., build a sidewalk to nowhere).
- Editing the form-based code text will make it even more complicated.
- There is question as to why a form-based code application even needs to go before the DRB for review if the developer is not seeking any waivers.
- Developers using form-based code for their development will know precisely what must be built and can therefore know the cost of the development.
- In Shelburne, a developer has a choice to use form-based code or conventional zoning when doing a project. This choice should be eliminated and only one code should be offered.
- The DRB has a function in safeguarding how form-based code is implemented. The DRB could challenge a developer to explain why the proposal is as it is and encourage working with neighbors impacted by the project.
- Applying rules appropriately to avoid litigation for the town factors into the discussions by the DRB.
- Review of applications by a board with members who know the town and live in the town is better than by one staff person. The Planning & Zoning Office does not have the manpower to review and decide all form-based code applications. More staff would be needed.
- Staff must do due diligence before projects can move forward.
- Form based code is not integrated into the zoning regulations that preceded it and this should be done. More clarity is needed on procedural steps.
- Form based code, the goals and how to meet those goals, needs to be better explained to the townspeople to have an understanding of outcomes.
- A goal of form-based code was to have different or better results on Shelburne Road, but form-based code is voluntary for an applicant so this may or may not happen.
- Feedback is needed on other form-based code projects along Shelburne Road.
- If the disconnect of what is existing and what is to be built with a form-based code project is so great, then there is opportunity for warfare with neighbors.

- The form-based code overlay does not fit in some locations so a transitional overlay might be beneficial.
- The Planning Commission has received negative feedback on development under conventional zoning on Route 7.
- The DRB has received feedback on development not being compatible with the surrounding area (i.e., density too great).
- Form based code is usually for areas needing redevelopment, not in established, stable, desirable neighborhoods.
- Form based code will produce "cookie cutter" design and does not recognize historic resources.
- A small area should be tested with form-based code to determine if this will attract what the town desires.
- The design charette for form-based code did not provide a realistic picture of the potential for development to change the complexion of Route 7.
- There are some areas where form-based code development might be a good idea, but is not feasible.
- The form-based code document is too long (156 pages) and complicated.
- The town's conventional zoning regulations are antiquated and has conflicting information, subjective language, and lack of clarity. This needs to be addressed.
- The town needs to ask what needs to be regulated by the town if there are federal and state regulations already in place for what is being regulated.
- The incentive with form-based code was to expedite the review/approval process with projects.
- A new charette is needed to determine what the town wants on Shelburne Road and to deal with changing development trends (i.e., apartments rather than condominiums, less parking, more green spaces).
- Shelburne Road is separate from the residential districts behind.
- With form-based code Champlain Housing Trust is converting buildings (motels/hotels) on Shelburne Road into affordable housing.

9.   OTHER BUSINESS

Sketch Plan Application
There was agreement the application form is overly complicated. The Planning Commission will discuss this at a future meeting.

RFP
The RFP proposals to Clarify and Illustrate Ramifications of the Mixed Residential Character District are due May 13, 2022 to be awarded on May 20, 2022. The work will be complete by June 2022.

10.   ADJOURNMENT
MOTION by Stephen Selin, SECOND by Marla Keene, to adjourn the meeting. VOTING: unanimous (3-0); motion carried.

The meeting was adjourned at 9:21 PM.

RScty: MERiordan

Memo to Planning Commission:

As has been discussed, Shelburne needs a complete Zoning Overhaul. The memo from the Selectboard asked the PC to set the course--starting with the Mixed Residential Character District of the Shelburne Road Form-Based Overlay District.

Steps that the PC has taken to address the request from the SB- to date (with proposed future steps for the PC to consider).

RFP
The RFP is out to Clarify and Illustrate the Ramifications of the Mixed Residential Character District.   The work product will be presented to you on June 23rd.

DRB
We had a robust conversation with the Development Review Board at our last meeting on April 28th to discuss how the DRB feels their hands are tied with the way the Shelburne Road, Form-Based Overlay District language is currently written.

Proposed Next Steps:

- The Planning Commission will consider the results from the RFP and the DRB conversation on 7/14.

- The Planning Commission might want to consider the following ideas to take place over the next several months.

  Invite town staff, CBC, and guests for a conversation with the PC to help understand their work and world and how to integrate the seemingly different mission statements into a unified robust whole for Shelburne.

  These conversations will build our collective knowledge, enhance working relationships, and help the PC as we overhaul the zoning bylaws.

Below is a tentative meeting schedule, some questions, and options for the Planning Commission to consider.

Upcoming Meetings

Selectboard: 5/10 The Vermont Council on Rural Development

Proposed PC Schedule for May, June, and early July

5/26   Community Heart and Soul (tentative) Who is missing at our table?

  https://www.communityheartandsoul.org/

6/9   Housing Committee

6/23   RFP presentation by consultant

7/14 Discuss results of RFP and conversation with DRB

Topics
   A.   **Who is missing from the conversation**

To the question, who is missing at the table, the Planning commission might want to consider taking our meetings on the road to different parts of the Shelburne Community.
In addition, Community Heart and Soul is tentatively scheduled to present to the PC on this topic.
Another topic is the voice of our youth.

- Take the PC on the Road
- Community Heart and Soul (tentative 5/26)
- Youth, place and Identity   Patsy Eubanks Owens (with Adele Gravitz) in July/August
    ABSTRACT from Owens' book
    https://www.taylorfrancis.com/chapters/edit/10.4324/9781315710044-5/place-adolescents-patsy-eubanks-owens

    In order to understand the urban experience of young people, this chapter examines the societal context of these interactions. Adults assume that adolescents will be causing trouble soon even if they are not at the moment. These assumptions contribute to individuals' reactions such as a merchant asking a group of teens to move on, to more comprehensive public reactions such as public policies and to design decisions that limit adolescents' use of public space. Places where adolescents spend their leisure time are often public places, and these are the settings where they are subjected to scrutiny from adults or deliberately excluded. An important task of adolescence is to develop satisfying social relationships. Young people need places and opportunities to get together with their friends and to make new friends. Through the interactions with these peers, adolescents begin to acquire social competence, build their self-esteem and develop their self-identity.

B. **Learning and conversation with Town Committees, Boards, Commissions, and Town Departments:**

Town Departments

Highway

Water

Finance

Sewer

Clerk

Recreation

Library

Police, Fire, and Rescue

Others

Shelburne CBC (Mission, work, and collaborations)

DRB 4/28

Housing 6/9

Natural Resources

Open Space

Developers- Conversation with Applicants and their architects, landscape architects, and engineers

- Invite Dan Parolek author of Missing Middle Housing (AARP)

Energy * It was discussed at the SB retreat that perhaps Climate Change would be a good umbrella topic to weave all the interests into a tapestry instead of rainbow of separate colors

Equity

Historic Preservation &Design Review

Ethics Committee

Dog Park Committee

Veterans Committee

Tree Committee

Cemetery Commission

Bike& Pedestrian Paths Committee

Animal Coexistence Subcommittee

Others

C. Other topics | Presentations

BIRD scooters   https://www.bird.co/

Dutch Cycling Embassy   https://www.dutchcycling.nl/en/

ABCs of Zoning, Comprehensive plans and Master plans etc

How to interconnect and collaborate different town interests?