



Town of Shelburne, Vermont

PLANNING COMMISSION MEETING AGENDA
SHELBURNE TOWN OFFICES, 5420 MAIN STREET
THURSDAY, NOVEMBER 18, 2021
7:00 P.M.

IN PERSON MEETING; ZOOM OPTION DETAILS BELOW

PLEASE NOTE CHANGE BACK TO REGULAR MEETING DAY

Join PLANNING COMMISSION Zoom Meeting

<https://us02web.zoom.us/j/81558806960?pwd=bWYxR1lMWDJRb0M4MXBPZGRHdHd4Zz09>

Meeting ID: 815 5880 6960; Passcode: Y90cxD

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: 815 5880 6960; Passcode: 165381

- | | |
|--|------------------|
| 1. Call to order/roll call | 7:00 P.M. |
| 2. Approve agenda | 7:00 P.M. |
| 3. Approve meeting minutes of October 28, 2021 | 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. Update on Selectboard public hearing, including further changes proposed | 7:15 P.M. |
| 7. Continued discussion of priorities going forward | 7:45 P.M. |
| 8. Form based zoning, issues and concerns | 8:15 P.M. |
| 9. Other business | 8:30 P.M. |
| 10. Adjourn | 8:30 P.M. |

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

October 14, 2021

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

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

STAFF PRESENT: Nini Anger, Executive Assistant; Adele Gravitz, newly hired Planning Director.

OTHERS PRESENT: Members of the public participating in the meeting included Patrice Tabo, David Palmer, Ann Hogan, Robilee Smith, Kevin O'Brien, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (9/23/21)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Strategic Planning Session - Priorities Going Forward
7. Municipal Planning Grant Proposal
8. Other Business/Correspondence
9. Adjournment

1. CALL TO ORDER

Chair, Steve Kendall, called the hybrid meeting to order at 7 PM and held rollcall.

2. APPROVAL OF AGENDA

MOTION by Stephen Selin, **SECOND** by Deb Estabrook, to approve the agenda with the amendment to address the grant application prior to the strategic planning session. **VOTING: unanimous (7-0); motion carried.**

3. APPROVAL OF MINUTES

September 23, 2021

MOTION by Neil Curtis, **SECOND** by Jean Sirois, to approve the minutes of 9/23/21 as presented. **VOTING: 5 ayes, 2 abstentions (Deb Estabrook, Stephen Selin); motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

➤ Robilee Smith and Kevin O'Brien confirmed the Planning Commission received the letter they submitted with suggestions on the town plan review and priorities. Steve Kendall said the information will be included on a future agenda.

- Adele Gravitz, Shelburne's new planning director, mentioned her career in placemaking and expressed appreciation for being selected for the position. Ms. Gravitz said she is excited to be able to help move the town forward.

6. MUNICIPAL PLANNING GRANT PROPOSAL

Steve Kendall mentioned prerequisites are required to apply for 'downtown' status and for Shelburne the organizational framework is one of the missing pieces. The grant money would be used to hire a consultant to help the town create the organizational framework.

Patrice Tabo and David Palmer, members of Shelburne Business & Professional Association, mentioned that SBPA has over 70 business members and does many promotional events and activities and acts like a chamber of commerce for the town. SBPA would like to be involved with the downtown designation endeavor.

Neil Curtis mentioned Vergennes formed a partnership to pursue downtown designation.

MOTION by Stephen Selin, SECOND by Deb Estabrook, to support having the Town Manager move ahead with the grant application to pursue downtown designation for the Town of Shelburne and hire an economic development consultant. VOTING: unanimous (7-0); motion carried.

7. STRATEGIC PLANNING SESSION – PRIORITIES GOING FORWARD

Following discussion, the Planning Commission listed items of priority including:

- Community development
- Streamline, reduce redundancy, reduce contradictions in the regulations
- Confirm sewer service district boundary is in line with where growth is occurring
- Use design review criteria with guidelines for all development along the Route 7 corridor
- Make needed adjustments in form based code
- Bike/ped connections
- Simplify (uncomplicate) language in the bylaws
- Work toward a unified bylaw concept
- Eliminate form based zoning as an overlay and have each district in town covered by either conventional zoning or form based code, or merge conventional zoning and form base code into one set of zoning regulations
- Educate the public about the Planning Commission process with the town plan and zoning regulations
- Review recommendations in the town plan to determine what can readily be accomplished; begin with recommendations for the village core and move outward
- Determine priorities and identify which regulations do not support the priorities; show town support for conservation of priority areas
- Do an economic impact analysis of development on a town-wide basis
- Determine if action items in the town plan support each other
- Request funds in the budget for a consultant to work on a unified bylaw

- Have an aligned view of where the town is going
- Work on one section of the town plan and the cross-references at a time
- Energy/climate issues

8. OTHER BUSINESS/CORRESPONDENCE

None.

9. ADJOURNMENT

MOTION by Stephen Selin, SECOND by Deb Estabrook, to adjourn the meeting.

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

The meeting was adjourned at 8:38 PM.

RScty: MERiordan

TO: SHELBURNE PLANNING COMMISSION
FROM: TOWN MANAGER LEE KROHN, AICP
RE: PROPOSED ZONING AMENDMENTS – for the 18 November PC meeting
DATE: 15 NOVEMBER 2021

As you know, upon unanimous approval by the Planning Commission, the array of proposed zoning amendments was forwarded to the Selectboard as quickly as possible. We have held a duly warned public hearing, and to date, the Selectboard has reviewed these on two separate evenings. During those discussions, questions/concerns were raised about two specific sections: fences, and sketch/final plan review. Let's take each in turn:

New section 1980.11 Fences

The singular concern raised here by SB member Kate Lalley was the new requirement that fences be set back at least 5' from public sidewalks. As you'll see in the attached explanation, Kate believes this antithetical to a village design aesthetic, particularly in the village core/historic/design review districts. When explained that this wasn't just a case of highway design or ease for motor vehicle travel taking precedence, but was a practical consideration for winter sidewalk maintenance and reasonable provision for the municipal goal of year-round walkability, the compromise suggestion of a 3' setback arose.

As noted, please find attached Kate's background rationale and explanation; please also find attached a proposed amended/updated version of this section (highlighted in yellow) which I believe captures the essence and intent, maintaining a 5' setback generally, but allowing a lesser 3' setback within the village core/historic/design review districts. This seems a reasonable compromise.

Article III Sketch Plan Review and Article VI Final Plan Review

As you'll also see in the other attached document, suggestions were made to each of these sections. As you'll recall, these are the two sections which travel together to create the "two-step" review process for subdivision review. The proposed changes, which are identical in both sections and highlighted in yellow, clarify specifics of notice requirements and the quasi-judicial nature of these hearings; these do not change the content or substance of these sections themselves.

I believe these can all be considered minor changes under statute (24 VSA 4442(b)), and do not represent "substantial change in the concept, meaning, or extent" of these proposed bylaw amendments. The prior report of the Planning Commission on the overall package remains valid and itself need not be amended.

The hope is that the Planning Commission can come to agreement on these concepts, so we can bring them back as suggested (or in slightly modified form) and help keep the overall process moving forward. This background material submitted to the Planning Commission and Town Clerk satisfies the notice requirement of 24 VSA 4442(b).

Thank you.

Background information regarding fences from Selectboard member Kate Lalley:

My amendment: If otherwise prescribed in an underlying subdivision or PUD permit, **in the village, or for a historic house in other districts in the Town**; Must be placed AT LEAST five feet back from a public sidewalk (I think that 5 feet is arbitrary and excessive but will leave that alone).

Summary explanation of my reasoning:

In the context of our historic village landscape elements establish human scale in the streetscape. (see page below from the Design Review Guidelines for the Historic District). Some historic properties in our villages have retained their fences, and these fences will be 'grandfathered'. My concern is properties where fencing no longer exists, or is lacking. These will be prevented from adding fencing that supports placemaking. This is significant in two contexts: the village and at historic houses in other parts of the town.

In our village the frontage is established by an armature of shallow front yards, often defined by fences, a unifying and key urban element that promotes a friendly and comfortable environment for pedestrians by creating a sense of enclosure. A recent example in the village where new fencing has made a positive contribution to the fabric of the local street context is the fencing added at the NW corner lot at the intersection of Falls and Marsett. Imagine this located 5' from the sidewalk. Promoting attributes that enhance pedestrian comfort in our village is something we recognize as valuable for economic development in addition to promoting quality of life. Given the many resources of time (staff and volunteer) and monies we devote to this it's important we get this right.

11. Site Features and Design

Design Objective

Original site features that survive should be retained, preserved or repaired. New site features should be compatible with the context and character of the neighborhood.

Fences

- 11-1. Define front yards with low, decorative fences that maintain the visual continuity between buildings and the street.

Changes to original fences or introduction of new fences that are higher or less transparent will disrupt this relationship.

- 11-2. Retain traditional fencing and replace only those portions of original fencing that are deteriorated beyond repair.

- 11-3. Use materials that appear similar to that of traditional fencing for new or replacement fencing.

If original fencing is missing, look for traditional fencing on properties in the neighborhood with buildings of a similar type and age. Painted wood picket fences and wrought iron fences are common types of traditional fencing in Shelburne. New fencing should use components that are similar in scale and detailing to traditional fencing elsewhere in the neighborhood. Use of contemporary materials (such as vinyl) or wood composites may be appropriate if the scale and detailing is similar to that of traditional fencing. Use of solid color stain instead of paint can reduce maintenance requirements for wood fencing.

- 11-4. Design replacement front fencing with a transparent quality that allows views into the yard from the street.

Solid fencing with no spacing between the slats, and chain link fencing are inappropriate materials for front yard fences that will be visible from the street.

- 11-5. Consider transparency in the design of higher privacy fencing along side or rear yards to help maintain a sense of visual continuity.

The portion of a side yard fence located between the building front line and the street should remain similar in height to front yard fences; the portion behind the building front line may be higher to provide privacy between neighboring properties.

Landscaping

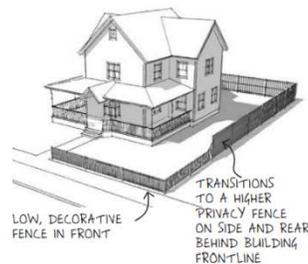
- 11-6. Retain healthy, mature trees, which are an important historic streetscape element in Shelburne.

If tree removal is necessary, then they should be replaced with trees that will be similar in character and will conform to the planting pattern along the street.

- 11-7. Protect established vegetation during construction to avoid damage.

- 11-8. Select plant materials with thought to their mature size and growth pattern, particularly close to buildings and lot frontages.

Plants that without regular and sustained clipping, pruning or other maintenance could crowd out other plants, grow up against buildings, or overrun



Requiring fences to be set back at least 5' from a public sidewalk unless grandfathered or because this was allowed in a PUD excludes properties in the village. It also excludes historic properties in other parts of the town. These are typically sited close to the road and orthogonally in relation to it, defining attributes of these structures that distinguish them from modern suburban forms. Fencing can enhance and expand the 'presence' of these properties. Enhancing their stature/prominence in the setting adds to sense of place and may encourage their restoration/reuse/incorporation in future development. Incorporating the historic house at Gardenside, instead of tearing it down, could have made redevelopment of that site 'fit' the in local context. Fencing set 5' from a public sidewalk, while appropriate in suburban and rural contexts, is a one-size-fits all solution. It does not fit the unique and intimate context of our village, nor the place attributes of historic houses along town roads. **Place-based planning reform should enable the emergence of a unifying urban to rural fabric in the town. Fencing in the town MUST calibrate to the local context.**

Decades of making regulations that prioritized the convenience of deploying modern technology over establishing a sense of community have created an impoverished built environment characterized by car dependency, disconnection and ped/bike unfriendliness, and placelessness, among other concerns. Regulatory reform is a chance to reframe this. It is clear to me that reg reform as a function of ED will be embraced by residents (and this SB member) only if pursued with the explicit goal of enabling development that integrates successfully with surroundings, or sets the stage for improving said surroundings. This happens in ways great and small.

Regarding concerns that always seem raised about snow plowing and maintenance, I have several observations: #1 enough historic fences persist to suggest they can peacefully coexist with this necessary function; #2 fences should be built sturdily and the town can decline responsibility from damage; #3 if bespoke rules can be made for PUDs (presumably to 'ape' historic walkable patterns) and the expectation is these roads will be plowable, we should not deny this opportunity to properties in the village, Shelburne's 'original' urban center, or historic properties on town roads, historic vestiges of Shelburne's rural heritage

Kate

Follow up information from Kate Lalley:

Not to belabor the fence thing, but a picture says a thousand words.

This welcoming vibe is what I hope we can promote in Shelburne Village. Who wouldn't want to walk here....and spend money while they're at it:)?



Not this *exactly*, but a compromise that feels similarly authentic and also is functional for us. The key to the charm of this place (Lake George which gets even more snow than us!) is the varied ways the frontages engage the pedestrian realm, even extending OVER the sidewalk, in the case of the structure in the foreground. The sidewalk sets the 'build-to' line and leads your eye along this charming and curving street. So effectively that the stroller doesn't even register how the line changes from fence, to porch rail to bollard, and at the parking lot beyond the place w the arcade bollards and shrubs. The fencing, house type buildings, sidewalk width and height of the street lights are all of scale which is intimate and inviting. The effect is quintessential Adirondack 'village' that is a high performing economic space (note prioritization of on-street parking in ROW).

Lee, feel free to share with the PC for their consideration. I certainly want as much as everyone to wrap up and approve their excellent and hard work.

In conclusion, fences as suggested by the Selectboard:

Delete “fences” from the definition of Building or Structure (Section 2110.18)

Section 2110.18: Building or Structure - These terms are used interchangeably and mean any construction, erection, assemblage or other combination of materials upon the land for occupancy or use, including without limitation, buildings, mobile homes, walls, fences, signs, antennas, swimming pools, tennis courts, driveways and utility sheds.

Create a new section under Article XIX, General Regulations, to follow Section 1980.10, Retaining Walls

New Section 1980.11 Fences

Fences may be installed up to and upon a property boundary. While it may be advisable to install a fence slightly within one’s property to allow for maintenance on both sides, no other setback requirement applies, unless:

- _____ Otherwise prescribed in an underlying subdivision or PUD permit;
- _____ Must be placed at least five feet back from a public sidewalk.

However: Unless within the Village fences must be placed at least five feet back from a public sidewalk, unless:

Otherwise prescribed in an underlying subdivision or PUD permit, or
On a property with a designated historic structure or within the Town’s designated historic districts and Village Design Review Overlay District. In those locations, fences may be placed 3 feet back from a public sidewalk.

Fences shall be installed so that the smooth or finished side faces out toward adjoining properties.

Fences shall not:

- _____ Interfere with sight distances at intersections with streets, driveways, or other passageways;
- _____ Interfere with nor block natural drainage flows or surface water;
- _____ Interfere with wildlife connectivity as found on the Vermont Agency of Natural Resources map <[Habitat Blocks and Wildlife Corridors | Habitat Blocks and Wildlife Corridors | Vermont Open Geodata Portal Your source for geospatial data](#)> or other verified source;
- _____ Be constructed of corrugated materials, barbed/razor/ribbon wire (although barbed wire is permitted for agricultural purposes), broken glass, or other similar materials. Chain link fences shall have closed loops or other protective material at the top.

Fences located within the Village Design Review Overlay District (or other design review overlay district as may exist in the future) require review and approval of the Historic Preservation and Design Review Commission. Otherwise, fences up to four feet tall that meet the above criteria are exempt from permitting, unless 800 feet in length or longer, in which case an administrative zoning permit is required. Fences between four and eight feet tall of any length require an administrative zoning permit; fences more than eight feet tall and of any length require DRB review and approval (although fences up to ten feet tall and up to 800 feet in length to enclose tennis, basketball, or other similar facilities may be approved administratively; otherwise, DRB review and approval is required).

Then: Add a new section 1535.7: Fences to the list of subsequent administrative approvals for minor projects that are approved by the HPDRC.

DRB REVIEW – SUMMARY; ACTUAL BYLAW SECTIONS FOLLOW

There was clear consensus between the PC and DRB to change the current “three-step” process for subdivisions to a two-step process. This approach retains Sketch Plan Review, and then essentially combines Preliminary and Final Plan Review into a single process. As noted previously, this in no way decreases the depth and thoroughness of review. All substantive standards will still be upheld, and the overall review process can take as few or as many hearings as needed to ensure that those standards are satisfied. However, it will save considerable time, effort, and expense for all parties, and will also help to ensure that any desirable or necessary input from all involved is received earlier in the overall review process. Interestingly,

Article III: Sketch Plan would remain “as is” for the most part.

I do suggest eliminating Section 300 (2) which requires applicants to research adjoining landowners and submit addressed envelopes. It is far simpler and more efficient for Town staff to do this work, and then we know that all of the proper parties have been identified and notified. It is understood that not all agree with this approach.

Section 320: Classification would no longer be needed, for there will no longer be distinction between minor and major subdivisions. Interestingly, it appears that minor subdivisions can already proceed from sketch to final plan review, so we’re now just adopting that existing approach for all subdivisions.

Section 330: Review Checklist should be revised to eliminate reference to “conformity with the Town Comprehensive Plan”. Explanation was given above for this in another section.

Section 340: Effect of Sketch Plan Action – delete reference to preliminary plan.

Article IV: Minor Subdivision Application and Procedure – delete entire section.

Article V: Major Subdivision Application and Procedure – delete entire section.

Article VI: Application Submission Requirements – Section 600 is retitled ‘submission requirements’; the first sentence changes “preliminary plans” to ‘subdivision plans’; Section 610 is retitled simply “Final Plat”; and

Incorporate Sections 560: Final Plat Hearing and 570: Decision into appropriate locations, and delete reference to the Planning Commission in Section 560 and anywhere else it might appear (clearly a leftover reference to the ‘old days’, predating formation of the DRB).

NOTE: PLEASE SEE AS HIGHLIGHTED IN YELLOW, PROPOSED UPDATES FROM THE SELECTBOARD WITH MINOR EDITING BY LK, IN BOTH SKETCH AND FINAL. THESE CLARIFY NOTICE REQUIREMENTS AND THE QUASI-JUDICIAL NATURE OF THESE HEARINGS, BUT DO NOT CHANGE ANY OTHER SUBSTANCE OF THESE SECTIONS. I BELIEVE THESE CAN BE CONSIDERED MINOR CHANGES PURSUANT TO STATUTE (24 VSA 4442(b), AND ARE NOT “SUBSTANTIAL CHANGES IN THE CONCEPT, MEANING, OR EXTENT” OF THESE PROPOSED BYLAWS.

NOR DO I BELIEVE THESE REQUIRE ANY AMENDMENT TO THE PRIOR PC REPORT ON THESE PROPOSALS.

ARTICLE III: SKETCH PLAN

300 APPLICATION AND PROCEDURE

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval and following a pre-hearing conference with Planning and Zoning Staff, submit to the Development Review Board Administrator at least twenty one (21) days prior to the regularly scheduled meeting of the Development Review Board at which the matter may be heard, a SKETCH PLAN of the proposed subdivision, which shall include the following information:

- (1) Name and address of the owner of record and applicant.
- ~~(2) Submit a list and three (3) addressed envelopes for each current owner of record of all contiguous properties and owners of properties directly across any public right of way.~~
- (3) Names and addresses of all professional advisors, including license seals and numbers.
- (4) Boundaries and area (in area) of: a) all contiguous land belonging to the owner of record; and b) of proposed subdivision.
- (5) Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as covenants and easements.
- (6) Type of, location, and approximate size of existing and proposed streets, utilities, and open space.
- (7) Date, true north arrow and scale (both numerical and graphic).
- (8) Delineation of significant physical features such as water courses, drainage ways, marshes, wooded areas, geologic outcrops which are within or near a subdivision.
- (9) A location map showing the relation of proposed subdivision to adjacent property and surrounding area.
- (10) Sketch plan map to be on a topographic map at a scale not to exceed 1" - 200'.
- (11) A written statement of proposed development plans, general timing of development and construction and proposed covenants or restrictions.
- (12) If the owner of record is not the applicant, a letter from the owner of record authorizing the applicant to apply for subdivision approval must on submitted.
- (13) Copy of a statement certifying that, consistent with Act 146 of the Acts and Resolves of the 2009-2010 Legislative Session and 24 V.S.A. § 4463(d), the applicant has: a) been informed they are responsible for identifying and obtaining state permits before beginning

construction on a project and (b) discussed with the Regional Permit Specialist the preparation of a Project Review Sheet, which the permit specialist completes to provide preliminary jurisdiction for all state permits.

310 ATTENDANCE

The subdivider, or his/her duly authorized representative, shall attend the ~~meeting of the~~ Development Review Board hearing on the sketch plan to ~~discuss~~ provide evidence regarding the requirements of these regulations for streets, improvements, Stormwater Management, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and all other pertinent information.

Notice of the initial public hearing for final plan review shall be sent to all parties identified in Section 300(2) of these regulations. NOTE: need to change to pursuant to State statute. as required by Title 24, Chapter 117, the Vermont Municipal and Regional Planning and Development Act, and shall specify the quasi-judicial nature of this proceeding where interested parties shall be permitted to provide evidence under oath supporting the ideas, issues, concerns, or suggestions germane to any issue under review.

320 CLASSIFICATION

~~The Development Review Board shall classify the subdivision proposal as either a MAJOR SUBDIVISION or a MINOR SUBDIVISION, using the definitions given in Article II.~~

330 REVIEW CHECKLIST

The Development Review Board shall review the sketch plan taking into consideration the requirements of these subdivision regulations, the zoning ordinance, and other bylaws then in effect. ~~The Development Review Board shall also consider the Sketch Plan's conformity with the Town Comprehensive Plan.~~

The Development Review Board shall, where it deems necessary, make general or specific recommendations and/or suggestions to be incorporated by the applicant in his/her subsequent submissions. Such written recommendations shall be sent to the applicant after the expiration of the meeting or any continuation thereof. ~~The Development Review Board may also require, where necessary for the protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified in these regulations regarding Major Subdivisions.~~

340 EFFECT OF SKETCH PLAN ACTION

Approval of a sketch plan shall not constitute approval of the subdivision plat and is merely authorization for the applicant to file a ~~preliminary plan~~ or final plan application. Should the Development Review Board disapprove a sketch plan, it shall notify the applicant in writing of the reason for such disapproval.

ARTICLE IIIA: BOUNDARY LINE ADJUSTMENTS – SEE SEPARATE PAGE FOR NEW LANGUAGE FOR BOUNDARY LINE ADJUSTMENTS AND LOT MERGERS
ARTICLE IV: MINOR SUBDIVISION APPLICATION AND PROCEDURE

400 — APPLICATION

~~Within six (6) months of receiving authority to proceed for a Minor Subdivision, the subdivider shall submit a complete application for final approval of a subdivision plat to the Development Review Board Administrator. If the application is not made within six (6) months, then a new Sketch Plan must first be submitted for review in accordance with Article III of these regulations. The application shall contain those items set forth in section 610 of these regulations and shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Development Review Board. The aforementioned requirement notwithstanding, the six (6) month deadline for filing the Final application may be extended by the Development Review Board following discussion at a regularly scheduled meeting upon finding that good cause for such an extension exists.~~

410 — PUBLIC HEARING

~~A public hearing shall be initiated by the Development Review Board within forty five (45) days after the time of submission to the Development Review Board Administrator of an application for approval of a minor subdivision. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act and notice of the meeting shall be sent to adjoining landowners as identified in section 300(2) of these regulations and those required to receive notice under the provisions of the Act.~~

420 — DECISION

~~The Development Review Board shall, within forty five (45) days after the completion of the public hearing or any continuation thereof, approve, modify and approve or disapprove such plat. Failure to so act within forty five days shall be deemed approval according to the provisions established in 24 V.S.A. § 4464.~~

ARTICLE V: MAJOR SUBDIVISION APPLICATION AND PROCEDURE

500 — PRELIMINARY PLAN APPLICATION

~~Within six (6) months of receiving authority to proceed for a Major Subdivision, the subdivider shall submit a complete application for approval of a Preliminary Plan. The application shall contain those items set forth in Article VI of these regulations and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board. The aforementioned requirement notwithstanding, the six (6) month deadline for filing the Preliminary Plan application may be extended by the Development Review Board following discussion at a regularly scheduled meeting upon finding that good cause for such an extension exists.~~

510 PUBLIC HEARING

~~A public hearing on the study plan shall be held by the Commission after the time of submission to the Development Review Board Administrator of the Preliminary Plan Application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act and notice of the meeting shall be sent to adjoining landowners as identified in Section 300 (2) of these regulations and those required to receive notice under the provisions of the Act.~~

520 ACTION ON PRELIMINARY PLAN

~~Within forty five (45) days of the completion of the public hearing or any continuation thereof, the Development Review Board shall approve, modify and approve or disapprove said Preliminary Plan and the grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. Failure of the Development Review Board to act within said forty five (45) day period shall constitute an approval of the Preliminary Plan according to the provisions established in 24 V.S.A. § 4464. Copies of the notice of decision of the Development Review Board shall be sent to the applicant and any interested parties appearing at the public hearing.~~

530 PHASING

~~At the time the Development Review Board grants Preliminary Plan approval it may require the plat to be divided into two or more phases and may impose such conditions upon the filing of application for final plat approval for each phase as it deems necessary to assure the orderly development of the plat.~~

540 EFFECT OF PRELIMINARY PLAN APPROVAL

~~Approval of the Preliminary Plan shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the Development Review Board may require additional changes as a result of further study. The approval of a Preliminary Plan shall be effective for a period of one year. Any plat not receiving the final approval prior to the expiration of one year from Preliminary Plan approval shall be null and void, and the subdivider shall be required to resubmit a new plat for Preliminary Plan approval subject to all new zoning and subdivision regulations.~~

550 FINAL PLAT APPLICATION

~~Within six (6) months of Preliminary Plan approval, the subdivider shall submit a complete application for approval of a final subdivision plat. The application must contain those items set forth in Section 610 of these regulations and shall conform to the layout shown on the Preliminary Plan plus any recommendations made by the Development Review Board. The aforementioned requirement notwithstanding, the six (6) month deadline for filing the Final application may be extended by the Development Review Board following discussion at a regularly scheduled meeting upon finding that good cause for such an extension exists.~~

560 — FINAL PLAT HEARING

~~A public hearing shall be held by the Development Review Board after the time of submission to the Planning Commission of the complete final subdivision plat application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act and notice of the meeting shall be sent to adjoining landowners as identified in Section 300 (2) of these regulations and those required to receive notice under the provisions of the Act.~~

570 — DECISION

~~The Commission shall, within forty five (45) days after the public hearing, approve, modify and approve or disapprove such plat. Failure to so act within forty five (45) days shall be deemed approval according to the provisions established in 24 V.S.A. § 4464.~~

ARTICLE VI: APPLICATION FINAL PLAT SUBMISSION REQUIREMENTS

NOTE: This incorporates all prior requirements from preliminary and final into a single list.

The subdivider, or his/her duly authorized representative, shall attend the ~~meeting of the~~ Development Review Board hearing on the final plan to ~~discuss~~ provide evidence regarding the requirements of these regulations for streets, improvements, Stormwater Management, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and all other pertinent information.

Notice of the initial public hearing for final plan review shall be sent to all parties identified in Section 300(2) of these regulations. NOTE: need to change to pursuant to State statute, as required by Title 24, Chapter 117, the Vermont Municipal and Regional Planning and Development Act, and shall specify the quasi-judicial nature of this proceeding where interested parties shall be permitted to provide evidence under oath supporting the ideas, issues, concerns, or suggestions germane to any issue under review.

600 — PRELIMINARY PLAN — MAJOR SUBDIVISION

The ~~Preliminary Final Plat~~ Subdivision Plans shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch showing or accompanied by the following information:

- (1) Proposed subdivision name or identifying title, the name of the Town, the name and address of the record owner and subdivider; the name, license number, and seal of the registered land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, both graphic and numerical and north arrow.
- (2) Name and address of owner of record, subdivider, and land surveyor of the Plat.

- (3) Names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (4) Total number of acres within the proposed subdivision, location of proposed lot lines, number of acres within each lot, structure, water courses, wooded areas, geologic outcrops, and other essential existing physical features, including any endangered species, necessary wildlife habitat, and rare and irreplaceable natural areas identified pursuant to Section 810 of this Bylaw.
- (5) The location and size of existing sewer and water mains (on the property or serving the property) with letters from the Shelburne Water Department Superintendent, and the Shelburne Wastewater Superintendent stating that:
 - adequate capacity exists for the proposed subdivision; or,
 - if improvements and modifications are needed to accommodate the proposed subdivision, the subdivider's proposal to address these improvements and modifications is acceptable.
- (6) The location and size of any existing culverts, drains, and stormwater treatment practices on the property or serving the property (see item #25). The application shall also include a stormwater management plan, including provisions for minimizing and treating stormwater during construction and post-construction stormwater management systems. Any erosion prevention and sediment control and post construction stormwater management measures, treatment practices, and/or infrastructure shall meet the regulations and standards of the Vermont Department of Environmental Conservation, and any applicable Town regulations and standards.
- (7) The provisions of the Shelburne Zoning Regulations or other Town Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- (8) Location, names and widths of existing and proposed streets, private ways, sidewalks, curb cuts, paths, easements, parks and other public or privately maintained open spaces, as well as similar facts regarding adjacent property (also see item #25).
- (9) Contour lines at intervals of five (5) feet of existing grades and of proposed grades where change of existing ground elevation will be five feet or more.
- (10) Complete survey of subdivision tract by a licensed land surveyor.
- (11) Typical cross sections of the proposed grading, roadways and sidewalks.
- (12) Date, true north point and numerical and graphic scale.
- (13) Street names and lines, pedestrian ways, lots, reservations, easements and area(s) to be dedicated to public use.
- (14) The length of all straight lines, the deflection angles, the radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

- (15) By proper designation on such Plat, all public open space for which offers of dedication are made by the subdivider and those spaces for which title is reserved by him/her.
- (16) Lots within the subdivision numbered in numerical order within blocks and blocks lettered in alphabetical order.
- (17) Permanent reference monuments shown thus " " and lot corner markers shown thus " O ".
- (18) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision and monuments required by Town of Shelburne Public Works Specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town.
- (19) The location of all the improvements referred to in Section VIII and in addition thereto the location of all utility poles, sewage disposal system, water supply systems, and erosion prevention and sediment control plans, stormwater treatment plans, rough grading and other devices and methods of draining the area affecting the subdivision.
- (20) Construction drawings (paper copies and digital PDF) of all required improvements listed in Section VIII.
- (21) Details of proposed connection with existing water supply or alternative means of providing water supply to the proposed subdivision. (Also see item #25).
- (22) Details of proposed connection with the existing sewage disposal system or adequate provision for on-site disposal of septic wastes. (Also see item #25).
- (23) If on-site sewage disposal system is proposed, then the location and results of tests to ascertain subsurface soil, rock, and groundwater conditions. All test and design criteria to be in accord with applicable State regulations or standards.
- (24) Provisions for collecting and discharging stormwater in the form of a stormwater management plan. The stormwater management plan must identify the construction disturbance area and demonstrate that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan shall also demonstrate that soils best suited for infiltration are retained and that natural areas consisting of tree canopy and other native vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment.
- (25) Designs of any bridges and culverts which may be required.
- (26) The location of markers adequate to enable the Development Review Board to readily locate and appraise the basic layout in the field. Unless an existing street intersection is shown, the

distance along a street from one corner of the property to the nearest existing street intersection shall be shown.

- (27) All parcels of land proposed to be dedicated or reserved for public use and the conditions of such dedication or reservation.
- (28) Location of all natural features or site elements to be preserved.
- (29) List of waivers the subdivider desires from the requirements of these regulations.
- (30) A vicinity map drawn at scale of not over four hundred (400) feet to the inch to show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:
 - (a) All existing subdivisions and approximate tract lines of parcels together with the names of the record owners of all adjacent parcels of land; namely, those directly abutting or directly across any street adjoining the subdivision.
 - (b) Locations, widths, and names of existing, filed, or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designed in Paragraph (a) above.
 - (c) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plat submitted covers only part of the subdivider's entire holding.
- (31) A copy of any proposed covenants and/or deed restrictions which are intended to cover all or part of the subdivision.
- (32) A prospectus describing the management organization or homeowner's association if one is proposed. Included shall be a disclosure statement which will be given to all prospective purchasers detailing responsibility for services, such as maintenance and plowing of roadways within the development. **NOTE: WE DO NOT REGULATE PRIVATE RULES OR HOMEOWNERS' ASSOCIATIONS. WHY DO WE EVEN WANT TO KNOW THIS? IT IMPLIES THAT WE DO HAVE JURISDICTION.**
- (33) Construction drawings on paper and in digital PDF format of all proposed public improvements.
- (34) Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- (35) Proposals and/or offers concerning the manner in which open space, including park and recreational lands and school site areas, are to be dedicated, reserved, and/or maintained or

payments proposed in lieu thereof.

- (36) Documentation from the following Town departments or agencies that the subdivider's plans have been reviewed and are deemed acceptable or would be deemed acceptable upon adherence to clearly identified proposed conditions of approval:
 - (a) Police department;
 - (b) Fire department;
 - (c) Highway department;
 - (d) Wastewater department;
 - (e) Water department;
 - (f) Town Manager's office;
 - (g) Elementary and High School;
 - (h) Recreation department;
 - (i) Natural Resources and Conservation Committee.
- (37) Landscaping Plan prepared by a landscape architect, master gardener, nursery professional, arborist, professional landscape designer, or other qualified landscape professional.
- (38) Before final approval of a subdivision plat, or with the consent of the Town Manager as evidenced by letter presented at the Final Plan public hearing, the subdivider shall furnish the Town with an appropriate performance bond to secure the completion of all public improvements and their maintenance for a period of two (2) years, with a certificate from the Board of Selectmen, or its designee, that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider. A certificate or letter from the Town attorney shall also be filed with the Development Review Board and Town Manager indicating that he or she is satisfied with the form and substance of the performance bond.
- (39) The final plan application for a minor or major subdivision shall be accompanied by a Certificate of Title showing the ownership of all property and easements to be dedicated or acquired by the Town, or reserved, and said Certificate of Title shall be approved by the Town attorney. Copies of all proposed Offers of Dedication, deeds, easements to the Town shall also accompany the final application, and be approved by the Town attorney.
- (12) A final application for a ~~major or minor~~ subdivision shall include all legal documentation necessary, in a complete and final form.

The final plat for a major and minor subdivision shall conform in all respects to the preliminary plan and sketch plan respectively as approved by the Development Review Board. The subdivision plat shall show:

- (1) ~~Proposed subdivision name or identifying title, the name of the Town, the name and address of the record owner and subdivider; the name, license number, and seal of the registered land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, both graphic and numerical and north arrow.~~
- (2) ~~Street names and lines, pedestrian ways, lots, reservations, easements and area(s) to be dedicated to public use.~~
- (3) ~~The length of all straight lines, the deflection angles, the radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.~~
- (4) ~~By proper designation on such Plat, all public open space for which offers of dedication are made by the subdivider and those spaces for which title is reserved by him/her.~~
- (5) ~~Lots within the subdivision numbered in numerical order within blocks and blocks lettered in alphabetical order.~~
- (6) ~~Permanent reference monuments shown thus " " and lot corner markers shown thus " O "~~
- (7) ~~Monuments which shall be set at all corners and angle points of the boundaries of the subdivision and monuments required by Town of Shelburne Public Works Specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town.~~
- (8) ~~The location of all the improvements referred to in Section VIII and in addition thereto the location of all utility poles, sewage disposal system, water supply systems, and erosion prevention and sediment control plans, stormwater treatment plans, rough grading and other devices and methods of draining the area affecting the subdivision.~~
- (9) ~~Construction drawings (paper copies and digital PDF) of all required improvements listed in Section VIII.~~
- (10) ~~Before final approval of a subdivision plat, or with the consent of the Town Manager as evidenced by letter presented at the Final Plan public hearing, the subdivider shall furnish the Town with an appropriate performance bond to secure the completion of all public improvements and their maintenance for a period of two (2) years, with a certificate from the Board of Selectmen, or its designee, that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider. A~~

~~certificate or letter from the Town attorney shall also be filed with the Development Review Board and Town Manager indicating that he or she is satisfied with the form and substance of the performance bond.~~

- ~~(11) The final plan application for a minor or major subdivision shall be accompanied by a Certificate of Title showing the ownership of all property and easements to be dedicated or acquired by the Town, or reserved, and said Certificate of Title shall be approved by the
Town attorney. Copies of all proposed Offers of Dedication, deeds, easements to the Town shall also accompany the final application, and be approved by the Town attorney.~~
- ~~(12) A final application for a major or minor subdivision shall include all legal documentation necessary, in a complete and final form.~~
- ~~(14) A final application for a minor subdivision for which no preliminary plan was submitted shall include the documentation required in section 600 (28).~~

610 FINAL PLAT - MAJOR AND MINOR SUBDIVISIONS

The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on mylar clearly and legibly drawn, and the sheets shall be a standard size of 18" by 24" suitable for recording under Vermont Statutes.

Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. The subdivision plat shall carry the following endorsement on the copy to be filed with the Town Clerk:

Approved by Resolution of the Development Review Board of the Town of Shelburne, Vermont, on the _____ day of _____, 20_____,
subject to the requirements and conditions of said resolution. Signed this
_____ day of _____, 20_____, by, Chairperson.